

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**

Case Ref: CO/3627/2019

**IN THE MATTER OF THE JUDICIAL REVIEW**

**BETWEEN**

**SIMPLY LEARNING TUITION AGENCY LTD (1)**  
**MINERVA TUTORS LTD (2)**  
**TUTORFAIR LTD (3)**  
**ATHENA TUITION LTD (4)**  
**THINK TUTORS LIMITED (5)**  
**BONAS MACFARLANE TUITION LTD (6)**  
**BYT TUITION LTD (7)**  
**THE PROFS TUITION LIMITED (8)**  
**BLYTHE HALL LTD. T/A LIONHEART EDUCATION (9)**  
**(Collectively the "TUTOR INTRODUCING COMPANIES")**

**Claimants**

**SECRETARY OF STATE FOR THE DEPARTMENT FOR  
BUSINESS, ENERGY AND INDUSTRIAL STRATEGY**

**Defendant**

---

**ORDER**

---

**UPON** hearing Tarlochan Lall for the claimants and Esther Schutzer-Weissmann for the defendant

**AND UPON** reading post-hearing submissions from the claimants, the defendant, and the claimant's reply on the issues of the form of the declaration, costs and permission to appeal.

**IT IS DECLARED** that:

1. The definition of "employment" in s13(1) Employment Agencies Act 1973 ("EAA") in and for the purposes of the EAA includes in its application work provided by natural or legal

persons who provide services including tutoring services on a self-employed basis as an independent contractor. The meanings assigned to “employment agency” and “employment business” in and for the purposes of the EAA shall be construed accordingly.

**AND IT IS ORDERED** that:

2. The claimants are liable for two thirds of the costs of the defendant to be assessed if not agreed.
3. The claimants’ application for permission to appeal is refused.

Helen Mountfield QC (sitting as a Deputy High Court Judge)

26 August 2020