



# Agricultural Wages (Scotland) Act 1949

1949 CHAPTER 30 12 13 and 14 Geo 6

## *Supplementary*

### 12 Officers.

- (1) The Secretary of State may, subject to the consent of the Treasury as to number, appoint such officers as he thinks necessary for the purpose of investigating complaints and otherwise securing the proper observance of this Act.
- (2) Every officer appointed under this section shall be furnished by the Secretary of State with a certificate of his employment, and when acting under or exercising any power conferred upon him by this Act shall, if so required, produce the certificate to any person or persons affected.
- (3) An officer so appointed shall have power—
  - (a) after giving reasonable notice, to require the production of and to inspect and take copies of wages sheets or other records of wages paid to workers employed in agriculture [<sup>F1</sup>and records of terms and conditions of employment of such workers];
  - (b) to enter at all reasonable times any premises or place for the purpose of such inspection or for the enforcement of this Act, but in the case of a dwelling-house not without giving reasonable notice; and
  - (c) to require any such worker, or the employer of any such worker, or any agent of the employer, to give any information which it is in his power to give with respect to the employment of the worker or the wages paid to him.
- (4) Where it appears to the Secretary of State—
  - <sup>F2</sup>(a) .....
  - (b) that a sum is due from an employer on account of the receipt of a premium in contravention of subsection (5) of section six of this Act;

the Secretary of State may institute, on behalf of or in the name of the worker, civil proceedings before any competent court of jurisdiction for the recovery of the sum in question, . . . <sup>F3</sup>

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*Changes to legislation: There are currently no known outstanding effects for the Agricultural Wages (Scotland) Act 1949, Cross Heading: Supplementary. (See end of Document for details)*

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[<sup>F4</sup>(4A) Where it appears to the Secretary of State that a term or condition of employment fixed by order of the Board is not being complied with by an employer, the Secretary of State may institute, on behalf or in the name of the worker, civil proceedings in respect of the failure to comply with the term or condition.

(4B) In any civil proceedings instituted by the Secretary of State by virtue of this section the court shall, if the Secretary of State is not a party to the proceedings, 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.]

[<sup>F5</sup>(5) Nothing in subsection (4) or (4A) of this section shall be taken to exclude the bringing otherwise than in accordance with either of those subsections proceedings of any description mentioned in those subsections.]

(6) If any person—

- (a) hinders or molests an officer acting in the exercise of his powers under subsection (3) of this section; or
- (b) refuses to produce any document or give any information which an officer so acting lawfully requires him to produce or give; or
- (c) produces or causes to be produced or knowingly allows to be produced to an officer so acting any wages sheet, record or other document which is false in a material particular, knowing the document to be false; or
- (d) furnishes to an officer so acting any information knowing it to be false,

he shall be liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

[<sup>F6</sup>(7) The powers conferred by subsection (3) of this section are not exercisable in any case where corresponding or similar powers conferred by any of the enforcement provisions of the National Minimum Wage Act 1998, as they have effect for the purposes of this Act, are exercisable by virtue of section 3A of this Act.

(8) In subsection (7) of this section, “the enforcement provisions of the National Minimum Wage Act 1998” has the same meaning as in subsection (1) of section 3A of this Act.]

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#### Textual Amendments

- F1** Words added by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 10 Pt. II para. 4\(1\)](#)
- F2** [S. 12\(4\)\(a\)](#) repealed (1.4.1999) by [1998 c. 39, ss. 47, 53](#), [Sch. 2 Pt. II para. 17\(2\)](#) (with [s. 36](#)); [S.I. 1999/685, art. 2](#), [Sch.](#) (with [art. 3](#))
- F3** Words repealed by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 18](#)
- F4** [S. 12\(4A\)\(4B\)](#) inserted by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 10 Pt. II para. 4\(2\)](#)
- F5** [S. 12\(5\)](#) substituted by [Employment Protection Act 1975 \(c. 71\)](#), [Sch. 10 Pt. II para. 4\(3\)](#)
- F6** [S. 12\(7\)\(8\)](#) added (1.4.1999) by [1998 c. 39, s. 47](#), [Sch. 2 Pt. II para. 17\(3\)](#) (with [s. 36](#)); [S.I. 1999/685, art. 2](#), [Sch.](#) (with [art. 3](#))

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#### Modifications etc. (not altering text)

- C1** [S. 12\(6\)](#) amended by [Employment Protection Act 1975 \(c. 71, SIF 43:1\)](#), [s. 97](#), [Sch. 10 Pt. II para. 5](#) and [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F](#) (increase of fines) and [289G](#) (substitution of references to levels on the standard scale)

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### 13 Annual reports.

