



Employment Agencies Act 1973

1973 CHAPTER 35

E+W+S

An Act to regulate employment agencies and businesses; and for connected purposes. [18th July 1973]

Modifications etc. (not altering text)

C1 Act excluded by [S.I. 1979/1741](#)

Licences

F1 **E+W+S**

Textual Amendments

F1 [S. 1](#) repealed (3.1.1995) by [1994 c. 40](#), ss. 35, 81, [Sch. 10 Pt. I para. 1\(2\)](#), [Sch. 17](#); [S.I. 1994/3188](#), [arts. 2, 3](#)

F2 **E+W+S**

Textual Amendments

F2 [S. 2](#) repealed (3.1.1995) by [1994 c. 40](#), ss. 35, 81, [Sch. 10 Pt. I para. 1\(2\)](#), [Sch. 17](#); [S.I. 1994/3188](#), [arts. 2, 3](#)

F3 **E+W+S**

Status: Point in time view as at 06/04/2004.

Changes to legislation: Employment Agencies Act 1973 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F3** S. 3 repealed (3.1.1995) by 1994 c. 40, ss. 35, 81, Sch. 10 Pt. I para. 1(2), **Sch. 17**; S.I. 1994/3188, arts. 2, 3

[^{F4}Prohibition orders]

Textual Amendments

- F4** Crossheading inserted (3.1.1995) by 1994 c. 40, s. 35, **Sch. 10 Pt. I para. 1(3)**; S.I. 1994/3188, arts. 2, 3

^{F5}3A [Power to make orders.] **E+W+S**

- (1) On application by the Secretary of State, an [^{F6}employment tribunal] may by order prohibit a person from carrying on, or being concerned with the carrying on of—
 - (a) any employment agency or employment business; or
 - (b) any specified description of employment agency or employment business.
- (2) An order under subsection (1) of this section (in this Act referred to as “a prohibition order”) may either prohibit a person from engaging in an activity altogether or prohibit him from doing so otherwise than in accordance with specified conditions.
- (3) A prohibition order shall be made for a period beginning with the date of the order and ending—
 - (a) on a specified date, or
 - (b) on the happening of a specified event,
 in either case, not more than ten years later.
- (4) Subject to subsections (5) and (6) of this section, an [^{F6}employment tribunal] shall not make a prohibition order in relation to any person unless it is satisfied that he is, on account of his misconduct or for any other sufficient reason, unsuitable to do what the order prohibits.
- (5) An [^{F6}employment tribunal] may make a prohibition order in relation to a body corporate if it is satisfied that—
 - (a) any director, secretary, manager or similar officer of the body corporate,
 - (b) any person who performs on behalf of the body corporate the functions of a director, secretary, manager or similar officer, or
 - (c) any person in accordance with whose directions or instructions the directors of the body corporate are accustomed to act,
 is unsuitable, on account of his misconduct or for any other sufficient reason, to do what the order prohibits.
- (6) An [^{F6}employment tribunal] may make a prohibition order in relation to a partnership if it is satisfied that any member of the partnership, or any manager employed by the partnership, is unsuitable, on account of his misconduct or for any other sufficient reason, to do what the order prohibits.

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- (7) For the purposes of subsection (4) of this section, where an employment agency or employment business has been improperly conducted, each person who was carrying on, or concerned with the carrying on of, the agency or business at the time, shall be deemed to have been responsible for what happened unless he can show that it happened without his connivance or consent and was not attributable to any neglect on his part.
- (8) A person shall not be deemed to fall within subsection (5)(c) of this section by reason only that the directors act on advice given by him in a professional capacity.
- (9) In this section—
- “director”, in relation to a body corporate whose affairs are controlled by its members, means a member of the body corporate; and
- “specified”, in relation to a prohibition order, means specified in the order.

Textual Amendments

- F5** S. 3A inserted (3.1.1995) by 1994 c. 40, s. 35, Sch. 10 Pt. I para. 1(3); S.I. 1994/3188, arts. 2, 3
- F6** Words in s. 3A(1)(4)-(6) substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a); S.I. 1998/1658, art. 2(1), Sch. 1

^{F7}3B Enforcement. **E+W+S**

Any person who, without reasonable excuse, fails to comply with a prohibition order shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Textual Amendments

- F7** S. 3B inserted (3.1.1995) by 1994 c. 40, s. 35, Sch. 10 Pt. I para. 1(3); S.I. 1994/3188, arts. 2, 3

^{F8}3C Variation and revocation of orders. **E+W+S**

- (1) On application by the person to whom a prohibition order applies, an [^{F9}employment tribunal] may vary or revoke the order if the tribunal is satisfied that there has been a material change of circumstances since the order was last considered.
- (2) An [^{F9}employment tribunal] may not, on an application under this section, so vary a prohibition order as to make it more restrictive.
- (3) The Secretary of State shall be a party to any proceedings before an [^{F9}employment tribunal] with respect to an application under this section, and be entitled to appear and be heard accordingly.
- (4) When making a prohibition order or disposing of an application under this section, an [^{F9}employment tribunal] may, with a view to preventing the making of vexatious or frivolous applications, by order prohibit the making of an application, or further application, under this section in relation to the prohibition order before such date as the tribunal may specify in the order under this subsection.

