

Agricultural Wages Act, 1948.

II & I2 GEO. 6. CH. 47

ARRANGEMENT OF SECTIONS.

The Agricultural Wages Board and Agricultural Wages Committees.

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CHAPTER 47.

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.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

*The Agricultural Wages Board
and Agricultural Wages Committees.*

1.—(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.

The Agricultural Wages Board for England and Wales.

(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.

Agricultural
wages
committees
for counties
and com-
binations of
counties.

2.—(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.

(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.

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

Wages and Holidays.

3.—(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,—

Power of
Agricultural
Wages Board
to fix
rates of
wages, and
holidays.

- (a) to fix minimum rates of wages for workers employed in agriculture ; and
- (b) to direct that any such workers shall be entitled to be allowed by their employers holidays of such duration as may be specified in the direction.

(2) The powers of the Board with respect to the fixing of minimum rates of wages as aforesaid shall be powers—

- (a) to fix minimum rates for time work ;
- (b) to fix minimum rates for piece work ;
- (c) to fix 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 ;
- (d) to fix separate minimum rates by way of pay in respect of holidays ;

and the exercise by the Board of their powers under paragraph (a) of this subsection shall be obligatory :

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.

(3) A direction under paragraph (b) of subsection (1) of this section that a worker shall be entitled to be allowed a holiday shall not be given 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, 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, 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 ; and the power to fix separate minimum rates of wages by way of pay in respect of holidays shall include power to make provision with respect to the times at which, and the conditions subject to which, those wages shall accrue and shall become payable, and 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, and, without prejudice to the generality of the preceding words, a minimum time rate for piece work may be fixed so as to provide for a differential rate for work done in such circumstances that, if it were time work, it would be treated as overtime for the purposes of the minimum rate applicable thereto by virtue of paragraph (a) of that subsection.

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) The Board may, if they think it expedient, cancel or vary a minimum rate fixed or a direction as to holidays given under this section.

(6) The powers conferred on the Board by this section shall be exercised by order made in accordance with the provisions of the Fourth Schedule to this Act.

(7) Nothing in this section shall be construed as preventing 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.

Enforcement
of wages and
holidays
orders.

4.—(1) Subject to the provisions of this Act, if an employer fails—

- (a) to pay to a worker to whom an order under the last preceding section applies wages at a rate not less than the minimum rate fixed by the order ; or
- (b) to pay to any such worker, in respect of a holiday, wages at the times and subject to the conditions specified in the order ; or
- (c) to allow to any such worker the holidays fixed by the order ;

he shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds and, in the case of an offence consisting of a failure to pay wages in accordance with the order, to a fine not exceeding one pound for each day on which the offence is continued after conviction ; and in any proceedings against an employer under this subsection in respect of a failure to pay wages at a rate not less than the minimum rate, the court shall, whether there is a conviction or not, order the employer to pay in addition to the fine, if any, such sum as may be found by the court to represent the difference between the amount which

ought, at the minimum rate applicable, to have been paid to the worker by way of wages during the period of six months immediately preceding the date on which the information was laid or the complaint was served, and the amount actually so paid to him.

(2) Where proceedings are brought under the preceding subsection in respect of an offence consisting of a failure to pay wages to a worker at a rate not less than the minimum rate applicable, then, if notice of intention so to do has been served with the summons, warrant or complaint—

(a) evidence may, on the employer's having been convicted of the offence, be given of any failure on the part of the employer to pay wages to that worker at not less than the minimum rate applicable to him at any time during the eighteen months immediately preceding the period of six months mentioned in the preceding subsection ; and

(b) on proof of the failure, the court may order the employer to pay such sum as is found by the court to represent the difference between the amount which ought, at the minimum rate applicable, to have been paid to the worker by way of wages during the said eighteen months and the amount actually so paid to him.

(3) In any proceedings against a person under this section it shall lie with him to prove that he has paid wages at not less than the minimum rate or has allowed the holidays fixed by the order, as the case may be.

(4) The powers given by this section for the recovery of sums due from an employer to a worker shall not be in derogation of any right of the worker to recover such sums by civil proceedings.

5.—(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 employment from the provisions of the last preceding section relating to payment of wages at not less than the minimum 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 any legal proceedings under the last preceding section for failing to pay to the worker wages at a rate not less than the minimum rate if those conditions are complied with.

Permits to
incapacitated
persons.

(2) If an application for a permit under the preceding subsection 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 any legal proceedings under the last preceding section for failing 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.

(3) Where an agricultural wages committee have granted a permit under subsection (1) 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) as to be incapable of earning the minimum rate in question, the committee shall revoke the permit.

(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.

(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.

6.—(1) Where a minimum rate of wages has been fixed under Provisions this Act for a special class of workers defined by reference to as to learners. 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 approve 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 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.

Reckoning of
benefits and
advantages
as payment
of wages.

7.—(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.

(2) Subject to the provisions of any order under the preceding subsection, the court may, in any proceedings under this Act, reckon as a payment of wages such amount as in the opinion of the court represents the value of any benefits or advantages (not being benefits or advantages prohibited by law) received by a worker under the terms of his employment.

(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.

8.—(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.

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

(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.—(1) The procedure to be followed on or in connection with applications and complaints under any of the four last preceding sections to agricultural wages committees and sub-committees thereof shall be such (if any) as may be prescribed.

