

Changes to legislation: There are currently no known outstanding effects for the Rent (Agriculture) Act 1976, SCHEDULE 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3

Section 1.

PROTECTED OCCUPIERS IN THEIR OWN RIGHT

Modifications etc. (not altering text)

C1 Sch. 3 applied by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 24, [Sch. 3 para. 1\(3\)](#)

PART I

DEFINITIONS

Qualifying worker

1 A person is a qualifying worker for the purposes of this Act at any time if, at that time, he has worked whole-time in agriculture, or has worked in agriculture as a permit worker, for not less than 91 out of the last 104 weeks.

Incapable of whole-time work in agriculture, or work in agriculture as a permit worker, in consequence of a qualifying injury or disease

- 2 (1) A person is, for the purposes of this Act, incapable of whole-time work in agriculture in consequence of a qualifying injury or disease if—
- (a) he is incapable of such work in consequence of—
 - (i) an injury or disease prescribed in relation to him, by reason of his employment in agriculture, under section 76(2) of the ^{M1}Social Security Act 1975, or
 - (ii) an injury caused by an accident arising out of and in the course of his employment in agriculture, and
 - (b) at the time when he became so incapable, he was employed in agriculture as a whole-time worker.
- (2) A person is, for the purposes of this Act, incapable of work in agriculture as a permit worker in consequence of a qualifying injury or disease if—
- (a) he is incapable of such work in consequence of any such injury or disease as is mentioned in sub-paragraph (1) above, and
 - (b) at the time when he became so incapable, he was employed in agriculture as a permit worker.
- (3) Where—
- (a) a person has died in consequence of any such injury or disease as is mentioned in sub-paragraph (1) above, and

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- (b) immediately before his death, he was employed in agriculture as a whole-time worker, or as a permit worker,
he shall be regarded for the purposes of this Act as having been, immediately before his death, incapable of whole-time work in agriculture, or work in agriculture as a permit worker, in consequence of a qualifying injury or disease.

Marginal Citations

M1 1975 c. 14.

Dwelling-house in qualifying ownership

- 3 (1) A dwelling-house in relation to which a person (“the occupier”) has a licence or tenancy is in qualifying ownership for the purposes of this Act at any time if, at that time, the occupier is employed in agriculture and the occupier’s employer either—
- (a) is the owner of the dwelling-house, or
 - (b) has made arrangements with the owner of the dwelling-house for it to be used as housing accommodation for persons employed by him in agriculture.
- (2) In this paragraph—
- “employer”, in relation to the occupier, means the person or, as the case may be, one of the persons by whom he is employed in agriculture;
- “owner”, in relation to the dwelling-house, means the occupier’s immediate landlord or, where the occupier is a licensee, the person who would be the occupier’s immediate landlord if the licence were a tenancy.

Supplemental

- 4 (1) The provisions of this paragraph shall have effect for determining what is whole-time work in agriculture for the purposes of this Part of this Schedule.
- (2) A person works whole-time in agriculture for any week in which—
- (a) he is employed to work in agriculture, and
 - (b) the number of hours for which he works in agriculture, or in activities incidental to agriculture, for the person or persons by whom he is so employed is not less than the standard number of hours.
- (3) Where a person is employed in agriculture as a whole-time worker, any week in which by agreement with his employer or, where he has two or more employers, by agreement with the employer or employers concerned he works less than the standard number of hours shall count as a week of whole-time work in agriculture.
- (4) If in any week a person who is employed in agriculture as a whole-time worker is, for the whole or part of the week—
- (a) absent from work in agriculture by reason of his taking a holiday to which he is entitled, or
 - (b) absent from work in agriculture with the consent of his employer or, where he has two or more employers, with the consent of the employer or employers concerned, or
 - (c) incapable of whole-time work in agriculture in consequence of an injury or disease (whether a qualifying injury or disease or not),

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that week shall count as a week of whole-time work in agriculture.