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Textual Amendments

- F8** S. 3C inserted (3.1.1995) by 1994 c. 40, s. 35, **Sch. 10 Pt. I para. 1(3)**; S.I. 1994/3188, **arts. 2, 3**
F9 Words in s. 3C substituted (1.8.1998) by 1998 c. 8, **s. 1(2)(a)**; S.I. 1998/1658, **art. 2(1), Sch.**

^{F10}**3D Appeals.** **E+W+S**

- (1) An appeal shall lie to the Employment Appeal Tribunal on a question of law arising from any decision of, or arising in proceedings before, an [^{F11}employment tribunal] under section 3A or 3C of this Act.
- (2) No other appeal shall lie from a decision of an [^{F11}employment tribunal] under section 3A or 3C of this Act; and section 11 of the Tribunals and Inquiries ^{M1}Act 1992 (appeals from certain tribunals to High Court or Court of Session) shall not apply to proceedings before an [^{F11}employment tribunal] under section 3A or 3C of this Act.

Textual Amendments

- F10** S. 3D inserted (3.1.1995) by 1994 c. 40, s. 35, **Sch. 10 Pt. I para. 1(3)**; S.I. 1994/3188, **arts. 2, 3**
F11 Words in s. 3D substituted (1.8.1998) by 1998 c. 8, **s. 1(2)(a)**; S.I. 1998/1658, **art. 2(1), Sch. 1**

Marginal Citations

- M1** 1992 c. 53.

Conduct of employment agencies and employment businesses

5 General regulations. **E+W+S**

- (1) The Secretary of State may make regulations to secure the proper conduct of employment agencies and employment businesses and to protect the interests of persons availing themselves of the services of such agencies and businesses, and such regulations may in particular make provision—
 - (a) requiring persons carrying on such agencies and businesses to keep records;
 - (b) prescribing the form of such records and the entries to be made in them;
 - (c) prescribing qualifications appropriate for persons carrying on such agencies and businesses;
 - (d) regulating advertising by persons carrying on such agencies and businesses;
 - (e) safeguarding clients' money deposited with or otherwise received by persons carrying on such agencies and businesses;
- [^{F12}(ea) restricting the services which may be provided by persons carrying on such agencies and businesses;
- (eb) regulating the way in which and the terms on which services may be provided by persons carrying on such agencies and businesses;
- (ec) restricting or regulating the charging of fees by persons carrying on such agencies and businesses.]

[^{F13}(1A) A reference in subsection (1)(ea) to (ec) of this section to services includes a reference to services in respect of—

- (a) persons seeking employment outside the United Kingdom;

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- (b) persons normally resident outside the United Kingdom seeking employment in the United Kingdom.]
- (2) Any person who contravenes or fails to comply with any regulation made under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F14}level 5 on the standard scale].

Textual Amendments

- F12** S. 5(1)(ea)(eb)(ec) substituted (25.10.1999) for s. 5(f)(g) and the proviso by 1999 c. 26, s. 31, Sch. 7 paras. 1, 2(2); S.I. 1999/2830, art. 2, Sch. 1 Pt. I
- F13** S. 5(1A) inserted (25.10.1999) by 1999 c. 26, ss. 31, 45(1), Sch. 7 paras. 1, 2(3); S.I. 1999/2830, art. 2, Sch. 1 Pt. I
- F14** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G

6 Restriction on charging persons seeking employment, etc. E+W+S

- [^{F15}(1) Except in such cases or classes of case as the Secretary of State may prescribe—
 - (a) a person carrying on an employment agency shall not request or directly or indirectly receive any fee from any person for providing services (whether by the provision of information or otherwise) for the purpose of finding him employment or seeking to find him employment;
 - (b) a person carrying on an employment business shall not request or directly or indirectly receive any fee from an employee for providing services (whether by the provision of information or otherwise) for the purpose of finding or seeking to find another person, with a view to the employee acting for and under the control of that other person;
 - (c) a person carrying on an employment business shall not request or directly or indirectly receive any fee from a second person for providing services (whether by the provision of information or otherwise) for the purpose of finding or seeking to find a third person, with a view to the second person becoming employed by the first person and acting for and under the control of the third person.]
- (2) Any person who contravenes this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F16}level 5 on the standard scale].

Textual Amendments

- F15** S. 6(1) substituted (6.4.2004) by Employment Relations Act 1999 (c. 26), s. 45(1), Sch. 7 para. 3; S.I. 2003/3357, art. 3
- F16** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G

^{F17} E+W+S

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Textual Amendments

F17 S. 7 repealed (3.1.1995) by 1994 c. 40, s 81, **Sch. 17**; S.I. 1994/3188, **arts. 2, 3**

Supplementary provisions

8 ^{F18} **E+W+S**

Textual Amendments

F18 Ss. 2(4), 8 repealed by **Employment Protection Act 1975 (c. 71)**, **Sch. 18**

9 **Inspection.** **E+W+S**

- (1) Any officer [^{F19}duly authorised in that behalf by the Secretary of State] may at all reasonable times on producing, if so required, written evidence of his authority—
 - [^{F20}(a) enter any relevant business premises;]
 - (b) inspect those premises and any records or other documents kept in pursuance of this Act or of any regulations made thereunder; and
 - (c) subject to subsection (2) of this section, require any person on those premises to furnish him with such information as he may reasonably require for the purpose of ascertaining whether the provisions of this Act and of any regulations made thereunder are being complied with or of enabling the [^{F21}Secretary of State] to exercise [^{F21}his] functions under this Act^{F22}; and
 - (d) take copies of records and other documents inspected under paragraph (b).]

- [^{F23}(1A) If an officer seeks to inspect or acquire, in accordance with subsection (1)(b) or (c), a record or other document or information which is not kept at the premises being inspected, he may require any person on the premises—
 - (a) to inform him where and by whom the record, other document or information is kept, and
 - (b) to make arrangements, if it is reasonably practicable for the person to do so, for the record, other document or information to be inspected by or furnished to the officer at the premises at a time specified by the officer.

