

SCHEDULES

SCHEDULE 10

AMENDMENTS OF AGRICULTURAL WAGES (SCOTLAND) ACT 1949

PART II

MINOR AND CONSEQUENTIAL AMENDMENTS

- 1 In section 4(1) (enforcement), after paragraph (c) there shall be inserted the words
“or
(d) to pay to any such worker arrears of wages within the period specified in the order;”
- 2 (1) In section 5 (permits to infirm and incapacitated persons), after subsection (2) there shall be inserted the following subsection:—
“(2A) If on an application in that behalf the Secretary of State is satisfied that a worker employed or desiring to be employed is so affected by any physical injury or mental deficiency, or any infirmity due to age or any other cause, as to make it inappropriate for any terms and conditions of employment (other than those with respect to wages and holidays) fixed by an order under this Act to apply to him, the Secretary of State shall grant him, subject to any conditions he may determine, a permit dispensing, as from the date of the application or a later date specified in the permit, with a term or condition specified in the order, and while the permit is in force and any conditions to which the permit is subject are complied with, the terms and conditions fixed by the order shall be deemed to be observed.”.
- (2) In section 5(3) (revocation of permit), after the words "subsection (1)", in both places where they occur, there shall be inserted the words " or (2A) ".
- (3) In section 5(4) (variation of condition of permit),
 - (a) after the words "subsection (1)" there shall be inserted the words " or (2A) ";
 - (b) at the end there shall be inserted the words " and, in the case of a variation caused by a change made by an order under this Act in the minimum rates of wages, that variation shall take effect from a date specified in the direction, not being earlier than the date of the change. ".
- (4) In section 5(4A), after the words " subsection (1)" there shall be inserted the words " or (2A) ".
- (5) After section 5(4A) there shall be inserted the following subsection:—
“(4B) Any increase of wages payable by virtue of a variation of a permit under subsection (4) of this section in respect of any time before the date of the variation shall be paid by the employer within a period specified in the order being—

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- (a) in the case of a worker who is in the employment of the employer on the date on which notice of the variation is given in accordance with subsection (5) of this section a period beginning with that date;
 - (b) in the case of a worker who is no longer in the employment of the employer on the date referred to in the last preceding paragraph, a period beginning with that date or the date on which the employer receives from the worker or a person acting on his behalf a request in writing for those wages, whichever is the later.”
- 3 (1) In section 11(1) (void agreements), at end there shall be added the following paragraph:—
- “(c) any term or condition of a contract of employment that is inconsistent with a term or condition of employment fixed by an order of the Board under this Act or any agreement for abstaining from enforcing a term or condition so fixed.”.
- (2) In section 11(2) (saving for more favourable agreements), at end there shall be added the words " or a term or condition of a contract of employment that is not inconsistent with a term or condition so fixed. ".
- 4 (1) In section 12(3)(a) (inspection of records), at end there shall be added the words " and records of terms and conditions of employment of such workers ".
- (2) In section 12(4), the words from " and in any such civil proceedings" onwards shall be omitted and at the end of that subsection there shall be inserted the following subsections:—
- “(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.”.
- (3) In section 12, for subsection (5) (saving for ordinary right to bring proceedings) substitute the following subsection:—
- “(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”.
- 5 The provisions specified in column 1 of the following Table (which create offences) shall each have effect as if the maximum fine which may be imposed on summary conviction of any offence specified in that provision were a fine not exceeding the amount specified in column 3 of that Table instead of a fine not exceeding the amount specified in column 2 of that Table.

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TABLE

<i>Provision</i>	<i>Out maximum fine</i>	<i>New maximum fine</i>
Section 4(1) (failure to pay wages, or arrears, or allow holidays).	£20 and in addition £1 for each day on which the offence is continued after conviction.	£100 and an additional £5 for each day on which the offence is continued after conviction.
Section 6(6) (payment of unlawful premiums).	£20	£100
Section 12(6) (hindering officers (paragraph (a)), failure to produce documents or information (paragraph (b)), producing false documents (paragraph (c)) and furnishing false information (paragraph (d))).	£20	£100 in the case of an offence under paragraph (a) or (b) and £400 in the case of an offence under paragraph (c) or (d).

- 6 In paragraph 6 of Schedule 3 (power to vary and revoke orders), the words from the beginning to " holidays " shall be omitted.