



Isle of Man

Ellan Vannin

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AGRICULTURAL WAGES ACT 1952



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**Isle of Man***Ellan Vannin*

AGRICULTURAL WAGES ACT 1952

<i>Received Royal Assent:</i>	<i>24 March 1952</i>
<i>Passed:</i>	<i>20 May 1952</i>
<i>Commenced:</i>	<i>21 May 1952</i>

AN ACT to consolidate and revise the Agricultural Wages (Regulation) Acts, 1942 and 1945.

GENERAL NOTES

1. The maximum fines in this Act are as increased by the *Fines Act 1986* and by the *Criminal Justice (Penalties, Etc.) Act 1993 s 1*.
2. References to the Rolls Office are to be constructed in accordance with the *General Registry Act 1965*.

The Agricultural Wages Board

1 The Agricultural Wages Board for the Isle of Man

[1942/2]

- (1) There shall be a Board, to be called the Agricultural Wages Board (in this Act referred to as “**the Board**”).
- (2) The provisions of the First Schedule to this Act shall have effect with respect to the constitution and proceedings of the Board.

Wages and Holidays

2 Power of Agricultural Wages Board to fix rates of wages and holidays

[1942/3; 1945/2]

- (1) Subject to and in accordance with the provisions of this section, the Board shall have power —
 - (a) to fix minimum rates of wages for workers employed in agriculture; and

- (b) to direct that any such workers shall be entitled to be allowed by their employers holidays of such duration as may be specified in the direction.
- (2) The powers of the Board with respect to the fixing of minimum rates of wages as aforesaid shall be powers —
- (a) to fix minimum rates for time work;
 - (b) to fix minimum rates for piece work;
 - (c) to fix minimum rates for time work, to apply in the case of workers employed on piece work, for the purpose of securing to such workers a minimum rate of remuneration on a time work basis;
 - (d) to fix separate minimum rates by way of pay in respect of holidays;

and the exercise by the Board of their powers under paragraph (a) of this subsection shall be obligatory:

Provided that the minimum time rate for piece work shall not in any case be higher than the minimum rate which, if the work were time work, would be applicable thereto by virtue of paragraph (a) of this subsection.

- (2A) [Repealed]¹
- (2B) No minimum rate fixed under this section which is an hourly rate shall be less than the minimum wage.²
- (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 minimum wage.³
- (3) A direction under paragraph (b) of subsection (1) of this section that a worker shall be entitled to be allowed a holiday shall not be given unless both minimum rates of wages in respect of the period of the holiday and minimum rates of wages otherwise than in respect of the holiday have been or are being fixed under this section for that worker, shall provide for the duration of the holiday's being related to the duration of the period for which the worker has been employed or engaged to be employed by the employer who is to allow the holiday and, subject as aforesaid, may make provision as to the times at which or the periods within which, and the circumstances in which, the holiday shall be allowed; and the power to fix separate minimum rates of wages by way of pay in respect of holidays shall include power to make provision with respect to the times at which, and the conditions subject to which, those wages shall accrue and shall become payable, and for securing that any such wages which have accrued to a worker during his employment by any employer shall, in the event of his ceasing to be employed by that employer before he becomes entitled to be allowed a holiday by him, nevertheless become payable by the employer to the worker.

- (4) Any such minimum rates of wages as are mentioned in subsection (2) of this section may be fixed so as to vary according as the employment is for a day, week, month, or other period, or according to the number of working hours, or the conditions of the employment, or so as to provide for a differential rate in the case of employment defined by the Board as being overtime employment, and, without prejudice to the generality of the preceding words, a minimum time rate for piece work may be fixed so as to provide for a differential rate for work done in such circumstances that, if it were time work, it would be treated as overtime for the purposes of the minimum rate applicable thereto by virtue of paragraph (a) of that subsection.

In the exercise of their powers under this subsection, the Board shall, so far as is reasonably practicable, secure a weekly half-holiday for workers.

