

Fee-Charging Employment Agencies Act (No. 37 of 1956)

- Short title and date of operation. **1.**
- (1) This Act may be cited as the Fee-Charging Employment Agencies Act, No. 37 of 1956.
- (2) The provisions of this Act, other than this section and section 14, shall come into operation on such date, hereafter in this Act referred to as the "appointed date", as may be appointed by the Minister by Order published in the Gazette. This section and section 14 shall come into operation when this Act becomes an Act of Parliament.
- Necessity to obtain a licence. **2.** No person shall carry on the business of a fee-charging employment agency except under the authority of a licence issued by the Commissioner: Provided, however, that it shall not be a contravention of the preceding provisions of this section if a person who has commenced to carry on the business of a fee-charging employment agency before the appointed date and who has applied for a licence under this Act within the time allowed by section 3 (2) continues to carry on such business until the determination of his application for the licence. [* 1st March, 1958 appointed as the date of operation by Order published in Gazette No. 11,263 of 21st February, 1953.]
- Application for a licence. **3.**
- (1) Every application for a licence shall be in the prescribed form.
- (2) Every person carrying on the business of a fee-charging employment agency on the appointed date may apply to the Commissioner for a licence within one month after that date.
- Conditions to be fulfilled for the grant of a licence. **4.** No licence to carry on the business of a fee-charging employment agency shall be granted unless-
- (a) where such business is to be carried on by an individual, he is a citizen of Ceylon,
- (b) where such business is to be carried on by a firm, the partners of the firm are citizens of Ceylon,
- (c) where such business is to be carried on by a company, the majority of the shares in the capital of the company is held by citizens of Ceylon,
- (d) the person to be in charge of such business is of good reputation,
- (e) there are suitable premises for carrying on such business,

(f) the individual who, or the firm or company which, is to carry on such business undertakes that such business will be carried on in a morally and otherwise irreproachable manner,

(g) such individual, firm or company enters into a bond with the Commissioner, with two sureties, in such sum as may be determined by the Commissioner for the satisfaction of claims which might arise in connexion with such business, and

(h) such other conditions as may be prescribed for the purposes of this section are fulfilled.

Licence fee. **5.** No licence shall be issued by the Commissioner to any person unless such person pays the Commissioner the prescribed fee.

Form and duration of licence. **6.** Every licence shall-
(a) be in the prescribed form, and
(b) unless it is cancelled earlier, be in force for a period of twelve months from the date of its issue.

Fees for services not to exceed prescribed fees. **7.** No fee-charging employment agency shall charge for any service rendered by that agency a fee in excess of the prescribed fee for such service.

Securing employment abroad for persons in Ceylon or recruiting persons abroad for employment in Ceylon. **8.**
(1) No fee-charging employment agency shall find employment abroad for persons in Ceylon or recruit persons abroad for employment in Ceylon unless such agency has made a written application in that behalf to the Commissioner and such application has been approved by the Commissioner.
(2) No application under subsection (1) shall be approved by the Commissioner if the proposal contained in the application cannot be given effect to without contravening any law for the time being in force relating to immigration and emigration or to the employment in Ceylon of persons who are not citizens of Ceylon or if the applicant does not fulfil any such condition as may be prescribed in regard to applications under that subsection.

Maintenance of records. **9.** Every fee-charging employment agency shall maintain such records as may be prescribed.

Returns. **10.**
(1) The Commissioner may at any time by written direction

require a fee-charging employment agency to send him before the date specified in such direction-

(a) a return containing such particulars as he may require in relation to the business of such agency, and

(b) such written information or written explanation as he may require in respect of any particulars stated in any return sent by such agency.

(2) A fee-charging employment agency to which a direction under subsection (1) is issued shall comply with the direct on within such time as shall be specified in the direction.

Powers of entry and inspection.

11.

(1) The Commissioner or any prescribed officer may-

(a) for the purpose of ascertaining whether the provisions of this Act are being complied with, enter and inspect, at all reasonable hours of the day or night, the premises in which the business of a fee-charging employment agency is carried on, and

(b) inspect, and take copies of, any records required by or under this Act to be kept in respect of such business.

(2) Every person who obstructs or delays the Commissioner or any prescribed officer in the exercise of any power conferred on the Commissioner or such officer by subsection (1)

Commissioner's power to issue directions which are to be complied with.

12. The Commissioner may issue to a fee-charging employment agency such directions as he may think necessary for the purpose of making such agency comply with the provisions of this Act, and any such agency to whom any such direction is issued shall comply with it within such time as shall be specified therein.

Cancellation of licences.

13. The Commissioner may cancel any licence-

(a) if he is satisfied that the licensee-

(i) has contravened any of the provisions of this Act or of any regulation made thereunder or of any bond or undertaking entered into by the licensee under this Act, or

(ii) has been convicted of an offence under this Act, or

(iii) has not complied with any direction issued by the Commissioner to the licensee under this Act, or

(iv) has furnished in any application, or in any return, or in any written information or written explanation, sent by the licensee under this Act, any particulars which to the knowledge of the licensee are false or incorrect, or

(b) for such cause as may be prescribed.

Regulations. **14.**

(1) The Minister may make regulations

(a) in respect of all matters authorized or required by this Act to be prescribed, and

(b) for the purpose of carrying out or giving effect to the principles and provisions of this Act.

(2) No regulation made by the Minister shall have effect until it is approved by the Senate and the House of Representatives and notification of such approval is published in the Gazette.

(3) Regulations may be made by the Minister and approved by the Senate and the House of Representatives, and notification of such approval may be published, under this section before the appointed date, but where any regulations are so made and approved and notification of such approval is so published, those regulations shall not come into force until the appointed date.

Offences. **15.** Every person who-

(a) contravenes any of the provisions of this Act or of any regulation made thereunder, or

(b) furnishes any return, written information or written explanation containing any particulars which to his knowledge are false or incorrect,

shall be guilty of an offence under this Act.

Offences by bodies of persons. **16.** Where any offence under this Act is committed by a body of persons, then-

(a) if that body is a body corporate, every director of that body corporate shall be deemed to be guilty of that offence, and

(b) if that body is a firm, every partner of that firm shall be deemed

to be guilty of that offence:

Provided, however, that no such director or partner shall be deemed to be guilty of an offence under this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of that offence.

- Prosecutions. **17.** No prosecution for any offence under this Act shall be instituted except by or with the written sanction of the Commissioner.
- Punishment for offences. **18.** Every person who is guilty of an offence under this Act shall, on conviction after summary trial by a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a period not exceeding six months or to both such fine and imprisonment.
- Interpretation. **19.** In this Act, unless the context otherwise requires- " Commissioner" means the person for the time being holding the office of Commissioner of Labour and includes any person for the time being holding the office of Deputy or Assistant Commissioner of Labour; "fee-charging employment agency" means any individual, firm or company who or which, with a view to deriving directly or indirectly any pecuniary or other material advantage (whether such advantage be profit, a fee or Other pecuniary or material advantage), from an employer or a worker, acts as an intermediary for the purpose of procuring employment for a worker or of supplying an employer with a worker, but does not include any individual, firm or company who or which recruits seamen or publishes or causes to be published any newspaper or other publication unless that newspaper or other publication is solely or mainly concerned with the aforesaid purpose; " licence " means a licence issued under this Act; and " prescribed " means prescribed by regulation made under this Act.