STATUTORY RULES OF NORTHERN IRELAND

2006 No. 340

EMPLOYMENT

The Gangmasters Licensing (Exclusions) Regulations (Northern Ireland) 2006

Made - - - -	*17th August 2006*
Coming into operation	*11th September 2006*

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

Citation and commencement

1. These Regulations may be cited as the Gangmasters Licensing (Exclusions) Regulations (Northern Ireland) 2006 and shall come into operation on 11th September 2006.

Interpretation

2.—(1) In these Regulations—

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

"the Authority" means the Gangmasters Licensing Authority;

"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.

(**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.)

Circumstances in which a licence is not required

3. A person does not require a licence to act as a gangmaster under section 6(1) of the Act in the circumstances specified in paragraphs 2 to 15 of the Schedule.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 17th August 2006.

L.S.

R Jordan
A senior officer of the Department of Agriculture and Rural Development

SCHEDULE

Regulation 3

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

1. In this Schedule—

"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 used solely for the purpose of cooking or making food ready for consumption, without further preparation, after 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 of this Schedule; and

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

"farmer" means a person—

(a) who occupies land used for agricultural activities; or

(b) who owns or operates a business that pursues agricultural activities in whole or in part; or

(c) is an employed person with management responsibility for all or part of a business that pursues agricultural activities;

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

"Seasonal Agricultural Workers Scheme" means a scheme operated by Work Permits UK, part of the Home Office, which allows farmers and growers in the United Kingdom to recruit overseas workers to undertake work that is both seasonal and agricultural;

"share farming agreement" means an agreement entered into between two or more persons to share the gross receipts of—

(a) their separate business assets; or

(b) services for carrying out specified farming operations,

as divided between them and paid to the businesses in agreed proportions;

"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.

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.