CHAPTER 15.

An Act to transfer functions of agricultural wages committees to the Agricultural Wages Board and to the Scottish Agricultural Wages Board; to make further provision as to the fixing, cancelling and varying of minimum rates of agricultural wages, as to learners employed in agriculture, and as to agricultural workers disabled from earning the minimum rate of wages; to remove restrictions on the holidays which may be granted to agricultural workers under the Holidays with Pay Act, 1938; to extend the definition of "agriculture" in the enactments relating to the regulation of agricultural wages; and for purposes connected with the matters aforesaid. [11th March 1947.]

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:—

Transfer to Agricultural Wages Board of power to fix, cancel or vary minimum rates of agricultural wages.

1.—(1) The powers conferred by section two of the Agricultural Wages (Regulation) Act, 1924 (hereinafter referred to as "the principal Act") to fix, cancel or vary minimum rates of wages for workers employed in agriculture shall, in lieu of being exercised by the agricultural wages committee for each county for which such a committee is established under the principal Act, be exercised for each such county by the Agricultural Wages Board so established.

14 & 15 Geo. 5. c. 37.

(2) In fixing, cancelling or varying any minimum rate the Agricultural Wages Board shall not be limited to the consideration of any particular matters, and accordingly subsection (4) of the said section two (which prescribes certain considerations to which an agricultural wages committee is to have regard in fixing minimum rates) shall cease to have effect.

(3) Nothing in the principal Act or this Act shall be construed as preventing the Agricultural Wages Board fixing or varying a minimum rate of wages so as to secure that workers employed in agriculture receive remuneration calculated by reference to periods during the currency of their employment.

(4) The powers conferred on the Agricultural Wages Board by this section shall be exercised by order made in accordance with the provisions of the First Schedule to this Act.

(5) In accordance with the foregoing provisions of this section—

1 & 2 Geo. 6. c. 70.

(*a*) for references in subsections (1), (2) and (5) of section two of the principal Act and in the Holidays with Pay Act, 1938, to agricultural wages committees and to such a committee and to the county for which such a committee act there shall be substituted references to the Agricultural Wages Board and to the county to which the minimum rate in question relates, respectively; and

(*b*) in paragraph (*b*) of subsection (1) of section three of the Holidays with Pay Act, 1938 (which provides for applying the procedure under the principal Act to the giving, cancelling, varying or amending of directions under the said Act of 1938), for the reference to the principal Act there shall be substituted a reference to the First Schedule to this Act and in subsection (2) of the said section three (which provides for applying provisions of the principal Act for the purposes of the said Act of 1938) the references to provisions of the principal Act shall be construed as including references to the provisions of this Act.

3 & 4 Geo. 6. c. 17.

(6) The Agricultural Wages (Regulation) Amendment Act, 1940 (which provides for a national minimum wage) and Regulation twenty-three of the Defence (Agriculture and Fisheries) Regulations, 1939 (which makes temporary provision for the transfer of functions from agricultural wages committees to the Agricultural Wages Board) shall cease to have effect.

Benefits and advantages to be reckoned as payment of wages, and employment to be treated as overtime employment.

2.—(1) The Agricultural Wages Board shall have power, for each county for which an agricultural wages committee is established under the principal Act, by order made in accordance with the provisions of the First Schedule to this Act—

(*a*) to define the benefits or advantages (not being benefits or advantages prohibited by law) which for the purposes of any minimum rate of wages fixed under the principal Act may be reckoned as payment of wages in lieu of payment in cash;

(*b*) to determine the value at which, for the purposes aforesaid, such benefits or advantages may be so reckoned;

(*c*) to limit or prohibit the reckoning for the purposes aforesaid of benefits or advantages as payment of wages in lieu of payment in cash;

(*d*) to define, for the purposes of any differential rate of wages for overtime fixed under the principal Act, the employment which is to be treated as overtime employment.

(2) If an agricultural wages committee are satisfied, on an application in that behalf made by a worker employed in agriculture in their county or by his employer, that the value determined by an order or direction under this section for any house or part of a house occupied as a separate dwelling by the worker does not correspond with the true value thereof, the committee may, subject to any limits imposed by the Agricultural Wages Board by order made in accordance with the provisions of the First Schedule to this Act, direct that the value of the house or part of a house is to be reckoned for the purposes of any minimum rate of wages fixed under the principal Act at such different amount as may be specified in the direction.