- (5) The Board may, if they think it expedient, cancel or vary a minimum rate fixed or a direction as to holidays given under this section.
- (6) The powers conferred on the Board by this section shall be exercised by order made in accordance with the provisions of the Second Schedule to this Act.
- (7) Nothing in this section shall be construed as preventing the Board fixing or varying a minimum rate of wages so as to secure that workers employed in agriculture receive remuneration calculated by reference to periods during the currency of their employment.
- (8) If the Board make, or purport to make, an order fixing a minimum rate under this section —
- (a) which is an hourly rate but which is lower than the 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 minimum wage in force when that minimum rate comes into effect,

they shall be taken to have made an order fixing in place of that minimum rate a minimum rate equal to the 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 minimum wage.⁴

- (9) If, at any time after a minimum rate which is an hourly rate comes into effect under this section, the 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 minimum wage.⁵
- (10) If, at any time after a minimum rate other than an hourly rate comes into effect under this section, the minimum wage is increased to such a level that that minimum rate yields a less amount of wages for each hour

worked than the hourly amount of the 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 minimum wage.⁶

- (11) Subsections (8) to (10) are without prejudice to the power of the Board to make further orders under this section fixing any minimum rates.⁷
- (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 minimum wage provisions of this section apply in relation to the principal component rate and not the supplemental or additional component rates.⁸
- (13) The 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).⁹
- (14) The minimum wage provisions of this section do not apply in relation to any minimum rate fixed under this section by virtue of subsection (2)(d), unless and to the extent that regulations under section 3 of the *Minimum Wage Act 2001* 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.¹⁰
- (15) In this section “the minimum wage provisions of this section” means subsections (2B), (2C) and (8) to (10).¹¹

2A Enforcement¹²

- (1) The enforcement provisions of the *Minimum Wage Act 2001* 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 subsections (3) and (4).
- (2) In subsection (1) “the enforcement provisions of the *Minimum Wage Act 2001*” means the following provisions of that Act —
 - (a) sections 6 to 8 (records);
 - (b) section 10 (powers of officers);
 - (c) sections 13 and 15 to 18 (enforcement of right to minimum wage);

- (d) sections 19 and 20 (right not to suffer detriment);
 - (e) section 23 (burden of proof);
 - (f) sections 26 to 28 (offences);
 - (g) section 42 (superior employers); and
 - (h) section 43 (restriction on contracting-out).
- (3) In the application of any provision of the *Minimum Wage Act 2001* by subsection (1) —
- (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 minimum wage shall be taken as a reference to a worker employed in agriculture;
 - (d) subject to paragraph (c), any reference to the minimum wage, other than a reference to the hourly amount of the minimum wage, shall be taken as a reference to the minimum rate applicable under this Act;
 - (e) subject to paragraph (c), any reference to qualifying for the minimum wage shall be taken as a reference to being entitled to the minimum rate applicable under this Act;
 - (f) any reference to a pay reference period shall be disregarded.
- (4) In the application of section 28 of the *Minimum Wage Act 2001* (proceedings for offences) by subsection (1), any reference to the Department shall be taken to include a reference to the Department of Environment, Food and Agriculture.¹³
- (5) In section 121 of the *Employment Act 2006* (unfair dismissal: minimum wage), in subsection (1)(c) —
- (a) any reference to a person qualifying for the 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 minimum wage includes a reference to a person being or becoming entitled to a particular minimum rate applicable under this Act.¹⁴

3 Enforcement of holiday orders

[1942/8]

- (1) Subject to the provisions of this Act, if an employer fails —
- (a) and (b) [Repealed]¹⁵

- (c) to allow to any such worker the holidays fixed by the order; he shall be liable on summary conviction in respect of each offence to a fine not exceeding £1,000.¹⁶
- (2) [Repealed]¹⁷
- (3) In any proceedings against a person under this section it shall lie with him to prove that he has allowed the holidays fixed by the order.¹⁸
- (4) [Repealed]¹⁹

4 Permits to incapacitated persons

[1942/3(6); 1942/8(8)]

