

Draft Regulations laid before Parliament under section 13(7) of the Work and Families Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2013 No. XXXX

**AGRICULTURAL EMPLOYMENT
TERMS AND CONDITIONS OF EMPLOYMENT**

The Working Time (Amendment) Regulations 2013

Made - - - - *****
Coming into force - - *1st October 2013*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 13(1), (2)(c), (3) and (6) of the Work and Families Act 2006⁽¹⁾.

In accordance with section 13(7) of that Act, a draft of these Regulations has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

- 1.—(1) These Regulations may be cited as the Working Time (Amendment) Regulations 2013.
- (2) These Regulations come into force on 1st October 2013.

Amendment of the Working Time Regulations 1998

- 2.—(1) Subject to regulation 3, the Working Time Regulations 1998⁽²⁾ are amended as follows.
 - (2) In regulation 2(1), in the definition of “worker employed in agriculture”, omit the words “the Agricultural Wages Act 1948 or”.
 - (3) In regulation 13(4), after the word “agriculture”, in both places occurring, insert “in Scotland”.
 - (4) In regulation 15(6), after the word “agriculture”, in both places occurring, insert “in Scotland”.
 - (5) In regulation 43—
 - (a) for the heading, substitute “Workers employed in agriculture in Scotland”;
 - (b) after “agriculture”, insert “in Scotland”.
 - (6) In Schedule 2—
 - (a) in the heading, after “Agriculture”, insert “in Scotland”;

(1) 2006 c. 18.

(2) S.I. 1998/1833; relevant amending instruments are S.I. 2001/3256 and 2007/2079.

- (b) in paragraph 1, after the word “agriculture”, in each place occurring, insert “in Scotland”;
- (c) in paragraph 2(a)—
 - (i) omit the words “neither section 11 of the Agricultural Wages Act 1948 nor”, and
 - (ii) after the words “1949 shall”, insert “not”;
- (d) in paragraph 3, omit the words “section 3 of the Agricultural Wages Act 1948 or”.

Saving provision

3.—(1) Nothing in these Regulations applies to a worker in relation to the worker’s employment mentioned in paragraph (2) if the conditions in that paragraph are satisfied.

(2) The conditions are that—

- (a) the worker was a worker employed in agriculture in England or Wales or both before 1st October 2013; and
- (b) the worker remains a worker employed in agriculture in England or Wales or both under that same employment.

(3) In this regulation—

- (a) “worker”, “employment” and “employed” have the same meaning as in regulation 2(1) of the Working Time Regulations 1998; and
- (b) “worker employed in agriculture” has the same meaning as in that regulation as in force immediately before 1st October 2013.

Name
Minister of State
Department for Environment, Food and Rural
Affairs

Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Working Time Regulations 1998 ([S.I. 1998/1833](#)) in their application to workers employed in agriculture in England and Wales.

Regulation 2 amends the Working Time Regulations 1998 with the effect that the provisions in Schedule 2 for a worker employed in agriculture in relation to the date on which the worker's leave year begins (regulation 13(4)) and notice of leave year (regulation 15(6)) no longer apply.

Regulation 3 provides a saving in relation to the employment of a worker in agriculture before 1st October 2013 the effect of which is that those same provisions continue to apply on and after that date in relation to that employment.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.