(3) Paragraphs (*a*) to (*d*) of subsection (1) of section eight of the principal Act (which authorise the making of regulations conferring functions corresponding with the functions conferred by this section on the Agricultural Wages Board) shall cease to have effect.

Provisions as to learners.

3.—(1) Where a minimum rate of wages has been fixed under the principal Act for any special class of workers defined by reference to the fact that they are in receipt of instruction in agriculture, and the order fixing the rate provides that this section shall have effect in relation thereto, the rate shall not apply in relation to a worker unless there is in force a certificate given by the agricultural wages committee for the county in which the worker is employed that they approve the terms of his employment.

A certificate under this subsection may provide that it shall be deemed to have been in force from such date not earlier than the making to the agricultural wages committee of the application for the certificate as may be specified in the certificate.

(2) An agricultural wages committee in granting an application for a certificate under the last foregoing subsection may impose such conditions as appear to them requisite for securing that the worker to whom the application relates shall receive adequate instruction, and that the terms of his employment shall be in other respects satisfactory, and if (whether on an application under this subsection or otherwise) it appears to the committee that any condition imposed under this subsection is not being complied with, or that the terms of the worker's employment are no longer satisfactory, they may revoke the certificate.

(3) An agricultural wages committee may (whether on an application under this subsection or otherwise) vary any condition imposed under the last foregoing subsection.

(4) Before revoking any certificate or varying any condition under the foregoing provisions of this section, an agricultural wages committee shall serve on the worker to whom the certificate relates and on his employer notice of their proposal so to do, and afford to the worker and employer an opportunity of making representations to the committee, and no such revocation or variation as aforesaid shall take effect until notice of the revocation or variation has been served by the agricultural wages committee on the worker to whom the certificate relates and on his employer.

Any notice under this subsection shall be duly served on a person if sent to him by post in a registered letter.

(5) It shall not be lawful for the employer of a worker, being an apprentice or learner, who is employed in agriculture in any county for which an agricultural wages committee is established under the principal Act to receive directly or indirectly from the worker, or on his behalf or on his account, any payment by way of premium unless the payment is duly made in pursuance of an agreement approved for the purposes of this subsection by the agricultural wages committee, and the amount of any payment received in contravention of this subsection shall be recoverable by the person by whom the payment was made.

(6) If any employer acts in contravention of the last foregoing subsection, he shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds, and in any proceedings against an employer under this subsection the court shall, whether there is a conviction or not, order the employer to repay any sum which the court finds to have been received by way of premium in contravention of the last foregoing subsection.

(7) The provisions of subsections (5) to (7) of section seven of the principal Act relating to the punishment of offences in respect of the payment of wages at less than the minimum rate applicable and to the recovery of sums due on account of such payment shall, as set out with the necessary modifications in Part I of the Second Schedule to this Act, apply for the purposes of the two last foregoing subsections.

(8) Nothing in the provisions of the two last foregoing subsections or the Second Schedule to this Act shall be taken to exclude the bringing otherwise than in accordance with those provisions of proceedings for the recovery of an amount due under subsection (5) of this section.

(9) The Agricultural Wages Board may by order made in accordance with the provisions of the First Schedule to this Act specify matters with respect to which an agricultural wages committee must be satisfied before granting a certificate under subsection (1) of this section or approving an agreement for the purposes of subsection (5) thereof.

Minimum time rates of wages for agricultural workers employed on piece work.

4.—(1) The power conferred by subsection (1) of section two of the principal Act to fix minimum rates of wages for workers employed in agriculture for piece work shall include power to fix minimum time rates to apply in the case of workers employed on piece work for the purpose of securing to such workers a minimum rate of remuneration on a time work basis :

Provided that the minimum time rate for piece work shall not in any case be higher than the minimum rate which, if the work were time work, would be applicable thereto by virtue of the principal Act.

(2) Any minimum time rate for piece work may (without prejudice to the powers of fixing special rates conferred by subsection (2) of the said section two of the said Act) be fixed so as to provide for a differential rate for work done in such circumstances that, if it were time work, it would be treated as overtime for the purposes of the minimum rate applicable thereto by virtue of the said Act.

