

2004 No. 2178

DISABLED PERSONS, ENGLAND AND WALES

The Agricultural Wages (Abolition of Permits to Incapacitated Persons) Regulations 2004

| | |
|-------------------------------|-------------------------|
| <i>Made</i> - - - - | <i>22nd August 2004</i> |
| <i>Laid before Parliament</i> | <i>26th August 2004</i> |
| <i>Coming into force</i> - | <i>1st October 2004</i> |

The Secretary of State, being designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to discrimination, in exercise of the powers conferred on her by that section makes the following Regulations—

Title and commencement

1. These Regulations may be cited as the Agricultural Wages (Abolition of Permits to Incapacitated Persons) Regulations 2004 and come into force on 1st October 2004.

Repeals and revocations

2.—(1) The enactments and instruments specified in the Schedule are repealed or revoked to the extent specified there.

(2) Every permit—

- (a) granted or having effect as if granted under section 5 of the Agricultural Wages Act 1948^(c), and
- (b) in force immediately before 1st October 2004,

shall cease to have effect on that date.

22nd August 2004

Whitty
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

^(a) S.I. 2002/1819.
^(b) 1972 c.68.
^(c) 1948 c.47.

SCHEDULE

Regulation 2(1)

Repeals and Revocations

Part I

Repeals

| <i>(1)</i> <i>Legislation repealed</i> | <i>(2)</i> <i>References</i> | <i>(3)</i> <i>Extent of repeal</i> |
|-------------------------------------------|---------------------------------|---------------------------------------|
| Agricultural Wages Act 1948 | 1948 c.47 | Section 5 |
| Employment Protection Act 1975 | 1975 c.71 | Paragraph 2 of Part 2 of Schedule 9 |
| National Minimum Wage Act 1998 | 1998 c.39 | Paragraph 5 of Schedule 2 |

Part II

Revocations

| <i>(1)</i> <i>Regulations revoked</i> | <i>(2)</i> <i>Title</i> | <i>(3)</i> <i>Extent of revocation</i> |
|--------------------------------------------------------------------|----------------------------|-------------------------------------------|
| Agricultural Wages Committees Regulations 1949 | S.I. 1949/1885 | Regulation 16(a) |
| Agricultural Wages Committees (Transitional Provisions) Order 1974 | S.I. 1974/514 | Article 6(2) |

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations implement provisions of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ No. L303, 2.12.2000, p.16) in so far as it relates to disability discrimination in the payment of agricultural wages. They are also a consequence of the revocation of regulation 6 of the Disability Discrimination (Employment) Regulations 1996 (S.I. 1996/1456) by regulation 3 of the Disability Discrimination (Employment Field)(Leasehold Premises) Regulations 2004 (S.I. 2004/153).

Section 5 of the Agricultural Wages Act 1948 (c.47) provides for the grant of permits exempting an agricultural employer from the requirement to pay an incapacitated worker the full statutory minimum wage set by Agricultural Wages Orders. These Regulations repeal section 5 of the 1948 Act, paragraph 5 of Schedule 2 to the National Minimum Wage Act 1998 (c.39), and paragraph 2 of Part 2 of Schedule 9 to the Employment Protection Act 1975 (c.71). They also revoke regulation 16(a) of the Agricultural Wages Committees Regulations 1949 (S.I. 1949/1885) and Article 6(2) of the Agricultural Wages Committees (Transitional Provisions) Order 1974 (S.I. 1974/514). They come into force on 1st October 2004.

A Transposition Note and a Regulatory Impact Assessment have been prepared and placed in the library of each House of Parliament. Copies of these documents can be obtained from Geoff Webdale, Agricultural Wages Team, Department for Environment, Food and Rural Affairs, Area 2C Ergon House, Horseferry Road, London, SW1P 2AL.

STATUTORY INSTRUMENTS

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Persons) Regulations 2004**

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