



Agricultural Wages Act 1948

1948 CHAPTER 47 11 and 12 Geo 6

An Act to consolidate the Agricultural Wages (Regulation) Acts, 1924 to 1947, and so much of the Holidays with Pay Act, 1938, as enables a wage regulating authority to make provision for holidays and holiday remuneration for workers employed in agriculture in England and Wales. [13th July 1948]

Modifications etc. (not altering text)

- C1** Power to amend Act conferred by [Agriculture \(Miscellaneous Provisions\) Act 1968 \(c. 34\), s. 46\(1\)](#)
- C2** Act amended by Employment Protection act 1975 (c. 71), Sch. 9 Pt.II para. 1
- C3** Certain functions of Minister of Agriculture, Fisheries and Food under ss. 2, 9, 12-14, 16, Schs. 1, 3 now exercisable (W.) by Secretary of State or Minister and Secretary of State jointly: [S.I. 1978/272, arts. 2, 4, Schs. 1, 2](#)
Act: Certain functions of a Minister of the Crown transferred to the National Assembly for Wales (W.) (1.7.1999 subject to entry in [Sch. 1](#) of the amending Act) by [S.I. 1999/672, art. 2, Sch. 1](#)
- C4** Act excluded (1.4.1999) by [1998 c. 39, s. 46\(3\)\(4\)\(a\)](#) (with s. 36); [S.I. 1999/685, art. 2, Sch.](#) (with art. 3)
Power to amend Act conferred (1.4.1999) by [1998 c. 39, s. 47\(2\)\(a\)\(3\)](#) (with s. 36); [S.I. 1999/685, art. 2, Sch.](#) (with art. 3)

The Agricultural Wages Board and Agricultural Wages Committees

1 The Agricultural Wages Board for England and Wales.

- (1) There shall be a Board, to be called the Agricultural Wages Board for England and Wales (in this Act referred to as “the Board”), which shall have, in relation to each of the counties and combinations of counties in England and Wales for which agricultural wages committees are established under the next following section, such functions with respect to the fixing of minimum rates of wages for workers employed in agriculture and of directing that such workers shall be entitled to be allowed holidays, and such other functions, as are conferred on the Board by the subsequent provisions of this Act.

Status: Point in time view as at 06/04/2009.

Changes to legislation: Agricultural Wages Act 1948 is up to date with all changes known to be in force on or before 07 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) In the exercise, in relation to a county or combination of counties, of their functions under this Act with respect to fixing, cancelling and varying rates of wages, reckoning benefits and advantages as payment of wages and the payment of premiums in respect of apprentices or learners the Board shall, without prejudice to any other provision of this Act, have regard to representations made to them by the agricultural wages committee established under the next following section for the county or combination of counties.
- (3) The provisions of the First Schedule to this Act shall have effect with respect to the constitution and proceedings of the Board.

2 Agricultural wages committees for counties and combinations of counties.

- (1) Subject to the provisions of this Act, there shall be established, by order of the Minister made by statutory instrument, an agricultural wages committee for each county in England and Wales:
Provided that—
 - (a) as respects each combination of counties specified in the Second Schedule to this Act, there shall, in the first instance, be established as aforesaid a committee for the combination instead of a committee for each county; and
 - (b) if, in the case of each of the respective committees for two or more counties, there is passed by the members of the committee representing employers and the members thereof representing workers in agriculture a resolution in favour of combining the counties for the purposes of this Act, there may, if the Minister thinks it expedient, be established as aforesaid a committee for the combination of counties instead of separate committees for the several counties ^{F1}and
 - (c) there may, if the Minister thinks it expedient, be established as aforesaid a committee for the combination of all the counties in Wales instead of separate committees for counties or combinations of counties in Wales.]
- (2) Where an agricultural wages committee has been established for a combination of counties, the Minister at any time thereafter may, and on the representation of the committee by resolution of the members thereof representing employers and the members thereof representing workers in agriculture shall, by statutory instrument dissolve the committee.
- (3) A combination of counties for which an agricultural wages committee is established under this section shall, until the committee is dissolved, be deemed for the purposes of this section and the subsequent provisions of this Act to be one county.
- (4) The functions of agricultural wages committees under this Act shall, subject to the provisions of this Act and any order made thereunder, be exercised in accordance with any directions in that behalf given by the Board.
- (5) A resolution for the purposes of paragraph (b) of the proviso to subsection (1) of this section or of subsection (2) thereof, as the case may be, that is passed at a meeting of an agricultural wages committee unanimously by such of the members thereof representing employers and such of the members thereof representing workers in agriculture as are present and voting shall be deemed, for the purposes of the said paragraph (b) or the said subsection (2), as the case may be, to be a resolution of those members.

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- (6) The provisions of the Third Schedule to this Act shall have effect with respect to the constitution and proceedings of agricultural wages committees.

Textual Amendments

- F1** S. 2(1)(c) and the word preceding it inserted (1.12.1998) by 1998 c. 38, s. 149 (with ss. 139(2), 143(2)); S.I. 1998/2789, art. 2.

Wages and Holidays

[^{F2}3 **Power of Agricultural Wages Board to fix wages, holidays and other terms and conditions.**

- (1) Subject to and in accordance with the provisions of this section, the Board shall have power, for each county for which an agricultural wages committee is established under this Act, to make an order in accordance with the provisions of Schedule 4 to this Act—
- (a) fixing minimum rates of wages;
 - (b) directing holidays to be allowed;
 - (c) fixing any other terms and conditions of employment;
- for workers employed in agriculture.

- (2) The power of the Board to make an order under subsection (1)(a) of this section fixing minimum rates of wages is a power to make an order—
- (a) fixing minimum rates for time work;
 - (b) fixing minimum rates for piece work;
 - (c) fixing minimum rates for time work, to apply in the case of workers employed on piece work, for the purpose of securing to such workers a minimum rate of remuneration on a time work basis; or
 - (d) fixing separate minimum rates by way of pay in respect of holidays:

Provided that the minimum time rate for piece work shall not in any case be higher than the minimum rate which, if the work were time work, would be applicable thereto by virtue of paragraph (a) of this subsection.

- (2A) It shall be the duty of the Board to make an order under this section fixing such minimum rates of wages for time work as are referred to in paragraph (a) of the last preceding subsection.

^{F3}[No minimum rate fixed under this section which is an hourly rate shall be less than (2B) the national minimum wage.

(2C) No minimum rate fixed under this section which is a rate other than an hourly rate shall be such as to yield a less amount of wages for each hour worked than the hourly amount of the national minimum wage.]

- (3) An order under paragraph (b) of subsection (1) of this section directing that a worker shall be allowed a holiday—
- (a) shall not be made unless both minimum rates of wages in respect of the period of the holiday and minimum rates of wages otherwise than in respect of the holiday have been or are being fixed under this section for that worker;

