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*Changes to legislation:* There are currently no known outstanding effects for the National Minimum Wage Act 1998, Cross Heading: Section 3. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 2 **U.K.**

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

#### PART II **U.K.**

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

##### *Section 3*

- 12 (1) Section 3 (power of Scottish Agricultural Wages Board to fix minimum rates of wages, holidays to be allowed etc.) shall be amended as follows.
- (2) After subsection (2A) there shall be inserted—
- “(2B) No minimum rate fixed under this section which is an hourly rate shall be less than the national minimum wage.
- (2C) No minimum rate fixed under this section 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 subsection (7) there shall be added—
- “(8) If the Board makes, or purports to make, an order fixing a minimum rate under this section—
- (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.
- (9) If, at any time after a minimum rate which is an hourly rate comes into effect under this section, 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.
- (10) If, at any time after a minimum rate other than an hourly rate comes into effect under this section, 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.

- (11) Subsections (8) to (10) of this section are without prejudice to the power of the Board to make further orders under this section fixing any minimum rates.
- (12) Where an order under this section 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 section apply in relation to the principal component rate and not the supplemental or additional component rates.
- (13) The national minimum wage provisions of this section 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).
- (14) The national minimum wage provisions of this section do not apply in relation to any minimum rate fixed under this section—
- (a) by virtue of subsection (2)(d) of this section, or
  - (b) by virtue of section 67 of the <sup>M1</sup>Agriculture Act 1967 (sick pay),
- 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 are treated as circumstances in which, or times at which, a person is to be regarded as working.
- (15) In this section “the national minimum wage provisions of this section” means subsections (2B), (2C) and (8) to (10) of this section.”

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**Marginal Citations**

**M1** 1967 c. 22.

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