



Agricultural Sector (Wales) Act 2014

2014 anaw 6

Miscellaneous

10 Meaning of “the national minimum wage”

- (1) Subject to subsections (2) to (5), “the national minimum wage” means the single hourly rate for the time being in force by virtue of regulations under section 1(3) of the 1998 Act.
- (2) Subsection (3) applies if, in the case of persons of any description, regulations under section 3(2) of the 1998 Act prevent them from being persons who (within the meaning of that Act) qualify for the national minimum wage.
- (3) This Act is to have effect in relation to persons of that description as if the national minimum wage were nil.
- (4) Subsection (5) applies if, in the case of persons of any description, regulations under section 3(2) of the 1998 Act prescribe a rate (“the reduced rate”) for the national minimum wage other than the single hourly rate for the time being prescribed under section 1(3) of that Act.
- (5) This Act is to have effect in relation to persons of that description as if the national minimum wage were the reduced rate.

11 Amendment of Working Time Regulations

- (1) The [Working Time Regulations 1998 \(SI 1998/1833\)](#) are amended as follows.
- (2) In regulation 2 (interpretation), in the definition of “worker employed in agriculture”, after “agriculture” insert “means, in relation to Wales, an agricultural worker within the meaning of section 18 of the Agricultural Sector (Wales) Act 2014 and otherwise”.
- (3) In paragraph 3 of Schedule 2 (workers employed in agriculture), after “1948” insert “, section 3 of the Agricultural Sector (Wales) Act 2014”.

12 Transitional provision

- (1) Notwithstanding the provisions listed in subsection (2), the provisions of the 2012 Wages Order are to have effect in relation to agricultural workers on and from 1 October 2013 until such time as the Welsh Ministers make an agricultural wages order.
- (2) The provisions are—
 - (a) section 72(4) and paragraph 2 of Schedule 20 to the Enterprise and Regulatory Reform Act 2013;
 - (b) article 4 of the [Enterprise and Regulatory Reform Act 2013 \(Commencement No. 1, Transitional Provisions and Savings\) Order 2013 \(SI 2013/1455\)](#).
- (3) The provisions of the 2012 Wages Order are, for the purposes of any right or liability accrued under them on or after 1 October 2013, to be treated as if they are provisions of an agricultural wages order made under section 3 of this Act.
- (4) In the event that the national minimum wage exceeds any minimum rate in the provisions of the 2012 Wages Order which is an hourly rate, the minimum rate in question is deemed to be the national minimum wage.
- (5) In the event that the national minimum wage is such that a minimum rate (other than an minimum rate which is an hourly rate) in the provisions of the 2012 Wages Order yields a lesser amount of remuneration for each hour worked than the hourly amount of the national minimum wage, the minimum rate in question is deemed to be a rate such as to yield an amount of remuneration for each hour worked equal to the hourly amount of the national minimum wage.
- (6) In this section, the “provisions of the 2012 Wages Order” means the provisions of the Agricultural Wages (England and Wales) Order 2012 (as made by the Agricultural Wages Board for England and Wales on 20 July 2012).

13 Report on operation and effect of this Act

- (1) The Welsh Ministers must, as soon as practicable after the end of the review period, lay before the National Assembly for Wales a report on the operation and effect of this Act during that period.
- (2) The report must, in particular, contain information about the effect that the operation of this Act has had upon—
 - (a) agricultural workers,
 - (b) employers of agricultural workers, and
 - (c) the agricultural sector generally.
- (3) Before preparing the report, the Welsh Ministers must consult such persons as they consider appropriate.
- (4) The Welsh Ministers must, as soon as practicable after the report has been laid before the National Assembly for Wales, publish the report in such manner as they consider appropriate.
- (5) In this section “the review period” means the period of 3 years beginning with the day on which this Act comes into force.

14 Duration of this Act

- (1) This Act (other than subsection (3) and, for the purposes of that subsection, sections 17(1), 17(2) and 18) ceases to have effect at the end of the expiration period, unless an order is made under subsection (2).
- (2) The Welsh Ministers may, by order, after the end of the review period but before the end of the expiration period, provide that this Act is to continue in effect despite subsection (1).
- (3) The Welsh Ministers may, by order, make such provision (including provision modifying any enactment) as may be necessary or expedient in consequence of this Act ceasing to have effect.
- (4) In this section—
 - “the expiration period” (“*y cyfnod dod i ben*”) means the period of 4 years beginning with the day on which this Act comes into force;
 - “the review period” (“*y cyfnod adolygu*”) has the same meaning as in section 13.