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- (b) shall provide for the duration of the holiday's being related to the duration of the period for which the worker has been employed or engaged to be employed by the employer who is to allow the holiday; and
 - (c) subject as aforesaid, may make provision as to the times at which or the periods within which, and the circumstances in which, the holiday shall be allowed.
- (3A) An order under this section fixing separate minimum rates of wages in respect of holidays may make provision—
- (a) with respect to the times at which, and the conditions subject to which, those wages shall accrue and shall become payable, and
 - (b) for securing that any such wages which have accrued to a worker during his employment by any employer shall, in the event of his ceasing to be employed by that employer before he becomes entitled to be allowed a holiday by him, nevertheless become payable by the employer to the worker.
- (4) Any such minimum rates of wages as are mentioned in subsection (2) of this section may be fixed so as to vary according as the employment is for a day, week, month or other period, or according to the number of working hours, or the conditions of the employment, or so as to provide for a differential rate in the case of employment defined by the Board as being overtime employment, whether that employment is remunerated on a time work or a piece work basis.
- In the exercise of their powers under this subsection, the Board shall, so far as is reasonably practicable, secure a weekly half-holiday for workers.
- (5) An order under this section shall have effect as regards any terms as to remuneration from a date specified in the order, which may be a date earlier than the date of the order but not earlier than the date on which the Board agreed on those terms prior to publishing (in accordance with Schedule 4 to this Act) the original proposals to which effect is given, with or without modifications, by the order.
- (6) Any increase of wages payable by virtue of an order under this section in respect of any time before the date of the order (hereafter in this Act referred to as arrears of wages) shall be paid by the employer within a period specified in the order being—
- (a) in the case of a worker who is in the employment of the employer on that date, a period beginning with that date;
 - (b) in the case of a worker who is no longer in the employment of the employer on that date a period beginning with that date or the date on which the employer receives from the worker or a person acting on his behalf a request in writing for those wages, whichever is the later.
- (7) Nothing in this section shall be construed as preventing the Board fixing a minimum rate of wages so as to secure that workers employed in agriculture receive remuneration calculated by reference to periods during the currency of their employment.
- ^{F4} If the Board make, or purport to make, an order fixing a minimum rate under this
- (8) section—
- (a) which is an hourly rate but which is lower than the national minimum wage in force when that minimum rate comes into effect, or
 - (b) which is a rate other than an hourly rate but which is such as to yield a less amount of wages for each hour worked than the hourly amount of the national minimum wage in force when that minimum rate comes into effect,

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they shall be taken to have made an order fixing in place of that minimum rate a minimum rate equal to the national minimum wage or, as the case may be, a minimum rate such as to yield an amount of wages for each hour worked equal to the hourly amount of the national minimum wage.

- (9) If, at any time after a minimum rate which is an hourly rate comes into effect under this section, the national minimum wage becomes higher than that minimum rate, then, as respects any period beginning at or after that time, the Board shall be taken to have made an order fixing in place of that minimum rate a minimum rate equal to the national minimum wage.
- (10) If, at any time after a minimum rate other than an hourly rate comes into effect under this section, the national minimum wage is increased to such a level that that minimum rate yields a less amount of wages for each hour worked than the hourly amount of the national minimum wage, then, as respects any period beginning at or after that time, the Board shall be taken to have made an order fixing in place of that minimum rate a minimum rate such as to yield an amount of wages for each hour worked equal to the hourly amount of the national minimum wage.
- (11) Subsections (8) to (10) of this section are without prejudice to the power of the Board to make further orders under this section fixing any minimum rates.
- (12) Where an order under this section fixes any particular minimum rate of wages by reference to two or more component rates, of which—
- (a) one is the principal component, and
 - (b) the other or others are supplemental or additional components,
- (as in a case where the minimum rate for night work is fixed as the sum of the minimum rate payable in respect of work other than night work and a supplemental or additional minimum rate in respect of working at night) the national minimum wage provisions of this section apply in relation to the principal component rate and not the supplemental or additional component rates.
- (13) The national minimum wage provisions of this section do not apply in relation to any minimum rate which is in the nature of an allowance payable in respect of some particular responsibility or circumstance (as in a case where a minimum rate is fixed in respect of being required to keep a dog).
- (14) The national minimum wage provisions of this section do not apply in relation to any minimum rate fixed under this section—
- (a) by virtue of subsection (2)(d) of this section, or
 - (b) by virtue of section 67 of the ^{MI}Agriculture Act 1967 (sick pay),
- unless and to the extent that regulations under section 2 of the National Minimum Wage Act 1998 make provision which has the effect that circumstances or periods in respect of which the minimum rate in question is required to be paid to a worker are treated as circumstances in which, or times at which, a person is to be regarded as working.
- (15) In this section “ the national minimum wage provisions of this section ” means subsections (2B), (2C) and (8) to (10) of this section.]]

Textual Amendments

F2 S. 3 substituted by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 9 Pt. I](#)

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- F3** S. 3(2B)(2C) inserted (1.4.1999) by 1998 c. 39, s. 47, **Sch. 2 Pt. I para. 2(2)** (with s. 36); S.I. 1999/685, art. 2, **Sch. 1** (with art. 3)
- F4** S. 3(8)-(15) added (1.4.1999) by 1998 c. 39, ss. 47, **Sch. 2 Pt. I para. 2(3)** (with s. 36); S.I. 1999/685, art. 2, **Sch.**

Modifications etc. (not altering text)

- C5** S. 3(1)(a) amended by **Agriculture Act 1967 (c. 22), s. 67(1)(3)**
- C6** S. 3(7) amended *ibid.*, s. 67(2)

Marginal Citations

- M1** 1967 c. 22.

[3A ^{F5} **Enforcement.**

- (1) The enforcement provisions of the National Minimum Wage Act 1998 shall have effect for the purposes of this Act as they have effect for the purposes of that Act, but with the modifications specified in subsections (3) and (4) of this section.
- (2) In subsection (1) of this section “the enforcement provisions of the National Minimum Wage Act 1998” means the following provisions of that Act—
 - (a) sections 9 to 11 (records);
 - (b) section 14 (powers of officers);
 - (c) sections 17 and 19 to [F619H] (enforcement of right to national minimum wage);
 - (d) sections 23 and 24 (right not to suffer detriment);
 - (e) section 28 (evidence: reversal of burden of proof in civil proceedings);
 - (f) sections 31 to 33 (offences);
 - (g) section 48 (superior employers); and
 - (h) section 49 (restriction on contracting out).
- (3) In the application of any provision of the National Minimum Wage Act 1998 by subsection (1) of this section—
 - (a) any reference to that Act, other than a reference to a specific provision of it, includes a reference to this Act;
 - (b) any reference to a worker (within the meaning of that Act) shall be taken as a reference to a worker employed in agriculture (within the meaning of this Act);
 - (c) any reference to a person (however described) who qualifies for the national minimum wage shall be taken as a reference to a worker employed in agriculture;
 - (d) subject to paragraph (c) of this subsection, any reference to the national minimum wage, other than a reference to the hourly amount of the national minimum wage, shall be taken as a reference to the minimum rate applicable under this Act;
 - (e) subject to paragraph (c) of this subsection, any reference to qualifying for the national minimum wage shall be taken as a reference to being entitled to the minimum rate applicable under this Act;

^{F7}(f)

[In the application of section 17 of the National Minimum Wage Act 1998 by ^{F8}(3A) subsection (1) of this section—

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- (a) for subsection (2) there shall be substituted the following subsection—
- (^{F9}) [The amount referred to in subsection (1)(a) above] is the difference between—
- (a) the remuneration received by the worker as a worker employed in agriculture for the pay reference period from his employer; and
 - (b) the amount which he would have received as a worker employed in agriculture for that period had he been remunerated by the employer at the minimum rate applicable [^{F10} under the Agricultural Wages Act 1948].”
- (b) subsection (3) shall be disregarded.]
- [for subsection (4) there shall be substituted—
- ^{F11}(c) “(4) The amount referred to in subsection (1)(b) above is the amount determined by the formula—
- where—
- A is the amount described in subsection (2) above,
R1 is the minimum rate applicable under the Agricultural Wages Act 1948 in respect of the worker during the pay reference period, and
R2 is the minimum rate which would have been applicable under that Act in respect of the worker during the pay reference period had the minimum rate applicable under that Act in respect of the worker during that period been determined by reference to any order under section 3(1)(a) of that Act in force at the time of determination.”]
- (4) In the application of section 33 of the National Minimum Wage Act 1998 (proceedings for offences) by subsection (1) of this section, any reference to the Secretary of State shall be taken to include a reference to the Minister of Agriculture, Fisheries and Food.
- (5) In section 104A of the ^{M2} Employment Rights Act 1996 (unfair dismissal: national minimum wage) in subsection (1)(c)—
- (a) any reference to a person qualifying for the national minimum wage includes a reference to a person being or becoming entitled to a minimum rate applicable under this Act; and
 - (b) any reference to a person qualifying for a particular rate of national minimum wage includes a reference to a person being or becoming entitled to a particular minimum rate applicable under this Act.]

