



Gangmasters (Licensing) Act 2004

2004 CHAPTER 11

Scope of Act

4 Acting as a gangmaster

- (1) This section defines what is meant in this Act by a person acting as a gangmaster.
- (2) A person (“A”) acts as a gangmaster if he supplies a worker to do work to which this Act applies for another person (“B”).
- (3) For the purposes of subsection (2) it does not matter—
 - (a) whether the worker works under a contract with A or is supplied to him by another person,
 - (b) whether the worker is supplied directly under arrangements between A and B or indirectly under arrangements involving one or more intermediaries,
 - (c) whether A supplies the worker himself or procures that the worker is supplied,
 - (d) whether the work is done under the control of A, B or an intermediary,
 - (e) whether the work done for B is for the purposes of a business carried on by him or in connection with services provided by him to another person.
- (4) A person (“A”) acts as a gangmaster if he uses a worker to do work to which this Act applies in connection with services provided by him to another person.
- (5) A person (“A”) acts as a gangmaster if he uses a worker to do any of the following work to which this Act applies for the purposes of a business carried on by him—
 - (a) harvesting or otherwise gathering agricultural produce following—
 - (i) a sale, assignment or lease of produce to A, or
 - (ii) the making of any other agreement with A,where the sale, assignment, lease or other agreement was entered into for the purpose of enabling the harvesting or gathering to take place;
 - (b) gathering shellfish;
 - (c) processing or packaging agricultural produce harvested or gathered as mentioned in paragraph (a).

Status: This is the original version (as it was originally enacted).

In this subsection “agricultural produce” means any produce derived from agriculture.

- (6) For the purposes of subsection (4) or (5) A shall be treated as using a worker to do work to which this Act applies if he makes arrangements under which the worker does the work—
- (a) whether the worker works for A (or for another) or on his own account, and
 - (b) whether or not he works under a contract (with A or another).
- (7) Regulations under section 3(5)(b) may provide for the application of subsections (5) and (6) above in relation to work that is work to which this Act applies by virtue of the regulations.