

Government Circular No: G.C. 1978/0019



Employment Agencies Act 1975

EMPLOYMENT AGENCIES AND EMPLOYMENT BUSINESSES (APPLICATIONS FOR LICENCES) REGULATIONS 1977¹

*Approved by Tynwald: 17 January 1978
Coming into Operation on the same day as the Act*

In exercise of the powers conferred on the Isle of Man. Board of Social Security by sections 11(1) and (3) and paragraph 3(a) of the Schedule to the Employment Agencies Act 1975 and of all other powers enabling it in that behalf, and after consultation as required by section 11(2). of the said Act with bodies appearing to it to be representative of the interests concerned, the-following Regulations are hereby made: —

1 Citation and commencement

These Regulations may be cited as the Employment Agencies and Employment Businesses (Applications for Licences) Regulations 1977 and shall come into operation on the same day as the Act.

2 Interpretation

(1) In these Regulations —

“**the Act**” means the Employment Agencies Act 1975;

“**current licence**” means a licence granted under the Act which has not expired and which has not been revoked.

(2) Any reference in these Regulations to a form set out in a Schedule shall include a reference to a form to the like effect with such variations as the circumstances may require.

3 Application for grant of licence

An application for a licence under the Act by a person who is not at the date of the application the holder of a current licence in respect of the premises referred to therein shall be made in the form set out in Schedule 1 and shall be accompanied by the particulars prescribed therein.

4 Application for renewal of licence

An application for a licence under the Act by a person who is at the date of the application the holder of a current licence in respect of the premises referred to therein shall be made in the form set out in Schedule 2 and shall be accompanied by the particulars prescribed therein.

5 General

Applications shall be sent to the Isle of Man Board of Social Security, Hill Street, Douglas.

MADE 9 DECEMBER 1977

SCHEDULE 1

Regulation 3

EMPLOYMENT AGENCIES ACT 1975

APPLICATION FOR GRANT OF LICENCE

To: The Isle of Man Board of Social Security.

I/WE A B, C D etc. (insert names of all the partners in the case of a firm) (duly authorised in that behalf by (insert name of company)) HEREBY APPLY (for and on behalf of the said company) for a licence under the above-mentioned Act to carry on at (insert address of premises) under the name of (insert business name, if any) an employment agency*, an employment business* or an employment agency and an employment business* of the class or classes specified in the particulars which accompany this application AND I/WE DECLARE that the information contained in the said particulars is true to the best of my/our knowledge and belief and that I am/we are aware of the provisions of section 9 (fraudulent applications) of the above-mention Act.

Dated this day of 19

(Signed) A B, C D etc.

All the applicants should sign.

Insert description if application is made for
and on behalf of a company.

*Delete if inappropriate.

The following particulars are to be provided —

1. The following particulars of —

- (1) in the case of an application by an individual or a firm, the signatory or signatories;
- (2) in the case of an application on behalf of a company, the director(s) and secretary of that company; and
- (3) in all cases, every person (other than a person falling under sub-paragraph (1) or (2) above) employed or to be employed in a managerial capacity in connection with the employment agency and/or employment business carried on or to be carried on upon the premises to which the application relates, that is to say,
 - (a) surname (Mr./Mrs./Miss);
 - (b) any former surname;
 - (c) other names;
 - (d) capacity (here insert applicant, director, secretary etc. as the case may be);

- (e) private address and telephone number;
- (f) date of birth if under 21;
- (g) nationality and number of any current passport held.

2. The following particulars of —

- (1) every person falling under paragraph 1(3) above; and
- (2) every person falling under paragraph 1(1) or (2) above who is or is to be directly concerned in the carrying on of the said (employment agency and/or employment business, that is to say,
 - (a) nature of occupation(s) during the .10 years immediately preceding date of application, the duration thereof, the name and address of employer(s) and the position(s) held;
 - (b) the name and address of any professional body to which he belongs and the nature of his qualification;
 - (c) the name and address of any trade association to which he belongs and his class of membership;
 - (d) the names and addresses of three suitable persons, who are neither related to nor currently employed by him and two least of whom are normally resident in the Island, from whom references may be obtained as to his suitability to hold a licence in respect of or to be associated with, as the case may be, an agency or business of the class or classes in question.

3. In the case of an. application on behalf of a company, the following particulars of that company and of any company of which that company. is a subsidiary —

- (1) name;
- (2) registered number;
- (3) date and place of registration;
- (4) address of registered office.

4. The following particulars of —

- (1) every person falling under paragraph 1 above; and
- (2) in the case of an application by a company, that company, that is to say,
 - (a) the nature of any existing or previous interest in an employment agency or employment business wheresoever situated and whether or not required by law to be licensed and the name and address of such employment agency or employment business;
 - (b) the date of any refusal or revocation of a licence or other permit required by law to enable that person or company to carry on an employment agency or an employment business wheresoever

situated; and the name of the licensing or other authority concerned;

- (c) any conviction or judgement against that person or company in relation to any matter involving fraud, or other dishonesty, or breach of a requirement imposed by law in relation to the conduct of employment agencies and employment businesses.

5. The part or parts of the premises specified in the application which are to be used for the purposes of the employment and/or employment business specified therein.

6. The date of registration and the number in the Register of Business Names of the business name, if any specified in the application.

7. The class or classes of employment dealt with or to be dealt with by the employment agency and/or employment business specified in the application in accordance with the following list —

- (1) professional, managerial and executive;
- (2) medical, dental, persons without nursing qualifications providing nursing care;
- (3) secretarial, clerical, computer staffs;
- (4) draughtsmen;
- (5) performers and other occupations in the entertainment industry;
- (6) fashion and photographic models;
- (7) au-pairs;
- (8) hotel and catering workers;
- (9) domestics and cleaners;
- (10) construction industry workers;
- (11) engineering industry workers;
- (12) other employment (to be specified by the applicant(s)).

8. In the case of an employment agency, whether it offers, or proposes to offer, services for —

- (1) persons normally resident abroad seeking employment in the Island;
- (2) persons seeking employment outside the Island.

9. In the case of an employment business, whether it sends or proposes to send persons in the employment of the person carrying on that business to work outside the Island.

10. The name, address and telephone number of the person who should be contacted in connection with the application.

SCHEDULE 2

Regulation 4

EMPLOYMENT AGENCIES ACT 1975

APPLICATION FOR RENEWAL OF LICENCE

To: The Isle of Man Board of Social Security

I/WE A B etc..... (insert full names of current
licence-holder(s)) (duly authorised in that behalf by
(insert name of company)) HEREBY APPLY (for and on behalf of the said company) for
the renewal of the Licence Numbered granted (last renewed) on the
..... day of..... 19

AND I/WE HEREBY DECLARE that : —

- (1) to the best of my/our knowledge and belief all changes in the particulars
which accompanied the application for the said Licence Numbered
..... have been notified to you in writing.
- (2) I am/we are aware of the provisions of section 9 (fraudulent applications)
of the above-mentioned Act.

Dated this day of 19

Signed

All the current licence-holders should
sign.

Insert description if application made for
and on behalf of a company.

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.