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WELSH STATUTORY INSTRUMENTS

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**2023 No. 260**

**The Agricultural Wages (Wales) Order 2023**

**PART 3**

**Agricultural minimum wage**

**Accommodation offset allowance**

**15.**—(1) Where in any week an employer provides an agricultural worker with a house for the whole of that week, the employer may deduct the sum of £1.65 per week from the agricultural worker’s wage payable for that week.

(2) Subject to paragraphs (5) and (6), where in any week an employer provides an agricultural worker with other accommodation, the employer may deduct the sum of £5.29 per day, from the agricultural worker’s wage payable for each day in the week that the other accommodation is provided to the worker.

(3) For the purposes of paragraphs (1) and (4), a “house” means a whole dwelling house or self-contained accommodation (including any garden within the curtilage of such a dwelling house or self-contained accommodation) that by virtue of the agricultural worker’s contract the agricultural worker is required to live in for the proper or better performance of their duties.

(4) For the purposes of paragraph (2), “other accommodation” means any living accommodation other than a house which—

- (a) is fit for human habitation,
- (b) is safe and secure,
- (c) provides a bed for the sole use of each individual agricultural worker, and
- (d) provides clean drinking water, suitable and sufficient sanitary conveniences and washing facilities for agricultural workers in accordance with regulations 20 to 22 of the Workplace (Health, Safety and Welfare) Regulations 1992(1) as if the accommodation was a workplace to which regulations 20 to 22 of those Regulations applied;

(5) The deduction in paragraph (2) may only be made when the agricultural worker has worked for a minimum of 15 hours in that week.

(6) Any time during that week when the agricultural worker is on annual leave or bereavement leave must count towards those 15 hours.