



Gangmasters (Licensing) Act 2004

2004 CHAPTER 11

Licensing

6 Prohibition of unlicensed activities

- (1) A person shall not act as a gangmaster except under the authority of a licence.
- (2) Regulations made by the Secretary of State may specify circumstances in which a licence is not required.

7 Grant of licence

- (1) The Authority may grant a licence if it thinks fit.
- (2) A licence shall describe the activities authorised by it and shall be granted for such period as the Authority thinks fit.
- (3) A licence authorises activities—
 - (a) by the holder of the licence, and
 - (b) by persons employed or engaged by the holder of the licence who are named or otherwise specified in the licence.
- (4) In the case of a licence held otherwise than by an individual, the reference in subsection (3)(a) to activities by the holder of the licence shall be read as a reference only to such activities as are mentioned in whichever of the following provisions applies—
 - section 20(2) (body corporate);
 - section 21(2) (unincorporated association);
 - section 22(4) (partnership that is regarded as a legal person under the law of the country or territory under which it is formed).
- (5) A licence shall be granted subject to such conditions as the Authority considers appropriate.

8 General power of Authority to make rules

- (1) The Authority may make such rules as it thinks fit in connection with the licensing of persons acting as gangmasters.
- (2) The rules may, in particular—
 - (a) prescribe the form and contents of applications for licences and other documents to be filed in connection with applications;
 - (b) regulate the procedure to be followed in connection with applications and authorise the rectification of procedural irregularities;
 - (c) prescribe time limits for doing anything required to be done in connection with an application and provide for the extension of any period so prescribed;
 - (d) prescribe the requirements which must be met before a licence is granted;
 - (e) provide for the manner in which the meeting of those requirements is to be verified;
 - (f) allow for the grant of licences on a provisional basis before it is determined whether the requirements for the grant of a licence are met and for the withdrawal of such licences (if appropriate) if it appears that those requirements are not met;
 - (g) prescribe the form of licences and the information to be contained in them;
 - (h) require the payment of such fees as may be prescribed or determined in accordance with the rules;
 - (i) provide that licences are to be granted subject to conditions requiring the licence holder—
 - (i) to produce, in prescribed circumstances, evidence in a prescribed form of his being licensed, and
 - (ii) to comply with any prescribed requirements relating to the recruitment, use and supply of workers.
- (3) The Authority must consult the Secretary of State before making any rules about fees.
- (4) In subsection (2) “prescribed” means prescribed by the rules.

9 Modification, revocation or transfer of licence

- (1) The Authority may by notice in writing to the licensee modify or revoke any licence granted to him (including any of the conditions of that licence)—
 - (a) with the consent of the licensee, or
 - (b) where it appears to him that a condition of the licence or any requirement of this Act has not been complied with.
- (2) The modifications that may be made include one suspending the effect of the licence for such period as the Authority may determine.
- (3) A licence may be transferred with the written consent of the Authority and in such other cases as may be determined by the Authority.

10 Appeals

- (1) The Secretary of State shall by regulations make provision for an appeal against any decision of the Authority—
 - (a) to refuse an application for a licence,

- (b) as to the conditions to which the grant of the licence is subject,
 - (c) to refuse consent to the transfer of a licence, or
 - (d) to modify or revoke a licence.
- (2) The regulations shall make provision—
- (a) for and in connection with the appointment of a person to hear and determine such appeals (including provision for the payment of remuneration and allowances to such a person), and
 - (b) as to the procedure to be followed in connection with an appeal.

11 Register of licences

- (1) The Authority shall establish and maintain a register of persons licensed under this Act.
- (2) The register shall contain such particulars as the Authority may determine of every person who for the time being holds a licence or whose activities are authorised by a licence (whether or not they are named in the licence).
- (3) The Authority shall ensure that appropriate arrangements are in force for allowing members of the public to inspect the contents of the register.