



This brief revises when a licence is required when using a worker to gather shellfish

Introduction

This guidance explains how the Gangmasters and Labour Abuse Authority's (GLAA) licensing scheme applies to those involved in the gathering of shellfish. In particular it seeks to clarify the point at which an individual is considered to materially influence the gathering of shellfish.

Who needs a licence?

A gangmaster is anybody who is undertaking work which requires a licence. You need a licence if you use a worker to gather shellfish. It does not matter if you directly or indirectly supply the worker(s) or procure the supply of the worker(s) through one or more intermediaries under a contract or not. Neither does it matter whether the worker is employed under a contract of employment, engaged under a contract for services or is self-employed.

Currently an individual or business needs a licence if they use a worker to gather shellfish. Using a worker to gather shellfish includes, but may not be restricted to, directly or indirectly:

- employing a worker under a contract of service, engaging a worker under a contract for services or using a self-employed person, or
- engaging or arranging or procuring a worker to gather shellfish, or
- managing, organising, instructing supervising or in any way controlling a worker, or
- determining or influencing where, when or how a worker gathers shellfish,
- suggesting, requiring, ordering or otherwise materially influencing, at the first point of sale the buying or selling of shellfish, or
- providing a worker with equipment, transport or other tools to gather shellfish.

The GLAA has reviewed its approach and recognised that some individuals who were seeking to buy shellfish may have been considered to be a gangmaster. As of 8 May 2018, a licence will be required where an individual or business uses a worker to gather shellfish in the following circumstances.

Using a worker to gather shellfish includes, but may not be restricted to, directly or indirectly:

- employing a worker under a contract of service, engaging a worker under a contract for services or using a self-employed person, or
- engaging, arranging or procuring a worker to gather shellfish, or
- managing, organising, instructing supervising or in any way controlling a worker, or
- determining or materially influencing where, when or how a worker gathers shellfish, or
- providing a worker with equipment, transport or other tools to gather shellfish.

Any person who requires a worker to gather from an area specifically for them, would require a GLAA licence. This would be irrespective of the licence / permit status of the gatherers.

Further information

1. If you any questions about this Brief, please contact the GLAA helpline on 0345 602 5020 or email licensing@gla.gsi.gov.uk.
2. For the latest news and updates from the GLAA:



Twitter: [@UK_Glaa](https://twitter.com/UK_Glaa)



Facebook: www.facebook.com/TheGLAA

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