

**Jersey Law 28/1969**

**“EMPLOYMENT AGENCIES (REGISTRATION) (JERSEY)  
LAW, 1969”,**

CONFIRMÉ PAR

**Ordre de Sa Majesté en Conseil**

en date du 24 septembre 1969.

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*(Enregistré le 17 novembre 1969).*

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**EMPLOYMENT AGENCIES (REGISTRATION) (JERSEY) LAW,  
1969.**

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**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, sanctioned by Order of Her Majesty in Council of the

**24th day of SEPTEMBER 1969.**

*(Registered on the 17th day of November, 1969).*

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**STATES OF JERSEY.**

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The 15th day of April, 1969.

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**THE STATES**, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law : -

**ARTICLE 1**

**INTERPRETATION**

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

“the Committee” means the Social Security Committee ;

“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, domestic staff or as nurses or midwives ; 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 his being able to be of service to them in finding employment as aforesaid with employers ;

“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 paragraph ; or
- (b) to the display by any person of advertisements on premises occupied by him 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.

## ARTICLE 2

**DUTY TO REGISTER**

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

## ARTICLE 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 Committee shall register that person.

(2) Every registration shall, unless previously cancelled, expire on the thirty-first day of January next following the day on which it takes effect.

## ARTICLE 4

**REFUSAL AND REVOCATION OF REGISTRATION**

(1) The Committee 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 Committee during the currency of the registration, furnished to the Committee such information relating to himself and to any circumstances likely to affect his 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 business, has failed to comply with any provision of the code of conduct prescribed by Article II of this Law ;

- (c) it appears to the Committee 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 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 conviction for which necessarily involved a finding that he acted in any way indecently towards another person or that he 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 Committee may attach such conditions as it thinks fit to the registration of any person and may at any time vary such conditions.

## ARTICLE 5

### **PENALTY FOR FAILURE TO REGISTER OR TO COMPLY WITH REGISTRATION CONDITIONS**

If any person –

- (a) contravenes the provisions of Article 2 of this Law ; or
- (b) fails to comply with any condition attached to his registration ;

he shall for each offence be liable to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding one year or to both such fine and such imprisonment.

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## ARTICLE 6

### **REGISTRATION CERTIFICATES**

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

## ARTICLE 7

### **DISPLAY, PRODUCTION AND DELIVERY OF REGISTRATION CERTIFICATES**

- (1) Every registered person shall –
  - (a) keep his 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 Committee to do so, produce or deliver his registration certificate to the Committee or to an officer of the Committee authorized in that behalf ;
  - (c) deliver his registration certificate to the Committee 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 shall for each offence be liable to a fine not exceeding twenty pounds and to a further fine not exceeding one pound for each day during which the offence continues after conviction thereof.

## ARTICLE 8

### **PROCEDURE AND RIGHT OF APPEAL ON REFUSAL OR CANCELLATION OF REGISTRATION ETC**

(1) The Committee shall not refuse an application for registration or cancel any registration, or attach or vary any condition,

unless it has given to the applicant or the registered person, as the case may be, not less than seven days' notice in writing of its intention so to do and of its reasons for so doing, and every such notice shall contain an intimation that, if within seven days after the receipt of the notice the applicant or the registered person informs the Committee in writing that he desires so to do, the Committee will, before refusing the application, cancelling the registration or attaching or varying the condition, give him an opportunity of being heard, in person or by a representative.

(2) If the Committee, 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, it shall, if required by the applicant or the registered person, deliver to him, within seven 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 his 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 Committee 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 his registration or against the variation of any conditions attached to his registration under paragraph (2) of Article 4 of this Law, or, where his 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.



## ARTICLE 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 his knowledge is false in a material particular, shall be liable to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding one year or to both such fine and such imprisonment.

## ARTICLE 10

**INSPECTION**

(1) Any officer of the Committee shall be entitled, on production if so required of his authority, to enter and inspect any premises on which a registered employment agency is carried on, or any premises on which he 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 him 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 him 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 a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding one year, or to both such fine and such imprisonment.

## ARTICLE 11

**CODE OF CONDUCT**

The Committee may prescribe a code of conduct compliance with which is, in the opinion of the Committee, in the best interests of

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any person carrying on an employment agency, and of employers and employees generally.

## ARTICLE 12

### **ORDERS**

(1) The Committee 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) The Subordinate Legislation (Jersey) Law, 1960,<sup>1</sup> shall apply to orders made under this Law.

## ARTICLE 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; or
- (b) by leaving it at his proper address; or
- (c) by registered post; or
- (d) by the recorded delivery service.

<sup>1</sup> Tome 1957–1960, page 519.

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#### ARTICLE 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.

#### ARTICLE 15

### **SHORT TITLE AND COMMENCEMENT**

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

(2) This Law shall come into force forthwith upon promulgation for the purpose only of making orders thereunder and for every other purpose at the expiration of three months from the date on which the first order made under Article 3 of this Law comes into force.

**A.D. LE BROCCQ,**

*Greffier of the States.*