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

(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.—(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

Criminal liability of agents and special defence open to employer.

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 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.

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

11.—(1) Any such agreement as the following shall be void, that is to say,—

- (a) an agreement for the payment of wages in contravention of this Act, or for abstaining from exercising a right of enforcing the payment of wages in accordance with this Act ;
- (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.

(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.

Supplementary.

Officers.

12.—(1) The Minister may, subject to the consent of the Treasury as to number, appoint such officers as he thinks necessary for the purpose of investigating complaints and otherwise securing the proper observance of this Act.

(2) Every officer appointed under this section shall be furnished by the Minister with a certificate of his employment, and when acting under or exercising any power conferred upon him by this Act shall, if so required, produce the certificate to any person or persons affected.

(3) An officer so appointed 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 ;
- (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 so appointed 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 so appointed—

(a) that a sum is due from an employer to a worker on account of the payment of wages to him at less than the minimum rate applicable or 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, and in any such civil proceedings instituted by the officer 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.

(6) 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 any such sum as is therein mentioned.

(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 give 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.

Annual reports

13. 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.

Expenses.

14. 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.

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

15. 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.

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

16.—(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.

Interpretation.

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

“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 ;

“ county ” means an administrative county ;

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

“ the Minister ” means the Minister of Agriculture and Fisheries ;

“ 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.

(2) For the purposes of this Act, a detached part of a county shall be deemed to be included in the adjoining county or, if it adjoins two or more counties, in such one of them as the Minister by statutory instrument directs.

(3) For the purposes of this Act, a county borough which is surrounded by a county shall be deemed to be included in that county, and a county borough which adjoins two or more counties shall be deemed to be included in such of those counties as the Minister by statutory instrument directs.

(4) The Minister may by statutory instrument direct that, for the purposes of this Act, the area comprising the urban districts of Grange, Ulverston and Dalton-in-Furness and the rural district of Ulverston shall be treated as not forming part of the county of Lancaster but as forming part of the county of Cumberland or the county of Westmorland according as may be specified in the direction.

18. No agricultural wages committee shall be established for London. the county of London, but such portions of that county 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 other counties as may be specified in the order.

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

Repeal and
savings.

20.—(1) The enactments mentioned in the first and second columns of the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(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.

(4) Any person holding office or acting or serving under or by virtue of an enactment repealed by this Act shall continue to hold his office or to act or serve as if he had been appointed or authorised under or by virtue of the corresponding provision of this Act.

(5) Where an offence, being an offence for the continuance of which a penalty was provided, has been committed under an enactment repealed by this Act, proceedings may be taken under this Act in respect of the continuance of the offence in the same manner as if the offence had been committed under the corresponding provision of this Act.

(6) Where an enactment repealed and re-enacted by this Act provides for the doing of some act within, or not earlier than the expiration of, a specified period from the giving of a notice, and the commencement of this Act falls within the period applicable to the giving of a particular notice, the repeal and re-enactment shall be deemed to have taken effect in relation to that notice immediately before the giving thereof.

(7) The mention of particular matters in this section shall not be taken to affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

21.—(1) This Act may be cited as the Agricultural Wages Act, 1948.

(2) This Act shall not extend to Scotland or to Northern Ireland.

52 & 53 Vict.
c. 63.

Short title
and extent.

SCHEDULES.FIRST SCHEDULE.CONSTITUTION AND PROCEEDINGS OF THE AGRICULTURAL
WAGES BOARD.

Section 1.

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, and any such regulations as to committees may be made so as to apply generally to the procedure of

1ST SCH.
—cont.

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.

SECOND SCHEDULE.

Section 2.

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

Counties in England.

1. Bedford and Huntingdon.
2. Cambridge and Isle of Ely.
3. Cornwall and Isles of Scilly.
4. Cumberland and Westmorland.
5. Leicester and Rutland.
6. Lincoln, Parts of Kesteven and Lincoln, Parts of Lindsey.
7. Northampton and Soke of Peterborough.
8. Southampton and Isle of Wight.
9. Suffolk, East and Suffolk, West.
10. Sussex, East and Sussex, West.

Counties in Wales.

11. Anglesey and Caernarvon.
12. Denbigh and Flint.
13. Merioneth and Montgomery.
14. Pembroke and Cardigan.
15. Radnor and Brecknock.

THIRD SCHEDULE.

Section 2.

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.

(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.

3RD SCH.
—cont.

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

ORDERS OF THE AGRICULTURAL WAGES BOARD

Sections 3, 6, 7,
16.

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.

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

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.

4TH SCH.
—cont.

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 to 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.

6. Without prejudice to the provisions of this Act as to the cancellation and variation of minimum rates of wages and directions as to holidays, 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.

FIFTH SCHEDULE.

ENACTMENTS REPEALED.

Section 20.

Session and Chapter.	Short Title.	Extent of Repeal.
14 & 15 Geo. 5. c. 37.	The Agricultural Wages (Regulation) Act, 1924.	The whole Act.
1 & 2 Geo. 6. c. 70.	The Holidays with Pay Act, 1938.	Sections one, two, three and five so far as they relate to workers employed in agriculture.
10 & 11 Geo. 6. c. 15.	The Agricultural Wages (Regulation) Act, 1947.	The whole Act.

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