Textual Amendments

- F5** S. 3A inserted (1.4.1999) by 1998 c. 39, s. 47, **Sch. 2 Pt. I para. 3** (with s. 36); S.I. 1999/685, art. 2, **Sch.**
- F6** Word in s. 3A(2)(c) substituted (6.4.2009) by Employment Act 2008 (c. 24), **ss. 9(6), 22(1)(a)** (with s. 9(7)); S.I. 2009/603, art. 2 (with art. 3Sch.)
- F7** S. 3A(3)(f) omitted (1.4.1999) by virtue of S.I. 1999/712, **art. 2(2)**
- F8** S. 3A(3A) inserted (1.4.1999) by S.I. 1999/712, **art. 2(3)**
- F9** Words in s. 3A(3A)(a) substituted (6.4.2009) by Employment Act 2008 (c. 24), **ss. 8(6)(a)(i), 22(1)(a)** (with s. 8(8)); S.I. 2009/603, art. 2 (with art. 3Sch.)
- F10** Words in s. 3A(3A)(a) substituted (6.4.2009) by Employment Act 2008 (c. 24), **ss. 8(6)(a)(ii), 22(1)(a)** (with s. 8(8)); S.I. 2009/603, art. 2 (with art. 3Sch.)
- F11** S. 3A(3A)(c) inserted (6.4.2009) by Employment Act 2008 (c. 24), **ss. 8(6)(b), 22(1)(a)** (with s. 8(8)); S.I. 2009/603, art. 2 (with art. 3Sch.)

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Marginal Citations

M2 1996 c. 18.

4 [F12Enforcement of holidays orders.]

- (1) Subject to the provisions of this Act, if an employer fails—
 - F13(a)
 - F13(b)
 - (c) to allow to any such worker the holidays fixed by the order; [F14or
 - F13(d)]

he shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds F15 . . .

F16(2)

- (3) In any proceedings against a person under this section it shall lie with him to prove that he F17 . . . has allowed the holidays fixed by the order, F17 . . .

F18(4)

Textual Amendments

- F12 Sidenote to s. 4 becomes “Enforcement of holidays orders” (1.4.1999) by 1998 c. 39, s. 47, **Sch. 2 Pt. I para. 4(2)** (with s. 36); S.I. 1999/685, art. 2, **Sch.** (with art. 3)
- F13 S. 4(1)(a)(b)(d) repealed (1.4.1999) by 1998 c. 39, ss. 47, 53, Sch. 2 Pt. I para. 4(1)(a)(i), **Sch. 3** (with s. 36); S.I. 1999/685, art. 2, **Sch.** (with art. 3)
- F14 Word and s. 4(1)(d) inserted by **Employment Protection Act 1975 (c. 71), Sch. 9 Pt. II para. 1**
- F15 Words in s. 4(1) repealed (1.4.1999) by 1998 c. 39, ss. 47, 53, Sch. 2 Pt. I para. 4(1)(a)(ii), **Sch. 3** (with s. 36); S.I. 1999/685, art. 2, **Sch.** (with art. 3)
- F16 S. 4(2) repealed (1.4.1999) by 1998 c. 39, ss. 47, 53, Sch. 2 Pt. I para. 4(1)(b), **Sch. 3** (with s. 36); S.I. 1999/685, art. 2, **Sch.** (with art. 3)
- F17 Words in s. 4(3) repealed (1.4.1999) by 1998 c. 39, ss. 47, 53, Sch. 2 Pt. I para. 4(1)(c), **Sch. 3** (with s. 36); S.I. 1999/685, art. 2, **Sch.** (with art. 3)
- F18 S. 4(4) repealed (1.4.1999) by 1998 c. 39, ss. 47, 53, Sch. 2 Pt. I para. 4(1)(d), **Sch. 3** (with s. 36); S.I. 1999/685, art. 2, **Sch.** (with art. 3)

Modifications etc. (not altering text)

- C7 S. 4(1) amended by **Employment Protection Act 1975 (c. 71, SIF 43:1), s. 97, Sch. 9 Pt. II para. 5** and **Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38** (increase of fines) and 46 (substitution of references to levels on the standard scale)

5 Permits to incapacitated persons.

- (1) If, on an application in that behalf, an agricultural wages committee are satisfied that a worker employed or desiring to be employed in their county on time work to which a minimum rate fixed under this Act is applicable, or on piece work to which a minimum time rate so fixed is applicable, is so affected by any physical injury or mental deficiency, or any infirmity due to age or to any other cause, that he is incapable of earning that minimum rate, the committee shall grant to him a permit exempting, as from the date of the application or from a later date specified in the permit, his

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employment from the provisions of [F¹⁹subsection (1) of section 31 of the National Minimum Wage Act 1998 as it applies for the purposes of this Act (offence of refusing or wilfully neglecting to pay worker at applicable rate)], subject to such conditions as may be specified in the permit, including, if the committee think fit, a condition as to the wages to be paid to the worker, and, while the permit has effect, an employer shall not be liable to [F²⁰any legal proceedings under that subsection, as it so applies, for refusing or wilfully neglecting] to pay to the worker wages at a rate not less than the minimum rate if those conditions are complied with.

F²¹[(1A) Every permit under subsection (1) of this section (whenever granted) shall be deemed to contain a condition that the worker to whom it is granted must at any time be paid at a rate which—

- (a) in the case of an hourly rate, is not less than the national minimum wage in force at that time; or
- (b) in the case of a rate other than an hourly rate, is such as to yield an amount of wages for each hour worked which is not less than the hourly amount of the national minimum wage in force at that time.

(1B) The condition which a permit is deemed to contain by virtue of subsection (1A) of this section—

- (a) overrides any other condition which the permit contains as to payment of wages, to the extent that that other condition provides for payment of wages at any time at a lower rate; but
- (b) is without prejudice to any other condition which the permit contains as to payment of wages, to the extent that that other condition provides for payment of wages at any time at a higher rate.]

(2) If an application for a permit under [F²²subsection (1) of this section] is not disposed of within twenty-one days after the day on which it is received, then the employer of the worker to whom the application relates shall not be liable to [F²³any legal proceedings under section 31(1) of the National Minimum Wage Act 1998, as it applies for the purposes of this Act, for refusing or wilfully neglecting] to pay to the worker wages at a rate not less than the minimum rate during the interval between the expiration of the said period and the date on which the application is ultimately disposed of.

F²⁴(2A) If on an application in that behalf an agricultural wages committee are satisfied that a worker employed or desiring to be employed in their county is so affected by any physical injury or mental deficiency, or any infirmity due to age or any other cause, as to make it inappropriate for any terms and conditions of employment (other than those with respect to wages and holidays) fixed by an order under this Act to apply to him, the committee shall grant him, subject to any conditions that they may determine, a permit dispensing, as from the date of the application or a later date specified in the permit, with a term or condition specified in the order, and while the permit is in force and any conditions to which the permit is subject are complied with, the terms and conditions fixed by the order shall be deemed to be observed.]

(3) Where an agricultural wages committee have granted a permit under subsection (1) [F²⁵or (2A)] of this section and at any time thereafter it appears to the committee, whether on an application under this subsection or otherwise, that the worker to whom the permit relates is no longer so affected by any such incapacity as is mentioned in the said subsection (1) [F²⁵or (2A)] as to be incapable of earning the minimum rate in question, the committee shall revoke the permit.