The Secretary of State shall include in the annual report made in pursuance of subsection (2) of section four of the <sup>M1</sup>Small Landholders (Scotland) Act 1911, a report of his proceedings under this Act and of the proceedings of the Board . . . <sup>F7</sup>, and for that purpose the Board . . . . . <sup>F7</sup> shall, before such date in every year as the Secretary of State may fix, send to the Secretary of State a report of their proceedings under this Act during the preceding year.

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#### Textual Amendments

**F7** Words repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), [Sch. 6](#)

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#### Marginal Citations

**M1** 1911 c. 49.

### 14 Expenses.

Such expenses of the Secretary of State in carrying this Act into effect as the Treasury may determine, and any expenses authorised by the Secretary of State, with the consent of the Treasury, to be incurred by the Board . . . <sup>F8</sup> shall be defrayed out of moneys provided by Parliament.

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#### Textual Amendments

**F8** Words repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), [Sch. 6](#)

### 15 Evidence of resolutions and orders of the Board and agricultural wages committees.

In any legal proceedings the production of a document purporting to be a copy of a resolution or order passed or made by the Board . . . <sup>F9</sup> and to be certified by the chairman or secretary of the Board . . . <sup>F9</sup>, to be a true copy shall be sufficient evidence of the order or resolution and, in the case of an order, that any notices required to be given by this Act in relation thereto have been duly given, and no proof shall be required of the handwriting or official position of the person certifying the truth of the copy.

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#### Textual Amendments

**F9** Words repealed by [Agriculture \(Miscellaneous Provisions\) Act 1972 \(c. 62\)](#), [Sch. 6](#)

### [15A] <sup>F10</sup>Information obtained by national minimum wage officers.

- (1) This section applies to information which has been obtained by an officer acting for the purposes of the National Minimum Wage Act 1998.
- (2) This section does not apply to any information to the extent that the information relates to—

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- (a) any failure to allow holidays directed to be allowed by an order under section 3 of this Act; or
  - (b) any terms and conditions of employment fixed by such an order by virtue of subsection (1)(c) of that section.
- (3) Information to which this section applies may, with the authority of the relevant Minister, be supplied to the Secretary of State for use for any purpose relating to this Act.
- (4) Information supplied under subsection (3) of this section shall not be supplied by the recipient to any other person or body unless—
- (a) it could be supplied to that person or body under that subsection; or
  - (b) it is supplied for the purposes of any civil or criminal proceedings relating to this Act;
- and shall not be supplied in those circumstances without the authority of the relevant Minister.
- (5) This section does not limit the circumstances in which information may be supplied or used apart from this section.
- (6) In this section “the relevant Minister” means the Minister of the Crown with the function of appointing officers under section 13(1)(a) of the National Minimum Wage Act 1998.]

#### Textual Amendments

**F10** S. 15A inserted (1.4.1999) by 1998 c. 39, s. 47, **Sch. 2 Pt. II para. 18** (with s. 36); S.I. 1999/685, art. 2, **Sch.** (with art. 3)

## 16 Power to give effect to, and modify, Act as respects holidays and holiday remuneration.

- (1) The Secretary of State may make regulations for giving effect to the purposes of, and modifying, this Act so far as it relates to holidays and minimum rates of wages by way of pay in respect of holidays, and for excluding, in relation to those matters or either of them, the operation of all or any of the provisions of sections four and ten to thirteen of this Act and paragraph (5) of the Third Schedule thereto.
- (2) The power conferred by this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## 17 Interpretation.

In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say,—

“agriculture” includes dairy-farming, 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), and the use of land as grazing, meadow or pasture land or orchard or woodland or for market gardens or nursery grounds;

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“consumable produce” means produce grown for consumption or for other use after severance from the land on which it is grown;

“employment” means employment under a contract of service or apprenticeship, and the expressions “employed” and “employer” shall be construed accordingly;

[<sup>F11</sup>“the national minimum wage” means the single hourly rate for the time being in force by virtue of regulations under section 1(3) of the National Minimum Wage Act 1998, but this definition is subject to subsection (1A) of this section;]

“prescribed” means prescribed by regulations made by the Secretary of State by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament;

“worker” includes a boy, woman and girl.