- (1) If, on an application in that behalf, the Board are satisfied that a worker employed or desiring to be employed on time work to which a minimum rate fixed under this Act is applicable, or on piece work to which a minimum rate so fixed is applicable, is so affected by any physical injury or mental deficiency, or any infirmity due to age or any other cause, that he is incapable of earning that minimum time rate, the Board shall grant to him a permit exempting, as from the date of the application or from a later date specified in the permit, his employment from the provisions of section 26(1) of the *Minimum Wage Act 2001* as it applies for the purposes of this Act (offence of refusing or wilfully neglecting to pay worker at applicable rate), subject to such conditions as may be specified in the permit, including, if the Board think fit, a condition as to the wages to be paid to the worker, and, while the permit has effect, an employer shall not be liable to any legal proceedings under that subsection, as it so applies, for refusing or wilfully neglecting to pay to the worker wages at a rate not less than the minimum rate if those conditions are complied with.²⁰
- (1A) Every permit under subsection (1) (whenever granted) shall be deemed to contain a condition that the worker to whom it is granted must at any time be paid at a rate which —
- (a) in the case of an hourly rate, is not less than the minimum wage in force at that time; or
- (b) in the case of a rate other than an hourly rate, is such as to yield an amount of wages for each hour worked which is not less than the hourly amount of the minimum wage in force at that time.²¹
- (1B) The condition which a permit is deemed to contain by virtue of subsection (1A) —
- (a) overrides any other condition which the permit contains as to payment of wages, to the extent that that other condition provides for payment of wages at any time at a lower rate; but
- (b) is without prejudice to any other condition which the permit contains as to payment of wages, to the extent that that other

condition provides for payment of wages at any time at a higher rate.²²

- (2) If an application for a permit under subsection (1) is not disposed of within twenty-one days after the day on which it is received, then the employer of the worker to whom the application relates shall not be liable to any legal proceedings under section 26(1) of the *Minimum Wage Act 2001*, as it applies for the purposes of this Act, for refusing or wilfully neglecting to pay to the worker wages at a rate not less than the minimum rate during the interval between the expiration of the said period and the date on which the application is ultimately disposed of.²³
- (3) Where the Board have granted a permit under subsection (1) of this section and at any time thereafter it appears to the Board, whether on an application under this subsection or otherwise, that the worker to whom the permit relates is no longer so affected by any such incapacity as is mentioned in the said subsection (1) as to be incapable of earning the minimum rate in question, the Board shall revoke the permit.
- (4) Where the Board have granted such a permit as aforesaid and it appears to the Board, whether on an application under this subsection or otherwise, that, by reason of any change in minimum rates of wages or in the circumstances of the worker to whom the permit relates, it is expedient to vary any condition specified in the permit, the Board may direct that the condition shall be varied in such manner as may be specified in the direction.
- (5) Before revoking any permit or varying any condition under the preceding provisions of this section, the Board shall serve on the worker to whom the permit relates, and, in a case where the identity of his employer is known to the Board, on his employer, notice of their proposal so to do, and afford to the worker and the employer (where such a notice as aforesaid is required to be served on him) an opportunity of making representations to the Board, and no such revocation or variation as aforesaid shall take effect until notice of the revocation or variation has been served by the Board on the worker to whom the permit relates and, in a case where the identity of his employer is known to the Board, on his employer.

A notice under this subsection shall be duly served on a person if sent to him by post in a registered letter.

- (6) Where a permit granted to a worker under sub-section (1) of this section contains a condition for the payment of wages to the worker at a rate not less than the rate therein specified, the amount of wages that may be recovered from an employer of the worker in pursuance of this Act shall, as respects any period during which the permit had effect, be calculated on the basis of the rate so specified instead of on the basis of the minimum rate.

5 Provisions as to learners

[1948/6]

- (1) Where a minimum rate of wages has been fixed under this Act for a special class of workers defined by reference to the fact that they are in receipt of instruction in agriculture, and the order fixing the rate provides that this section shall have effect in relation thereto, the rate shall not apply in relation to a worker unless there is in force a certificate given by the Board that they approve the terms of his employment.

A certificate under this subsection may provide that it shall be deemed to have been in force from such date not earlier than the making to the Board of the application for the certificate as may be specified in the certificate.

