



Immigration Act 2016

2016 CHAPTER 19

PART 1

LABOUR MARKET AND ILLEGAL WORKING

CHAPTER 1

LABOUR MARKET

Gangmasters and Labour Abuse Authority

10 Renaming of Gangmasters Licensing Authority

- (1) The Gangmasters Licensing Authority is renamed the Gangmasters and Labour Abuse Authority.
- (2) In any enactment passed before the day on which this section comes into force, and in any instrument or other document made before that day, references to the Gangmasters Licensing Authority are to be read, in relation to any time on or after that day, as references to the Gangmasters and Labour Abuse Authority.

11 Functions in relation to labour market

- (1) Schedule 2 (functions in relation to labour market) has effect.
- (2) The Secretary of State may by regulations confer other functions on the Gangmasters and Labour Abuse Authority or its officers.

12 PACE powers in England and Wales for labour abuse prevention officers

- (1) After section 114A of the Police and Criminal Evidence Act 1984 insert—

Status: This is the original version (as it was originally enacted).

“114B Application of Act to labour abuse prevention officers

- (1) The Secretary of State may by regulations apply any provision of this Act which relates to investigations of offences conducted by police officers to investigations of labour market offences conducted by labour abuse prevention officers.
- (2) The regulations may apply provisions of this Act with any modifications specified in the regulations.
- (3) In this section “labour abuse prevention officer” means an officer of the Gangmasters and Labour Abuse Authority who—
 - (a) falls within subsection (4), and
 - (b) is authorised (whether generally or specifically) by the Secretary of State for the purposes of this section.
- (4) An officer of the Gangmasters and Labour Abuse Authority falls within this subsection if he or she is—
 - (a) acting for the purposes of the Employment Agencies Act 1973 (see section 8A of that Act),
 - (b) acting for the purposes of the National Minimum Wage Act 1998 (see section 13 of that Act),
 - (c) acting for the purposes of the Gangmasters (Licensing) Act 2004 as an enforcement officer within the meaning of section 15 of that Act,
 - (d) acting for the purposes of Part 1 or 2 of the Modern Slavery Act 2015 (see sections 11A and 30A of that Act), or
 - (e) acting for any other purpose prescribed in regulations made by the Secretary of State.
- (5) The investigations for the purposes of which provisions of this Act may be applied by regulations under this section include investigations of offences committed, or suspected of having been committed, before the coming into force of the regulations or of this section.
- (6) Regulations under this section are to be made by statutory instrument.
- (7) Regulations under this section may make—
 - (a) different provision for different purposes;
 - (b) provision which applies generally or for particular purposes;
 - (c) incidental, supplementary, consequential, transitional or transitory provision or savings.
- (8) Regulations under subsection (4)(e) may, in particular, make such provision amending, repealing or revoking any enactment as the Secretary of State considers appropriate in consequence of any provision made by the regulations.
- (9) A statutory instrument containing regulations under subsection (4)(e) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

Status: This is the original version (as it was originally enacted).

- (10) Any other statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (11) In this section—
“enactment” includes an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978;
“labour market offence” has the meaning given in section 3 of the Immigration Act 2016.”
- (2) In section 18 of the Gangmasters (Licensing) Act 2004 (obstruction of officers), in subsection (1)(a), after “this Act” insert “or functions conferred by virtue of section 114B of the Police and Criminal Evidence Act 1984 (application of that Act to Authority officers)”.

13 Relationship with other agencies: requests for assistance

- (1) The Gangmasters (Licensing) Act 2004 is amended as follows.
- (2) Before section 23 (but after the italic heading before it) insert—

“22A Relationship with other agencies: requests for assistance

- (1) The Authority may request any of the following to provide assistance to the Authority or any of its officers—
- a chief officer of police for a police area in England and Wales;
 - the Director General of the National Crime Agency;
 - a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971;
 - any other person prescribed or of a prescribed description.
- (2) The Authority may make a request under subsection (1) only if it considers that the assistance would facilitate the exercise of any function by the Authority or any of its officers.
- (3) Any of the following persons may request the Authority to provide assistance to the person—
- a chief officer of police for a police area in England and Wales;
 - a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971;
 - any other person prescribed or of a prescribed description.
- (4) A person may make a request under subsection (3) only if the person considers that the assistance would facilitate the exercise by the person of any function.
- (5) A request under this section must—
- set out what assistance is being requested, and
 - explain how the assistance would facilitate the exercise of the function.
- (6) A person who receives a request under this section must respond to it in writing within a reasonable period.

Status: This is the original version (as it was originally enacted).

- (7) Regulations under this section must not make provision which would be—
- (a) within the legislative competence of the Scottish Parliament if contained in an Act of that Parliament,
 - (b) within the legislative competence of the National Assembly for Wales if contained in an Act of that Assembly, or
 - (c) within the legislative competence of the Northern Ireland Assembly if contained in an Act of that Assembly made without the consent of the Secretary of State.”
- (3) In section 25 (regulations, rules and orders), in subsection (5)—
- (a) omit the “or” at the end of paragraph (a);
 - (b) at the end insert “, or
 - (c) section 22A(1)(d) or (3)(c) (regulations regarding persons whom the Authority may request to provide assistance and who may request assistance from Authority).”