



# Gangmasters (Licensing) Act 2004

## 2004 CHAPTER 11

### *Offences*

#### **12 Offences: acting as a gangmaster, being in possession of false documents etc**

- (1) A person commits an offence if he acts as a gangmaster in contravention of section 6 (prohibition of unlicensed activities).

For this purpose a person acting as a gangmaster does not contravene section 6 by reason only of the fact that he breaches a condition of the licence which authorises him to so act.

- (2) A person commits an offence if he has in his possession or under his control—
- (a) a relevant document that is false and that he knows or believes to be false,
  - (b) a relevant document that was improperly obtained and that he knows or believes to have been improperly obtained, or
  - (c) a relevant document that relates to someone else,

with the intention of inducing another person to believe that he or another person acting as a gangmaster in contravention of section 6 is acting under the authority of a licence.

- (3) A person guilty of an offence under subsection (1) or (2) is liable on summary conviction—
- (a) in England and Wales, to imprisonment for a term not exceeding twelve months, or to a fine not exceeding the statutory maximum, or to both;
  - (b) in Scotland or Northern Ireland, to imprisonment for a term not exceeding six months, or to a fine not exceeding the statutory maximum, or to both.

In relation to an offence committed before [F12 May 2022], for "[F2the general limit in a magistrates' court]" in paragraph (a) substitute "six months".

- (4) A person guilty of an offence under subsection (1) or (2) is liable on conviction on indictment to imprisonment for a term not exceeding ten years, or to a fine, or to both.
- (5) For the purposes of this section—

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**Changes to legislation:** *Gangmasters (Licensing) Act 2004, Section 12 is up to date with all changes known to be in force on or before 16 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) View outstanding changes*

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- (a) except in Scotland, a document is false only if it is false within the meaning of Part 1 of the Forgery and Counterfeiting Act 1981 (c. 45) (see section 9(1) of that Act), and
- (b) a document was improperly obtained if false information was provided, in or in connection with the application for its issue or an application for its modification, to the person who issued it or (as the case may be) to a person entitled to modify it,

and references to the making of a false document include references to the modification of a document so that it becomes false.

(6) In this section “relevant document” means—

- (a) a licence, or
- (b) any document issued by the Authority in connection with a licence.

#### Textual Amendments

- F1** Words in s. 12(3) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), [Sch. Pt. 1](#)
- F2** Words in s. 12(3) substituted (E.W.) (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates’ Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), [Sch. Pt. 1](#) table

#### Commencement Information

- I1** S. 12 in force at 1.10.2006 for specified purposes by [S.I. 2006/2406](#), [art. 2\(c\)](#)
- I2** S. 12 in force at 6.4.2007 for specified purposes by [S.I. 2007/695](#), [art. 2\(b\)](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 15(7) inserted by [2015 c. 20 s. 92](#)