

Status: Point in time view as at 01/12/2004.

Changes to legislation: Gangmasters (Licensing) Act 2004 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1

THE AUTHORITY: CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

Public Records Act 1958

- 1 In Schedule 1 to the Public Records Act 1958 (c. 51) (definition of public records), in Part 2 of the Table at the end of paragraph 3, at the appropriate place insert— “Gangmasters Licensing Authority”.

Commencement Information

- I1** Sch. 1 para. 1 in force at 1.12.2004 by S.I. 2004/2857, art. 2(I)

Parliamentary Commissioner Act 1967

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (c. 13) (departments etc. subject to investigation), at the appropriate place insert— “Gangmasters Licensing Authority”.

Commencement Information

- I2** Sch. 1 para. 2 in force at 1.12.2004 by S.I. 2004/2857, art. 2(I)

Superannuation Act 1972

- 3 In Schedule 1 to the Superannuation Act 1972 (c. 11) (kinds of employment to which that Act applies), at the appropriate place insert— “Gangmasters Licensing Authority”.

Commencement Information

- I3** Sch. 1 para. 3 in force at 1.12.2004 by S.I. 2004/2857, art. 2(I)

House of Commons Disqualification Act 1975

- 4 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (bodies whose members are disqualified), at the appropriate place insert— “Gangmasters Licensing Authority”.

Status: Point in time view as at 01/12/2004.

Changes to legislation: Gangmasters (Licensing) Act 2004 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I4 Sch. 1 para. 4 in force at 1.12.2004 by S.I. 2004/2857, art. 2(I)

Northern Ireland Assembly Disqualification Act 1975

- 5 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (bodies whose members are disqualified), at the appropriate place insert—
 “Gangmasters Licensing Authority”.

Commencement Information

I5 Sch. 1 para. 5 in force at 1.12.2004 by S.I. 2004/2857, art. 2(I)

Freedom of Information Act 2000

- 6 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (bodies etc. that are public authorities for the purposes of the Act), at the appropriate place insert—
 “Gangmasters Licensing Authority”.

Commencement Information

I6 Sch. 1 para. 6 in force at 1.12.2004 by S.I. 2004/2857, art. 2(I)

SCHEDULE 2

Section 28

APPLICATION OF ACT TO NORTHERN IRELAND

Introduction

- 1 (1) The following provisions have effect in relation to the application of this Act to Northern Ireland.
- (2) For the purposes of this Schedule the relevant Northern Ireland department is the Department of Agriculture and Rural Development in Northern Ireland.

Commencement Information

I7 Sch. 2 para. 1 in force at 1.12.2004 by S.I. 2004/2857, art. 2(m)

General

- 2 (1) References in this Schedule to “work in Northern Ireland” are to work—
- (a) in Northern Ireland,
 - (b) on any portion of the shore or bed of the sea, or of an estuary or tidal river, adjacent to Northern Ireland, whether above or below (or partly above and partly below) the low water mark, or

Status: Point in time view as at 01/12/2004.

Changes to legislation: Gangmasters (Licensing) Act 2004 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(c) in Northern Ireland coastal waters.

(2) In sub-paragraph (1)(c) “Northern Ireland coastal waters” means waters adjacent to Northern Ireland to a distance of six miles measured from the baselines from which the breadth of the territorial sea is measured.

In this sub-paragraph “miles” means international nautical miles of 1,852 metres.

(3) The provisions of this Act relating to work in Northern Ireland apply where a person acts as a gangmaster, whether in Northern Ireland or elsewhere, in relation to work in Northern Ireland to which this Act applies.

(4) References in this Schedule to “Northern Ireland licences” are to licences under this Act in respect of activities as a gangmaster in relation to work in Northern Ireland.

Commencement Information

I8 Sch. 2 para. 2 in force at 1.12.2004 by S.I. 2004/2857, art. 2(m)

Section 1: The Gangmasters Licensing Authority

3 In relation to persons acting as gangmasters in Northern Ireland or persons acting as gangmasters in relation to work in Northern Ireland, the reference to the Secretary of State in section 1(2)(f) (power to prescribe additional functions of Authority) shall be read as a reference to the relevant Northern Ireland department.

