CHAPTER 37.

An Act to provide for the Regulation of Wages of Workers in Agriculture, and for purposes incidental thereto. [7th August 1924.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Establishment of agricultural wages committees and an Agricultural Wages Board.

1.—(1) Subject to the provisions of this Act, the Minister of Agriculture and Fisheries (in this Act referred to as the Minister) shall, as soon as may be, establish an agricultural wages committee for each county in England and Wales, and an Agricultural Wages Board for England and Wales.

(2) An agricultural wages committee and the Agricultural Wages Board shall respectively be constituted in accordance with the provisions of the First Schedule to this Act and shall be established by order made by the Minister.

(3) The Minister may, if he thinks it expedient, establish one agricultural wages committee for two or more counties instead of a separate committee for each county should resolutions in favour of such combination be passed by the representative members of the committees for the several counties, and thereupon that committee shall be the agricultural wages committee for the combined counties.

(4) Notwithstanding anything in the foregoing provisions of this section, the Minister shall, on the first establishment of agricultural wages committees, establish one committee for each combination of counties specified in the Second Schedule to this Act.

(5) Where one committee has been established for a combination of counties, the Minister at any time thereafter may, and on the representation of the committee by resolution of the representative members shall, dissolve the committee; and until such committee is dissolved the counties included in the combination shall for the purposes of this Act be deemed to be one county.

Duties and powers of agricultural wages committees with respect to minimum rates of wages.

2.—(1) Subject to the provisions of this Act, agricultural wages committees shall fix minimum rates of wages for workers employed in agriculture for time work, and may also, if and so far as they think it necessary or expedient, fix minimum rates of wages for workers employed in agriculture for piece work.

(2) Any such minimum rates may be fixed by a committee so as to apply universally to all workers employed in agriculture in the county for which the committee act, or to any special class of workers so employed, or to any special area in the county, or to any special class in a special area, subject in each case to any exceptions which may be made by the committee for employment of any special character, and so as to vary according as the employment is for a day, week, month, or other period, or according to the number of working hours, or the conditions of the employment, or so as to provide for a differential rate in the case of overtime.

In the exercise of their powers under this subsection a committee shall, so far as is reasonably practicable, secure a weekly half-holiday for workers.

(3) If, on an application in that behalf, a committee are satisfied that any worker employed or desiring to be employed on time work to which a minimum rate fixed under this Act is applicable is so affected by any physical injury or mental deficiency, or any infirmity due to age or to any other cause, that he is incapable of earning that minimum rate, the committee shall grant to the worker a permit exempting, as from the date of the application, or from any later date specified in the permit, the employment of the worker from the provisions of this Act requiring wages to be paid at not less than the minimum rate, subject to such conditions as may be specified in the permit, including if the committee think fit, a condition as to the wages to be paid to the worker; and, while the permit has effect, an employer shall not be liable to any legal proceedings under this Act for paying wages to the worker at a rate less than the minimum rate if the conditions specified in the permit are complied with. If an application for a permit is not disposed of within twenty-one days after the day on which it is received, then the employer of the worker to whom the application relates shall not be liable to any legal proceedings under this Act for paying wages

to the worker at a rate less than the minimum rate during the interval between the expiration of the said period and the date on which the application is ultimately disposed of.

(4) In fixing minimum rates a committee shall, so far as practicable, secure for able-bodied men such wages as in the opinion of the committee are adequate to promote efficiency and to enable a man in an ordinary case to maintain himself and his family in accordance with such standard of comfort as may be reasonable in relation to the nature of his occupation.

(5) A committee may, if they think it expedient, cancel or vary any minimum rate fixed under this Act.

(6) Before fixing, cancelling or varying any minimum rate, the committee shall give such notice as may be prescribed of the rate which they propose to fix or of their proposal to cancel the rate or of the proposed variation of the rate as the case may be, and of the manner in which and the time within which objections to the proposal may be lodged, not being less than fourteen days from the date of the notice, and shall consider any objections to the proposal which may be lodged within the time mentioned in the notice.

