

## SCHEDULES

### SCHEDULE 2

#### AMENDMENTS RELATING TO REMUNERATION ETC OF AGRICULTURAL WORKERS

#### PART II

#### THE AGRICULTURAL WAGES (SCOTLAND) ACT 1949

##### *Enforcement*

13 After section 3 there shall be inserted—

**“3A Enforcement.**

- (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 subsection (3) 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) section 28 (evidence: reversal of burden of proof in civil proceedings);
  - (f) sections 31, 32 and 33(4) and (5) (offences);
  - (g) section 48 (superior employees); and
  - (h) 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;
  - (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;

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*Status: This is the original version (as it was originally enacted).*

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- (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; and
  - (f) any reference to a pay reference period shall be disregarded.
- (4) In section 104A of the Employment 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.”