Agricultural Wages Act 1948

1948 CHAPTER 47 11 and 12 Geo 6

Wages and Holidays

[3A [F1]Enforcement.

[[F2](1) The enforcement provisions of the National Minimum Wage Act 1998 shall have effect for the purposes of this Act as they have effect for the purposes of that Act, but with the modifications specified in subsections (3) and (4) of this section.

(2) In subsection (1) of this section " the enforcement provisions of the National Minimum Wage Act 1998 " means the following provisions of that Act—

(a) sections 9 to 11 (records);

(b) section 14 (powers of officers);

(c) sections 17 and 19 to **[**[F3]19H **]** (enforcement of right to national minimum wage);

(d) sections 23 and 24 (right not to suffer detriment);

(e) section 28 (evidence: reversal of burden of proof in civil proceedings);

(f) sections 31 to 33 (offences);

(g) section 48 (superior employers); and

(h) section 49 (restriction on contracting out).

(3) In the application of any provision of the National Minimum Wage Act 1998 by subsection (1) of this section—

(a) any reference to that Act, other than a reference to a specific provision of it, includes a reference to this Act;

(b) any reference to a worker (within the meaning of that Act) shall be taken as a reference to a worker employed in agriculture (within the meaning of this Act);

(c) any reference to a person (however described) who qualifies for the national minimum wage shall be taken as a reference to a worker employed in agriculture;

(d) subject to paragraph (c) of this subsection, any reference to the national minimum wage, other than a reference to the hourly amount of the national

minimum wage, shall be taken as a reference to the minimum rate applicable under this Act;

(e) subject to paragraph (c) of this subsection, any reference to qualifying for the national minimum wage shall be taken as a reference to being entitled to the minimum rate applicable under this Act;

[F4](f) . . . . . .

[[F5](3A) In the application of section 17 of the National Minimum Wage Act 1998 by subsection (1) of this section–

(a) for subsection (2) there shall be substituted the following subsection–

(“) **[**[F6]The amount referred to in subsection (1)(a) above**]** is the difference between–

(a) the remuneration received by the worker as a worker employed in agriculture for the pay reference period from his employer; and

(b) the amount which he would have received as a worker employed in agriculture for that period had he been remunerated by the employer at the minimum rate applicable **[**[F7] under the Agricultural Wages Act 1948**]**.”

(b) subsection (3) shall be disregarded.**]**

[[F8](c) for subsection (4) there shall be substituted—

“(4) The amount referred to in subsection (1)(b) above is the amount determined by the formula—

$$AR1 \times R2$$

where—

A is the amount described in subsection (2) above,

R1 is the minimum rate applicable under the Agricultural Wages Act 1948 in respect of the worker during the pay reference period, and

R2 is the minimum rate which would have been applicable under that Act in respect of the worker during the pay reference period had the minimum rate applicable under that Act in respect of the worker during that period been determined by reference to any order under section 3(1)(a) of that Act in force at the time of determination.”**]**

(4) In the application of section 33 of the National Minimum Wage Act 1998 (proceedings for offences) by subsection (1) of this section, any reference to the Secretary of State shall be taken to include a reference to the Minister of Agriculture, Fisheries and Food.

(5) In section 104A of the [M1] Employment Rights Act 1996 (unfair dismissal: national minimum wage) in subsection (1)(c)—

(a) any reference to a person qualifying for the national minimum wage includes a reference to a person being or becoming entitled to a minimum rate applicable under this Act; and

(b) any reference to a person qualifying for a particular rate of national minimum wage includes a reference to a person being or becoming entitled to a particular minimum rate applicable under this Act.**]]**

Textual Amendments

F1 S. 3A inserted (1.4.1999) by 1998 c. 39, s. 47, **Sch. 2 Pt. I para. 3** (with s. 36); S.I. 1999/685, art. 2, **Sch.**

F2 S. 3A repealed (1.10.2013 for E.) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 20 para. 2; S.I. 2013/1455, art. 3(b), Sch. 2 (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 Word in s. 3A(2)(c) substituted (6.4.2009) by Employment Act 2008 (c. 24), **ss. 9(6)**, 22(1)(a) (with s. 9(7)); S.I. 2009/603, art. 2 (with art. 3Sch.)

F4 S. 3A(3)(f) omitted (1.4.1999) by virtue of S.I. 1999/712, **art. 2(2)**

F5 S. 3A(3A) inserted (1.4.1999) by S.I. 1999/712, **art. 2(3)**

F6 Words in s. 3A(3A)(a) substituted (6.4.2009) by Employment Act 2008 (c. 24), **ss. 8(6)(a)(i)**, 22(1)(a) (with s. 8(8)); S.I. 2009/603, art. 2 (with art. 3Sch.)

F7 Words in s. 3A(3A)(a) substituted (6.4.2009) by Employment Act 2008 (c. 24), **ss. 8(6)(a)(ii)**, 22(1)(a) (with s. 8(8)); S.I. 2009/603, art. 2 (with art. 3Sch.)

F8 S. 3A(3A)(c) inserted (6.4.2009) by Employment Act 2008 (c. 24), **ss. 8(6)(b)**, 22(1)(a) (with s. 8(8)); S.I. 2009/603, art. 2 (with art. 3Sch.)

Marginal Citations

M1 1996 c. 18.

Changes to legislation:
There are currently no known outstanding effects for the Agricultural Wages Act 1948, Section 3A.