



# National Minimum Wage Act 1998

## 1998 CHAPTER 39

### *Agricultural workers*

#### **46 Relationship of this Act and agricultural wages legislation.**

- (1) A person who has been prosecuted for an offence which falls within paragraph (a) or (b) below, that is to say—
  - (a) an offence under any provision of this Act in its application for the purposes of the agricultural wages legislation, or
  - (b) an offence under any provision of this Act in its application otherwise than for the purposes of the agricultural wages legislation,shall not also be liable to be prosecuted for an offence which falls within the other of those paragraphs but which is constituted by the same conduct or alleged conduct for which he was prosecuted.
- (2) No amount shall be recoverable both—
  - (a) under or by virtue of this Act in its application for the purposes of the agricultural wages legislation, and
  - (b) under or by virtue of this Act in its application otherwise than for those purposes,in respect of the same work.
- (3) Nothing in the agricultural wages legislation, or in any order under that legislation, affects the operation of this Act in its application otherwise than for the purposes of that legislation.
- (4) In this section “the agricultural wages legislation” means—
  - (a) [<sup>F1</sup>the <sup>M1</sup>Agricultural Wages Act 1948;]
  - (b) the <sup>M2</sup>Agricultural Wages (Scotland) Act 1949; [<sup>F2</sup>and]
  - (c) the Agricultural Wages (Regulation) (Northern Ireland) Order 1977 [<sup>F3</sup>; and
  - (d) the Agricultural Sector (Wales) Act 2014.]

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*Changes to legislation: There are currently no known outstanding effects for the National Minimum Wage Act 1998, Section 46. (See end of Document for details)*

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### Textual Amendments

- F1** S. 46(4)(a) repealed (1.10.2013 for E.) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 20 para. 2](#); S.I. 2013/1455, art. 3(b), [Sch. 2](#) (with art. 4(2)(4)) (as amended (7.9.2013) by S.I. 2013/2271, art. 2)
- F2** Word in s. 46(4)(b) omitted (W.) (9.12.2015) by virtue of [The Agricultural Sector \(Wales\) Act 2014 \(Consequential Modification\) Order 2015 \(S.I. 2015/2001\)](#), arts. 1(1), [2\(b\)](#)
- F3** S. 46(4)(d) and word inserted (W.) (9.12.2015) by [The Agricultural Sector \(Wales\) Act 2014 \(Consequential Modification\) Order 2015 \(S.I. 2015/2001\)](#), arts. 1(1), [2\(b\)](#)
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### Marginal Citations

- M1** 1948 c. 47.
- M2** 1949 c. 30.

**Changes to legislation:**

There are currently no known outstanding effects for the National Minimum Wage Act 1998, Section 46.