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- (4) Where an agricultural wages committee have granted such a permit as aforesaid and it appears to the committee, whether on an application under this subsection or otherwise, that, by reason of any change in minimum rates of wages or in the circumstances of the worker to whom the permit relates, it is expedient to vary any condition specified in the permit, the committee may direct that the condition shall be varied in such manner as may be specified in the direction [^{F26}and, in the case of a variation caused by a change made by an order under this Act in the minimum rates of wages, that variation shall take effect from a date specified in the direction, not being earlier than the date of the change.]
- [^{F27}(4A) Any increase of wages payable by virtue of a variation of a permit under subsection (4) of this section in respect of any time before the date of the variation shall be paid by the employer within a period specified in the order being—
- (a) in the case of a worker who is in the employment of the employer on the date on which notice of the variation is given in accordance with subsection (5) of this section, a period beginning with that date;
 - (b) in the case of a worker who is no longer in the employment of the employer on the date referred to in the last preceding paragraph, a period beginning with that date or the date on which the employer receives from the worker or a person acting on his behalf a request in writing for those wages, whichever is the later.]
- (5) Before revoking any permit or varying any condition under the preceding provisions of this section, an agricultural wages committee shall serve on the worker to whom the permit relates, and, in a case where the identity of his employer is known to the committee, on his employer, notice of their proposal so to do, and afford to the worker and the employer (where such a notice as aforesaid is required to be served on him) an opportunity of making representations to the committee, and no such revocation or variation as aforesaid shall take effect until notice of the revocation or variation has been served by the agricultural wages committee on the worker to whom the permit relates and, in a case where the identity of his employer is known to the committee, on his employer.
- A notice under this subsection shall be duly served on a person if sent to him by post in a registered letter.
- (6) Where a permit granted to a worker under subsection (1) of this section contains a condition for the payment of wages to the worker at a rate not less than the rate therein specified, the amount of wages that may be recovered from an employer of the worker in pursuance of this Act shall, as respects any period during which the permit had effect, be calculated on the basis of the rate so specified instead of on the basis of the minimum rate.

Textual Amendments

- F19** Words in s. 5(1) substituted (1.4.1999) by 1998 c. 39, s. 47, **Sch. 2 Pt. I para. 5(2)(a)** (with s. 36); S.I. 1999/685, art. 2, **Sch.** (with art. 3)
- F20** Words in s. 5(1) substituted (1.4.1999) by 1998 c. 39, s. 47, **Sch. 2 Pt. I para. 5(2)(b)** (with s. 36); S.I. 1999/685, art. 2, **Sch.** (with art. 3)
- F21** S. 5(1A)(1B) inserted (1.4.1999) by 1998 c. 39, s. 47, **Sch. 2 Pt. I para. 5(3)** (with s. 36); S.I. 1999/685, art. 2, **Sch.** (with art. 3)
- F22** Words in s. 5(2) substituted (1.4.1999) by 1998 c. 39, s. 47, **Sch. 2 Pt. I para. 5(4)(a)** (with s. 36); S.I. 1999/685, art. 2, **Sch.** (with art. 3)

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- F23** Words in s. 5(2) substituted (1.4.1999) by 1998 c. 39, s. 47, **Sch. 2 Pt. I para. 5(4)(b)** (with s. 36); S.I. 1999/685, art. 2, **Sch.** (with art. 3)
- F24** S. 5(2A) inserted by **Employment Protection Act 1975 (c. 71), Sch. 9 Pt. II para. 2(1)**
- F25** Words inserted by **Employment Protection Act 1975 (c. 71), Sch. 9 Pt. II para. 2(2)**
- F26** Words inserted by **Employment Protection Act 1975 (c. 71), Sch. 9 Pt. II para. 2(3)**
- F27** S. 5(4A) inserted by **Employment Protection Act 1975 (c. 71), Sch. 9 Pt. II para. 2(4)**

6 Provisions as to learners.

- (1) Where a minimum rate of wages has been fixed under this Act for a special class of workers defined by reference to the fact that they are in receipt of instruction in agriculture, and the order fixing the rate provides that this section shall have effect in relation thereto, the rate shall not apply in relation to a worker unless there is in force a certificate given by the agricultural wages committee for the county in which the worker is employed that they approved the terms of his employment.

A certificate under this subsection may provide that it shall be deemed to have been in force from such date not earlier than the making to the agricultural wages committee of the application for the certificate as may be specified in the certificate.

- (2) An agricultural wages committee in granting an application for a certificate under the preceding subsection may impose such conditions as appear to them requisite for securing that the worker to whom the application relates shall receive adequate instruction, and that the terms of his employment shall be in other respects satisfactory, and if (whether on an application under this subsection or otherwise) it appears to the committee that a condition imposed under this subsection is not being complied with, or that the terms of the worker's employment are no longer satisfactory, they may revoke the certificate.
- (3) An agricultural wages committee may (whether on an application under this subsection or otherwise) vary a condition imposed under the last preceding subsection.
- (4) Before revoking a certificate or varying a condition under the preceding provisions of this section, an agricultural wages committee shall serve on the worker to whom the certificate relates and on his employer notice of their proposal so to do, and afford to the worker and employer an opportunity of making representations to the committee, and no such revocation or variation as aforesaid shall take effect until notice of the revocation or variation has been served by the agricultural wages committee on the worker to whom the certificate relates and on his employer.

A notice under this subsection shall be duly served on a person if sent to him by post in a registered letter.

- (5) It shall not be lawful for the employer of a worker, being an apprentice or learner, who is employed in agriculture in a county for which an agricultural wages committee is established under this Act to receive directly or indirectly from the worker, or on his behalf or on his account, a payment by way of premium unless the payment is duly made in pursuance of an agreement approved for the purposes of this subsection by the agricultural wages committee, and the amount of a payment received in contravention of this subsection shall be recoverable by the person by whom the payment was made.
- (6) If an employer acts in contravention of the last preceding subsection he shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds, and in any proceedings against an employer under this subsection the court

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shall, whether there is a conviction or not, order the employer to repay any sum which the court finds to have been received by way of premium in contravention of the last preceding subsection.

- (7) Nothing in the last preceding subsection shall be taken to exclude the bringing otherwise than in accordance with that subsection of proceedings for the recovery of an amount due under subsection (5) of this section.
- (8) The Board may by order made in accordance with the provisions of the Fourth Schedule to this Act specify matters with respect to which an agricultural wages committee must be satisfied before granting a certificate under subsection (1) of this section or approving an agreement for the purposes of subsection (5) thereof.

Modifications etc. (not altering text)

C8 S. 6(6) amended by [Employment Protection Act 1975 \(c. 71, SIF 43:1\)](#), s. 97, **Sch. 9 Pt. II para. 5** and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38** (increase of fines) and 46 (substitution of references to levels on the standard scale)

7 Reckoning of benefits and advantages as payment of wages.

- (1) The Board shall have power, for each county for which an agricultural wages committee is established under this Act, by order made in accordance with the provisions of the Fourth Schedule to this Act—
 - (a) to define the benefits or advantages (not being benefits or advantages prohibited by law) which for the purposes of a minimum rate of wages fixed under this Act may be reckoned as payment of wages in lieu of payment in cash;
 - (b) to determine the value at which, for the purposes aforesaid, such benefits or advantages may be so reckoned;
 - (c) to limit or prohibit the reckoning for the purposes aforesaid of benefits or advantages as payment of wages in lieu of payment in cash.

