

Changes to legislation: Immigration Act 2016, Cross Heading: Gangmasters (Licensing) Act 2004 (c. 11) is up to date with all changes known to be in force on or before 03 April 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) View outstanding changes

SCHEDULES

SCHEDULE 3

CONSEQUENTIAL AND RELATED AMENDMENTS

Gangmasters (Licensing) Act 2004 (c. 11)

13 The Gangmasters (Licensing) Act 2004 is amended as follows.

Commencement Information

11 Sch. 3 para. 13 in force at 12.7.2016 by S.I. 2016/603, reg. 3(u)

14 In the italic heading before section 1, for “Gangmasters Licensing Authority” substitute “Gangmasters and Labour Abuse Authority”.

Commencement Information

12 Sch. 3 para. 14 in force at 12.7.2016 by S.I. 2016/603, reg. 3(u)

15 In section 1 (Gangmasters Licensing Authority)—

- (a) in the heading, for “Gangmasters Licensing Authority” substitute “Gangmasters and Labour Abuse Authority”;
- (b) for subsection (1) substitute—

“(1) The body known as the Gangmasters Licensing Authority is to continue to exist and is to be known as the Gangmasters and Labour Abuse Authority (in this Act referred to as “the Authority”).”;
- (c) after subsection (3) insert—

“(3A) When carrying out functions during a year to which a labour market enforcement strategy approved under section 2 of the Immigration Act 2016 relates, the Authority and its officers must carry out those functions in accordance with the strategy.”

Commencement Information

13 Sch. 3 para. 15 in force at 12.7.2016 by S.I. 2016/603, reg. 3(u)

16 In section 2 (directions etc by the Secretary of State), in subsection (2) after “the Authority” insert “and the Director of Labour Market Enforcement”.

Commencement Information

14 Sch. 3 para. 16 in force at 12.7.2016 by S.I. 2016/603, reg. 3(u)

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- 17 In section 3 (work to which Act applies)—
- (a) in subsection (5)(b), for the words from “the following nature” to the end substitute “ a prescribed description as being work to which this Act applies ”;
 - (b) after subsection (5) insert—
 - “(6) The Secretary of State must consult the Authority and the Director of Labour Market Enforcement before making regulations under subsection (5).”

Commencement Information

I5 Sch. 3 para. 17 in force at 12.7.2016 by S.I. 2016/603, reg. 3(u)

- 18 In section 8 (general power of Authority to make rules)—
- (a) in subsection (1), after “may” insert “ with the approval of the Secretary of State ”;
 - (b) omit subsection (3).

Commencement Information

I6 Sch. 3 para. 18 in force at 12.7.2016 by S.I. 2016/603, reg. 3(u)

- 19 In section 14 (offences: supplementary provisions) after subsection (2) insert—
- “(2A) Subsections (1) and (2) do not apply to an enforcement officer who is acting for the purposes of this Act in relation to England and Wales if the officer is a labour abuse prevention officer within the meaning of section 114B of the Police and Criminal Evidence Act 1984 (PACE powers for labour abuse prevention officers).”

Commencement Information

I7 Sch. 3 para. 19 in force at 12.7.2016 by S.I. 2016/603, reg. 3(u)

- 20 In section 15 (enforcement and compliance officers) after subsection (6) insert—
- “(6A) Subsections (5) and (6) do not apply to an enforcement officer who is acting for the purposes of this Act in relation to England and Wales if the officer is a labour abuse prevention officer within the meaning of section 114B of the Police and Criminal Evidence Act 1984 (PACE powers for labour abuse prevention officers).”

Commencement Information

I8 Sch. 3 para. 20 in force at 12.7.2016 by S.I. 2016/603, reg. 3(u)

- 21 In section 16 (powers of officers) before subsection (1) insert—
- “(A1) This section does not apply to an enforcement officer who is acting for the purposes of this Act in relation to England and Wales if the officer is a labour abuse prevention officer within the meaning of section 114B of the Police

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and Criminal Evidence Act 1984 (PACE powers for labour abuse prevention officers).”

Commencement Information

I9 Sch. 3 para. 21 in force at 12.7.2016 by S.I. 2016/603, reg. 3(u)

22 In section 17 (entry by warrant) before subsection (1) insert—

“(A1) This section does not apply to an enforcement officer who is acting for the purposes of this Act in relation to England and Wales if the officer is a labour abuse prevention officer within the meaning of section 114B of the Police and Criminal Evidence Act 1984 (PACE powers for labour abuse prevention officers).”

