

GANGMASTERS LICENSING AUTHORITY, FORESTRY COMMISSION AND NORTHERN IRELAND FOREST SERVICE

JOINT STATEMENT

Introduction

This statement provides guidance on how the Gangmasters Licensing Authority's (GLA) licensing scheme affects the forestry industry. It outlines the circumstances for which a GLA licence is required. It also provides guidance on the activities that are excluded from the licensing scheme.

The guidelines below are intended to be a general guide in helping you decide whether you need to apply for a licence. You are strongly advised in all circumstances to contact the GLA where you have any doubts. Contact details are provided below.

Background

People operating in the forestry sector might be concerned with the term "gangmaster". The GLA, Forestry Commission and Northern Ireland Forest Service acknowledge these concerns. The term comes from the Gangmasters (Licensing) Act 2004, and is used to describe anyone who supplies or uses workers to provide a service for agriculture, shellfish gathering and food processing and packaging work and needs to have a gangmasters licence from the GLA (unless they are covered by an exclusion from this scheme).

The term "gangmaster" does not apply to those businesses who directly employ people to work on land owned or leased by them for the purpose of forestry.

How does the GLA licensing scheme apply to the forestry industry?

Forestry work is covered by the GLA licensing scheme under the definition of agriculture. Agriculture is defined in the Gangmasters (Licensing) Act 2004 using the same definition used in the Agricultural Wages Act 1948.

All work connected with the planting, establishment, maintenance and harvesting of woodland or forests is considered to be agricultural work and is covered by the gangmasters licensing scheme. Routine work which takes place after the timber has been felled but prior to the point of first sale (e.g. cutting it into lengths or planks) is also covered by the licensing scheme.

Planting, pruning or otherwise maintaining trees in urban parks or streets are not considered to be agricultural activities as they do not represent forestry work under the definition of the Act. The workers who plant them and carry out arboricultural

duties would be in the same position as gardeners who are not classified as agricultural workers. Therefore, this type of work is not covered by the gangmasters licensing scheme.

There are a number of exclusions to the GLA licensing scheme. These are set out in the Gangmasters Licensing (Exclusions) Regulations 2006. The principle exclusion that could apply for the forestry sector concerns the use of machinery.

- A forestry contractor using a worker to deliver a machinery service does not need to be licensed provided that the machinery is owned or hired by the contractor; and
- The worker is employed to operate or support the operation of the machinery to deliver the service.

There are further specific exclusions for individual forestry workers with relevant qualifications at NVO Level 2 or above. The circumstances that apply to these exclusions will be clarified when you contact the GLA.

Further guidance about the possible exclusions is available from the GLA.

Do you need a licence?

If you answer "yes" to any of the questions below, you probably need a GLA licence:

- Do you supply people for forestry work?
- Do you employ workers to provide a forestry service?
- Do you provide a forestry service using workers who are self employed or employed by others?
- Does anyone follow your instructions to provide a forestry service?
- Do you control where, when or how anyone carries out work in providing a forestry service?

Generally, forestry contractors and sub-contractors will be covered by the GLA licensing scheme. If you are not sure if you need a licence, please ring the GLA Helpline on **0845 602 5020**.

If you need a licence ...

You can apply online at www.gla.gov.uk or by ringing the GLA Helpline on 0845 602 5020.

How much will it cost?

The cost of your licence depends on the size of your business and your turnover in the sector regulated by the licensing scheme. You will need to pay the licence fee, as well as a one-off charge for an inspection when you apply. The fees for 2006/07 are banded so you can find out quickly what you will need to pay:

Size of business (turnover per year in the regulated sector)	Fee Level for 2006 - 07	Application Inspection Charge (plus VAT)
Over £10m	£4,000	£2,500
£5 – 10m	£2,000	£2,100
£1 – 5m	£750	£1,850
Less than £1m	£250	£1,600

What will the GLA inspect?

The inspection will be based on the GLA licensing standards. The standards are available on the GLA website or from the GLA Helpline **0845 602 5020**. The standards cover a range of current legal obligations, in particular health and safety measures. You will be expected to demonstrate compliance with these standards.

What will happen if you do not apply for a licence?

It became illegal to operate without a licence on 1 October 2006. If you think you need a licence but don't have one, you should contact the GLA immediately. GLA enforcement activity against gangmasters will be targeted according to risk. The GLA will not specifically be targeting forestry contractors at this time and can confirm that, unless there is evidence of significant exploitation of workers, it sees such activity as a low risk in relation to the deployment of enforcement resources. However, we would encourage those that need a licence to come forward for licensing by 1 February 2007.

It became illegal to use an unlicensed gangmaster on 1 December 2006. If you are a land owner or land management company that engages forestry contractors, you should check that they have a licence where this is applicable to their work. You can do this either by checking the GLA public register on the GLA website: www.gla.gov.uk or by ringing the GLA Helpline **0845 602 5020**. If your contractor is unlicensed, you should tell them to contact the GLA immediately otherwise you both may be operating illegally.

Where can you find further information?

Further information is available from the GLA: telephone **0845 602 5020**; email enquiries@gla.gsi.gov.uk; or post GLA, PO Box 8538, Nottingham NG8 9AF.

Further information is available on the GLA website: www.gla.gov.uk. You can also subscribe for regular information updates.