
WELSH STATUTORY INSTRUMENTS

2023 No. 260

The Agricultural Wages (Wales) Order 2023

PART 3

Agricultural minimum wage

Minimum rates of pay

11.—(1) Subject to the operation of section 1 of the National Minimum Wage Act 1998⁽¹⁾, agricultural workers must be remunerated by their employer in respect of their work at a rate which is not less than the agricultural minimum wage.

(2) The agricultural minimum wage is the minimum hourly rate specified in the Table in Schedule 1 as being applicable to each grade of agricultural worker and to apprentices.

Minimum rates of pay for overtime

12. Agricultural workers must be remunerated by their employer in respect of overtime worked at a rate which is equivalent to at least 1.5 times the minimum hourly rate of pay prescribed in article 11 and Schedule 1, to this Order as applicable to that grade or category of agricultural worker.

Minimum rates of pay for output work

13. Agricultural workers must be remunerated by their employer in respect of output work at a rate which is not less than the agricultural minimum wage specified in article 11 of, and Schedule 1 to, this Order which is applicable to their grade or category.

Protection of pay

14. Agricultural workers employed before 22 April 2022 who suffered a reduction in their minimum hourly rate as a result of their assimilation to a lower grade or category or a lower minimum rate of pay as specified in the Table in Schedule 1 of the Agricultural Wages (Wales) Order 2022 must continue to have their pay protected so that their rate of pay is at least the rate of pay they received on 21 April 2022.

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.

(1) 1998 c. 39.

(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(2) 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.

Payments which do not form part of an agricultural worker’s remuneration

16. The following allowances and payments do not form part of an agricultural worker’s remuneration—

- (a) a dog allowance of £9.36 per dog to be paid weekly where an agricultural worker is required by their employer to keep one or more dogs,
- (b) on-call allowance of a sum which is equivalent to three times the hourly rate of the agricultural worker according to their grade. The on-call allowance is payable in respect of every period the agricultural worker is on-call. The period of an on-call arrangement cannot exceed 24 hours,
- (c) a night work allowance of £1.78 for each hour of night work, and
- (d) a birth and adoption grant of £73.60 for each child.

Training costs

17.—(1) Where an agricultural worker attends a training course with the prior agreement of their employer, the employer must pay—

- (a) any fees for the course, and
- (b) any travelling and accommodation expenses incurred by the agricultural worker attending the course.

(2) An agricultural worker who has been continuously employed at Grade A by the same employer for not less than 30 weeks is deemed to have received the approval of their employer to undertake training with a view to attaining the necessary qualifications required of a Grade B worker.

(3) Any training undertaken by an agricultural worker in accordance with paragraph (2), is to be paid for by the employer.