

## SCHEDULES

### SCHEDULE 3

#### PROTECTED OCCUPIERS IN THEIR OWN RIGHT

##### 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 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.

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*Status: This is the original version (as it was originally enacted).*

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*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),
- 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 Agricultural Wages Act 1948.

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*Status: This is the original version (as it was originally enacted).*

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- (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.
- 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.