Draft Order in Council laid before Parliament under paragraph 2(1)(a) of the Schedule to the Northern Ireland Act 2000, for approval by resolution of each House of Parliament

DRAFT STATUTORY INSTRUMENTS

2005 No. (N.I.)

NORTHERN IRELAND

The Employment (Miscellaneous Provisions) (Northern Ireland) Order 2005

Made - - - - 2005

Coming into operation

At the Court at Buckingham Palace, the ** day of ** 2005

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order in Council has been approved by resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1(1) of the Schedule to the Northern Ireland Act 2000 (c. 1) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:-

Title, commencement and interpretation

1.—(1) This Order may be cited as the Employment (Miscellaneous Provisions) (Northern Ireland) Order 2005.

(2) This Order comes into operation on the expiration of one month from the date on which it is made.

(3) The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

Enforcement of regulation of employment agencies and employment businesses

2.—(1) Part II of the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981 (NI 20) (regulation of employment agencies and employment businesses) is amended as follows.

(2) After Article 7 insert—

"**Appointment of officers**

7A.—(1) The Department—

(a) may appoint officers to act for the purposes of this Order; and

(b) may, instead of or in addition to appointing any such officers, arrange with any Minister of the Crown or public body, that officers of that Minister or body shall act for those purposes.

(2) In paragraph (1) "public body" means—

(a) a department of the Government of the United Kingdom;

(b) a Northern Ireland department; or

(c) a body performing functions on behalf of the Crown.

(3) When acting for the purposes of this Order, an officer shall, if so required, produce written evidence of his authority so to act.

Powers of officers

7B.—(1) An officer acting for the purposes of this Order may at all reasonable times—

(a) enter and inspect any relevant business premises;

(b) require the production of any records required to be kept under this Order, inspect and examine those records, remove those records from the premises where they are kept and copy any material part of them; and

(c) subject to paragraph (6), require any person on those premises to furnish him with such information as he may reasonably require for the purpose of ascertaining whether the provisions of this Order and of any regulations made thereunder are being complied with or of enabling the Department to exercise its functions under this Order.

(2) If an officer seeks to inspect or acquire, in accordance with paragraph (1)(b) or (c), a record or information which is not kept at the premises being inspected, he may require any person on the premises—

(a) to inform him where and by whom the record or information is kept, and

(b) to make arrangements, if it is reasonably practicable for the person to do so, for the record or information to be inspected by or furnished to the officer at the premises at a time specified by the officer.

(3) In paragraph (1) "relevant business premises" means premises—

(a) which are used, have been used or are to be used for or in connection with the carrying on of an employment agency or employment business,

(b) which the officer has reasonable cause to believe are used or have been used for or in connection with the carrying on of an employment agency or employment business, or

(c) which the officer has reasonable cause to believe are used for the carrying on of a business by a person who also carries on or has carried on an employment agency or employment business, if the officer also has reasonable cause to believe that records or other documents which relate to the employment agency or employment business are kept there.

(4) For the purposes of this Article—

(a) "record" includes information recorded in any form, and

(b) information is kept at premises if it is accessible from them.