

SCHEDULE 3

Article 4(4)

Saving provisions in relation to the Agricultural Wages Act 1948

1. Section 3A (enforcement) in relation to—
 - (a) the application of the following sections of the National Minimum Wage Act 1998, as modified by subsections (3), (3A) and (4) of that section 3A—
 - (i) sections 9 to 11 (records);
 - (ii) section 14 (powers of officers);
 - (iii) sections 17 and 19 to 19H (enforcement of right to national minimum wage);
 - (iv) sections 23 and 24 (right not to suffer detriment);
 - (v) section 24 (enforcement of the right not to suffer detriment);
 - (vi) section 28 (evidence: reversal of burden of proof in civil proceedings);
 - (vii) sections 31 to 33 (offences);
 - (viii) section 48 (superior employers);
 - (ix) section 49 (restriction on contracting out); and
 - (b) the application of section 104A of the Employment Rights Act 1996 (unfair dismissal: national minimum wage), as modified by subsection (5) of that section 3A.
2. Section 4 (enforcement of holiday orders).
3. Section 6(1) to (7) (provisions as to learners).
4. Section 7(3) (direction by agricultural wages committee as to the amount at which value of house or part of house is to be reckoned).
5. Section 11A (appointment of officers)(1).
6. Section 12 (powers of officers).
7. Section 15 (evidence of resolutions and orders of the Agricultural Wages Board and agricultural wages committees).
8. Section 15A (information obtained by national minimum wage officers)(2).
9. Section 17A (relationship between the 1948 Act and the 1998 Act)(3).
10. Section 19 (criminal liability of agents and special defence open to employer).

(1) Section 11A was inserted by the Employment Relations Act 2004, section 47(1) and (3).

(2) Section 15A was inserted by the National Minimum Wage Act 1998, Schedule 2, paragraph 8.

(3) Section 17A was inserted by the National Minimum Wage Act 1998, Schedule 2, paragraph 10.