- (1B) In subsection (1) “ relevant business premises ” means premises—
 - (a) which are used, have been used or are to be used for or in connection with the carrying on of an employment agency or employment business,
 - (b) which the officer has reasonable cause to believe are used or have been used for or in connection with the carrying on of an employment agency or employment business, or
 - (c) which the officer has reasonable cause to believe are used for the carrying on of a business by a person who also carries on or has carried on an employment agency or employment business, if the officer also has reasonable cause to believe that records or other documents which relate to the employment agency or employment business are kept there.

(1C) For the purposes of subsection (1)—

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- (a) “ document ” includes information recorded in any form, and
 - (b) information is kept at premises if it is accessible from them.]
- [^{F24}(2) Nothing in this section shall require a person to produce, provide access to or make arrangements for the production of anything which he could not be compelled to produce in civil proceedings before the High Court or (in Scotland) the Court of Session.
- (2A) Subject to subsection (2B), a statement made by a person in compliance with a requirement under this section may be used in evidence against him in criminal proceedings.
- (2B) Except in proceedings for an offence under section 5 of the ^{M2} Perjury Act 1911 (false statements made otherwise than on oath), no evidence relating to the statement may be adduced, and no question relating to it may be asked, by or on behalf of the prosecution unless—
 - (a) evidence relating to it is adduced, or
 - (b) a question relating to it is asked,by or on behalf of the person who made the statement.]
- (3) Any person who obstructs an officer in the exercise of his powers under paragraph (a) [^{F25}, (b) or (d)] of subsection (1) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F26}level 3 on the standard scale]and any person who, without reasonable excuse, fails to comply with a requirement under paragraph (c) of that subsection[^{F27}or under subsection (1A)] shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F26}level 3 on the standard scale].
- (4) (a) No information obtained in the course of exercising the powers conferred by subsection (1) of this section shall be disclosed except—
 - (i) with the consent of the person by whom the information was furnished or, where the information was furnished on behalf of another person, with the consent of that other person or with the consent of the person carrying on or proposing to carry on the employment agency or employment business concerned; or
 - (ii) . . . ^{F28}[^{F29}(ii)] to the Secretary of State, or an officer or servant appointed by, or person exercising functions on behalf of, the Secretary of State for the purposes of the exercise of their respective functions under this Act; or
- [^{F30}(iii) by the Secretary of State, or an officer or servant appointed by, or persons exercising functions on behalf of, the Secretary of State to the person carrying on or proposing to carry on the employment agency or employment business concerned, to any person in his employment or, in the case of information relating to a person availing himself of the services of such an agency or business, to that person; or]
- [^{F29}(iv)] with a view to the institution of, or otherwise for the purposes of, any criminal proceedings pursuant to or arising out of this Act or for the purposes of any [^{F31}proceedings under section 3A, 3C or 3D of this Act].
- (b) Any person who contravenes paragraph (a) of this subsection shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F26}level 5 on the standard scale].

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Textual Amendments

- F19** Words substituted by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 13 para. 6\(1\)](#)
- F20** S. 9(1)(a) substituted (6.4.2004) by [Employment Relations Act 1999 \(c. 26\)](#), s. 45(1), [Sch. 7 para. 4\(2\)\(a\)](#); S.I. 2003/3357, art. 3
- F21** Words substituted by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 13 para. 6\(2\)](#)
- F22** S. 9(1)(d) and word inserted (6.4.2004) by [Employment Relations Act 1999 \(c. 26\)](#), s. 45(1), [Sch. 7 para. 4\(2\)\(b\)](#); S.I. 2003/3357, art. 3
- F23** S. 9(1A)-(1C) inserted (6.4.2004) by [Employment Relations Act 1999 \(c. 26\)](#), s. 45(1), [Sch. 7 para. 4\(3\)](#); S.I. 2003/3357, art. 3
- F24** S. 9(2)-(2B) substituted for s. 9(2) (6.4.2004) by [Employment Relations Act 1999 \(c. 26\)](#), s. 45(1), [Sch. 7 para. 4\(4\)](#); S.I. 2003/3357, art. 3
- F25** Words in s. 9(3) substituted (6.4.2004) by [Employment Relations Act 1999 \(c. 26\)](#), s. 45(1), [Sch. 7 para. 4\(5\)\(a\)](#); S.I. 2003/3357, art. 3
- F26** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#)
- F27** Words in s. 9(3) inserted (6.4.2004) by [Employment Relations Act 1999 \(c. 26\)](#), s. 45(1), [Sch. 7 para. 4\(5\)\(b\)](#); S.I. 2003/3357, art. 3
- F28** S. 9(4)(a)(ii)(iii) repealed by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 18](#)
- F29** Sub-para. renumbered by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 13 para. 6\(3\)](#)
- F30** S. 9(4)(a)(iii) inserted by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 13 para. 6\(3\)](#)
- F31** Words in s. 9(4)(a)(iv) substituted (3.1.1995) by 1994 c. 40, s. 35, [Sch. 10 Pt. 1 para. 1\(4\)](#); S.I. 1994/3188, [arts. 2, 3](#)

Modifications etc. (not altering text)

- C2** S. 9(4): disclosure powers extended (14.12.2001) by 2001 c. 24, s. 17, [Sch. 4 Pt. 1 para. 8](#)

Marginal Citations

- M2** 1911 c. 6.

