

SCHEDULES

SCHEDULE 2

AMENDMENTS RELATING TO REMUNERATION ETC OF AGRICULTURAL WORKERS

PART III

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

Enforcement

26 After Article 8 there shall be inserted—

“Enforcement.

- 8A (1) The enforcement provisions of the National Minimum Wage Act 1998 shall have effect for the purposes of this Order as they have effect for the purposes of that Act, but with the modifications specified in paragraphs (3) and (4).
- (2) In paragraph (1) “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) section 28 (evidence: reversal of burden of proof in civil proceedings);
 - (f) sections 31 to 33 (offences);
 - (g) section 48 (superior employers); and
 - (h) section 49 (restriction on contracting out).
- (3) In the application of any provision of the National Minimum Wage Act 1998 by paragraph (1)—
- (a) any reference to that Act, other than a reference to a specific provision of it, includes a reference to this Order;
 - (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 Order);
 - (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 sub-paragraph (c), any reference to the national minimum wage, other than a reference to the hourly amount of the national

Status: This is the original version (as it was originally enacted).

- minimum wage, shall be taken as a reference to the minimum rate applicable under this Order;
- (e) subject to sub-paragraph (c), 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 Order; and
 - (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 paragraph (1), any reference to the Secretary of State shall be taken to include a reference to the Department of Agriculture for Northern Ireland.
- (5) In Article 135A of the Employment Rights (Northern Ireland) Order 1996 (unfair dismissal: national minimum wage) in paragraph (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 Order; 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 Order.”