
WELSH STATUTORY INSTRUMENTS

2023 No. 260

The Agricultural Wages (Wales) Order 2023

PART 5

Entitlement to time off

Daily rest

29.—(1) An agricultural worker is entitled to a rest period of not less than eleven consecutive hours in each 24-hour period during which they work for their employer.

(2) Subject to paragraph (3) an agricultural worker who is under 18 years of age is entitled to a rest period of not less than twelve consecutive hours in each 24-hour period during which they work for their employer.

(3) The minimum rest period provided for in paragraph (8) may be interrupted in the case of activities involving periods of work that are split up over the day or of short duration.

(4) Subject to paragraph (5), the provisions relating to daily rest as specified in paragraphs (1), (2) and (3) do not apply to an agricultural worker where—

- (a) due to the specific characteristics of the activity in which the agricultural worker is engaged, the duration of their working time is not measured or predetermined,
- (b) the agricultural worker's activities involve the need for continuity of service or production,
- (c) there is a foreseeable surge of activity,
- (d) the agricultural worker's activities are affected by—
 - (i) an occurrence due to unusual and unforeseeable circumstances, beyond the control of their employer,
 - (ii) exceptional events, the consequences of which could not have been avoided despite the exercise of all due care by the employer, or
 - (iii) an accident or the imminent risk of an accident, or
- (e) the employer and agricultural worker agree to modify or exclude the application of paragraphs (1), (2) and (3) in the manner and to the extent permitted by or under the Working Time Regulations 1998⁽¹⁾.

(5) Where paragraph (4) applies and an agricultural worker is accordingly required by their employer to work during a period which would otherwise be a daily rest break—

- (a) the employer must, unless sub-paragraph (b) applies, allow the agricultural worker to take an equivalent period of compensatory rest, and
- (b) in exceptional cases in which it is not possible, for objective reasons, to grant such a period of rest, the agricultural worker's employer must afford them such protection as may be appropriate in order to safeguard the agricultural worker's health and safety.

⁽¹⁾ S.I. 1998/1833.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