Commencement Information

I9 Sch. 2 para. 3 in force at 1.12.2004 by S.I. 2004/2857, art. 2(m)

4 Before making any regulations under that provision, the relevant Northern Ireland department shall consult the Secretary of State.

Commencement Information

I10 Sch. 2 para. 4 in force at 1.12.2004 by S.I. 2004/2857, art. 2(m)

5 Before making any regulations under section 1(5) (regulations as to status, constitution etc of the Authority), the Secretary of State shall consult the relevant Northern Ireland department.

Commencement Information

I11 Sch. 2 para. 5 in force at 1.12.2004 by S.I. 2004/2857, art. 2(m)

Section 2: Directions etc. by the Secretary of State

6 In relation to the Authority’s functions in connection with persons acting as gangmasters in Northern Ireland or persons acting as gangmasters in relation to work in Northern Ireland, the references in section 2 to the Secretary of State shall be read as references to the relevant Northern Ireland department.

Status: Point in time view as at 01/12/2004.

Changes to legislation: Gangmasters (Licensing) Act 2004 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I12 Sch. 2 para. 6 in force at 1.12.2004 by [S.I. 2004/2857](#), **art. 2(m)**

Section 3: Work to which this Act applies

- 7 In section 3(5) (power to make regulations excluding or including work) as it applies in relation to work in Northern Ireland—
- (a) the reference to the Secretary of State shall be read as a reference to the relevant Northern Ireland department, and
 - (b) for the reference to the Diseases of Fish Act 1937 (c. 33) substitute a reference to the Fisheries Act (N.I.) 1966 (c. 17 (N.I.)).

Commencement Information

I13 Sch. 2 para. 7 in force at 1.12.2004 by [S.I. 2004/2857](#), **art. 2(m)**

Section 6: Prohibition of unlicensed activities

- 8 In section 6(2) (power to specify circumstances in which licence not required) as it applies in relation to work in Northern Ireland, the reference to the Secretary of State shall be read as a reference to the relevant Northern Ireland department.

Commencement Information

I14 Sch. 2 para. 8 in force at 1.12.2004 by [S.I. 2004/2857](#), **art. 2(m)**

VALID FROM 01/04/2005

Section 7: Grant of licences

- 9 The Authority shall grant separate licences in respect of activities as a gangmaster in relation to work in Northern Ireland.

VALID FROM 01/04/2005

Section 8: General power of Authority to make rules

- 10 (1) Rules under section 8 (general power of Authority to make rules) may make different provision for Northern Ireland licences.
- (2) In section 8(3) as it applies in relation to rules requiring the payment of fees in connection with Northern Ireland licences, the reference to the Secretary of State shall be read as a reference to the relevant Northern Ireland department.

Status: Point in time view as at 01/12/2004.

Changes to legislation: Gangmasters (Licensing) Act 2004 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Section 10: Appeals

- 11 In section 10 as it applies in relation to decisions made in connection with Northern Ireland licences, the reference to the Secretary of State shall be read as a reference to the relevant Northern Ireland department.

Commencement Information

I15 Sch. 2 para. 11 in force at 1.12.2004 by S.I. 2004/2857, art. 2(m)

VALID FROM 01/10/2006

Section 11: Register of licences

- 12 The Authority shall establish and maintain a separate register of Northern Ireland licences.

VALID FROM 01/10/2006

Section 13: Offences: entering into arrangements with gangmasters

- 13 In section 13(3) (power to make regulations as to what constitutes “reasonable steps”) as it applies in relation to persons entering into arrangements with gangmasters in relation to work in Northern Ireland, the reference to the Secretary of State shall be read as a reference to the relevant Northern Ireland department.

VALID FROM 01/10/2006

Section 14: Offences: supplementary provisions

- 14 In section 14(1) (additional powers of arrest) the reference to [F1 section 24A] of the Police and Criminal Evidence Act 1984 (c. 60) shall be read as a reference to Article 26(4) and (5) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/ 1341 (N.I. 12)).