(3) In subsection (3) of section two of the principal Act (which empowers an agricultural wages committee to fix an individual rate of wages lower than the minimum for a worker employed on time work who is affected by injury or other infirmity), after the words " employed on time work to which a minimum rate fixed under this Act is applicable " there shall be inserted the words " or on piece work to which a minimum time rate so fixed is applicable."

(4) Section four of the principal Act (which empowers an agricultural wages committee to require the payment of extra wages to a worker who is employed on piece work for which no minimum piece rate has been fixed and who complains that his wages are too little by comparison with the minimum rate for time work) shall not apply in the case of a worker employed on piece work for which a minimum time rate has been fixed under this section.

Revocation and variation of permits under s. 2 (3) of principal Act.

5.—(1) Where an agricultural wages committee have granted a permit under subsection (3) of section two of the principal Act (which empowers such a committee to grant to workers suffering from incapacity permits exempting their employment from the provisions of the principal Act requiring wages to be paid at not less than the minimum rate), and at any time thereafter it appears

to the committee, whether on an application under this subsection or otherwise, that the worker to whom the permit relates is no longer so affected by any such incapacity as is mentioned in the said subsection (3) as to be incapable of earning the minimum rate in question, the committee shall revoke the permit.

(2) Where an agricultural wages committee have granted such a permit as aforesaid and it appears to the committee, whether on an application under this subsection or otherwise, that by reason of any change in minimum rates of wages or in the circumstances of the worker to whom the permit relates it is expedient to vary any condition specified in the permit, the committee may direct that the condition shall be varied in such manner as may be specified in the direction.

(3) Before revoking any permit or varying any condition under the foregoing provisions of this section, an agricultural wages committee shall serve on the worker to whom the permit relates, and, in any case where the identity of his employer is known to the committee, on his employer, notice of their proposal so to do, and afford to the worker and the employer (where such a notice as aforesaid is required to be served on him) an opportunity of making representations to the committee, and no such revocation or variation as aforesaid shall take effect until notice of the revocation or variation has been served by the agricultural wages committee on the worker to whom the permit relates and, in any case where the identity of his employer is known to the committee, on his employer. Any notice under this subsection shall be duly served on a person if sent to him by post in a registered letter.

Exercise of functions of Agricultural Wages Board and agricultural wages committees.

6.—(1) In the exercise of their functions under the principal Act and this Act in relation to any county, the Agricultural Wages Board shall, without prejudice to any other provision of this Act, have regard to representations made to them by the agricultural wages committee for the county.

(2) The functions of agricultural wages committees under the principal Act and this Act shall, subject to the provisions of the principal Act and of this Act and any order made thereunder, be exercised in accordance with any directions in that behalf given by the Agricultural Wages Board.

Removal of restrictions on granting holidays with pay.

7. The proviso to subsection (2) of section one of the Holidays with Pay Act, 1938 (which prevents the granting under that Act of holidays for agricultural workers of more than a week a year or more than three consecutive days) shall cease to have effect.

Extension of definition of "agriculture."

8.—(1) The expression "agriculture," in the principal Act and in this Act, shall include the production of any consumable produce which is grown for sale or for consumption or other use for the purposes of a trade or business or of any other undertaking, whether carried on for profit or not.

(2) In this section the expression "consumable produce" means produce grown for consumption or for other use after severance from the land on which it is grown.

Expenses.

9.—(1) So much of section eleven of the principal Act as limits the expenses to be defrayed under that section out of moneys provided by Parliament to the amount of seventy thousand pounds in any one year shall cease to have effect.

(2) The Minister may pay to persons attending as parties or witnesses before agricultural wages committees and sub-committees allowances by way of compensation for expenses incurred and time lost by such persons in so attending at such rates as he may with the approval of the Treasury determine.

(3) Any increase attributable to the provisions of this Act in the sums payable out of moneys provided by Parliament under the said section eleven shall be defrayed out of moneys so provided.

Application to Scotland.

