

Status: Point in time view as at 01/10/2013.

Changes to legislation: There are currently no known outstanding effects for the National Minimum Wage Act 1998, Cross Heading: Article 4. (See end of Document for details)

SCHEDULES

SCHEDULE 2

AMENDMENTS RELATING TO REMUNERATION ETC OF AGRICULTURAL WORKERS

PART III

THE AGRICULTURAL WAGES (REGULATION) (NORTHERN IRELAND) ORDER 1977

Article 4

- 24 (1) Article 4 (power of Agricultural Wages Board for Northern Ireland to fix minimum rates of wages) shall be amended as follows.
- (2) After paragraph (1) there shall be inserted—
- “(1A) No minimum rate fixed under this Article which is an hourly rate shall be less than the national minimum wage.
- (1B) No minimum rate fixed under this Article which is a rate other than an hourly rate shall be such as to yield a less amount of wages for each hour worked than the hourly amount of the national minimum wage.”
- (3) After paragraph (12) there shall be added—
- “(13) If the Board makes, or purports to make, an order fixing a minimum rate under this Article—
- (a) which is an hourly rate but which is lower than the national minimum wage in force when that minimum rate comes into effect, or
- (b) which is a rate other than an hourly rate but which is such as to yield a less amount of wages for each hour worked than the hourly amount of the national minimum wage in force when that minimum rate comes into effect,
- the Board shall be taken to have made an order fixing in place of that minimum rate a minimum rate equal to the national minimum wage or, as the case may be, a minimum rate such as to yield an amount of wages for each hour worked equal to the hourly amount of the national minimum wage.
- (14) If, at any time after a minimum rate which is an hourly rate comes into effect under this Article, the national minimum wage becomes higher than that minimum rate, then, as respects any period beginning at or after that time, the Board shall be taken to have made an order fixing in place of that minimum rate a minimum rate equal to the national minimum wage.
- (15) If, at any time after a minimum rate other than an hourly rate comes into effect under this Article, the national minimum wage is increased to such a level that that minimum rate yields a less amount of wages for each hour

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worked than the hourly amount of the national minimum wage, then, as respects any period beginning at or after that time, the Board shall be taken to have made an order fixing in place of that minimum rate a minimum rate such as to yield an amount of wages for each hour worked equal to the hourly amount of the national minimum wage.

- (16) Paragraphs (13) to (15) are without prejudice to the power of the Board to make further orders under this Article fixing any minimum rates.
- (17) Where an order under this Article fixes any particular minimum rate of wages by reference to two or more component rates, of which—
- (a) one is the principal component, and
 - (b) the other or others are supplemental or additional components,
- (as in a case where the minimum rate for night work is fixed as the sum of the minimum rate payable in respect of work other than night work and a supplemental or additional minimum rate in respect of working at night) the national minimum wage provisions of this Article apply in relation to the principal component rate and not the supplemental or additional component rates.
- (18) The national minimum wage provisions of this Article do not apply in relation to any minimum rate which is in the nature of an allowance payable in respect of some particular responsibility or circumstance (as in a case where a minimum rate is fixed in respect of being required to keep a dog).
- (19) The national minimum wage provisions of this Article do not apply in relation to any minimum rate fixed under this Article by virtue of Article 5 or 8(5), unless and to the extent that regulations under section 2 of the National Minimum Wage Act 1998 make provision which has the effect that circumstances or periods in respect of which the minimum rate in question is required to be paid to a worker employed in agriculture are treated as circumstances in which, or times at which, a person is to be regarded as working.
- (20) In this Article “the national minimum wage provisions of this Article” means paragraphs (1A), (1B) and (13) to (15).”

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