



Jersey

EMPLOYMENT AGENCIES (REGISTRATION) (JERSEY) LAW 1969

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EMPLOYMENT AGENCIES (REGISTRATION) (JERSEY) LAW 1969

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EMPLOYMENT AGENCIES (REGISTRATION) (JERSEY) LAW 1969¹

A LAW to require the registration of persons carrying on the business of an employment agency, to enable the introduction of a code of conduct in respect thereof, and to provide for matters connected therewith

Commencement [[see endnotes](#)]

1 Interpretation

(1) In this Law, unless the context otherwise requires –

“employment agency” means the business, carried on with a view to profit and whether or not carried on in conjunction with any other business, of –

- (a) providing services (whether by the provision of information or otherwise) for the purpose of finding workers employment with employers or of supplying employers with workers for employment by them;
- (b) supplying persons in the employ of the person carrying on the business to act as office staff or domestic staff; or
- (c) providing training for persons wishing to be employed as performers in the entertainment industry or as models where the person by whom the business is carried on holds out, as an inducement to persons to avail themselves of the training, a prospect of the person’s being able to be of service to them in finding employment as aforesaid with employers;²

“Minister” means the Minister for Social Security;

“prescribed” means prescribed by Order;

“registered” means registered under this Law.

(2) The reference in sub-paragraph (a) of the definition of “employment agency” to providing services by the provision of information does not include a reference –

- (a) to publishing a newspaper or other publication unless it is published wholly or mainly for the purpose mentioned in that subparagraph; or
 - (b) to the display by any person of advertisements on premises occupied by the person otherwise than for the said purpose.
- (3) The States may by Regulations amend the definition of “employment agency” to restrict or extend the types of business included in the definition.

2 Duty to register

No person shall carry on an employment agency at any premises unless the person is for the time being registered.

3 Applications for, and grant and extent of, registration

- (1) Subject to the provisions of this Law, on an application in that behalf made by any person in the prescribed manner and on payment of the prescribed fee, the Minister shall register that person.
- (2) Every registration shall, unless previously cancelled, expire on 31st January next following the day on which it takes effect.

4 Refusal and revocation of registration

- (1) The Minister may refuse to grant an application for registration or, where registration has been granted, may cancel the registration, if –
 - (a) the applicant or the registered person has not, on the occasion of the application or, as the case may be, at any time when requested to do so by the Minister during the currency of the registration, furnished to the Minister such information relating to himself or herself and to any circumstances likely to affect his or her method of conducting business as may be required;
 - (b) the applicant or the registered person or any person employed by, or associated with, the applicant or that person for the purposes of his or her business, has failed to comply with any provision of the code of conduct prescribed by Article 11;
 - (c) it appears to the Minister that, by reason of the applicant or the registered person, or any person employed by, or associated with, the applicant or that person for the purposes of his or her business, having been convicted of an offence under this Law or any Order made thereunder or having been convicted within the Commonwealth of an offence, his or her conviction for which necessarily involved a finding that he or she acted in any way indecently towards another person or that he or she acted in such a way as to corrupt morals, the applicant or the registered person is not or, as the case may be, is no longer, a fit and proper person to be registered.

- (2) Notwithstanding anything in the foregoing provisions of this Article, the Minister may attach such conditions as he or she thinks fit to the registration of any person and may at any time vary such conditions.

5 Penalty for failure to register or to comply with registration conditions

If any person –

- (a) contravenes the provisions of Article 2; or
(b) fails to comply with any condition attached to the person's registration,
the person shall for each offence be liable to imprisonment for a term of one year and to a fine.³

6 Registration certificates

Where the Minister registers any person the Minister shall issue to that person a registration certificate, free of charge.

7 Display, production and delivery of registration certificates

- (1) Every registered person shall –
- (a) keep his or her registration certificate displayed in a prominent position in the premises on which the employment agency is carried on;
- (b) when required by or on behalf of the Minister to do so, produce or deliver his or her registration certificate to the Minister or to an officer in an administration of the States for which the Minister is assigned responsibility who is authorized in that behalf;
- (c) deliver his or her registration certificate to the Minister immediately on expiration of the period to which it relates.
- (2) If any registered person fails to comply with the provisions of this Article, he or she shall for each offence be liable to a fine of level 2 on the standard scale.⁴

8 Procedure and right of appeal on refusal or cancellation of registration etc.

- (1) The Minister shall not refuse an application for registration or cancel any registration, or attach or vary any condition, unless the Minister has given to the applicant or the registered person, as the case may be, not less than 7 days' notice in writing of his or her intention to do so and of his or her reasons for so doing, and every such notice shall contain an intimation that, if within 7 days after the receipt of the notice the applicant or the registered person informs the Minister in writing that the applicant or registered person desires so to do, the Minister will, before refusing the application, cancelling the registration or attaching or varying the condition, give the applicant or registered person an opportunity of being heard, in person or by a representative.

