

2003 No. 283

TERMS AND CONDITIONS OF EMPLOYMENT

**The Agricultural Wages (Scotland) Act 1949 Amendment
Regulations 2003**

Made 4th June 2003

Laid before the Scottish Parliament 6th June 2003

Coming into force 8th July 2003

The Scottish Ministers, in exercise of the powers conferred by section 47(2)(b) of the National Minimum Wage Act 1998(a) and all other powers enabling them in that behalf, in consequence of that Act, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Agricultural Wages (Scotland) Act 1949 Amendment Regulations 2003 and shall come into force on 8th July 2003.

Amendment of the Agricultural Wages (Scotland) Act 1949

2. In section 3A of the Agricultural Wages (Scotland) Act 1949(b), at the end add—

“(5) Notwithstanding section 2(4) of the National Minimum Wage (Enforcement Notices) Act 2003(c), in subsection (2)(c) above, the reference to section 19 includes a reference to subsections (2A) and (2B) of that section.”.

ROSS FINNIE

A member of the Scottish Executive

St Andrew's House,
Edinburgh
4th June 2003

(a) 1998 c.39. See section 47(6)(b) for the definition, in relation to Scotland, of “the appropriate authority”. The functions of the Secretary of State, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) 1949 c.30. Section 3A was inserted by the National Minimum Wage Act 1998 (c.39), Schedule 2, paragraph 13 and amended by S.I. 1999/750.

(c) 2003 c. 8. Section 19(2A) and (2B) was inserted by the National Minimum Wage (Enforcement Notices) Act 2003.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Agricultural Wages (Scotland) Act 1949 (“the 1949 Act”).

Paragraph 13 of Schedule 2 to the National Minimum Wage Act 1998 (“the 1998 Act”) amended the 1949 Act by adding a section 3A to that Act, so as to apply the enforcement provisions of the 1998 Act for the purposes of the 1949 Act. One of these enforcement provisions is section 19 of the 1998 Act enabling the issue of an enforcement notice. The National Minimum Wage (Enforcement Notices) Act 2003 amends section 19 to provide that an enforcement notice under that section can be served (subject to a time limitation) even though the worker concerned is no longer employed by the employer on whom the notice is served. That amendment by that Act gives this additional protection to all workers, except those employed in Scotland as agricultural workers because regulation of the employment of such workers is devolved to the Scottish Parliament.

These Regulations make equivalent provision to protect such workers in Scotland, in consequence of the 1998 Act to modify the way in which section 19 operates, in the same way as the amendments made by the 2003 Act, in its application to agricultural workers in Scotland.

£1.50

© Crown Copyright 2003

Printed in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland
150 06/03 19593