10 Fraudulent applications and entries. **E+W+S**

^{F32}(1)

- (2) Any person who makes or causes to be made or knowingly allows to be made any entry in a record or other document required to be kept in pursuance of this Act or of any regulations made thereunder which he knows to be false in a material particular shall be guilty of an offence.
- (3) Any person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding [^{F33}level 5 on the standard scale].

Textual Amendments

- F32** S. 10(1) repealed (3.1.1995) by 1994 c. 40, s. 81, [Sch. 17](#); S.I. 1994/3188, [arts. 2, 3](#)
- F33** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#)

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11 Offences by bodies corporate. **E+W+S**

Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

[^{F34}11A Offences: extension of time limit. **E+W+S**

- (1) For the purposes of subsection (2) of this section a relevant offence is an offence under section 3B, 5(2), 6(2), 9(4)(b) or 10(2) of this Act for which proceedings are instituted by the Secretary of State.
- (2) Notwithstanding section 127(1) of the ^{M3} Magistrates' Courts Act 1980 (information to be laid within 6 months of offence) an information relating to a relevant offence which is triable by a magistrates' court in England and Wales may be so tried if it is laid at any time—
 - (a) within 3 years after the date of the commission of the offence, and
 - (b) within 6 months after the date on which evidence sufficient in the opinion of the Secretary of State to justify the proceedings came to his knowledge.
- (3) Notwithstanding section 136 of the ^{M4} Criminal Procedure (Scotland) Act 1995 (time limit for prosecuting certain statutory offences) in Scotland proceedings in respect of an offence under section 3B, 5(2), 6(2), 9(4)(b) or 10(2) of this Act may be commenced at any time—
 - (a) within 3 years after the date of the commission of the offence, and
 - (b) within 6 months after the date on which evidence sufficient in the opinion of the Lord Advocate to justify the proceedings came to his knowledge.
- (4) For the purposes of this section a certificate of the Secretary of State or Lord Advocate (as the case may be) as to the date on which evidence came to his knowledge is conclusive evidence.]

Textual Amendments

F34 S. 11A inserted (25.10.1999) by 1999 c. 26, s. 31, Sch. 7 paras. 1, 5; S.I. 1999/2830, art. 2, Sch. 1 Pt. I

Marginal Citations

M3 1980 c. 43.

M4 1995 c. 46.

11B ^{F35} Offences: cost of investigation. **E+W+S**

The court in which a person is convicted of an offence under this Act may order him to pay to the Secretary of State a sum which appears to the court not to exceed the costs of the investigation which resulted in the conviction.

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Textual Amendments

F35 S. 11B inserted (6.4.2004) by [Employment Relations Act 1999 \(c. 26\)](#), ss. 31, s. 45(1), [Sch. 7 para. 5](#); [S.I. 2003/3357](#), art. 3

12 Regulations and orders. **E+W+S**

- (1) Subject to the next following subsection, the Secretary of State shall have power to make regulations for prescribing anything which under this Act is to be prescribed.
- (2) The Secretary of State shall not make any regulations under this Act except after consultation with such bodies as appear to him to be representative of the interests concerned.
- (3) Regulations under this Act may make different provision in relation to different cases or classes of case.
- (4) The power of the Secretary of State to make regulations and orders under this Act shall be exercisable by statutory instrument.
- [^{F36}(5) Regulations under section 5(1) or 6(1) of this Act shall not be made unless a draft has been laid before, and approved by resolution of, each House of Parliament.
- (6) Regulations under section 13(7)(i) of this Act or an order under section 14(3) shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

F36 S. 12(5)(6) substituted (25.10.1999) for s. 12(5) by [1999 c. 26](#), ss. 31, 45(1), [Sch. 7 paras. 1, 6](#); [S.I. 1999/2830](#), art. 2, [Sch. 1 Pt. I](#)

13 Interpretation. **E+W**

- (1) In this Act—

^{F37}

. . .

“employment” includes—

- (a) employment by way of a professional engagement or otherwise under a contract for services;
- (b) the reception in a private household of a person under an arrangement whereby that person is to assist in the domestic work of the household in consideration of receiving hospitality and pocket money or hospitality only;

and “worker” and “employer” shall be construed accordingly;

“employment agency” has the meaning assigned by subsection (2) of this section but does not include any arrangements, services, functions or business to which this Act does not apply by virtue of subsection (7) of this section;

“employment business” has the meaning assigned by subsection (3) of this section but does not include any arrangements, services, functions or business to which this Act does not apply by virtue of subsection (7) of this section;

“fee” includes any charge however described;

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F37

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“local authority” in relation to England^{F39} . . . , means a county council, . . .^{F40}, the Common Council of the City of London, a district council or a London borough council [^{F41} and in relation to Wales, means a county council or a county borough council] and, in relation to [^{F42}Scotland means a [^{F43}council constituted under the Local Government etc. (Scotland) Act 1994];

“organisation” includes an association of organisations;

“organisation of employers” means an organisation which consists wholly or mainly of employers and whose principal objects include the regulation of relations between employers and workers or organisations of workers;

“organisation of workers” means an organisation which consists wholly or mainly of workers and whose principal objects include the regulation of relations between workers and employers or organisations of employers;

“prescribed” means prescribed by regulations made under this Act by the Secretary of State;

[^{F44} “ prohibition order ” has the meaning given by section 3A(2) of this Act;]

F37

...