Textual Amendments

F1 Words in Sch. 2 para. 14 substituted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 7 para. 62(b); S.I. 2005/3495, art. 2(1)(m)

Status: Point in time view as at 01/12/2004.

Changes to legislation: Gangmasters (Licensing) Act 2004 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 01/04/2005

Section 15: Enforcement and compliance officers

- 15 (1) The relevant Northern Ireland department may appoint officers (“enforcement officers”) to act for the purposes of this Act in Northern Ireland—
- (a) in enforcing the provisions of section 6 (prohibition of unlicensed activities), and
 - (b) in taking action in circumstances in which it appears that an offence under section 13 (persons entering into arrangements with gangmasters) has been, is being, or may be committed.
- (2) The relevant Northern Ireland department may, instead of or in addition to appointing enforcement officers under sub-paragraph (1), make arrangements with a relevant authority for officers of that authority to be enforcement officers in Northern Ireland.
- (3) The following are relevant authorities for this purpose—
- (a) the Authority,
 - (b) any Minister of the Crown or government department,
 - (c) any Minister within the meaning of the Northern Ireland Act 1998 (c. 47) or Northern Ireland department,
 - (d) any body performing functions on behalf of the Crown.

VALID FROM 01/04/2005

Section 17: Entry by warrant

- 16 In section 17 the reference in subsection (1) to information on oath shall be read as a reference to a complaint on oath.

VALID FROM 01/04/2005

Section 23: Annual report

- 17 (1) The Secretary of State shall send to the relevant Northern Ireland department a copy of every report laid by him before Parliament under section 23.
- (2) The relevant Northern Ireland department shall lay a copy of the report before the Northern Ireland Assembly.

VALID FROM 01/04/2005

Section 24: Financial provision

- 18 In relation to payments to the Authority with respect to its functions in connection with persons acting as gangmasters in Northern Ireland or persons

Status: Point in time view as at 01/12/2004.

Changes to legislation: Gangmasters (Licensing) Act 2004 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

acting as gangmasters in relation to work in Northern Ireland, the reference in section 24(1) to the Secretary of State shall be read as a reference to the relevant Northern Ireland department.

Section 25: Regulations, rules and orders

- 19 (1) In section 25(1) (meaning of “prescribed”) as it applies in relation to matters in relation to which the relevant Northern Ireland department has power to make regulations the reference to the Secretary of State shall be read as a reference to the relevant Northern Ireland department.
- (2) Regulations under this Act made by the relevant Northern Ireland department shall be made by statutory rule (for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/ 1573 (N.I. 12))).
- (3) A statutory rule containing regulations under section 3(5)(b) (regulations extending work to which this Act applies) must not be made unless a draft of the rule has been laid before and approved by the Northern Ireland Assembly.
- (4) Any other power under this Act to make a statutory rule is subject to negative resolution.

In this sub-paragraph “negative resolution” shall be construed in accordance with section 41 of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.)).

Commencement Information

I16 Sch. 2 para. 19 in force at 1.12.2004 by S.I. 2004/2857, art. 2(m)

VALID FROM 01/10/2006

Section 27: Exclusion of provisions relating to employment agencies and businesses

- 20 In section 27 as it applies in relation to activities in relation to work in Northern Ireland, the references to the Employment Agencies Act 1973 (c. 35) shall be read as references to Part 2 of the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981 (SI 1981/839 (N.I. 20)).

Section 29: Commencement and transitional provision

- 21 Before exercising the power under section 29(1) or (3) in relation to the coming into force of any provision of this Act in relation to persons acting as gangmasters in relation to work in Northern Ireland, the Secretary of State shall consult the relevant Northern Ireland department.

Commencement Information

I17 Sch. 2 para. 21 in force at 1.12.2004 by S.I. 2004/2857, art. 2(m)

Status:

Point in time view as at 01/12/2004.

Changes to legislation:

Gangmasters (Licensing) Act 2004 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.