

1971 No. 844

AGRICULTURAL EMPLOYMENT
AGRICULTURAL WAGES
**The Agricultural Wages Committees (Wages Structure)
Regulations 1971**

<i>Made</i>	- - -	19th May 1971
<i>Laid before Parliament</i>		27th May 1971
<i>Coming into Operation</i>		1st October 1971

The Minister of Agriculture, Fisheries and Food, in pursuance of section 2(6) of the Agricultural Wages Act 1948(a), paragraph 9 of Schedule 3 to that Act, section 46(1) of the Agriculture (Miscellaneous Provisions) Act 1968(b) and all his other enabling powers, hereby makes the following regulations :—

Citation, commencement and extent

1. These regulations, which may be cited as the Agricultural Wages Committees (Wages Structure) Regulations 1971, shall come into operation on 1st October 1971 and shall apply to England and Wales.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

“the Act” means the Agricultural Wages Act 1948, as amended or extended by or under any subsequent enactment ;

“the appropriate Committee”, in relation to a worker, means the Committee for the county, or combination of counties, in which he is employed ;

“the Board” means the Agricultural Wages Board for England and Wales ;

“Committee” means an agricultural wages committee established under section 2 of the Act ;

“craft certificate” means a certificate issued by a Committee to a worker certifying that he is proficient in one or more classes of work ;

“the Minister” means the Minister of Agriculture, Fisheries and Food.

(2) The Interpretation Act 1889(c) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(a) 1948 c. 47.
(c) 1889 c. 63.

(b) 1968 c. 34.

Additional functions of agricultural wages committees

3. For the purpose of enabling or requiring Committees to give effect to orders made or which may be made by the Board under the Act, the functions of Committees under the Act shall include such further functions as are specified in these regulations.

Responsibility of Committees for craft certificates

4. Where the Board have made an order fixing minimum rates of wages for workers of a special class defined wholly or partly by reference to the issuing of craft certificates to workers of that class by Committees, then subject to the provisions of that order a Committee may issue, revoke, suspend and terminate the suspension of such certificates in accordance with the following provisions of these regulations, whether those minimum rates have come into operation or not.

Issuing of craft certificates

5. Where such an order as is mentioned in regulation 4 above sets out the qualifications required for a craft certificate or a particular kind of craft certificate, the appropriate Committee, on receipt of an application from a worker in accordance with regulation 9 below, and such evidence as may be required under that regulation, shall, if they are satisfied that the worker possesses those qualifications, issue him with such a certificate, subject to regulation 6(3) below.

Revocation of craft certificates

6.—(1) Where a Committee are satisfied that a craft certificate has been wrongly issued to a worker by them as a result of a mistake or incorrect information they may revoke the certificate, and shall do so unless, on such revocation and on surrender to them of the revoked certificate, they would immediately be obliged under regulation 5 above to issue another certificate to the same worker in identical terms with the exception of the date.

(2) Before revoking a craft certificate a Committee shall serve notice that they propose to do so on the worker to whom the certificate relates, setting out their reasons and offering him the opportunity of making representations to them against the proposed revocation, and shall consider any representations he may make.

(3) Where a Committee have revoked a worker's craft certificate they shall not issue him with another craft certificate until the revoked certificate has been surrendered to them or they are satisfied that it has been destroyed or lost.

Suspension of craft certificates

7.—(1) The appropriate Committee shall suspend a worker's craft certificates or terminate such suspension if he requests them in writing to do so and submits his certificates to them for endorsement.

(2) Where a worker holds more than one craft certificate, one shall not be suspended without the others.

(3) Where a Committee issue an additional craft certificate to a worker whose other craft certificates are suspended, they shall suspend the additional certificate unless the worker requests them in writing to terminate the suspension of his other craft certificates and submits those certificates to them for endorsement.

(4) A Committee shall suspend or terminate the suspension of a craft certificate by endorsing the certificate accordingly.

Notice to workers and employers

8.—(1) On issuing, revoking, suspending or terminating the suspension of a craft certificate a Committee shall forthwith give notice of the fact to the worker to whom the certificate relates and to his current or last known employer.