- (2) For the purposes of this Act “employment agency” means the business (whether or not carried on with a view to profit and whether or not carried on in conjunction with any other business) of providing services (whether by the provision of information or otherwise) for the purpose of finding [^{F45}persons] employment with employers or of supplying employers with [^{F45}persons] for employment by them.
- (3) For the purposes of this Act “employment business” means the business (whether or not carried on with a view to profit and whether or not carried on in conjunction with any other business) of supplying persons in the employment of the person carrying on the business, to act for, and under the control of, other persons in any capacity.
- (4) The reference in subsection (2) of this section to providing services does not include a reference—
 - (a) to publishing a newspaper or other publication unless it is published wholly or mainly for the purpose mentioned in that subsection;
 - (b) to the display by any person of advertisements on premises occupied by him otherwise than for the said purpose; . . .^{F46}[^{F47}or
 - (c) to providing a programme service (within the meaning of the Broadcasting Act 1990).]
- (5) For the purposes of section 269 of the^{M5}Local Government Act 1972, this Act shall be deemed to have been passed after 1st April 1974.
- (6) In this Act, except where the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment.
- (7) This Act does not apply to—
 - (a) any business which is carried on exclusively for the purpose of obtaining employment for—
 - (i) persons formerly members of Her Majesty’s naval, military or air forces; or

Status: Point in time view as at 06/04/2004.

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- (ii) persons released from a ^{F48}custodial sentence passed by a criminal court in the United Kingdom, the Channel Islands or the Isle of Man;]
- ^{F49} ...
- ^{F49}^{F50}(b)]
- ^{F49}^{F50}(c)]
- (d) services which are ancillary to the letting upon hire of any aircraft, vessel, vehicle, plant or equipment;
- ^{F51}(e)
- (f) the exercise by a local authority ^{F52}, a police authority established under ^{F53}section 3 of the Police Act 1996] ^{F54}, the Service Authority for the National Criminal Intelligence Service, the Service Authority for the National Crime Squad]] ^{F55}, ^{F56}the Inner London Education Authority] or a joint authority established by Part IV of the Local Government Act 1985] of any of their functions;
- ^{F57}(fa) the exercise by the Metropolitan Police Authority of any of its functions;]
- ^{F58}(ff) the exercise by the Broads Authority of any of its functions;]
- ^{F59}(fg) the exercise by a National Park authority of any of its functions;]
- ^{F60}(fh) the exercise by the London Fire and Emergency Planning Authority of any of its functions;]
- (g) services provided by any organisation of employers or organisation of workers for its members;
- ^{F61}(ga) services provided in pursuance of arrangements made, or a direction given, under section 10 of the Employment and Training Act 1973;]
- (h) services provided by an appointments board or service controlled by—
- (i) one or more universities;
- (ii) a central institution as defined in section 145 of the ^{M6}Education (Scotland) Act 1962 or a college of education as defined in the said section 145;
- ^{F62}(i) any prescribed business or service, or prescribed class of business or service or business or service carried on or provided by prescribed persons or classes of person.]
- ^{F50}Provided that paragraph (b) of this subsection shall not be taken as exempting from the provisions of this Act any other business carried on in conjunction with an agency for the supply of nurses.]

- (8) Subsection (7)(c) of this section shall have effect in its application to Scotland as if at the end there were added the words “or mainly or substantially supported by voluntary subscriptions and providing patients with the services of a nurse whether or not the nurse takes up residence in the patient’s house”.

Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

Textual Amendments

- F37** Definitions in s. 13(1) repealed (3.1.1995) by 1994 c. 40, s. 81, **Sch. 17**; S.I. 1994/3188, **arts. 2, 3**
- F38** Definition repealed by **Employment Protection Act 1975 (c. 71)**, **Sch. 18**