^{F28}(2)

- (3) If an agricultural wages committee are satisfied, on an application in that behalf made by a worker employed in agriculture in their county or by his employer, that the value determined by an order or direction under this section for a house or part of a house occupied as a separate dwelling by the worker does not correspond with the true value thereof, the committee may, subject to any limits imposed by the Board by order made in accordance with the provisions of the Fourth Schedule to this Act, direct that the value of the house or part of a house is to be reckoned for the purposes of a minimum rate of wages fixed under this Act at such different amount as may be specified in the direction.

Textual Amendments

F28 S. 7(2) repealed (1.4.1999) by [1998 c. 39, s. 53, Sch. 3](#) (with s. 36); [S.I. 1999/685, art. 2, Sch.](#) (with art. 3)

Modifications etc. (not altering text)

C9 S. 7 excluded by [Housing Act 1957 \(c. 56\), s. 34\(3\)](#)

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C10 Power to amend s. 7 conferred (1.4.1999) by 1998 c. 39, s. 47(4)(a) (with s. 36); S.I. 1999/685, art. 2, Sch. (with art. 3)

8 Power of agricultural wages committee to award additional wages for piece work in certain cases.

- (1) A worker employed in agriculture in a county on piece work for which neither a minimum piece rate nor a minimum time rate applicable in the case of workers employed on piece work has been fixed, or any person authorised by such a worker, may complain to the agricultural wages committee for the county that the piece rate of wages paid to the worker for that work is such a rate as would yield in the circumstances of the case to an ordinary worker a less amount of wages than the minimum rate for time work applicable in the case of that worker, and the committee may, on any such complaint, after giving the employer an opportunity of making such representations as he thinks desirable, direct that the employer shall pay to the worker such additional sum by way of wages for any piece work done by him at that piece rate at any time within fourteen days before the date of complaint, or at any time after the date of complaint and before the decision of the committee thereon, as in their opinion represents the difference between the amount which would have been paid if the work had been done by an ordinary worker at the minimum rate for time work and the amount actually received by the worker by whom or on whose behalf the complaint is made.
- (2) A sum directed under the preceding subsection to be paid by an employer to a worker may be recovered by or on behalf of the worker from the employer summarily as a civil debt.

9 Provisions as to applications, &c., to agricultural wages committees.

- (1) The procedure to be followed on or in connection with applications and complaints under any of the last four preceding sections to agricultural wages committees and sub-committees thereof shall be such (if any) as may be prescribed.
- (2) The Minister may pay to persons attending as parties or witnesses before agricultural wages committees and sub-committees thereof allowances by way of compensation for expenses incurred and time lost by such persons in so attending, at such rates as he may, with the approval of the Treasury, determine, and all payments made under this subsection shall be defrayed as part of the expenses of the Minister in carrying this Act into effect.

10 Criminal liability of agents and special defence open to employer.

- (1) Where an offence for which an employer is, under section four or subsection (6) of section six of this Act liable to a fine, has in fact been committed by some agent of the employer or other person, that agent or other person shall be liable to be proceeded against for the offence in the same manner as if he were the employer and either together with, or before or after the conviction of, the employer, and shall be liable on conviction to the same punishment as that to which the employer is liable.
- (2) Where an employer who is charged with an offence under section four or subsection (6) of section six of this Act proves to the satisfaction of the court that he has used due diligence to secure compliance with the relevant provisions of this Act, and that the offence was in fact committed by his agent or some other person, without his

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knowledge, consent or connivance, he shall, in the event of the conviction of that agent or other person for the offence, be exempt from any conviction in respect of the offence.

11 Avoidance of agreements in contravention of this Act and saving for other agreements, &c.

- (1) Any such agreement as the following shall be void, that is to say,—
- ^{F29}(a)
 - (b) an agreement as to holidays that is inconsistent with a direction of the Board in that behalf, or for abstaining from exercising the right to holidays conferred by any such direction.
 - [^{F30}(c) any term or condition of a contract of employment that is inconsistent with a term or condition of employment fixed by an order of the Board under this Act or any agreement for abstaining from enforcing a term or condition so fixed.]
- (2) Nothing in this Act shall prejudice the operation of an agreement or custom for the payment of wages at a rate higher than the minimum rate fixed under this Act or an agreement or custom as to holidays that is not inconsistent with a direction of the Board in that behalf [^{F31}or a term or condition of a contract of employment that is not inconsistent with a term or condition so fixed.]

Textual Amendments

- F29** S. 11(1)(a) repealed (1.4.1999) by 1998 c. 39, ss. 47(1), 53, Sch. 2 Pt. I para. 6, Sch. 3 (with s. 36); S.I. 1999/685, art. 2, Sch. (with art. 3)
- F30** S. 11(1)(c) added by Employment Protection Act 1975 (c. 71), Sch. 9 Pt. II para. 3(1)
- F31** Words added by Employment Protection Act 1975 (c. 71), Sch. 9 Pt. II para. 3(2)

[^{F32}11A Appointment of officers

- (1) The Secretary of State—
- (a) may appoint officers to act in England for the purposes of this Act; and
 - (b) may, instead of or in addition to appointing any officers under this section, arrange with any Minister of the Crown or government department, or any body performing functions on behalf of the Crown, that officers of that Minister, department or body shall act in England for those purposes.
- (2) The National Assembly for Wales—
- (a) may appoint officers to act in Wales for the purposes of this Act; and
 - (b) may, instead of or in addition to appointing any officers under this section, arrange with any Minister of the Crown or government department, or any body performing functions on behalf of the Crown, that officers of that Minister, department or body shall act in Wales for those purposes.
- (3) When acting for the purposes of this Act, an officer shall, if so required, produce some duly authenticated document showing his authority so to act.
- (4) If it appears to an officer that any person with whom he is dealing while acting for the purposes of this Act does not know that he is an officer so acting, the officer shall identify himself as such to that person.]

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Textual Amendments

F32 S. 11A inserted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\), s. 47\(1\)\(3\)59\(3\)](#); S.I. 2005/872, art. 4, Sch.

Supplementary

12 [^{F33}Powers of officers]

^{F34}(1)

^{F34}(2)

- (3) An officer [^{F35}acting for the purposes of this Act] shall have power—
- (a) after giving reasonable notice, to require the production of and to inspect and take copies of wages sheets or other records of wages paid to workers employed in agriculture [^{F36}and records of terms and conditions of employment of such workers.]
 - (b) to enter at all reasonable times any premises or place for the purpose of such inspection or for the enforcement of this Act, but in the case of a dwelling-house not without giving reasonable notice; and
 - (c) to require any such worker, or the employer of any such worker, or any agent of the employer, to give any information which it is in his power to give with respect to the employment of the worker or the wages paid to him.

(4) An officer [^{F37}acting for the purposes of this Act] shall have power, in pursuance of any special or general directions of the Minister, to take proceedings in respect of offences against this Act and may, although not a barrister or solicitor, prosecute or conduct before a court of summary jurisdiction any proceedings arising under this Act.

- (5) Where it appears to an officer [^{F38}acting for the purposes of this Act]—
- (a) that a sum is due from an employer to a worker ^{F39}. . . by reason of a direction given under subsection (1) of section eight of this Act by an agricultural wages committee for the payment of an additional sum by way of wages for piece work; or
 - (b) that a sum is due from an employer on account of the receipt of a premium in contravention of subsection (5) of section six of this Act;

the officer (if he is authorised in that behalf by special or general directions of the Minister) may institute, on behalf of or in the name of the worker, civil proceedings before any competent court of jurisdiction for the recovery of the sum in question, ^{F40}

[^{F41}(5A) Where it appears to an officer [^{F42}acting for the purposes of this Act] that a term or condition of employment fixed by order of the Board is not being complied with by an employer, the officer (if he is authorised as aforesaid) may institute, on behalf or in the name of the worker, civil proceedings in respect of the failure to comply with the term or condition.

