
Changes to legislation: There are currently no known outstanding effects for the National Minimum Wage Act 1998, Paragraph 3. (See end of Document for details)

SCHEDULES

SCHEDULE 2

AMENDMENTS RELATING TO REMUNERATION ETC OF AGRICULTURAL WORKERS

[^{F1}PART I

THE AGRICULTURAL WAGES ACT 1948

Textual Amendments

- F1** Sch. 2 Pt. I repealed (25.6.2013 for the purpose of the repeal of Sch. 2 para. 2, 1.10.2013 for E. in so far as not already in force) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\)](#), [Sch. 20 para. 2](#); [S.I. 2013/1455, arts. 2\(c\), 3\(b\), Sch. 1, Sch. 2 \(with art. 4\(2\)\(4\)\)](#)

Enforcement

- 3 (1) After section 3 there shall be inserted—

“Enforcement.

- 3A (1) The enforcement provisions of the National Minimum Wage Act 1998 shall have effect for the purposes of this Act as they have effect for the purposes of that Act, but with the modifications specified in subsections (3) and (4) of this section.
- (2) In subsection (1) of this section “the enforcement provisions of the National Minimum Wage Act 1998” means the following provisions of that Act—
- (a) sections 9 to 11 (records);
 - (b) section 14 (powers of officers);
 - (c) sections 17 and 19 to 22 (enforcement of right to national minimum wage);
 - (d) sections 23 and 24 (right not to suffer detriment);
 - (e) sections 17 and 19 to 22 (enforcement of right to national minimum wage);
 - (f) sections 31 to 33 (offences); and
 - (g) section 49 (restriction on contracting out).
- (3) In the application of any provision of the National Minimum Wage Act 1998 by subsection (1) of this section—
- (a) any reference to that Act, other than a reference to a specific provision of it, includes a reference to this Act;

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- (b) any reference to a worker (within the meaning of that Act) shall be taken as a reference to a worker employed in agriculture (within the meaning of this Act);
 - (c) any reference to a person (however described) who qualifies for the national minimum wage shall be taken as a reference to a worker employed in agriculture;
 - (d) subject to paragraph (c) of this subsection, any reference to the national minimum wage, other than a reference to the hourly amount of the national minimum wage, shall be taken as a reference to the minimum rate applicable under this Act;
 - (e) subject to paragraph (c) of this subsection, any reference to qualifying for the national minimum wage shall be taken as a reference to being entitled to the minimum rate applicable under this Act;
 - (f) any reference to a pay reference period shall be disregarded.
- (4) In the application of section 33 of the National Minimum Wage Act 1998 (proceedings for offences) by subsection (1) of this section, any reference to the Secretary of State shall be taken to include a reference to the Minister of Agriculture, Fisheries and Food.
- (5) In section 104A of the M3Employment Rights Act 1996 (unfair dismissal: national minimum wage) in subsection (1)(c)—
- (a) any reference to a person qualifying for the national minimum wage includes a reference to a person being or becoming entitled to a minimum rate applicable under this Act; and
 - (b) any reference to a person qualifying for a particular rate of national minimum wage includes a reference to a person being or becoming entitled to a particular minimum rate applicable under this Act.”

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