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- F39** Words in s. 13(1) repealed (1.4.1996) by 1994 c. 19, ss. 66(6)(8), Sch. 16 para. 41, **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F40** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, Sch. 17
- F41** Words in s. 13(1) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 41** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F42** Words substituted by Local Government (Scotland) Act 1973 (c. 65), **Sch. 27 Pt. II para. 208(b)**
- F43** Words in s. 13(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 90**; S.I. 1996/323, **art. 4(1)(c)**
- F44** Definition in s. 13(1) inserted (3.1.1995) by 1994 c. 40, s. 35, **Sch. 10 Pt. I para. 1(5)**; S.I. 1994/3188, **arts. 2, 3**
- F45** Word in s. 13(2) substituted (6.4.2004) by Employment Relations Act 1999 (c. 26), s. 45(1), **Sch. 7 para. 7**; S.I. 2003/3357, art. 4
- F46** Word repealed by Cable and Broadcasting Act 1984 (c. 46, SIF 96), s. 57(1)(2), Sch. 5 para. 27, **Sch. 6**
- F47** Word “or” and s. 13(4)(c) substituted for s.13(4)(c)(d) by Broadcasting Act 1990 (c. 42, SIF 96), s. 203(1), **Sch. 20 para. 18**
- F48** Words substituted (E.W.) by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 123(6), Sch. 8 Pt. I paras. 7, **16**
- F49** S. 13(7)(b)(c) and proviso repealed (1.4.2003 for E. and 2.10.2003 for W.) by Care Standards Act 2000 (c. 14), ss. 111(2), 117(2), 122, **Sch. 6**; S.I. 2001/3852, **art. 3(8)(b)(c)** (subject to transitional provisions in Sch. 1) (which commencing S.I. is amended by: S.I. 2002/1790, **art. 2**; S.I. 2002/2001, **arts. 2, 3**; S.I. 2002/3210, **art. 2**); S.I. 2003/2528, art. 2(b)(c)
- F50** S. 13(7)(b)(c) and proviso repealed (1.4.2003 for E.) by 2000 c. 14, ss. 111(2), 117(2), 122, **Sch. 6**; S.I. 2001/3852, **art. 3(8)(b)(c)** (subject to transitional provisions in Sch. 1) (which commencing S.I. is amended by: S.I. 2002/1790, **art. 2**; S.I. 2002/2001, **arts. 2, 3**; S.I. 2002/3210, **art. 2**)
- F51** S. 13(7)(e) repealed (3.1.1995) by 1994 c. 40, s. 81, **Sch. 17**; S.I. 1994/3188, **arts. 2, 3**
- F52** Words in s. 13(7)(f) inserted (1.10.1994 for certain purposes only and 1.4.1995 otherwise) by 1994 c. 29, s. 43, **Sch. 4 Pt. II para. 50**; S.I. 1994/2025, **art. 6**; S.I. 1994/3262, art. 4(1), **Sch.**
- F53** Words in s. 13(7)(f) substituted (22.8.1996) by 1996 c. 16, ss. 103, 104(1), **Sch. 7 Pt. I para. 1(2)(i)**
- F54** Words in s. 13(7)(f) inserted (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 26**; S.I. 1998/354, **art. 2(2)(bb)**
- F55** Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 50**
- F56** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), s. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F57** S. 13(7)(fa) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 37** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F58** S. 13(7)(ff) inserted (E.W.) by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), s. 21, **Sch. 6 para. 11**
- F59** S. 13(7)(fg) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 11** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**
- F60** S. 13(7)(fh) inserted (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 Pt. I para. 22** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4(h)**
- F61** S. 13(7)(ga) inserted (1.4.1994 in relation to England and Scotland and 1.4.1995 for all other purposes) by 1993 c. 19, s. 49(2), **Sch. 8 para. 4**; S.I. 1993/2503, art. 2(3), **Sch. 3**
- F62** S. 13(7)(i) substituted (25.10.1999) by 1999 c. 26, s. 31, Sch. 7 paras. 1, **8**; S.I. 1999/2850, art. 2(1), **Sch. 1 Pt. I**

Modifications etc. (not altering text)

- C3** S. 13(7)(f) extended by S.I. 1985/1884, art. 10, **Sch. 3 para. 4(j)**
- C4** S. 13(7)(f) amended by Local Government Act 1985 (c. 51, SIF 81:1), 57(7), Sch. 13 para. 13(e)
- C5** S. 13(7)(f) extended by S.I. 1987/2110, art. 2, **Sch. 1 para. 8(g)**
- C6** S. 13(7)(f) extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2), **Sch. 13 para. 20(d)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

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Marginal Citations

M5 1972 c. 70.

M6 1962 c. 47.

13 Interpretation. **S**

(1) In this Act—

F63

...

“employment” includes—

- (a) employment by way of a professional engagement or otherwise under a contract for services;
- (b) the reception in a private household of a person under an arrangement whereby that person is to assist in the domestic work of the household in consideration of receiving hospitality and pocket money or hospitality only;

and “worker” and “employer” shall be construed accordingly;

“employment agency” has the meaning assigned by subsection (2) of this section but does not include any arrangements, services, functions or business to which this Act does not apply by virtue of subsection (7) of this section;

“employment business” has the meaning assigned by subsection (3) of this section but does not include any arrangements, services, functions or business to which this Act does not apply by virtue of subsection (7) of this section;

“fee” includes any charge however described;

F63

...

F64

...

“local authority” in relation to England ^{F65} . . . , means a county council, . . . ^{F66}, the Common Council of the City of London, a district council or a London borough council [^{F67} and in relation to Wales, means a county council or a county borough council] and, in relation to [^{F68}Scotland means a [^{F69}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994]];

“organisation” includes an association of organisations;

“organisation of employers” means an organisation which consists wholly or mainly of employers and whose principal objects include the regulation of relations between employers and workers or organisations of workers;

“organisation of workers” means an organisation which consists wholly or mainly of workers and whose principal objects include the regulation of relations between workers and employers or organisations of employers;

“prescribed” means prescribed by regulations made under this Act by the Secretary of State;

[^{F70} “ prohibition order ” has the meaning given by section 3A(2) of this Act;]

F63

...

- (2) For the purposes of this Act “employment agency” means the business (whether or not carried on with a view to profit and whether or not carried on in conjunction with any other business) of providing services (whether by the provision of information or otherwise) for the purpose of finding [^{F45}persons] employment with employers or of supplying employers with [^{F45}persons] for employment by them.