(5B) In any civil proceedings instituted by an officer by virtue of this section the court shall, if the officer is not a party to the proceedings, have the same power to make an order for the payment of costs by the officer as if he were a party to the proceedings.]

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[^{F43}(6) Nothing in subsection (5) or (5A) of this section shall be taken to exclude the bringing otherwise than in accordance with either of those subsection of proceedings of any description mentioned in those subsections.]

(7) If any person—

- (a) hinders or molests an officer acting in the exercise of his powers under subsection (3) of this section; or
- (b) refuses to produce any document or given any information which an officer so acting lawfully requires him to produce or give; or
- (c) produces or causes to be produced or knowingly allows to be produced to an officer so acting any wages sheet, record or other document which is false in a material particular, knowing the document to be false; or
- (d) furnishes to an officer so acting any information knowing it to be false,

he shall be liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

^{F44}[(8) The powers conferred by subsections (3) and (4) of this section are not exercisable in any case where corresponding or similar powers conferred by any of the enforcement provisions of the National Minimum Wage Act 1998, as they have effect for the purposes of this Act, are exercisable by virtue of section 3A of this Act.

(9) In subsection (8) of this section, “ the enforcement provisions of the National Minimum Wage Act 1998 ” has the same meaning as in subsection (1) of section 3A of this Act.]

Textual Amendments

- F33** S. 12 substituted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\)](#), **ss. 47(2)(a)**, 59(3); S.I. 2005/872, art. 4, Sch.
- F34** S. 12(1)(2) repealed (6.4.2005) by [Employment Relations Act 2004 \(c. 24\)](#), **ss. 47(2)(b)**, 59(3), **Schs. 2**; S.I. 2005/872, art. 4, Sch.; S.I. 2005/872, art. 4, Sch.
- F35** Words in s. 12(3) substituted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\)](#), **ss. 47(2)(c)**, 59(3); S.I. 2005/872, art. 4, Sch.
- F36** Words added by [Employment Protection Act 1975 \(c. 71\)](#), **Sch. 9 Pt. II para. 4(1)**
- F37** Words in s. 12(4) substituted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\)](#), **ss. 47(2)(c)**, 59(3); S.I. 2005/872, art. 4, Sch.
- F38** Words in s. 12(5) substituted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\)](#), **ss. 47(2)(c)**, 59(3); S.I. 2005/872, art. 4, Sch.
- F39** Words in s. 12(5)(a) repealed (1.4.1999) by 1998 c. 39, **ss. 47(1)**, 53, Sch. 2 Pt. I para. 7(2), **Sch. 3** (with s. 36); S.I. 1999/685, art. 2, **Sch.** (with art. 3)
- F40** Words repealed by [Employment Protection Act 1975 \(c. 71\)](#), Sch. 18
- F41** S. 12(5A)(5B) inserted by [Employment Protection Act 1975 \(c. 71\)](#), **Sch. 9 Pt. II para. 4(2)**
- F42** Words in s. 12(5A) substituted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\)](#), **ss. 47(2)(c)**, 59(3); S.I. 2005/872, art. 4, Sch.
- F43** S.12(6) substituted by [Employment Protection Act 1975 \(c. 71\)](#), **Sch. 9 Pt. II para. 4(3)**
- F44** S. 12(8)(9) added (1.4.1999) by 1998 c. 39, s. 47(1), **Sch. 2 Pt. I para. 7(3)** (with s. 36); S.I. 1999/685, art. 2, **Sch.** (with art. 3)

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Modifications etc. (not altering text)

- C11** S. 12(7) amended by [Employment Protection Act 1975 \(c. 71, SIF 43:1\)](#), s. 97, [Sch. 9 Pt. II para. 5](#) and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38** (increase of fines) and 46 (substitution of references to levels on the standard scale)

13 Annual reports.

The Minister shall make an annual report to Parliament of his proceedings under this Act and of the proceedings of the Board and of agricultural wages committees, and for that purpose the Board and each committee shall, before such date in every year as the Minister may fix, send to the Minister a report of their proceedings under this Act during the preceding year.

Modifications etc. (not altering text)

- C12** S. 13: Functions of the Secretary of State, the Secretary of State for Scotland or the Secretary of State for Wales transferred to the Minister of Agriculture, Fisheries and Food (27.12.1999) by [S.I. 1999/3141](#), art. 2(1)(5), [Sch.](#) (with art. 3)

14 Expenses.

The expenses of the Minister in carrying this Act into effect and any expenses authorised by the Minister to be incurred by the Board or an agricultural wages committee or sub-committee thereof, in each case up to an amount approved by the Treasury, shall be defrayed out of moneys provided by Parliament.

15 Evidence of resolutions and orders of the Board and agricultural wages committees.

In any legal proceedings the production of a document purporting to be a copy of a resolution or order passed or made by the Board or an agricultural wages committee and to be certified by the chairman or secretary of the Board or committee, as the case may be, to be a true copy shall be sufficient evidence of the order or resolution and, in the case of an order, that any notices required to be given by this Act in relation thereto have been duly given, and no proof shall be required of the handwriting or official position of the person certifying the truth of the copy.

[15A] ^{F45}Information obtained by national minimum wage officers.

- (1) This section applies to information which has been obtained by an officer acting for the purposes of the National Minimum Wage Act 1998.
- (2) This section does not apply to any information to the extent that the information relates to—
 - (a) any failure to allow holidays directed to be allowed by an order under section 3 of this Act; or
 - (b) any terms and conditions of employment fixed by such an order by virtue of subsection (1)(c) of that section.
- (3) Information to which this section applies may, with the authority of the Secretary of State, be supplied to the relevant Minister for use for any purpose relating to this Act.

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- (4) Information supplied under subsection (3) of this section shall not be supplied by the recipient to any other person or body unless—
- (a) it could be supplied to that person or body under that subsection; or
 - (b) it is supplied for the purposes of any civil or criminal proceedings relating to this Act;
- and shall not be supplied in those circumstances without the authority of the Secretary of State.

- (5) This section does not limit the circumstances in which information may be supplied or used apart from this section.

[Nothing in this section prevents a disclosure in accordance with section 16A of the ^{F46}(5A) National Minimum Wage Act 1998.]

- (6) In this section “ the relevant Minister ” means—
- (a) in relation to England, the Minister of Agriculture, Fisheries and Food; and
 - (b) in relation to Wales, the Minister of the Crown with the function of appointing officers under section 12 of this Act in relation to Wales.]

Textual Amendments

- F45** S. 15A and crossheading inserted (1.4.1999) by 1998 c. 39, s. 47, **Sch. 2 Pt. I para. 8** (with s. 36); S.I. 1999/685, art. 2, **Sch.** (with art. 3)
- F46** S. 15A(5A) inserted (6.4.2005) by **Employment Relations Act 2004 (c. 24)**, s. 59(3), **Sch. 1 para. 1**; S.I. 2005/872, art. 4, **Sch.**

16 Power to give effect to, and modify, this Act as respects holidays and holiday remuneration.

- (1) The Minister may make regulations for giving effect to the purposes of, and modifying, this Act so far as it relates to holidays and minimum rates of wages by way of pay in respect of holidays, and for excluding, in relation to those matters or either of them, the operation of all or any of the provisions of sections four and ten to thirteen of this Act and paragraph 5 of the Fourth Schedule thereto.
- (2) The power conferred by this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Modifications etc. (not altering text)

- C13** S. 16: Functions of the Secretary of State, the Secretary of State for Scotland or the Secretary of State for Wales transferred to the Minister of Agriculture, Fisheries and Food (27.12.1999) by S.I. 1999/3141, arts. 2(1)(5), **Sch.** (with art. 3)

17 Interpretation.

- (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say,—

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“agriculture” includes dairy-farming, the production of any consumable produce which is grown for sale or for consumption or other use for the purposes of a trade or business or of any other undertaking (whether carried on for profit or not), and the use of land as grazing, meadow or pasture land or orchard or osier land or woodland or for market gardens or nursery grounds;

“consumable produce” means produce grown for consumption or for other use after severance from the land on which it is grown;

[^{F47}“county” means a county established by or under the ^{M3}Local Government Act 1972;]

“employment” means employment under a contract of service or apprenticeship, and the expressions “employed” and “employer” shall be construed accordingly;

“the Minister” means [^{F48}the Minister of Agriculture, Fisheries [and Food];

[^{F49}“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 National Minimum Wage Act 1998, but this definition is subject to subsection (1A) of this section;]

“prescribed” means prescribed by regulations made by the Minister by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament;

“worker” includes a boy, woman and girl.