10. This Act shall apply to Scotland subject to the following modifications :—

(*a*) for references (except in subsection (2) of section twelve or in the Third Schedule) to the Agricultural Wages (Regulation) Act, 1924 and to the following provisions of that Act, that is to say section two, subsections (1) (2) (3) (4) and (5) of that section, section four, section seven, subsections (5) to (7) of that section and section eleven, there shall be respectively substituted references to the Agricultural Wages (Regulation) (Scotland) Act, 1937 and to the following provisions of that Act, that is to say section two, subsections (1) (2) (6) (7) and (8) of that section, section four, section seven, subsections (5) to (7) of that section and section eleven ; 1 Edw. 8 and 1 Geo. 6. c. 53.

(*b*) for references to the Minister and to the Agricultural Wages Board there shall be substituted references respectively to the Secretary of State and to the Scottish Agricultural Wages Board, and for the expression "county" there shall be substituted the expression "district" ;

(*c*) for subsection (6) of section one there shall be substituted the following subsection :—

"(6) Regulation twenty-five of the Defence (Agriculture and Fisheries) Regulations 1939 (which makes temporary provision for the transfer of functions from agricultural wages committees to the Scottish Agricultural Wages Board) shall cease to have effect." ;

(*d*) in subsection (7) of section three for the reference to Part I of the Second Schedule there shall be substituted a reference to Part II of the Second Schedule;

(*e*) subsection (3) of section two and subsection (1) of section nine shall not apply.

Scottish Agricultural Wages Board and Wages Committees.

11.—(1) The number of appointed members of the Scottish Agricultural Wages Board shall be five, and paragraph 7 of the Schedule to the Agricultural Wages (Regulation) (Scotland) Act, 1937 shall have effect accordingly.

(2) The power of appointing the chairman or the vice-chairman of a committee shall be vested in the representative members thereof, and paragraph 3 of the aforesaid Schedule shall have effect accordingly.

Short title, construction, citation, repeal and savings.

12.—(1) This Act may be cited as the Agricultural Wages (Regulation) Act, 1947.

(2) This Act, except in its application to Scotland, shall be construed as one with the principal Act, and the principal Act, and this Act except as aforesaid may be cited together as the Agricultural Wages (Regulation) Acts, 1924 to 1947.

(3) This Act in its application to Scotland shall be construed as one with the Agricultural Wages (Regulation) (Scotland) Act, 1937, and that Act and this Act as it applies to Scotland may be cited together as the Agricultural Wages (Regulation) (Scotland) Acts, 1937 to 1947.

(4) References in this Act to the principal Act shall, except where the context otherwise requires, be construed as references to that Act as amended by any other enactment, including this Act.

(5) The enactments specified in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(6) Any minimum rate of wages under the principal Act in force immediately before the commencement of this Act, any direction under the Holidays with Pay Act, 1938, in force as aforesaid, and any order under the principal Act making any such definition, determination, limitation or prohibition as could be made by order of the Agricultural Wages Board under subsection (1) of section two of this Act, shall continue in force notwithstanding the repeals effected by this Act, and may be cancelled, varied or revoked as if made in accordance therewith.

SCHEDULES.

FIRST SCHEDULE.

Sections 1, 2, 3.

ORDERS OF AGRICULTURAL WAGES BOARD.

1. Where the Agricultural Wages Board propose to make an order under any provision of this Act, the Board shall—

(*a*) give, in such manner as appears to the Board requisite for informing persons concerned, public notice of the proposed order and of the manner in which and the time (not being less than fourteen days from the date of the notice) within which objections to the proposals may be lodged;

(*b*) serve a like notice by post on the agricultural wages committee for the county to which the order relates;

and shall consider any objections to the proposals which may be lodged in accordance with the notice.

2. After considering any such objections the Board may make an order in accordance with their original proposals or with those proposals as modified in such manner as appears to the Board expedient having regard to any objections lodged:

Provided that where it appears to the Board that having regard to the nature of any modifications which they propose to make in their original proposals opportunity should be given for the consideration thereof by persons concerned, the Board shall again give and serve notice under the foregoing paragraph, and this paragraph shall apply accordingly.

3. Notwithstanding anything in the foregoing paragraphs of this Schedule, where the Board are satisfied that on the ground of the limited application of a proposed order it is unnecessary to comply with the provisions of those paragraphs and certify accordingly, the Board may, instead of complying with those provisions, give notice of the proposed order in such manner as appears to the Board expedient in the circumstances, and may make the order at any time after the expiration of seven days from the giving of the notice.