[<sup>F12</sup>(1A) If, in the case of persons of any description, regulations under subsection (2) of section 3 of the National Minimum Wage Act 1998—

- (a) prevent them being persons who (within the meaning of that Act) qualify for the national minimum wage; or
- (b) prescribe a rate (“the reduced rate”) for the national minimum wage other than the single hourly rate for the time being prescribed under section 1(3) of that Act,

this Act shall have effect in relation to persons of that description as if in a case falling within paragraph (a) above the national minimum wage were nil and in a case falling within paragraph (b) above the national minimum wage were the reduced rate.]

#### Textual Amendments

**F11** S. 17: By 1998 c. 39, ss. 47, 56(2), **Sch. 2 Pt. II para. 19(2)** (with s. 36); S.I. 1999/685, art. 2, **Sch.** (with art. 3) it is provided (1.4.1999) that the definition of “the national minimum wage” shall be inserted in the appropriate place in s. 17(1)

**F12** S. 17(1A) inserted (1.4.1999) by virtue of 1998 c. 39, ss. 47, 56(2), **Sch. 2 Pt. II para. 19(3)** (with s. 36); S.I. 1999/685, art. 2, **Sch.** (with art. 3)

[17A <sup>F13</sup>**Relationship between this Act and the National Minimum Wage Act 1998.**

- (1) Except so far as expressly provided by this Act, nothing in the National Minimum Wage Act 1998 or in regulations made under that Act affects the operation of this Act.
- (2) This Act is subject to—
  - (a) section 46 of the National Minimum Wage Act 1998; and
  - (b) section 47 of that Act and any regulations made under that section.]

#### Textual Amendments

**F13** S. 17A inserted (1.4.1999) by 1998 c. 39, s. 47, **Sch. 2 Pt. II para. 20** (with s. 36); S.I. 1999/685, art. 2, **Sch.** (with art. 3)

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## 18 Repeal and savings.

- (1) The enactments mentioned in the first and second columns of the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (2) Nothing in this Act shall affect any order, regulation or complaint made, permit granted, resolution passed, direction, certificate or approval given, application made or granted, notice served or given, date fixed or any other thing done, under an enactment repealed by this Act, but any such order, regulation, complaint, permit, resolution, direction, certificate, approval, application, notice, date or thing shall, if in force at the passing of this Act, continue in force, and so far as it could have been made, granted, passed, given, served, fixed or done under the corresponding provisions of this Act, it shall have effect as if it had been made, granted, passed, given, served, fixed or done under that corresponding provision and, in the case of an approval, had been given for the purposes of that provision.
- (3) Any document referring to an enactment repealed by this Act shall be construed as referring to the corresponding provision of this Act.
- (4) Any person holding office or acting or serving under or by virtue of an enactment repealed by this Act shall continue to hold his office or to act or serve as if he had been appointed or authorised under or by virtue of the corresponding provision of this Act.
- (5) Where an offence, being an offence for the continuance of which a penalty was provided, has been committed under an enactment repealed by this Act, proceedings may be taken under this Act in respect of the continuance of the offence in the same manner as if the offence had been committed under the corresponding provision of this Act.
- (6) Where an enactment repealed and re-enacted by this Act provides for the doing of some act within, or not earlier than the expiration of, a specified period from the giving of a notice, and the commencement of this Act falls within the period applicable to the giving of a particular notice, the repeal and re-enactment shall be deemed to have taken effect in relation to that notice immediately before the giving thereof.
- (7) The mention of particular matters in this section shall not be taken to affect the general application of [<sup>F14</sup>sections 16(1) and 17(2)(a) of the <sup>M2</sup>Interpretation Act 1978], with regard to the effect of repeals.

### Textual Amendments

**F14** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 25\(2\)](#)

### Modifications etc. (not altering text)

**C2** The text of s. 18(1), Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### Marginal Citations

**M2** [1978 c. 30.](#)

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**Changes to legislation:** *There are currently no known outstanding effects for the Agricultural Wages (Scotland) Act 1949, Cross Heading: Supplementary. (See end of Document for details)*

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**19 Short title and extent.**

This Act may be cited as the Agricultural Wages (Scotland) Act 1949, and shall extend to Scotland only.

**Changes to legislation:**

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