Where the proposal is modified in consequence of any objection so lodged, notice of the modified proposal need not be given except where in the opinion of the Agricultural Wages Board the proposal has been altered so materially that a fresh notice ought to be given.

Rates fixed by committees.

3.—(1) Where a committee have fixed any minimum rate of wages or have cancelled or varied any such rate, they shall forthwith send in the prescribed manner to the Agricultural Wages Board notification of their decision.

(2) The Agricultural Wages Board, on receipt of such notification, shall as soon as practicable make such order as may be necessary for the purpose of carrying out the decision of the committee.

(3) The Board shall, as soon as may be after they have made an order under this section, send notification thereof to the committee concerned, and give notice of the making of the order and the contents thereof in the prescribed manner.

(4) Any such minimum rate or the cancellation or variation thereof shall become effective from the date specified in that behalf in the order.

The date to be so specified shall be a date subsequent to the date of the order and where, as respects any employer who pays wages at intervals not exceeding seven days, the date so specified does not correspond with the beginning of the period for which wages are paid by that employer, the rate, or the cancellation or variation thereof, shall become effective as from the beginning of the next such period following the date specified in the order.

Complaints as to inadequate payment for piece work where no minimum piece rate has been fixed.

4. Any worker employed in agriculture in any county on piece work for which no minimum piece rate has been fixed or any person authorised by such a worker may complain to the agricultural wages committee for the county that the piece rate of wages paid to the worker for that work is such a rate as would yield in the circumstances of the case to an ordinary worker a less amount of wages than the minimum rate for time work applicable in the case of that worker and the committee may, on any such complaint after giving the employer an opportunity of making such representations as he thinks desirable, direct that the employer shall pay to the worker such additional sum by way of wages for any piece work done by him at that piece rate at any time within fourteen days before the date of complaint or at any time after the date of complaint and before the decision of the committee thereon as in their opinion represents the difference between the amount which would have been paid if the work had been done by an ordinary worker at the minimum rate for time work and the amount actually received by the worker by whom, or on whose behalf, the complaint is made, and any sum so directed to be paid may be recovered by or on behalf of the worker from the employer summarily as a civil debt.

Power of Agricultural Wages Board to fix, cancel or vary minimum

5. If an agricultural wages committee

(*a*) do not, within two months after the committee are established and a chairman is appointed, fix and notify to the Agricultural Wages Board a minimum rate of wages which they are required to fix under this Act; or

rates in certain cases.

(*b*) fail to fix and notify to the Agricultural Wages Board a minimum rate of wages in substitution for any such rate as aforesaid which, by cancellation or otherwise, has ceased to operate; or

(*c*) by a resolution of the representative members of the committee request the Agricultural Wages Board to fix, cancel, or vary a minimum rate of wages;

the Agricultural Wages Board may, after giving the prescribed notices, by order fix, cancel or vary the rate as the case requires, and for that purpose shall have and may exercise all the powers of the committee.

Power of the Minister to direct the reconsideration of minimum rates.

6. The Minister may direct an agricultural wages committee to reconsider any minimum rate which has been fixed by them, and thereupon the committee shall reconsider the same and notify to the Minister the result of their reconsideration.

Penalties and legal proceedings.

7.—(1) Where any minimum rate of wages has been made effective by an order of the Agricultural Wages Board under this Act, any person who employs a worker in agriculture shall, in cases to which the minimum rate is applicable, pay wages to the worker at a rate not less than the minimum rate, and, if he fails to do so, shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds and to a fine not exceeding one pound for each day on which the offence is continued after conviction.

(2) In any proceedings against a person under this section it shall lie with that person to prove that he has paid wages at not less than the minimum rate.