[^{F50}(1A) If, in the case of persons of any description, regulations under subsection (2) of section 3 of the National Minimum Wage Act 1998—

- (a) prevent them being persons who (within the meaning of that Act) qualify for the national minimum wage, or
- (b) 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,

this Act shall have effect in relation to persons of that description as if in a case falling within paragraph (a) above the national minimum wage were nil and in a case falling within paragraph (b) above the national minimum wage were the reduced rate.]

(2) ^{F51}

Textual Amendments

- F47** Definition substituted by S.I. 1974/514, art. 3(1)(a)
- F48** Words substituted by virtue of S.I. 1955/554 (1955 I, p. 1200), art. 3
- F49** Definition of “the national minimum wage” inserted (1.4.1999) by 1998 c. 39, s. 47, Sch. 2 Pt. I para. 9(2) (with s. 36); S.I. 1999/685, art. 2, Sch. (with art. 3)
- F50** S. 17(1A) inserted (1.4.1999) by 1998 c. 39, s. 47, Sch. 2 Pt. I para. 9(3) (with s. 36); S.I. 1999/685, art. 2, Sch. (with art. 3)
- F51** S. 17(2)–(4) repealed by S.I. 1974/514, art. 3(1)(b)

Marginal Citations

- M3** 1972 c. 70.

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[17A ^{F52} Relationship between this Act and the National Minimum Wage Act 1998.

- (1) Except so far as expressly provided by this Act, nothing in the National Minimum Wage Act 1998 or in regulations made under that Act affects the operation of this Act.
- (2) This Act is subject to—
 - (a) section 46 of the National Minimum Wage Act 1998; and
 - (b) section 47 of that Act and any regulations made under that section.]

Textual Amendments

F52 S. 17A inserted (1.4.1999) by 1998 c. 39, s. 47, **Sch. 2 Pt. I para. 10** (with s. 36); S.I. 1999/685, art. 2, **Sch.** (with art. 3)

[^{F53}18 London.

Such portions of Greater London as the Minister may by order made by statutory instrument define shall, for the purposes of this Act, be deemed to be included in such counties as may be specified in the order.]

Textual Amendments

F53 S. 18 substituted by **S. I. 1965/654, art. 3(12)**

19 Isles of Scilly.

For the purposes of this Act, the Isles of Scilly shall be deemed to be a county.

20 Repeal and savings.

- (1) ^{F54}
- (2) Nothing in this Act shall affect any order, regulation or complaint made, permit granted, resolution passed, direction, certificate or approval given, application made or granted, notice served or given, date fixed or any other thing done, under an enactment repealed by this Act, but any such order, regulation, complaint, permit, resolution, direction, certificate, approval, application, notice, date or thing shall, if in force at the passing of this Act, continue in force, and so far as it could have been made, granted, passed, given, served, fixed or done under the corresponding provision of this Act, it shall have effect as if it had been made, granted, passed, given, served, fixed or done under that corresponding provision and, in the case of an approval, had been given for the purposes of that provision.
- (3) Any document referring to an enactment repealed by this Act shall be construed as referring to the corresponding provision of this Act.

^{F55}(4)

^{F55}(5)

^{F55}(6)

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- (7) The mention of particular matters in this section shall not be taken to affect the general application of [F56 sections 16(1) and 17(2)(a) of the M4 Interpretation Act 1978,] with regard to the effect of repeals.

Textual Amendments

F54 S. 20(1), Sch. 5 repealed by [Statute Law Revision Act 1950 \(c. 6\)](#)

F55 S. 20(4)-(6) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 2](#) Group 2

F56 Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), [s. 25\(2\)](#)

Marginal Citations

M4 [1978 c. 30](#).

21 Short title and extent.

- (1) This Act may be cited as the Agricultural Wages Act 1948.
- (2) This Act shall not extend to Scotland or to Northern Ireland.

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SCHEDULES

FIRST SCHEDULE

Section 1.

CONSTITUTION AND PROCEEDINGS OF THE AGRICULTURAL WAGES BOARD

Modifications etc. (not altering text)

C14 Sch. 1: Functions of the Secretary of State, the Secretary of State for Scotland or the Secretary of State for Wales transferred to the Minister of Agriculture, Fisheries and Food (27.12.1999) by [S.I. 1999/3141](#), arts. 2(1)(5), [Sch.](#) (with art. 3)

- 1 The Board shall consist of—
 - (a) eight persons representing employers and eight persons representing workers in agriculture nominated in the prescribed manner or elected in the prescribed manner, according as may be prescribed; and
 - (b) such number of other persons not exceeding five, as the Minister may from time to time determine, appointed by him;
 and of the said persons one at least shall be a woman.
- 2 The Minister shall designate as chairman of the Board one of the members thereof appointed by him.
- 3 At every meeting of the Board the chairman, if present, shall preside and, if he is absent, such of the other members appointed by the Minister as the members of the Board then present choose shall preside.
- 4 The Minister may appoint a secretary for the Board.
- 5 The Board may, in accordance with regulations made by the Minister by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament, appoint one or more committees consisting of members representing employers and members representing workers in agriculture in equal proportions, and of one or more of the members appointed by the Minister, and may refer to any such committee for report and recommendations any matter which they think it expedient so to refer, and may also, if they think fit, delegate to any such committee any of their powers and duties under this Act other than a power or duty to fix, cancel or vary minimum rates of wages or to direct that workers shall be entitled to be allowed holidays.
- 6 The proceedings of the Board or of a committee thereof shall not be invalidated by a vacancy therein or by a defect in the nomination, election or appointment of the chairman or other member of the Board or of a member of the committee.
- 7 The Minister may, by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament, make regulations with respect to the proceedings and meetings of the Board and of any committee thereof, including the appointment of the chairman of the Board and the term of office of the chairman and other members of the Board and the members of committees, the method of voting and the number of members necessary to form a quorum,

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and any such regulations as to committees may be made so as to apply generally to the procedure of all committees or specially to the procedure of any particular committee; but subject to the provisions of this Schedule and to any regulations so made, the Board and any committee thereof may, respectively, regulate their proceedings in such manner as they think fit.

- 8 There may be paid to the members of the Board such allowances by way of compensation for expenses incurred and time lost by them in the performance of their duties as the Minister may sanction, and all such allowances shall be defrayed as part of the expenses of the Minister in carrying this Act into effect.

[^{F57}SECOND SCHEDULE]

Section 2.

