



# 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;

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*Status: This is the original version (as it was originally enacted).*

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- (b) including 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 Diseases of Fish Act 1937 (c. 33)).