(3) In any proceedings against an employer under this section the court shall, whether there is a conviction or not, order the employer to pay in addition to the fine, if any, such sum as may be found by the court to represent the difference between the amount which ought at the minimum rate applicable to have been paid to the worker during the period of six months immediately preceding the date on which the information was laid or the complaint was served and the amount actually paid to him during that period.

(4) Where an employer has been convicted under this section for failing to pay wages to any worker at

not less than the minimum rate applicable, then, if notice of intention so to do has been served with the summons, warrant, or complaint, evidence may be given of any failure on the part of the employer to pay wages to that worker at not less than the minimum rate applicable to him at any time during the eighteen months immediately preceding the period of six months mentioned in the last preceding subsection, and on proof of the failure the court may order the employer to pay such sum as is found by the court to represent the difference between the amount which ought to have been paid to the worker by way of wages at the minimum rate applicable during those eighteen months and the amount actually so paid.

(5) Where an offence for which an employer is under this section liable to a fine has in fact been committed by some agent of the employer or other person, that agent or other person shall be liable to be proceeded against for the offence in the same manner as if he were the employer, and either together with, or before or after the conviction of, the employer, and shall be liable on conviction to the same punishment as that to which the employer is liable.

(6) Where an employer who is charged with an offence under this section proves to the satisfaction of the court that he has used due diligence to secure compliance with the provisions of this Act, and that the offence was in fact committed by his agent or some other person without his knowledge, consent, or connivance, he shall, in the event of the conviction of that agent or other person for the offence, be exempt from any conviction in respect of the offence.

(7) Where it appears to any officer appointed by the the Minister under this Act that a sum is due from an employer to a worker on account of the payment of wages to him at less than the minimum rate applicable, or by reason of any direction given by an agricultural wages committee for the payment of an additional sum by way of wages for piece work, the officer (if he is authorised in that behalf by special or general directions of the Minister) may institute, on behalf of or in the name of the worker, civil proceedings before any court of competent jurisdiction for the recovery of the said sum: Provided that in any such civil proceedings

instituted by the officer the court shall, if the officer is not a party to the proceedings, have the same power to make an order for the payment of costs by the officer as if he were a party to the proceedings.

(8) Where a permit granted in respect of a worker under section two of this Act contains a condition for the payment of wages to the worker at a rate not less than the rate therein specified, the amount of wages that may be recovered from an employer of the worker pursuant to subsection (3), subsection (4), or subsection (7) of this section shall, as respects any period during which the permit had effect, be calculated on the basis of the rate so specified instead of on the basis of the minimum rate.

(9) The powers given by this section for the recovery of sums due from an employer to a worker shall not be in derogation of any right of the worker to recover such sums by civil proceedings.

(10) Any agreement for the payment of wages in contravention of this Act, or for abstaining to exercise any right of enforcing the payment of wages in accordance with this Act, shall be void.

(11) Subject to any definition under this Act of the benefits or advantages which may be reckoned as payment of wages in lieu of cash and the value at which they are to be reckoned, and to any limitation or prohibition under this Act of the reckoning of benefits or advantages as payment of wages in lieu of cash, the court may, in any proceedings under this Act, reckon as a payment of wages such amount as in the opinion of the court represents the value of any benefits or advantages (not being benefits or advantages prohibited by law) received by a worker under the terms of his employment.

Regulations. **8.**—(1) The Minister shall, in addition to any special power to make regulations given to him under this Act, have power to make regulations for the following purposes—

(*a*) for requiring the wages committees by order to define the benefits or advantages (not being benefits or advantages prohibited by law) which may be reckoned as payment of wages in lieu of payment in cash and the value at which they

are to be reckoned, and for enabling the committees by order to limit or prohibit the reckoning of benefits or advantages as payment of wages in lieu of cash, and for enabling the committees on the application of any employer or worker, to determine any question which may arise as to the value of any such benefits or advantages, or generally as to any contract of employment so far as the application of this Act thereto is concerned;

