Changes to legislation: *Gangmasters (Licensing) Act 2004, SCHEDULE 2 is up to date with all changes known to be in force on or before 07 July 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 2 U.K.

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

I1 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

(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

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

Changes to legislation: *Gangmasters (Licensing) Act 2004, SCHEDULE 2 is up to date with all changes known to be in force on or before 07 July 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*

Section 1: The [F1 Gangmasters and Labour Abuse Authority]

Textual Amendments

F1 Words in Sch. 2 para. 3 cross-heading substituted (12.7.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 3 para. 24(2)**; S.I. 2016/603, reg. 3(u)

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

I3 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

I4 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

I5 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**[**F2—

(a)**]** the references in section 2 to the Secretary of State shall be read as references to the relevant Northern Ireland department**[**F3, and

(b) the requirement under subsection (2) of that section to consult the Director of Labour Market Enforcement is to be ignored.**]**

Textual Amendments

F2 Word in Sch. 2 para. 6 inserted (12.7.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 3 para. 24(3)(a)**; S.I. 2016/603, reg. 3(u)

F3 Sch. 2 para. 6(b) inserted (12.7.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 3 para. 24(3)(b)**; S.I. 2016/603, reg. 3(u)

Changes to legislation: *Gangmasters (Licensing) Act 2004, SCHEDULE 2 is up to date with all changes known to be in force on or before 07 July 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*

Commencement Information

I6 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

[[F4](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)).**]**

Textual Amendments

F4 Sch. 2 para. 7(b) substituted (12.7.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 3 para. 24(4)**; S.I. 2016/603, reg. 3(u)

Commencement Information

I7 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

I8 Sch. 2 para. 8 in force at 1.12.2004 by S.I. 2004/2857, **art. 2(m)**

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.

Commencement Information

I9 Sch. 2 para. 9 in force at 1.4.2005 by S.I. 2005/447, **art. 2(o)**

Changes to legislation: *Gangmasters (Licensing) Act 2004, SCHEDULE 2 is up to date with all changes known to be in force on or before 07 July 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*

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.

[[F5](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.**]**

Textual Amendments

F5 Sch. 2 para. 10(2)(3) substituted for Sch. 2 para. 10(2) (12.7.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 3 para. 24(5)**; S.I. 2016/603, reg. 3(u)

Commencement Information

I10 Sch. 2 para. 10 in force at 1.4.2005 by S.I. 2005/447, **art. 2(o)**

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

I11 Sch. 2 para. 11 in force at 1.12.2004 by S.I. 2004/2857, **art. 2(m)**

Section 11: Register of licences

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

Commencement Information

I12 Sch. 2 para. 12 in force at 1.10.2006 by S.I. 2006/2406, **art. 2(h)**

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.

Commencement Information

I13 Sch. 2 para. 13 in force at 1.10.2006 by S.I. 2006/2406, **art. 2(h)**

Changes to legislation: *Gangmasters (Licensing) Act 2004, SCHEDULE 2 is up to date with all changes known to be in force on or before 07 July 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*

Section 14: Offences: supplementary provisions

14 In section 14(1) (additional powers of arrest) the reference to **[**[F6] section 24A **]** of the Police and Criminal Evidence Act 1984 (c. 60) shall be read as a reference to **[**[F7]Article 26(4) and (5)**][**[F7] Article 26A **]** of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/ 1341 (N.I. 12)).

Textual Amendments

F6 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)

F7 Words in Sch. 2 para. 14 substituted (N.I.) (1.3.2007) by The Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288), art. 1(2), **Sch. 1 para. 38**

Commencement Information

I14 Sch. 2 para. 14 in force at 1.10.2006 by S.I. 2006/2406, **art. 2(h)**

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.

Commencement Information

I15 Sch. 2 para. 15 in force at 1.4.2005 by S.I. 2005/447, **art. 2(o)**

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.

Commencement Information

I16 Sch. 2 para. 16 in force at 1.4.2005 by S.I. 2005/447, **art. 2(o)**

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[F8 Section 19: Information relating to gangmasters

Textual Amendments

F8 Sch. 2 paras. 16A, 16B and cross-headings inserted (12.7.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 3 para. 24(6)**; S.I. 2016/603, reg. 3(u)

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.

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.**]**

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.

Commencement Information

I17 Sch. 2 para. 17 in force at 1.4.2005 by S.I. 2005/447, **art. 2(o)**

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 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.

Commencement Information

I18 Sch. 2 para. 18 in force at 1.4.2005 by S.I. 2005/447, **art. 2(o)**

Changes to legislation: *Gangmasters (Licensing) Act 2004, SCHEDULE 2 is up to date with all changes known to be in force on or before 07 July 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*

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

I19 Sch. 2 para. 19 in force at 1.12.2004 by S.I. 2004/2857, **art. 2(m)**

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)).

Commencement Information

I20 Sch. 2 para. 20 in force at 1.10.2006 for specified purposes by S.I. 2006/2406, **art. 2(i)**

I21 Sch. 2 para. 20 in force at 6.4.2007 for specified purposes by S.I. 2007/695, **art. 2(e)**

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

I22 Sch. 2 para. 21 in force at 1.12.2004 by S.I. 2004/2857, **art. 2(m)**

Changes to legislation:
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View outstanding changes

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. 15(7) inserted by 2015 c. 20 s. 92