
WELSH STATUTORY INSTRUMENTS

2023 No. 260

The Agricultural Wages (Wales) Order 2023

PART 5

Entitlement to time off

Payment in lieu of annual leave

38.—(1) Subject to the conditions in paragraph (2), an agricultural worker and their employer may agree that the agricultural worker is to receive payment in lieu of a day of the agricultural worker's annual leave entitlement.

(2) The conditions referred to in paragraph (1) are—

- (a) the maximum number of days for which an agricultural worker can receive a payment in lieu of annual leave during any annual leave year is prescribed in the Table in Schedule 3;
- (b) a written record is to be kept by the employer of any agreement that an agricultural worker will receive payment in lieu of a day's annual leave for a minimum of 3 years commencing at the end of that annual leave year;
- (c) in circumstances where the agricultural worker does not work on a day as agreed in accordance with paragraph (1), that day is to remain part of the agricultural worker's annual leave entitlement;
- (d) payment in lieu of annual leave is to be paid at a rate which comprises both the overtime rate specified in article 12 and holiday pay calculated in accordance with article 36 as if the day for which a payment in lieu of annual leave is made is a day on which the agricultural worker is taking annual leave.