- (5) If in any week a person (whether employed in agriculture as a whole-time worker or not) is, for the whole or part of the week, incapable of whole-time work in agriculture in consequence of a qualifying injury or disease, that week shall count as a week of whole-time work in agriculture.
- 5 (1) The provisions of this paragraph shall have effect for determining what is work in agriculture as a permit worker for the purposes of this Part of this Schedule.
- (2) A person works in agriculture as a permit worker for any week in which he works in agriculture as an employee for the whole or part of the week and there is in force in relation to him a permit granted under section 5 of the ^{M2}Agricultural Wages Act 1948.
- (3) If in any week a person who is employed in agriculture as a permit worker is, for the whole or part of the week—
- (a) absent from work in agriculture by reason of his taking a holiday to which he is entitled, or
 - (b) absent from work in agriculture with the consent of his employer or, where he has two or more employers, with the consent of the employer or employers concerned, or
 - (c) incapable of work in agriculture as a permit worker in consequence of an injury or disease (whether a qualifying injury or disease or not),
- that week shall count as a week of work in agriculture as a permit worker.
- (4) If in any week a person (whether employed in agriculture as a permit worker or not) is, for the whole or part of the week, incapable of work in agriculture as a permit worker in consequence of a qualifying injury or disease, that week shall count as a week of work in agriculture as a permit worker.

Marginal Citations

M2 1948 c. 47.

- 6 For the purposes of this Part of this Schedule a person is employed in agriculture as a whole-time worker if he is employed to work in agriculture by the week, or by any period longer than a week, and the number of hours for which he is employed to work in agriculture, or in activities incidental to agriculture, in any week is not less than the standard number of hours.
- 7 For the purposes of this Part of this Schedule a person is employed in agriculture as a permit worker if he is employed in agriculture and there is in force in relation to him a permit granted under section 5 of the Agricultural Wages Act 1948.

PART II

TEMPORARY PROVISIONS AS RESPECTS CERTAIN FORESTRY WORKERS

Modifications etc. (not altering text)

C2 Pt. II modified by [Housing Act 1980 \(c. 51\)](#), [Sch. 8 para. 5](#)

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- 8 In this Act “the date of operation for forestry workers” means such date after the operative date as the Secretary of State and the Minister of Agriculture, Fisheries and Food acting jointly may appoint by order contained in a statutory instrument.

Modifications etc. (not altering text)

C3 1.10.1977 appointed under para. 8 by [S.I. 1977/1268](#), **art. 2**

- 9 (1) Whole-time work in forestry, and work in forestry as a permit worker, shall be left out of account in determining for the purposes of this Act whether, at a date before the date of operation for forestry workers, a person is a qualifying worker.
- (2) Employment in forestry as a whole-time worker, or as a permit worker, shall be left out of account in determining for the purposes of this Act whether, at a date before the date of operation for forestry workers, a person is incapable of whole-time work in agriculture or work in agriculture as a permit worker, in consequence of a qualifying injury or disease.
- 10 (1) The question of what is whole-time work in forestry, or work in forestry as a permit worker, for the purposes of this Part of this Schedule shall be determined in the same way as what is whole-time work in agriculture, or work in agriculture as a permit worker, is determined for the purposes of Part I of this Schedule, and for that purpose all work which is not work in forestry shall be disregarded.
- (2) For the purposes of this Part of this Schedule a person is employed in forestry as a whole-time worker if he is employed to work in forestry by the week, or by any period longer than a week, and the number of hours for which he is employed to work in forestry, or in activities incidental to forestry, in any week is not less than the standard number of hours.
- (3) For the purposes of this Part of this Schedule a person is employed in forestry as a permit worker if he is employed in forestry and there is in force in relation to him a permit granted under section 5 of the ^{M3}Agricultural Wages Act 1948.

Marginal Citations

M3 1948 c. 47.

PART III

SUPPLEMENTAL

- 11 (1) In this Schedule “employment” means employment under one or more contracts of employment, and cognate expressions shall be construed accordingly.
- (2) For the purposes of the definition in sub-paragraph (1) above “contract of employment” means a contract of employment or apprenticeship (whether express or implied and, if express, whether oral or in writing).
- 12 (1) In this Schedule “the standard number of hours” means 35 hours or such other number of hours as may be specified in an order made by the Secretary of State and the Minister of Agriculture, Fisheries and Food acting jointly.

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- (2) An order under this paragraph shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) An order made under this paragraph—
- (a) may contain transitional and other supplemental and incidental provisions, and
 - (b) may be varied or revoked by a subsequent order so made.

Modifications etc. (not altering text)

- C4** Certain functions of Minister of Agriculture, Fisheries and Food under para. 12 now exercisable (W.) by Secretary of State or Minister and Secretary of State jointly: [S.I. 1978/272](#), [art. 2](#), [Sch. 1](#)

- 13 Any reference in this Schedule to work in agriculture or in forestry, or to employment in agriculture or in forestry, is a reference to such work, or such employment, in the United Kingdom (including the Channel Islands and the Isle of Man) or in the territory of any other State which is a member of the European Economic Community.

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