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- (3) For the purposes of this Act “employment business” means the business (whether or not carried on with a view to profit and whether or not carried on in conjunction with any other business) of supplying persons in the employment of the person carrying on the business, to act for, and under the control of, other persons in any capacity.
- (4) The reference in subsection (2) of this section to providing services does not include a reference—
 - (a) to publishing a newspaper or other publication unless it is published wholly or mainly for the purpose mentioned in that subsection;
 - (b) to the display by any person of advertisements on premises occupied by him otherwise than for the said purpose; . . . ^{F71}[^{F72}or
 - (c) to providing a programme service (within the meaning of the Broadcasting Act 1990).]
- (5) For the purposes of section 269 of the ^{M7}Local Government Act 1972, this Act shall be deemed to have been passed after 1st April 1974.
- (6) In this Act, except where the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment.
- (7) This Act does not apply to—
 - (a) any business which is carried on exclusively for the purpose of obtaining employment for—
 - (i) persons formerly members of Her Majesty’s naval, military or air forces; or
 - (ii) persons released from a prison, Borstal institution, detention centre or young offenders’ institution
 - ^{F49} . . .
 - ^{F49}(b)
 - ^{F49}(c)
 - (d) services which are ancillary to the letting upon hire of any aircraft, vessel, vehicle, plant or equipment;
 - ^{F73}(e)
 - (f) the exercise by a local authority [^{F74}, a police authority established under [^{F75}section 3 of the Police Act 1996][^{F76}, the Service Authority for the National Criminal Intelligence Service, the Service Authority for the National Crime Squad]] [^{F77}, [^{F78}the Inner London Education Authority] or a joint authority established by Part IV of the Local Government Act 1985] of any of their functions;
 - [^{F79}(fa) the exercise by the Metropolitan Police Authority of any of its functions;]
 - [^{F80}(fh) the exercise by the London Fire and Emergency Planning Authority of any of its functions;]
 - (g) services provided by any organisation of employers or organisation of workers for its members;
 - [^{F81}(ga) services provided in pursuance of arrangements made, or a direction given, under section 10 of the Employment and Training Act 1973;]
 - (h) services provided by an appointments board or service controlled by—
 - (i) one or more universities;

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- (ii) a central institution as defined in section 145 of the ^{M8}Education (Scotland) Act 1962 or a college of education as defined in the said section 145;
- [^{F82}(i) any prescribed business or service, or prescribed class of business or service or business or service carried on or provided by prescribed persons or classes of person.]

Provided that paragraph (b) of this subsection shall not be taken as exempting from the provisions of this Act any other business carried on in conjunction with an agency for the supply of nurses.

- (8) Subsection (7)(c) of this section shall have effect in its application to Scotland as if at the end there were added the words “or mainly or substantially supported by voluntary subscriptions and providing patients with the services of a nurse whether or not the nurse takes up residence in the patient’s house”.

Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

Textual Amendments

- F45** Word in s. 13(2) substituted (6.4.2004) by [Employment Relations Act 1999 \(c. 26\)](#), s. 45(1), [Sch. 7 para. 7](#); [S.I. 2003/3357](#), art. 4
- F49** S. 13(7)(b)(c) and proviso repealed (1.4.2003 for E. and 2.10.2003 for W.) by [Care Standards Act 2000 \(c. 14\)](#), ss. 111(2), 117(2), 122, [Sch. 6](#); [S.I. 2001/3852](#), [art. 3\(8\)\(b\)\(c\)](#) (subject to transitional provisions in [Sch. 1](#)) (which commencing S.I. is amended by: [S.I. 2002/1790](#), [art. 2](#); [S.I. 2002/2001](#), [arts. 2, 3](#); [S.I. 2002/3210](#), [art. 2](#); [S.I. 2003/2528](#), art. 2(b)(c))
- F63** Definitions in s. 13(1) repealed (3.1.1995) by [1994 c. 40](#), s. 81, [Sch. 17](#); [S.I. 1994/3188](#), [arts. 2, 3](#)
- F64** Definition repealed by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 18](#)
- F65** Words in s. 13(1) repealed (1.4.1996) by [1994 c. 19](#), s. 66(6)(8), [Sch. 16 para. 41](#), [Sch. 18](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1996/396](#), art. 4, [Sch. 2](#)
- F66** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, [Sch. 17](#)
- F67** Words in s. 13(1) inserted (1.4.1996) by [1994 c. 19](#), s. 66(6), [Sch. 16 para. 41](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1996/396](#), art. 4, [Sch. 2](#)
- F68** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 27 Pt. II para. 208\(b\)](#)
- F69** Words in s. 13(1) substituted (1.4.1996) by [1994 c. 39](#), s. 180(1), [Sch. 13 para. 90](#); [S.I. 1996/323](#), [art. 4\(1\)\(c\)](#)
- F70** Definition in s. 13(1) inserted (3.1.1995) by [1994 c. 40](#), s. 35, [Sch. 10 Pt. I para. 1\(5\)](#); [S.I. 1994/3188](#), [arts. 2, 3](#)
- F71** Word repealed by [Cable and Broadcasting Act 1984 \(c. 46, SIF 96\)](#), s. 57(1)(2), [Sch. 5 para. 27](#), [Sch. 6](#)
- F72** Word “or” and s. 13(4)(c) substituted for s.13(4)(c)(d) by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 203(1), [Sch. 20 para. 18](#)
- F73** S. 13(7)(e) repealed (3.1.1995) by [1994 c. 40](#), s. 81, [Sch. 17](#); [S.I. 1994/3188](#), [arts. 2, 3](#)
- F74** Words in s. 13(7)(f) inserted (1.10.1994 for certain purposes only and 1.5.1995 otherwise) by [1994 c. 29](#), s. 43, [Sch. 4 Pt. II para. 50](#); [S.I. 1994/2025](#), [art. 6](#); [S.I. 1994/3262](#), art. 4(1), [Sch.](#)
- F75** Words in s. 13(7)(f) substituted (22.8.1996) by [1996 c. 16](#), ss. 103, 104(1), [Sch. 7 Pt. I para. 1\(2\)\(i\)](#)
- F76** Words in s. 13(7)(f) inserted (1.4.1998) by [1997 c. 50](#), s. 134(1), [Sch. 9 para. 26](#); [S.I. 1998/354](#), [art. 2\(2\)\(bb\)](#)
- F77** Words in s. 13(7)(f) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, [Sch. 14 para. 50](#)
- F78** Words in s. 13(7)(f) repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), s. 231(7), 235(6), 237(2), [Sch. 13 Pt. I](#)

