



# Gangmasters (Licensing) Act 2004

## 2004 CHAPTER 11

### *Scope of Act*

#### **3 Work to which this Act applies**

(1) The work to which this Act applies is—

- (a) agricultural work,
- (b) gathering shellfish, and
- (c) processing or packaging—
  - (i) any produce derived from agricultural work, or
  - (ii) shellfish, fish or products derived from shellfish or fish.

This is subject to any provision made by regulations under subsection (5) below and to section 5 (territorial scope of application).

(2) In subsection (1)(a) “agricultural work” means work in agriculture.

(3) In this Act “agriculture” includes—

- (a) dairy-farming,
- (b) the production for the purposes of any trade, business or other undertaking (whether carried on for profit or not) of consumable produce,
- (c) the use of land as grazing, meadow or pasture land,
- (d) the use of land as an orchard or as osier land or woodland, and
- (e) the use of land for market gardens or nursery grounds.

In paragraph (b) “consumable produce” means produce grown for sale, consumption or other use after severance from the land on which it is grown.

(4) In this Act “shellfish” means crustaceans and molluscs of any kind, and includes any part of a shellfish and any (or any part of any) brood, ware, halfware or spat of shellfish, and any spawn of shellfish, and the shell, or any part of the shell, of a shellfish.

(5) The Secretary of State may by regulations make provision—

- (a) excluding work of a prescribed description from being work to which this Act applies;

---

*Changes to legislation: Gangmasters (Licensing) Act 2004, Section 3 is up to date with all changes known to be in force on or before 10 August 2023. 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*

---

(b) including work of [<sup>F1</sup>a prescribed description as being work to which this Act applies].

[<sup>F2</sup>(6) The Secretary of State must consult the Authority and the Director of Labour Market Enforcement before making regulations under subsection (5).]

---

#### **Textual Amendments**

- F1** Words in s. 3(5)(b) substituted (12.7.2016) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 3 para. 17\(a\)](#); [S.I. 2016/603, reg. 3\(u\)](#)
- F2** S. 3(6) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 3 para. 17\(b\)](#); [S.I. 2016/603, reg. 3\(u\)](#)
- 

#### **Commencement Information**

- I1** S. 3 in force at 1.12.2004 by [S.I. 2004/2857, art. 2\(c\)](#)

**Changes to legislation:**

Gangmasters (Licensing) Act 2004, Section 3 is up to date with all changes known to be in force on or before 10 August 2023. 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.

[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](#)