



Agricultural Wages Act 1948

1948 CHAPTER 47

Wages and Holidays

4 Enforcement of wages and holidays orders

(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

Status: This is the original version (as it was originally enacted).

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.