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- F79** S. 13(7)(fa) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 37** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F80** It is provided that s. 13(7)(fh) is inserted (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 Pt. I para. 22** (with Sch. 12 para. 9(1)); S.I. 2000/1094, art. 4(**h**)
- F81** S. 13(7)(ga) inserted (1.4.1994 in relation to England and Scotland and 1.4.1995 for all other purposes) by 1993 c. 19, s. 49(2), **Sch. 8 para. 4**; S.I. 1993/2503, art. 2(3), **Sch. 3**
- F82** S. 13(7)(i) substituted (25.10.1999) by 1999 c. 26, s. 31, Sch. 7 paras. 1, **8**; S.I. 1999/2850, art. 2(1), **Sch. 1 Pt. I**

Modifications etc. (not altering text)

- C7** S. 13(7)(f) extended by S.I. 1985/1884, art. 10, **Sch. 3 para. 4(j)**
- C8** S. 13(7)(f) amended by **Local Government Act 1985 (c. 51, SIF 81:1)**, 57(7), Sch. 13 para. 13(*e*)
- C9** S. 13(7)(f) extended by S.I. 1987/2110, art. 2, **Sch. 1 para. 8(g)**

Marginal Citations

- M7** 1972 c. 70.
- M8** 1962 c. 47.

14 Short title, repeals, commencement and extent. E+W+S

- (1) This Act may be cited as the Employment Agencies Act 1973.
- ^{x1}(2) The enactments specified in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (3) The Secretary of State may, after consultation with such bodies as appear to him to be concerned, by order repeal any provision of any local Act, being a provision which is not specified in Part II of the said Schedule and which appears to him to be unnecessary having regard to the provisions of this Act, or to be inconsistent with the provisions of this Act, and may by that order make such amendments of that or any other local Act as appear to him to be necessary in consequence of the repeal and such transitional provision as appears to him to be necessary or expedient in connection with the matter.
- (4) This Act shall come into force on such date as the Secretary of State may by order appoint, and different dates may be appointed for different provisions and for different purposes.
- (5) This Act does not extend to Northern Ireland.

Editorial Information

- X1** The text of s. 14(2) and Sch. is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Subordinate Legislation Made

- P1** Power of appointment conferred by s. 14(4) exercised by S.I. 1976/709

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SCHEDULE **E+W+S**

REPEALS

PART I **E+W+S**

PUBLIC GENERAL ACTS

Chapter	Short Title	Extent of Repeal
7 Edw. 7.c. 53.	The Public Health Acts Amendment Act 1907.	Section 85.

PART II **E+W+S**

LOCAL ACTS

Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 5. c. 1.	The London County Council (General Powers) Act 1921.	In section 4, the definition of “employment agency” and “licensing authority”. Part III. Section 91.
14 & 15 Geo. 5. c. xciv.	The Manchester Corporation Act 1924.	Part V.
15 & 16 Geo. 5. c. cxv.	The Surrey County Council Act 1925.	Part IX.
16 & 17 Geo. 5. c. lxxxv.	The Guildford Corporation Act 1926.	Part XII.
17 & 18 Geo. 5. c. lxxxviii.	The Liverpool Corporation Act 1927.	Part XVI.
18 & 19 Geo. 5. c. lxxxvii.	The Sheffield Corporation Act 1928.	Part IX.
20 & 21 Geo. 5. c. cxix.	The Leeds Corporation Act 1930.	Part XI.
20 & 21 Geo. 5. c. clxxiv.	The Cardiff Corporation Act 1930.	Part II.
20 & 21 Geo. 5. c. clxxxvi.	The Bootle Corporation Act 1930.	Part XXIV.
21 & 22 Geo. 5. c. cix.	The Brighton Corporation Act 1931.	Part XI.
22 & 23 Geo. 5. c. lxix.	The Bury Corporation Act 1932.	Part V.
23 & 24 Geo. 5. c. xlv.	The Essex County Council Act 1933.	Part V.
25 & 26 Geo. 5. c. cxiii.	The Hertfordshire County Council Act 1935.	Part VIII.
25 & 26 Geo. 5. c. cxxii.	The Birmingham Corporation Act 1935.	Part IV.
25 & 26 Geo. 5. c. cxxiv.	The Newcastle-upon-Tyne Corporation (General Powers) Act 1935.	Part V.
1 Edw. 8 & 1 Geo. 6. c. xxxv.	The West Ham Corporation Act 1937.	Part XIV.
7 & 8 Geo. 6. c. xxi.	The Middlesex County Council Act 1944.	

Employment Agencies Act 1973

c. 35

Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 6. c. xviii.	The Inverness Burgh Order Confirmation Act 1947.	Part II of the Schedule.
11 & 12 Geo. 6. c. xli.	The Ipswich Corporation Act 1948.	Part IX.
7 & 8 Eliz. 2. c. xxxiii.	The Reading and Berkshire Water & C. Act 1959.	Part VIII.
8 & 9 Eliz. 2. c. iii.	The Glasgow Corporation Consolidation (General Powers) Order Confirmation Act 1960.	Sections 53 to 56 of the Schedule.
8 & 9 Eliz. 2. c. xl.	The Croydon Corporation Act 1960.	Part X.
1967 c. v.	The Edinburgh Corporation Order Confirmation Act 1967.	Sections 377 to 381 of the Schedule.
1971 c. xlv.	The Teeside Corporation (General Powers) (No. 2) Act 1971.	Sections 33 to 40.
1971 c. ix.	The Torbay Corporation (No. 2) Act 1971.	Sections 67 to 74.

Status:

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