Commencement Information

I10 Sch. 3 para. 22 in force at 12.7.2016 by S.I. 2016/603, reg. 3(u)

23 (1) Section 19 (information relating to gangmasters) is amended as follows.

(2) In subsection (1)—

- (a) for the words before paragraph (a) substitute “ Information to which this subsection applies— ”;
- (b) for paragraph (a) substitute—
 - “(a) may be supplied to any person for use for the purposes of, or for any purpose connected with, the exercise of functions under this Act,
 - (aa) may be supplied to any person by whom, or by whose officers, labour market enforcement functions are exercisable for the purposes of, or for any purpose connected with, the exercise of such functions, and”.

(3) After subsection (1) insert—

“(1A) Subsection (1) applies to—

- (a) information held by any person for the purposes of, or for any purpose connected with, the exercise of functions under this Act, and
- (b) information held by any officer acting by virtue of section 26(3) of the Immigration Act 2016 (investigative functions in connection with labour market enforcement undertakings and orders).

(1B) In subsection (1) “labour market enforcement functions” has the same meaning as in Chapter 1 of Part 1 of the Immigration Act 2016 (see section 3 of that Act).”

(4) In subsection (2)—

- (a) omit “relating to the operations of a person acting as a gangmaster”;
- (b) for “(1)(b)” substitute “ (1)(aa) or (b) ”.

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Commencement Information

III Sch. 3 para. 23 in force at 12.7.2016 by S.I. 2016/603, reg. 3(u)

- 24 (1) Schedule 2 (application of Act to Northern Ireland) is amended as follows.
- (2) In the italic heading before paragraph 3, for “Gangmasters Licensing Authority” substitute “Gangmasters and Labour Abuse Authority”.
- (3) In paragraph 6—
- (a) after “work in Northern Ireland,” insert “—
(a)”;
- (b) at the end insert “, and
(b) the requirement under subsection (2) of that section to consult the Director of Labour Market Enforcement is to be ignored.”
- (4) In paragraph 7, for paragraph (b) substitute—
- “(b) paragraph (b) is to be read as if for “work of a prescribed description as being work to which this Act applies” there were substituted “work of the following nature as being work to which this Act applies—
- (i) the gathering (by any manner) of wild creatures, or wild plants, of a prescribed description and the processing and packaging of anything so gathered, and
- (ii) the harvesting of fish from a fish farm (within the meaning of the Fisheries Act (NI) 1966 (c 17 (NI)).”
- (5) In paragraph 10, for sub-paragraph (2) substitute—
- “(2) Section 8(1) as it applies in relation to Northern Ireland licences is to be read as if the words “with the approval of the Secretary of State” were omitted.
- (3) The Authority must consult the relevant Northern Ireland department before making any Northern Ireland rules about fees.”
- (6) After paragraph 16 insert—

“Section 19: Information relating to gangmasters

- 16A(1) Section 19 as it applies in relation to Northern Ireland functions is to be read as if—
- (a) paragraph (aa) of subsection (1) (and the reference to it in subsection (2)) were omitted,
- (b) subsections (1A)(b) and (1B) were omitted, and
- (c) in subsection (2), after “Information” there were inserted the words “relating to the operations of a person acting as a gangmaster”.
- (2) In this paragraph “Northern Ireland functions” means functions under this Act in connection with persons acting as gangmasters in Northern Ireland or persons acting as gangmasters in relation to work in Northern Ireland.

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Section 22A: Relationship with other agencies: requests for assistance

16B Section 22A does not apply 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.”

Commencement Information

I12 Sch. 3 para. 24 in force at 12.7.2016 by S.I. 2016/603, reg. 3(u)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2017/1241, Sch. by [S.I. 2018/31 reg. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 69(9)(d) and word inserted by [2023 c. 37 s. 21\(2\)\(b\)](#)
- Sch. 10 para. 3(2)(eza) inserted by [2023 c. 37 s. 13\(3\)\(a\)](#)
- Sch. 10 para. 3(3A)-(3C) inserted by [2023 c. 37 s. 13\(3\)\(b\)](#)
- Sch. 10 para. 3A and cross-heading inserted by [2023 c. 37 s. 13\(4\)](#)