



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 [^{F1}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—
 - ^{F2}(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, . . . ^{F3}

Changes to legislation: There are currently no known outstanding effects for the Agricultural Wages (Scotland) Act 1949, Section 12. (See end of Document for details)

[^{F4}(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.]

[^{F5}(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.

[^{F6}(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.]

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)

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)

Changes to legislation:

There are currently no known outstanding effects for the Agricultural Wages (Scotland) Act 1949, Section 12.