(*b*) for requiring the agricultural wages committees by order to define, for the purposes of any differential rate for overtime, the employment which is to be treated as overtime employment;

(*c*) for requiring a committee, if so directed by the Minister, to reconsider any such order as aforesaid made by them and to notify to the Minister the result of their reconsideration;

(*d*) for requiring the Agricultural Wages Board, if so requested by a resolution of the representative members of a wages committee, to perform any duty or exercise any power of the committee under any regulation made under this section, or requiring the Board to perform any such duty which a committee has failed to perform within such time as may be prescribed by the regulation, and for applying for that purpose as respects the Board any provisions of this section relating to committees;

(*e*) for prescribing the procedure to be followed on or in connection with applications or complaints to the committees or sub-committees; and

(*f*) as to the notice to be given of any matter under this Act, with a view to bringing, so far as practicable, the matter of which notice is to be given to the knowledge of persons affected.

(2) Any regulation made under this Act shall be laid before both Houses of Parliament forthwith; and, if an address to His Majesty is agreed to by either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such regulation is laid before it praying that the regulation

may be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or the making of a new regulation.

Appointment and powers of officers.

9.—(1) The Minister may appoint a secretary for the Agricultural Wages Board and a secretary for each agricultural wages committee and, subject to the consent of the Treasury as to number, such officers as he thinks necessary for the purpose of investigating complaints and otherwise securing the proper observance of this Act.

(2) Any officer so appointed shall have power—

(*a*) after giving reasonable notice to require the production of and to inspect and take copies of wages sheets or other records of wages paid to workers employed in agriculture;

(*b*) to enter at all reasonable times any premises or place for the purpose of such inspection or for the enforcement of this Act, but in the case of a dwelling-house not without giving reasonable notice; and

(*c*) to require any such worker, or the employer of any such worker, or any agent of the employer to give any information which it is in his power to give with respect to the employment of the worker or the wages paid to him.

(3) If any person—

(*a*) hinders or molests any officer acting in the exercise of his powers under this section; or

(*b*) refuses to produce any document or give any information which any such officer lawfully requires him to produce or give; or

(*c*) produces or causes to be produced or knowingly allows to be produced any wages sheet, record or other document which is false in any material particular to any such officer knowing the same to be false; or

(*d*) furnishes any information to any such officer knowing the same to be false,

he shall be liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

(4) Any officer so appointed shall have power in pursuance of any special or general directions of the Minister to take proceedings in respect of offences against this Act.

(5) Any officer so appointed may, although not a barrister or solicitor, prosecute or conduct before a court of summary jurisdiction any proceedings arising under this Act.

Officers to produce certificates when required.

10. Every officer appointed by the Minister for the purpose of investigating complaints and securing the proper observance of this Act shall be furnished by the Minister with a certificate of his employment, and when acting under or exercising any power conferred upon him by this Act shall, if so required, produce the said certificate to any person or persons affected.

Expenses.

11. Any expenses of the Minister and any expenses of the Agricultural Wages Board, or any agricultural wages committee or sub-committee, which are sanctioned by the Minister, including any expenses incurred with such sanction by any members of the Board, or of such committee or sub-committee in the performance of their duties, and any sums paid with such sanction to any such members by way of compensation for loss of time, in each case up to an amount approved by the Treasury, but not exceeding in the aggregate the sum of seventy thousand pounds in any one year, shall be defrayed out of moneys provided by Parliament.

Annual Report.

12. The Minister shall make an annual report to Parliament of his proceedings under this Act and of the proceedings of the agricultural wages committees and of the Agricultural Wages Board, and for that purpose each committee and the Board shall, before such date in every year as the Minister may fix, send to the Minister a report of their proceedings under this Act during the preceding year.

Evidence of resolutions and orders of committee and Board.