COMBINATIONS OF COUNTIES FOR WHICH AGRICULTURAL
WAGES COMMITTEES ARE TO BE INITIALLY ESTABLISHED

Textual Amendments

F57 Sch. 2 substituted by [S.I. 1974/514, Sch.](#)

Counties in England

[^{F58} Bedford, Central Bedfordshire]and Cambridgeshire Berkshire, Buckinghamshire and Oxfordshire[^{F59} Cheshire East, Cheshire West and Chester]and Staffordshire Cleveland, Durham and Tyne and Wear Cornwall and Isles of Scilly Derbyshire and Nottinghamshire Dorset and Somerset Essex and Hertfordshire	Gloucestershire, Avon and Wiltshire Hampshire and Isle of Wight Hereford and Worcester, Warwickshire and West Midlands Lancashire, Greater Manchester and Merseyside Leicestershire and Northamptonshire South Yorkshire and West Yorkshire Surrey, East Sussex and West Sussex
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Textual Amendments

F58 Words in Sch. SECOND substituted (1.4.2009) by [Local Government \(Structural Changes\) \(Miscellaneous Amendments and Other Provision\) Order 2009 \(S.I. 2009/837\)](#), arts. 1, **24(a)**

F59 Words in Sch. SECOND substituted (1.4.2009) by [Local Government \(Structural Changes\) \(Miscellaneous Amendments and Other Provision\) Order 2009 \(S.I. 2009/837\)](#), arts. 1, **24(b)**

Counties in Wales

Mid Glamorgan, South Glamorgan and West Glamorgan

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THIRD SCHEDULE

Section 3.

CONSTITUTION AND PROCEEDINGS OF AGRICULTURAL WAGES COMMITTEES

- 1 An agricultural wages committee shall consist of persons representing employers and persons representing workers in agriculture in the county, in equal proportions, of two impartial persons appointed by the Minister and of a chairman.
- 2 The members of the committee representing employers and the members thereof representing workers shall be nominated in the prescribed manner or elected in the prescribed manner, according as may be prescribed.
- 3 (1) The chairman of an agricultural wages committee shall be appointed annually by the committee:
 Provided that if the committee at any time fail to appoint a chairman within such period as may be prescribed, the appointment may be made by the Minister.
- (2) A committee may nominate one or more persons for the office of vice-chairman, and the chairman may from time to time appoint, to act in his place as vice-chairman in his absence, the person, or one of the persons nominated.
- (3) A member of a committee representing employers and a member of a committee representing workers shall not be qualified to be appointed chairman or vice-chairman of the committee of which he is a member.
- 4 At every meeting of an agricultural wages committee the chairman, if present, shall preside. If the chairman is absent, the vice-chairman, if present shall preside. If both the chairman and vice-chairman are absent, such member as the members then present choose shall preside.
- 5 The Minister may appoint a secretary for an agricultural wages committee.
- 6 (1) At a meeting of an agricultural wages committee the chairman, or a vice-chairman presiding at the meeting in his absence, shall be entitled to vote, and in case of an equality of votes shall have a second or casting vote, but before exercising his right to vote, the chairman or vice-chairman, if so authorised by a resolution of the members of the committee representing employers and the members thereof representing workers, may obtain the advice of the Board or a committee thereof as to the exercise of that right, and may adjourn the meeting in order to enable him to do so.
- (2) A resolution for the purposes of the preceding sub-paragraph that is passed at a meeting of an agricultural wages committee unanimously by such of the members thereof representing employers and such of the members thereof representing workers as are present and voting shall be deemed, for those purposes, to be a resolution of those members.
- 7 (1) An agricultural wages committee may, in accordance with regulations made by the Minister by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament, appoint one or more sub-committees consisting of persons representing employers and persons representing workers in agriculture in the county in equal proportions, and of a chairman, if the committee think fit, and the committee may refer to any such sub-committee for report and recommendations any matter which they think it expedient so to refer, and may also, if they think fit, delegate to any such sub-committee any of their powers and duties under this Act.

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- (2) The members of a sub-committee may be, but need not be, members of the committee by which the sub-committee is appointed.
- 8 The proceedings of an agricultural wages committee or of a sub-committee thereof shall not be invalidated by a vacancy therein or by a defect in the appointment, nomination or election of the chairman, vice-chairman or other member of the committee or sub-committee.
- 9 The Minister may, by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament, make regulations with respect to the proceedings and meetings of agricultural wages committees and sub-committees thereof, including the appointment of chairmen and the term of office of chairmen and other members, the method of voting and the number of members necessary to form a quorum, and any such regulations may be made so as to apply generally to the procedure of all committees or sub-committees or specially to the procedure of any particular committee or sub-committee; but, subject to the provisions of this Schedule and to any regulations so made, an agricultural wages committee and a sub-committee thereof may respectively regulate their proceedings in such manner as they think fit.
- 10 There may be paid to the members of an agricultural wages committee and the members of a sub-committee thereof such allowances by way of compensation for expenses incurred and time lost by them in the performance of their duties as the Minister may sanction, and all such allowances shall be defrayed as part of the expenses of the Minister in carrying this Act into effect.

FOURTH SCHEDULE

Sections 3, 6, 7, 16.

ORDERS OF THE AGRICULTURAL WAGES BOARD

- 1 Where the Board propose to make an order under any provision of this Act, the Board shall—
- (a) give, in such manner as appears to the Board requisite for informing persons concerned, public notice of the proposed order and of the manner in which and the time (not being less than fourteen days from the date of the notice) within which objections to the proposals may be lodged;
 - (b) serve a like notice by post on the agricultural wages committee for the county to which the order relates;
- and shall consider any objections to the proposals which may be lodged in accordance with the notice.

Modifications etc. (not altering text)

C15 Para. 1 restricted by [Equal Pay Act 1970 \(c. 41\), s. 5\(2\)](#)

- 2 After considering any such objections the Board may make an order in accordance with their original proposals or with those proposals as modified in such manner as appears to the Board expedient having regard to any objections lodged:
Provided that where it appears to the Board that, having regard to the nature of any modifications which they propose to make in their original proposals, opportunity should be given for the consideration thereof by persons concerned, the Board shall

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again give and serve notice under the preceding paragraph, and this paragraph shall apply accordingly.

Modifications etc. (not altering text)

C16 Para. 2 restricted by [Equal Pay Act 1970 \(c. 41\), s. 5\(2\)](#)

- 3 Notwithstanding anything in the foregoing paragraphs of this Schedule, where the Board are satisfied that on the ground of the limited application of a proposed order it is unnecessary to comply with the provisions of those paragraphs and certify accordingly, the Board may, instead of complying with those provisions, give notice of the proposed order in such manner as appears to the Board expedient in the circumstances, and may make the order at any time after the expiration of seven days from the giving of the notice.
- 4 As soon as may be after the Board have made an order under any provision of this Act they shall give public notice of the making of the order and of the contents thereof in such manner as appears to the Board requisite for informing persons concerned, and serve a like notice by post on the agricultural wages committee for the county of which the order relates.
- 5 An order of the Board under any provision of this Act may apply either universally to all workers employed in agriculture in the county to which the order relates or to any special class of workers (as defined in the order) so employed, or to any special area in that county or to any such special class in such a special area, subject in each case to any exceptions specified in the order; and an order of the Board fixing or varying a minimum rate of wages so as to secure that workers employed in agriculture receive remuneration calculated by reference to periods during the currency of their employment may make alternative provisions applying according to different circumstances arising during the currency of a worker's employment or in connection with the termination thereof.

Modifications etc. (not altering text)

C17 Para. 5 amended by [Agriculture Act 1967 \(c. 22\), s. 67\(2\)](#)

- 6 . . . ^{F60}an order of the Board made under any provision of this Act may be varied or revoked by a subsequent order made in the like manner and subject to the like conditions.

Textual Amendments

F60 Words repealed by Employment Protection act 1975 (c. 71), Sch. 18

^{F61}FIFTH SCHEDULE

Textual Amendments

F61 S. 20(1), Sch. 5 repealed by [Statute Law Revision Act 1950 \(c. 6\)](#)

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Status:

Point in time view as at 06/04/2009.

Changes to legislation:

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