
WELSH STATUTORY INSTRUMENTS

2023 No. 260

The Agricultural Wages (Wales) Order 2023

PART 5

Entitlement to time off

Weekly rest period

30.—(1) Subject to paragraph (2), an agricultural worker is entitled to an uninterrupted rest period of not less than 24 hours in each seven-day period during which they work for their employer.

(2) If their employer so determines, they shall be entitled to either—

- (a) two uninterrupted rest period each of not less than 24 hours in each 14-day period during which they work for their employer, or
- (b) one uninterrupted rest period of not less than 48 hours in each such 14-day period, in place of the entitlement provided for in paragraph (10).

(3) Subject to paragraph (8) an agricultural worker who is under 18 is entitled to a rest period of no less than 48 hours in each seven-day period during which they work for their employer.

(4) For the purposes of paragraphs (1) to (3), a seven-day period or (as the case may be) 14-day period shall be taken to begin—

- (a) at the start of each week or (as the case may be) every other week;
- (b) at such times on such days as may be provided for by an agreement between the agricultural worker and their employer.

(5) In a case where, in accordance with paragraph (4), 14-day periods are to be taken to begin at the start of every other week, the first such period applicable in the case of a particular agricultural worker shall be taken to begin at the start of the week in which that employment begins.

(6) For the purposes of paragraphs (4) and (5), a week starts at midnight between Sunday and Monday.

(7) The minimum rest period to which an agricultural worker is entitled under paragraph (1) or (2) shall not include any part of a rest period to which the agricultural worker is entitled under article 29(1), except where this is justified by objective or technical reasons or reasons concerning the organisation of work.

(8) The minimum rest period to which an agricultural worker who is under 18 years of age is entitled under paragraph (3) —

- (a) may be interrupted in the case of activities involving periods of work that are split up over the day or are of short duration, and
- (b) may be reduced where this is justified by technical or organisational reasons, but not to less than 36 consecutive hours.

(9) Subject to paragraph (10), 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⁾.
- (10) Where paragraph (9) applies and an agricultural worker is accordingly required by their employer to work during a period which would otherwise be a weekly 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.