13. In any legal proceedings the production of a document purporting to be a copy of a resolution or order passed or made by an agricultural wages committee or the Agricultural Wages Board, and certified to be a true copy by the chairman or secretary of the committee or Board, shall be sufficient evidence of the resolution or order, and that any notices required to be

given hy this Act in relation to the resolution or order have been duly given, and no proof shall be required of the handwriting or official position of the person certifying the same.

Saving of agreements, &c.

14. Nothing in this Act shall prejudice the operation of any agreement or custom for the payment of wages at a rate higher than the minimum rate fixed under this Act.

Application to county of London.

15. An agricultural wages committee shall not be established for the county of London, but such portions of that county as the Minister may by order define shall, for the purposes of this Act, be deemed to be included in such other counties as may be specified in the order.

Definitions.

16.—(1) In this Act unless the context otherwise requires—

The expression "agriculture" includes dairy-farming and the use of land as grazing, meadow, or pasture land or orchard or osier land or woodland or for market gardens or nursery grounds;

The expression "worker" includes a boy, woman and girl;

The expression "employment" means employment under a contract of service or apprenticeship, and the expressions "employed" and "employer" shall be construed accordingly;

The expression "special class of workers" means in relation to an order or resolution fixing, varying or cancelling a rate of wages, such workers as are treated in the order or resolution as constituting a special class;

The expression "county" means an administrative county, and, for the purposes of this Act, a county borough which is surrounded by an administrative county shall be deemed to be included in that county, and a county borough which adjoins two or more administrative counties shall be deemed to be included in such of those counties as the Minister may direct, and any detached part of an administrative county shall be deemed to be included in the adjoining administrative county or if it adjoins two or more administrative counties shall be deemed to be included

in such of those counties as the Minister may direct;

The expression "prescribed" means prescribed by regulations made under this Act.

(2) For the purposes of this Act, the Scilly Isles shall be deemed to be a county, and the area comprising the Ulverston Rural District and the Grange, Ulverston and Dalton-in-Furness Urban Districts shall, if the Minister so directs, be deemed to be a detached part of the county of Lancaster.

(3) A resolution passed at a meeting of an agricultural wages committee unanimously by the representative members of the committee present and voting, shall be deemed to be a resolution of the representative members for the purposes of this Act.

17. Section four of the Corn Production Acts (Repeal) Act, 1921, is hereby repealed. Repeal. 11 & 12 Geo. 5. c. 48.

18. This Act may be cited as the Agricultural Wages (Regulation) Act, 1924, and shall not apply to Scotland or Northern Ireland. Short title and extent

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SCHEDULES.

FIRST SCHEDULE. Section 1.

CONSTITUTION AND PROCEEDINGS OF AGRICULTURAL WAGES COMMITTEES AND THE AGRICULTURAL WAGES BOARD.

AGRICULTURAL WAGES COMMITTEES.

1. An agricultural wages committee shall consist of members representing employers and members representing workers in agriculture in the county for which the committee act (in this Act referred to as representative members), in equal proportions, of two impartial members appointed by the Minister and of a chairman.

2. The representative members shall be either nominated or elected as may be provided by regulations made under this schedule, and shall be nominated or elected in the manner prescribed by such regulations.

3. The chairman of an agricultural wages committee shall be appointed annually by the committee, but, if the committee at any time fail to appoint a chairman within the prescribed period, the appointment may be made by the Minister.

A committee may nominate one or more persons for the office of vice chairman, and the chairman may from time to time appoint one of those persons to act in his place as vice chairman in his absence.

A representative member of a committee shall not be qualified to be appointed chairman or vice chairman of the committee of which he is a member.

4. At every meeting of a committee the chairman, if present, shall preside. If the chairman is absent, the vice chairman, if present, shall preside. If both the chairman and vice chairman are absent, such member as the members then present choose shall preside.

5. At a meeting of a committee the chairman or a vice-chairman presiding at the meeting in his absence shall be entitled to vote, and in case of equality of votes shall have a second or casting vote, but before exercising his right to vote the chairman or vice-chairman, if so authorised by a resolution of the representative members of the committee, may obtain the advice of the Agricultural Wages Board or a committee of that board as to the exercise of such right, and may adjourn the meeting in order to enable him to do so.

