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WELSH STATUTORY INSTRUMENTS

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**2023 No. 260**

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

**PART 2**

**Agricultural workers**

**Terms and conditions of employment**

3. An agricultural worker's employment is subject to the terms and conditions set out in this Part and Parts 3, 4 and 5 of this Order.

**Grades and categories of agricultural worker**

4. An agricultural worker must be employed as a worker at one of the Grades specified in articles 5 to 9 or as an apprentice in accordance with the provisions in article 10.

**Agricultural Development Worker Grade A**

5. An agricultural worker who—

- (a) has less than 3 years practical experience which is relevant to their role in agriculture, and
- (b) cannot provide documentary evidence to an employer that they have been awarded the main qualification or qualifications required for a level 2 apprenticeship which is relevant to their role in agriculture, in accordance with the apprenticeship framework, or have met the requirements of a level 2 or equivalent apprenticeship, from outside Wales, as specified in Schedule 4 which is relevant to their role in agriculture,

must be employed as an Agricultural Development Worker Grade A.

**Agricultural Worker Grade B**

6. An agricultural worker who—

- (a) provides documentary evidence to an employer that they have been awarded the main qualification or qualifications required for a level 2 apprenticeship, which must be relevant to their role in agriculture, in accordance with the apprenticeship framework, or have met the requirements of a level 2 or equivalent apprenticeship, from outside Wales, as specified in Schedule 4 which must be relevant to their role in agriculture, or
- (b) has at least 3 years of practical experience in agriculture at Agricultural Development Worker Grade A,

must be employed as an Agricultural Worker Grade B.

**Advanced Agricultural Worker Grade C**

7.—(1) An agricultural worker who—

- (a) provides documentary evidence to an employer that they have been awarded the main qualification or qualifications required for a level 3 apprenticeship, which must be relevant to their role in agriculture, in accordance with the apprenticeship framework, or have met the requirements of a level 3 or equivalent apprenticeship, from outside Wales, as specified in Schedule 4 which must be relevant to their role in agriculture,
- (b) has at least 2 years of practical experience in agriculture at Agricultural Worker Grade B, or
- (c) is employed as a team leader,

must be employed as an Advanced Agricultural Worker Grade C.

(2) For the purposes of this article, a “team leader” is responsible for leading a team of agricultural workers and for monitoring the team’s compliance with instructions given by or on behalf of their employer but is not responsible for disciplinary matters.

### **Senior Agricultural Worker Grade D**

8. An agricultural worker who—

- (a) provides documentary evidence to an employer they have been awarded the main qualification or qualifications required for a level 4 apprenticeship, which must be relevant to their role in agriculture, in accordance with the apprenticeship framework, or have met the requirements of a level 4 or equivalent apprenticeship, from outside Wales, as specified in Schedule 4 which must be relevant to their role in agriculture, or
- (b) has responsibilities including implementing management decisions independently or supervising staff,

must be employed as a Senior Agricultural Worker Grade D.

### **Agricultural Manager Grade E**

9. An agricultural worker who is required to have day to day responsibility, including hiring and managing staff where relevant—

- (a) for the entire of the employer’s holding, or
- (b) for part of the employer’s holding which is run as a separate operation or business,

must be employed as an Agricultural Manager Grade E.

### **Apprentices**

10.—(1) An agricultural worker is an apprentice employed under an apprenticeship if they are employed under either a contract of apprenticeship or an apprenticeship agreement within the meaning of section 32 of the Apprenticeships, Skills, Children and Learning Act 2009<sup>(1)</sup> or are treated as employed under a contract of apprenticeship.

(2) An agricultural worker must be treated as employed under a contract of apprenticeship if they are engaged in Wales under Government arrangements known as Foundation Apprenticeships, Apprenticeships or Higher Apprenticeships.

(3) In this article “Government arrangements” means arrangements made under section 2 of the Employment and Training Act 1973<sup>(2)</sup> or under section 17B of the Jobseekers Act 1995<sup>(3)</sup>.

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(1) 2009 c. 22.

(2) 1973 c. 50. Section 2 was amended by section 25 of the Employment Act 1988 (c. 19) and section 47 of the Trade Union Reform and Employment Rights Act 1993 (c. 19). Relevant functions of the Secretary of State, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the National Assembly for Wales transferred to the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

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

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(3) 1995 c. 18. Section 17B is repealed by section 147 of, and Part 4 of Schedule 14 to the Welfare Reform Act 2012 (c. 5). The repeal has effect for certain purposes pursuant to S.I. 2013/983, S.I. 2013/1511, S.I. 2013/2657, S.I. 2013/2846, S.I. 2014/209, S.I. 2014/1583, S.I. 2014/2321, S.I. 2014/3094, S.I. 2015/33, S.I. 2015/101, S.I. 2015/634, S.I. 2015/1537, S.I. 2015/1930, S.I. 2016/33 and S.I. 2016/407.