

Government Circular No. 1978/0021



Employment Agencies Act 1975

EMPLOYMENT AGENCIES ACT 1975 (CHARGING FEES TO WORKERS) 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 6(1) and 11(1)) and (3) of 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 that 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 Act 1975 (Charging Fees to Workers) Regulations 1977 and shall come into operation on the same day as the Act.

2 Interpretation

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

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

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

“**entertainment industry**” means the production and presentation of films 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 place of public or private entertainment.

3 Exceptions from restriction on charging fees to workers

(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;
 - (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, 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.

MADE 9 DECEMBER 1977

SCHEDULE

Regulation 3

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.

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.