- (2) If the Minister, after giving to the applicant or the registered person, as the case may be, an opportunity of being heard, decides to refuse the application or to cancel the registration or to attach or vary a condition, the Minister shall, if required by the applicant or the registered person, deliver to the applicant or registered person, within 7 days of the receipt of such requirement, particulars in writing of the reasons for such refusal or cancellation or attaching or variation of the condition.
- (3) Any person aggrieved by such refusal or cancellation, or by the conditions attached to the person's registration or by any variation of such conditions may appeal to the Inferior Number of the Royal Court, either in term or in vacation, on the ground that the decision of the Minister was unreasonable having regard to all the circumstances of the case, and the decision of the Inferior Number of the Royal Court shall be final and without further appeal, but without prejudice to the right of the Inferior Number to refer the matter to the Superior Number of the Royal Court.
- (4) Where any person appeals against the cancellation of the person's registration or against the variation of any conditions attached to the person's registration under Article 4(2), or, where the person's original registration was granted without any conditions attached thereto, against any subsequent attaching of conditions, the registration shall not be cancelled or the conditions varied or attached, as the case may be, until the appeal has been determined or abandoned.

9 False statements

Any person who, in furnishing any information for any of the purposes of this Law or of any Order made thereunder, makes any statement which to the person's knowledge is false in a material particular, shall be liable to imprisonment for a term of one year and to a fine.⁵

10 Inspection

- (1) Any officer in an administration of the States for which the Minister is assigned responsibility shall be entitled, on production if so required of the officer's authority, to enter and inspect any premises on which a registered employment agency is carried on, or any premises on which the officer has reason to believe an employment agency is being carried on and to require the registered person or the proprietor of the premises, or any person employed therein, to furnish to the officer such information in relation to the employment agency or premises as may be reasonably necessary for the purposes of the enforcement of this Law or of any Order made thereunder.
- (2) Any person who obstructs or impedes an officer in the exercise of any of the powers conferred on the officer under this Article or who fails or refuses to give to the officer on demand any information which the officer is entitled to demand under this Law, shall be liable to imprisonment for a term of one year and to a fine of level 3 on the standard scale.⁶

11 Code of conduct

The Minister may prescribe a code of conduct compliance with which is, in the opinion of the Minister, in the best interests of any person carrying on an employment agency, and of employers and employees generally.

12 Orders

(1) The Minister may by Order make provision for the purpose of carrying this Law into effect and, in particular but without prejudice to the generality of the foregoing, for prescribing any matter which is to be prescribed under this Law.

(2) ⁷

13 Service of notices

(1) Any notice required by this Law to be given to a person being a body corporate shall be duly given if it is given to the secretary or clerk of the body corporate.

(2) Subject to the provisions of this Article, any notice required by this Law to be given to any person may be given –

- (a) by delivering it to that person;
- (b) by leaving it at the person's proper address;
- (c) by registered post; or
- (d) by the recorded delivery service.

14 Offences by managers, agents etc.

Where an offence for which a registered person is liable under this Law has, in fact, been committed by some manager, agent, servant or other person, the manager, agent, servant or other person, as well as the registered person, shall be deemed to be guilty of that offence and shall be liable to be prosecuted and punished accordingly.

15 Citation

This Law may be cited as the Employment Agencies (Registration) (Jersey) Law 1969.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Employment Agencies (Registration) (Jersey) Law 1969	L.28/1969	17 November 1969 (for making Orders) 3 July 1970 for all other purposes
Employment Agencies (Jersey) Regulations 1979	R&O.6608	1 February 1979
Employment Agencies (Registration) (Amendment) (Jersey) Law 1985	L.2/1985	25 January 1985
States of Jersey (Amendments and Construction Provisions No. 8) (Jersey) Regulations 2005	R&O.48/2005	9 December 2005
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	L.1/2016	20 September 2016 (R&O.98/2016)
Legislation (Jersey) Law 2021	L.8/2021	28 September 2021 (R&O.112/2021)

Table of Renumbered Provisions

Original	Current
15(1)	15
15(2)	spent, omitted from this revised edition

Table of Endnote References

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- ¹ *This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 8) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- ² *Article 1(1) definition “employment agency” amended by R&O.6608*
- ³ *Article 5 amended by L.2/1985, L.1/2016*
- ⁴ *Article 7(2) amended by L.1/2016*
- ⁵ *Article 9 amended by L.2/1985, L.1/2016*
- ⁶ *Article 10(2) amended by L.1/2016*
- ⁷ *Article 12(2) deleted by L.8/2021*