

## SCHEDULES

### SCHEDULE 3

#### PROTECTED OCCUPIERS IN THEIR OWN RIGHT

##### PART I

##### DEFINITIONS

*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 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
  - (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.