HOLIDAYS WITH PAY

AGRICULTURAL WORKERS

The Holidays with Pay (Agricultural Workers—Scotland) (Application of Enactments) Regulations, 1948

1948 No. 794 (S. 55)

Made - - - -	14*th April*, 1948
Laid before Parliament	20*th April*, 1948
Coming into Operation	1st *May*, 1948

In exercise of the powers conferred upon me by subsection (2) of section three of the Holidays with Pay Act, 1938(**a**), as amended by subsection (5) of section one of the Agricultural Wages (Regulation) Act, 1947(**b**) and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1. These regulations may be cited as the Holidays with Pay (Agricultural Workers—Scotland) (Application of Enactments) Regulations, 1948, and shall come into operation on the 1st day of May, 1948.

2. The Interpretation Act, 1889(**c**) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. In these regulations the following expressions have the meanings hereby assigned to them respectively, that is to say:—

" the Act of 1937 " means the Agricultural Wages (Regulation) (Scotland) Act, 1937(**d**):

" the Act of 1938 " means the Holidays with Pay Act, 1938:

" the Act of 1947 " means the Agricultural Wages (Regulation) Act, 1947:

" the Board " means the Scottish Agricultural Wages Board established under the Act of 1937.

4. Subsection (1) of section seven of the Act of 1937 (which makes it an offence for any person who employs a worker in agriculture, in cases to which a minimum rate of wages is applicable, to fail to pay wages to the worker at a rate not less than the minimum rate) shall apply to a failure to pay holiday remuneration at such times and subject to such conditions as may be directed by an Order of the Board as it applies to a failure to pay wages at a rate not less than the minimum rate.

5. Subsection (2) of section seven of the Act of 1937 (which places the onus of proof, in proceedings under that section on the employer) and subsections (5) and (6) thereof (which relate to offences committed by employers' agents) shall apply to proceedings for failing to allow a worker a holiday in accordance with directions of the Board in that behalf as they apply to proceedings for an offence under that section.

6. Subsection (10) of section seven of the Act of 1937 (which makes void agreements inconsistent with that Act) shall apply so as to make void any agreement as to holidays inconsistent with directions of the Board as to holidays or for abstaining from exercising the right to holidays conferred by such directions.

(**a**) 1 & 2 Geo. 6. c. 70. (**b**) 10 & 11 Geo. 6. c. 15. (**c**) 52 & 53 Vict. c. 63. (**d**) 1 Edw. 8 & 1 Geo. 6. c. 53.

7. Sections nine and ten of the Act of 1937 (which relate to the enforcement of that Act by officers of the Secretary of State) and section twelve thereof (which requires the Secretary of State to report his proceedings under that Act annually to Parliament) shall have effect as if references therein to the Act of 1937 included references to the Act of 1938.

8. Section fourteen of the Act of 1937 (which saves any agreement or custom for the payment of wages at a rate higher than the minimum rate fixed under that Act) shall have effect as if the reference to any such agreement or custom included a reference to any agreement or custom as to holidays that is not inconsistent with a direction of the Board in that behalf.

9. Paragraph 5 of the First Schedule to the Act of 1947 (which provides amongst other things, that an Order of the Board may apply universally to all workers or to any special class of workers or to any special area or to any special class of workers in a special area) shall apply for the purposes of Orders of the Board as to holidays or holiday remuneration as it applies for the purposes of Orders of the Board as to minimum rates of wages under the Act of 1937.

10. The Holidays with Pay (Agricultural Workers—Scotland) (Adaptation of Enactments) Regulations, 1938(**a**) are hereby revoked.

Dated this fourteenth day of April, 1948.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

The Holidays with Pay Act, 1938, as originally enacted permitted the making of regulations applying for the purposes of the Act any of the provisions of the Agricultural Wages (Regulation) (Scotland) Act, 1937 and regulations were so made in 1938 when the wage fixing authority and the holiday directing authority was the District Agricultural Wages Committee. The Agricultural Wages (Regulation) Act, 1947, has amended the Act of 1937, in particular by transferring certain powers of District Agricultural Wages Committees to the Scottish Agricultural Wages Board and by enacting fresh provisions with respect to the mode of exercising wage fixing, etc., powers, and has also amended the Act of 1938 by providing that provisions both of the Act of 1937 and of the Act of 1947 may be applied for the purposes of the Act of 1938. These regulations accordingly supersede the regulations of 1938.

(**a**) S.R. & O. 1938 (No. 1348) I, p. 1480.