



Agricultural Wages Act 1948

1948 CHAPTER 47 11 and 12 Geo 6

Supplementary

^{F2}12 [^{F1}Powers of officers]

^{F3}(1)

^{F3}(2)

- (3) An officer [^{F4}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 [^{F5}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 [^{F6}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 [^{F7}acting for the purposes of this Act]—
- (a) that a sum is due from an employer to a worker ^{F8}. . . 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

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proceedings before any competent court of jurisdiction for the recovery of the sum in question,^{F9}

[^{F10}(5A) Where it appears to an officer [^{F11}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.]

[^{F12}(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.

[^{F13}(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

- F1** 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.
- F2** Ss. 6-16 repealed (25.6.2013 for the purpose of the repeal of ss. 6(8), 7(1), 16) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), **Sch. 20 para. 2**; S.I. 2013/1455, art. 2(c), Sch. 1 (with art. 4(1)(2)) (as amended (7.9.2013) by S.I. 2013/2271, art. 2 and (14.9.2014) by S.I. 2014/2481, art. 3)
- F3** 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.
- F4** 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.
- F5** Words added by [Employment Protection Act 1975 \(c. 71\)](#), **Sch. 9 Pt. II para. 4(1)**
- F6** 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.

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- F7** 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.
- F8** 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)
- F9** Words repealed by Employment Protection Act 1975 (c. 71), Sch. 18
- F10** S. 12(5A)(5B) inserted by Employment Protection Act 1975 (c. 71), **Sch. 9 Pt. II para. 4(2)**
- F11** 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.
- F12** S. 12(6) substituted by Employment Protection Act 1975 (c. 71), **Sch. 9 Pt. II para. 4(3)**
- F13** 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)

Modifications etc. (not altering text)

- C1** 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)

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Changes and effects yet to be applied to :

- s. 12(7) words repealed by [2003 c. 44 Sch. 37 Pt. 9](#)