6. A committee may, in accordance with regulations under this schedule, appoint one or more sub-committees consisting of persons representing employers and persons representing workers in agriculture in the county in equal proportions, and of a chairman, if the committee think fit, and the committee may refer to any such sub-committee for report and recommendations any matter which they think it expedient so to refer, and may also, if they think fit, delegate to any such sub-committee any of their powers and duties under this Act other than their power or duty to fix, cancel, or vary minimum rates of wages. The members of a sub-committee may, but need not be, members of the committee by which the sub-committee is appointed.

AGRICULTURAL WAGES BOARD.

7. The Agricultural Wages Board shall consist of members representing employers and members representing workers in

agriculture (in this Act referred to as representative members) in equal proportions together with such number of members (in this Act referred to as appointed members) as the Minister may think fit to appoint, but so that the number of appointed members shall not exceed one-quarter of the total number of members of the Board when fully constituted.

8. The representative members shall be either nominated or elected as may be provided by regulations made under this schedule, and shall be nominated or elected in the manner prescribed by such regulations.

9. The chairman of the Board shall be such one of the appointed members as the Minister may nominate. At every meeting of the Board the chairman if present shall preside, and, if he is absent, such appointed member as the members then present choose shall preside.

10. At least one member of the Board shall be a woman.

11. The Board may, in accordance with regulations under this Schedule, appoint one or more committees consisting of members representing employers and members representing workers in agriculture in equal proportions and of one or more appointed members, and may refer to any such committee for report and recommendations any matter which they think it expedient so to refer, and may also, if they think fit, delegate to any such committee any of their powers and duties under this Act, other than any power or duty to fix, cancel, or vary minimum rates of wages.

GENERAL.

12. The proceedings of an agricultural wages committee or sub-committee or of the Agricultural Wages Board or any committee thereof shall not be invalidated by any vacancy in their number or by any defect in the appointment, nomination or election of the chairman, vice chairman or any member of the committee, sub-committee or Board.

13. The Minister may make regulations with respect to the proceedings and meetings of agricultural wages committees, sub-committees and the Agricultural Wages Board and any committee thereof including the appointment of chairmen and the term of office of chairmen and other members, the method of voting and the number of members necessary to form a quorum, and any such regulations as to committees or sub-committees may be made so as to apply generally to the

procedure of all committees or sub-committees or specially to the procedure of any particular committee or sub-committee; but, subject to the provisions of this Schedule and to any regulations so made, an agricultural wages committee, a sub-committee and the Agricultural Wages Board and any committee thereof may respectively regulate their proceedings in such manner as they think fit.

Section 1.

SECOND SCHEDULE.

COUNTIES AND COMBINED COUNTIES FOR WHICH THE FIRST AGRICULTURAL WAGES COMMITTEES ARE TO BE ESTABLISHED.

COMBINATIONS OF COUNTIES FOR WHICH COMMITTEES ARE TO BE ESTABLISHED ON THE FIRST ESTABLISHMENT OF COMMITTEES.

Counties of Bedford and Huntingdon.
Counties of Cambridge and Isle of Ely.
Counties of Cornwall and Scilly Isles.
Counties of Cumberland and Westmorland.
Counties of Leicester and Rutland.
Counties of Lincoln, Parts of Kesteven and Lincoln, Parts of Lindsey.
Counties of Northampton and Soke of Peterborough.
Counties of Southampton and Isle of Wight.
Counties of East Suffolk and West Suffolk.
Counties of East Sussex and West Sussex.
Counties of Anglesey and Carnarvon.
Counties of Denbigh and Flint.
Counties of Merioneth and Montgomery.
Counties of Pembroke and Cardigan.
Counties of Radnor and Brecknock.