
 STATUTORY INSTRUMENTS

1976 No. 714

EMPLOYMENT AGENCIES, ETC.
**The Employment Agencies Act 1973
 (Charging Fees to Workers) Regulations 1976**

<i>Made</i> - - - -	5th May 1976
<i>Laid before Parliament</i>	20th May 1976
<i>Coming into Operation</i>	1st July 1976

The Secretary of State, in exercise of the powers conferred on him by sections 6(1) and 12(1) and (3) of the Employment Agencies Act 1973(a), and of all other powers enabling him in that behalf, and after consultation as required by section 12(2) of that Act with bodies appearing to him to be representative of the interests concerned, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Employment Agencies Act 1973 (Charging Fees to Workers) Regulations 1976 and shall come into operation on 1st July 1976.

Interpretation.

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Employment Agencies Act 1973;

“agent” means a person carrying on an employment agency;

“entertainment industry” means the production and presentation of films, television and sound broadcasts, and recordings, and of plays, operas, ballets, musical and variety performances, and other similar means of entertainment whether taking place in theatres, concert halls, dance halls, clubs, or any other places of public or private entertainment.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Exceptions from restriction on charging fees to workers

3.—(1) Subject to the provisions of paragraph (2) below, an agent providing the service of finding a worker employment or seeking to find him employment in any of the occupations listed in the Schedule to these Regulations is hereby excepted in respect of that service from the provisions of section 6(1) of the Act (which imposes restrictions on the charging of fees to any person for finding him employment or for seeking to find him employment).

(2) Paragraph (1) above shall not apply—

(a) where the agent charges a fee in respect of the service of supplying a worker to the employer who provides the employment;

 (a) 1973 c. 35.

(b) 1889 c. 63.

- (b) where on the date when the worker commences the employment the agent and the employer are connected with each other, that is to say:
- (i) the agent, or a partner of his, or, where the agent is a company, a director of that company, is also the employer;
 - (ii) the employer is a company controlled by any of the persons referred to in sub-paragraph (i) above;
 - (iii) the employer, or a partner of his, or, where the employer is a company, a director of that company, is also the agent;
 - (iv) the agent is a company controlled by any of the persons referred to in sub-paragraph (iii) above; or
 - (v) the employer and the agent are both companies of which a third person has control.

(3) For the purpose of paragraph (2) above a company is controlled by a person if he exercises, or is able to exercise, or is entitled to acquire, control (whether direct or indirect) over the affairs of the company and, in particular, but without prejudice to the generality of the foregoing, if he possesses, or is entitled to acquire the greater proportion of the share capital or voting power of the company.

Signed by order of the Secretary of State.
5th May 1976.

Harold Walker,
Minister of State,
Department of Employment.

Regulation 3

SCHEDULE

1. The following occupations in the entertainment industry—
 - (a) actors, singers, musicians, dancers and other performers;
 - (b) composers, directors, assistant directors, production managers, assistant production managers, lighting cameramen, camera operators, make up artists, film editors, action arrangers and co-ordinators, costume and production designers, recording engineers, hairdressers, property masters, film continuity personnel, sound mixers, and still photographers.
2. Photographic and fashion models.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations provide that, with certain exceptions, employment agencies may charge fees to workers for finding or seeking to find them employment in occupations in the entertainment industry, or as fashion or photographic models.

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