
STATUTORY INSTRUMENTS

1977 No. 2151

Agricultural Wages (Regulation) (Northern Ireland) Order 1977

Minimum rates of wages

4.—(1) Subject to the provisions of this Order, the Board shall fix minimum rates of wages for workers employed in agriculture for time work, and may also, if and so far as it thinks it necessary or expedient, fix minimum rates of wages for workers employed in agriculture for piece work.

[^{F1}(1A) No minimum rate fixed under this Article which is an hourly rate shall be less than the national minimum wage.]

(1B) No minimum rate fixed under this Article 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.]

^{F1}(2) Any such minimum rates may be fixed by the Board so as to apply universally to all workers employed in agriculture, or to any special class of workers so employed, or to any special area, or to any special class in a special area, subject in each case to any exceptions which may be made by the Board for employment of any special character, and 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 overtime.

(3) Where the Board fixes minimum rates in pursuance of this Article, it shall determine the benefits or advantages (not being benefits or advantages prohibited by law) which may be reckoned as payment of wages in lieu of payment in cash, the extent to which they may be so reckoned, and, subject to regulations, the value at which such benefits or advantages are to be so reckoned.

(4) Where the Board in fixing a minimum rate provides for a differential rate in the case of overtime, it shall determine what employment is to be treated as overtime employment.

(5) The provisions of this Order with respect to fixing, cancelling or varying a minimum rate shall apply to any determination under paragraph (3) or (4) in like manner as those provisions apply to a minimum rate.

(6) In fixing a minimum rate the Board shall have regard to the economic position of agriculture in the area to which the minimum rate is to be applied, and, shall, so far as is practicable, secure for able-bodied men such wages as in the opinion of the Board are adequate to promote efficiency and to enable a man in an ordinary case to maintain himself and his family in accordance with such standard of comfort as may be reasonable in relation to the nature of his occupation.

(7) The Board may, if it thinks it expedient, cancel or vary any minimum rate fixed under this Order.

(8) Before fixing, cancelling or varying any minimum rate the Board shall give such notice as may be prescribed of the rate which it proposes to fix, or of its proposal to cancel the rate, or of the proposed variation of the rate, as the case may be, and of the manner in which and the time within which objections to the proposal may be lodged not being less than fourteen days from the date of the notice, and the Board shall consider any objections to the proposal which may be lodged within the time mentioned in the notice.

Changes to legislation: *Agricultural Wages (Regulation) (Northern Ireland) Order 1977, Section 4 is up to date with all changes known to be in force on or before 31 January 2024. 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) View outstanding changes*

(9) Where the proposal is modified in consequence of any objection lodged under paragraph (8), notice of the modified proposal need not be given except where in the opinion of the Board the proposal has been altered so materially that a fresh notice ought to be given.

(10) Where the Board fixes any minimum rate of wages, or cancels or varies any such rate, it shall make such order as may be necessary for the purpose of carrying out its decision, and shall, as soon as may be after it has made an order under this paragraph, give notice of the making of the order and the contents thereof in the prescribed manner.

(11) Subject to paragraph (12), any such minimum rate or the cancellation or variation thereof shall become effective as from the date specified in that behalf in the order.

(12) The date to be specified in an order under paragraph (11) shall be a date subsequent to the date of the order, and where, as respects any employer who pays wages at intervals not exceeding seven days, the date so specified does not correspond with the beginning of the period for which wages are paid by that employer, the rate, or the cancellation or variation thereof, shall become effective as from the beginning of the next such period following the date so specified.

^[F1](13) If the Board makes, or purports to make, an order fixing a minimum rate under this Article—

- (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,

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 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.

(14) If, at any time after a minimum rate which is an hourly rate comes into effect under this Article, 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.

(15) If, at any time after a minimum rate other than an hourly rate comes into effect under this Article, 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.

(16) Paragraphs (13) to (15) are without prejudice to the power of the Board to make further orders under this Article fixing any minimum rates.

(17) Where an order under this Article 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 Article apply in relation to the principal component rate and not the supplemental or additional component rates.

(18) The national minimum wage provisions of this Article 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).

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(19) The national minimum wage provisions of this Article do not apply in relation to any minimum rate fixed under this Article by virtue of Article 5 or 8(5), 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 employed in agriculture are treated as circumstances in which, or times at which, a person is to be regarded as working.

(20) In this Article “the national minimum wage provisions of this Article” means paragraphs (1A), (1B) and (13) to (15).^{F1}

F1 1998 c. 39

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Changes and effects yet to be applied to :

- Instrument am. (prosp.) by [1998 c. 39 s.47Sch.2 Pt.III](#)
- Instrument excl. (prosp.) by [1998 c. 39 s.46\(3\)s.46\(4\)\(c\)](#)
- power to am. (prosp.) by [1998 c. 39 s.47\(2\)\(e\)\(3\)](#)
- art.4(3)(5) power to am. (prosp.) by [1998 c. 39 s.47\(4\)\(c\)](#)