STATUTORY RULES OF NORTHERN IRELAND

2010 No. 162

EMPLOYMENT

The Gangmasters Licensing (Exclusions) Regulations (Northern Ireland) 2010

Made - - - -	*21st April 2010*
Coming into operation-	*14th May 2010*

The Department of Agriculture and Rural Development(**1**) makes these Regulations in exercise of the powers conferred by section 6(2) of the Gangmasters (Licensing) Act 2004(**2**):

Citation and commencement

1. These Regulations may be cited as the Gangmasters Licensing (Exclusions) Regulations (Northern Ireland) 2010 and shall come into operation on 14th May 2010.

Interpretation

2.—(1) In these Regulations—

"the Act" means the Gangmasters (Licensing) Act 2004;

"the Department" means the Department of Agriculture and Rural Development;

"the Education Orders" have the same meaning as in Article 2 of the Education and Libraries (Northern Ireland) Order 1986(**3**);

"licence" means a licence granted by the Authority under section 7(1) of the Act authorising a person to act as a gangmaster.

(2) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to an Act of the Assembly.

Circumstances in which a licence is not required

3. A person does not require a licence to act as a gangmaster in the circumstances specified in—

(a) paragraphs 2 or 3 of Part 1;

(**1**) Formerly the Department of Agriculture for Northern Ireland, *see* Article 3(4) of S.I. 1999/283 (N.I. 1)
(**2**) 2004 c.11; *see* modifications to section 6(2) by paragraphs 8, 19(1) and 19(2) of Schedule 2
(**3**) S.I. 1986 No. 594 (N.I. 3); Article 2 was amended by S.I. 1998/1759 (N.I. 13)
(**4**) 1954 c.33 (N.I.)

(b) any of paragraphs 2 to 13 of Part 2; or

(c) Part 3 or 4,

of the Schedule.

Revocation

4. The Gangmasters Licensing (Exclusions) Regulations (Northern Ireland) 2006(**5**) are revoked.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 21st April 2010.

L.S.

John Speers
A senior officer of the Department of Agriculture and Rural Development

(**5**) S.R. 2006 No. 340

SCHEDULE Regulation 3

CIRCUMSTANCES IN WHICH A LICENCE IS NOT REQUIRED UNDER THE 2004 ACT

PART 1

Produce workers

1. In this Part—

"catering establishment" means—

(a) a restaurant, canteen, club, public house, school kitchen, prison kitchen, hospital kitchen or similar establishment (including a vehicle or a fixed or mobile stall) where—

(i) food is cooked or made ready for consumption without further preparation; and

(ii) food is prepared for service to the consumer;

(b) other premises where—

(i) food is cooked or made ready for consumption without further preparation;

(ii) food is prepared for service to the consumer; and

(iii) there is no change of ownership of the food concerned between preparation and delivery to the consumer;

"distribution warehouse" means premises where produce is received prior to onward distribution to a wholesale or retail establishment and—

(a) there is no change in the ownership of the produce concerned between receipt and onward distribution; and

(b) the wholesale or retail establishment to which delivery is made is excluded under paragraph 2; and

(c) the premises are owned by the same person that owns the retail or wholesale establishment to which the produce is delivered;

"produce" means produce derived from agricultural work, shellfish, fish or products derived from shellfish or fish;

"wholesale establishment" means a facility operated solely for the purpose of selling produce for the purposes of resale or to a catering establishment, and includes a cash and carry warehouse but excludes a food processing or packing facility.

2. The supply or use of a worker to process or pack produce if the worker is supplied to—

(a) a catering establishment;

(b) a shop or other retail establishment;

(c) a wholesale market;

(d) a wholesale establishment;

(e) a distribution warehouse.

3. The supply of a worker to process or pack a product which includes a derivative of produce but where the product concerned is not a food product, pet food product or a product which is primarily an agricultural, fish or shellfish product.