(2) It shall be sufficient notice to a worker under this regulation, except in cases of revocation, if the craft certificate is served on him, bearing, where appropriate, any necessary endorsement.

(3) Failure by a Committee to give notice under this regulation shall not invalidate the action taken by them in relation to the craft certificate.

Application for craft certificates

9.—(1) An application by a worker for a craft certificate under these regulations shall be made by him in writing to the appropriate Committee.

(2) The application shall be accompanied by evidence that the worker has the necessary qualifications for the craft certificate as set out in the appropriate orders of the Board.

(3) Before a craft certificate is issued the applicant shall if required supply the Committee with such further evidence as they consider necessary to establish his identity in the register kept by them in accordance with regulation 10 below.

Duty to keep register

10.—(1) Every Committee shall keep a register of workers to whom they have issued craft certificates, containing sufficient information to enable workers listed in the register to be readily identified by name or otherwise and so arranged that the register can quickly be searched for the name of any worker.

(2) Such a register shall also contain full particulars of every craft certificate issued by the Committee, so arranged that the information relating to each worker listed in the register can readily be referred to.

(3) A Committee shall, at the request of another Committee supply them with copies of a worker's craft certificates and of any correspondence relating thereto.

(4) Every Committee shall provide the Minister with such particulars of each craft certificate issued by them as will enable a central register to be kept of all workers to whom craft certificates have been issued.

(5) A Committee may, if requested in writing, supply information relating to a worker from the register kept by them for the purposes of this regulation, or from such central register as is referred to in the preceding paragraph, to any person having a legitimate interest in that information, where it is required for the purposes of such an order as is mentioned in regulation 4 above, and shall—

- (a) if requested in writing by a worker, inform him, or a trade union nominated by him,
- (b) if requested in writing by the employer or prospective employer of a worker, inform that employer or prospective employer, or an association of employers nominated by him,

whether they have any record of that worker having been issued with a craft certificate, or if not, whether a search of any central register which may be kept discloses any such record, and if any such record is found shall supply particulars accordingly.

Conciliation by Committees

11. Where such an order as is mentioned in regulation 4 above makes the issuing of a craft certificate to a worker dependent on the making of a declaration as to his competence by a person who has employed him, and a dispute has arisen whether such a declaration shall be made, a Committee may undertake conciliation with a view to resolving the dispute.

Restrictions on Committees' control over delegated powers

12. Regulation 13 of the Agricultural Wages Committees Regulations 1949(a) (which enables Committees to annul or vary decisions of sub-committees) shall not apply where a sub-committee have issued, suspended or terminated the suspension of a craft certificate under these regulations in the exercise of delegated powers, except in so far as that regulation requires the sub-committee to report their decision to their Committee.

Proof of craft certificates

13. Section 15 of the Act (which relates to evidence of resolutions and orders) shall apply to a craft certificate as it applies to a resolution passed by a Committee.

Service of documents

14. Any notice or documents required or authorised to be given to or served on a person under these regulations shall be duly given or served if it is delivered to him, left for him, in an envelope bearing his name, at the house or other place where he is then living, or sent to him by post at his last known address.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 19th May 1971.

(L.S.)

J. M. L. Prior,
Minister of Agriculture, Fisheries and Food.

(a) S.I. 1949/1885 (1949 I, p. 67).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations provide the machinery for the operation of a wages structure for agricultural workers under orders of the Agricultural Wages Board. Agricultural wages committees will have the duty of issuing craft certificates to workers who produce evidence that they are suitably qualified under the Board's orders, and of revoking, suspending and terminating the suspension of certificates in prescribed circumstances.

A certificate can be revoked only where it has been wrongly issued, and in such a case the worker is given the opportunity of making representations beforehand.

The regulations prescribe for notice of decisions to be given to employers and workers, for the making of applications, and for the keeping of registers of craftsmen.

Committees' powers can be delegated to sub-committees under the Agricultural Wages Committees Regulations 1949 (S.I. 1949/1885), but the right of Committees under those regulations to override sub-committees is taken away where the worker's application under these regulations is granted by the sub-committee. In cases of revocation or refusal the right remains.

Committees are given powers of conciliation in cases where an employer refuses a declaration as to a worker's competence.