4. As soon as may be after the Board have made an order under any provision of this Act they shall give public notice of the making of the order and of the contents thereof in such manner as appears to the Board requisite for informing persons concerned, and serve a like notice by post on the agricultural wages committee for the county to which the order relates.

5. An order of the Board under any provision of this Act may apply either universally to all workers employed in agriculture in the

1ST SCH. —*cont.*

county to which the order relates or to any special class of workers so employed, or to any special area in that county or to any special class in such a special area, subject in each case to any exceptions prescribed by the order; and an order of the Board fixing or varying a minimum rate of wages as mentioned in subsection (3) of section one of this Act may make alternative provisions applying according to different circumstances arising during the currency of a worker's employment or in connection with the termination thereof.

6. Without prejudice to the provisions of the principal Act and of this Act as to the cancellation and variation of minimum rates of wages, an order of the Board made under any provision of this Act may be varied or revoked by a subsequent order made in the like manner and subject to the like conditions.

Sections 3, 10.

SECOND SCHEDULE.

PART I.

PROVISIONS OF S. 7 OF PRINCIPAL ACT APPLIED FOR PURPOSES OF S. 3 OF THIS ACT.

1. Where an offence for which under subsection (6) of section three of this Act an employer is 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.

2. Where an employer is charged with an offence punishable under the said subsection (6) and proves to the satisfaction of the court that he has used due diligence to secure compliance with the provisions of this Act regulating the receipt of payments by way of premium, 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.

3.—(1) Where it appears to any officer appointed by the Minister under the principal Act that a sum is due from an employer on account of the receipt of a payment by way of premium in contravention of subsection (5) of section three of this Act, 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.

(2) 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.

PART II.

2ND SCH. —*cont.*

PROVISIONS OF S. 7 OF THE AGRICULTURAL WAGES (REGULATION) (SCOTLAND) ACT, 1937 APPLIED FOR PURPOSES OF S. 3 OF THIS ACT.

1. Where an offence for which an employer is liable under subsection (6) of section three of this Act 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 the employer, or before or after the employer is proceeded against, and shall be liable on conviction to the same punishment as that to which the employer is liable.

2. It shall be a defence for an employer who is charged with an offence under the said subsection (6) to prove that he has used due diligence to secure compliance with the provisions of this Act regulating the receipt of payments by way of premium, and that the offence was in fact committed by his agent or some other person without his knowledge, consent or connivance.

3.—(1) Where it appears to the Secretary of State that a sum is due from an employer on account of the receipt of a payment by way of premium in contravention of subsection (5) of section three of this Act, the Secretary of State 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.

(2) In any such civil proceedings instituted by the Secretary of State, the court shall have the same power to make an order for the payment of expenses by the Secretary of State as if he were a party to the proceedings.

THIRD SCHEDULE.

Section 12.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
14 & 15 Geo. 5. c. 37.	The Agricultural Wages (Regulation) Act, 1924.	In section two, in subsection (2) the words from "so as to apply" to "and" and subsections (4) and (6); section three; section five; section six; in section eight, in subsection (1), paragraphs (*a*) to (*d*) and (*f*); in section eleven, the words from "but" to "year"; in the First Schedule, in paragraph 6, the words from "other" to "wages."

3RD SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
1 Edw. 8. & 1 Geo. 6. c. 53.	The Agricultural Wages (Regulation) (Scotland) Act, 1937.	In section two, in subsection (2) the words from "so as to apply" to "and" and subsections (3) to (5) and (7) and (9); section three; section five; in section eight, in subsection (1) paragraphs (*a*) and (*c*); in the Schedule, in paragraph 6, the words from "other" to "wages".
1 & 2 Geo. 6. c. 70.	The Holidays with Pay Act, 1938.	In section one, in subsection (2), the proviso, so far as still in force.
3 & 4 Geo. 6. c. 17.	The Agricultural Wages (Regulation) Amendment Act, 1940.	The whole Act.
3 & 4 Geo. 6. c. 27.	The Agricultural Wages (Regulation) (Scotland) Act, 1940.	The whole Act.
7 & 8 Geo. 6. c. 28.	The Agriculture (Miscellaneous Provisions) Act, 1944.	Section three; in section eight, paragraph (*c*).

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