



# Employment Agencies Act 1973

## 1973 CHAPTER 35

### *Conduct of employment agencies and employment businesses*

#### **5 General regulations.**

(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;

[<sup>F1</sup>(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.]

[<sup>F2</sup>(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;
- (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<sup>F3</sup>—

- (a) on conviction on indictment, to a fine;
- (b) on summary conviction, to a fine not exceeding the statutory maximum.]

*Status: Point in time view as at 06/04/2009.*

*Changes to legislation: Employment Agencies Act 1973, Cross Heading: Conduct of employment agencies and employment businesses is up to date with all changes known to be in force on or before 26 June 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**

- F1** 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
- F2** 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
- F3** Words in s. 5(2) substituted (6.4.2009) by Employment Act 2008 (c. 24), ss. 15, 22(1)(e)

**6 Restriction on charging persons seeking employment, etc.**

- [<sup>F4</sup>(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 [<sup>F5</sup>—
- (a) on conviction on indictment, to a fine;
  - (b) on summary conviction, to a fine not exceeding the statutory maximum.]

**Textual Amendments**

- F4** 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
- F5** Words in s. 6(2) substituted (6.4.2009) by Employment Act 2008 (c. 24), ss. 15, 22(1)(e)

<sup>F67</sup> .....

**Textual Amendments**

- F6** S. 7 repealed (3.1.1995) by 1994 c. 40, s 81, Sch. 17; S.I. 1994/3188, arts. 2, 3

**Status:**

Point in time view as at 06/04/2009.

**Changes to legislation:**

Employment Agencies Act 1973, Cross Heading: Conduct of employment agencies and employment businesses is up to date with all changes known to be in force on or before 26 June 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.