- (2) The Board in granting an application for a certificate under the preceding subsection may impose such conditions as appear to them requisite for securing that the worker to whom the application relates shall receive adequate instruction, and that the terms of his employment shall be in other respects satisfactory, and if (whether on an application under this subsection or otherwise) it appears to the Board that a condition imposed under this subsection is not being complied with, or that the terms of the worker's employment are no longer satisfactory, they may revoke the certificate.
- (3) The Board may (whether on an application under this subsection or otherwise) vary a condition imposed under the last preceding subsection.
- (4) Before revoking a certificate or varying a condition under the preceding provisions of this section, the Board shall serve on the worker to whom the certificate relates and on his employer notice of their proposal so to do, and afford to the worker and employer an opportunity of making representations to the Board, and no such revocation or variation as aforesaid shall take effect until notice of the revocation or variation has been served by the Board on the worker to whom the certificate relates and on his employer.

A notice under this subsection shall be duly served on a person if sent to him by post in a registered letter.

- (5) It shall not be lawful for the employer of a worker, being an apprentice or learner, who is employed in agriculture, to receive directly or indirectly from the worker, or on his behalf or on his account, a payment by way of premium unless the payment is duly made in pursuance of an agreement approved for the purposes of this subsection by the Board, and the amount of a payment received in contravention of this subsection shall be recoverable by the person by whom the payment was made.
- (6) If an employer acts in contravention of the last preceding subsection he shall be liable on summary conviction in respect of each offence to a fine

not exceeding £1,000, and in any proceedings against an employer under this subsection the court shall, whether there is a conviction or not, order the employer to repay any sum which the court finds to have been received by way of premium in contravention of the last preceding subsection.

- (7) Nothing in the last preceding subsection shall be taken to exclude the bringing, otherwise than in accordance with that subsection, of proceedings for the recovery of an amount due under subsection (5) of this section.
- (8) The Department may by regulations made in accordance with the provisions of this Act specify matters with respect to which the Board must be satisfied before granting a certificate under subsection (1) of this section or approving an agreement for the purposes of subsection (5) thereof.²⁴

6 Reckoning of benefits and advantages as payment of wages

[1942/3(2)]

- (1) The Board shall have power by regulations made in accordance with the provisions of this Act —
 - (a) to define the benefits or advantages (not being benefits or advantages prohibited by law) which for the purposes of a minimum rate of wages fixed under this Act may be reckoned as payment of wages in lieu of payment in cash;
 - (b) to determine the value at which, for the purposes aforesaid, such benefits or advantages may be so reckoned;
 - (c) to limit or prohibit the reckoning for the purposes aforesaid of benefits or advantages as payment of wages in lieu of payments in cash.²⁵
- (2) Subject to the provisions of any regulation under the preceding subsection, the court may, in any proceedings under this Act, reckon as a payment of wages such amount as in the opinion of the court represents the value of any benefits or advantages (not being benefits or advantages prohibited by law) received by a worker under the terms of his employment.
- (3) If the Board are satisfied, on an application in that behalf made by a worker employed in agriculture or by his employer, that the value determined by a regulation or direction made under this section for a house or part of a house occupied as a separate dwelling by the worker does not correspond with the true value thereof, the Board may, subject to any limits imposed by the Department under any regulations made under this section, direct that the value of the house or part of a house is to be reckoned for the purposes of a minimum rate of wages fixed under this Act at such different amount as may be specified in the direction.²⁶

7 Power of Board to award additional wages for piece work in certain cases

[1942/5]

- (1) A worker employed in agriculture on piece work for which neither a minimum piece rate nor a minimum time rate applicable in the case of workers employed on piece work has been fixed, or any person authorised by such a worker, may complain to the Board that the piece rate of wages paid to the worker for that work is such a rate as would yield in the circumstances of the case to an ordinary worker a less amount of wages than the minimum rate for time work applicable in the case of that worker and the Board may, on any such complaint, after giving the employer an opportunity of making such representations as he thinks desirable, direct that the employer shall pay to the worker such additional sum by way of wages for any piece work done by him at that piece rate at any time within fourteen days before the date of the complaint, or at any time after the date of complaint and before the decision of the Board thereon, as in their opinion represents the difference between the amount which would have been paid if the work had been done by an ordinary worker at the minimum rate for time work and the amount actually received by the worker by whom or on whose behalf the complaint is made.
- (2) A sum directed under the preceding subsection to be paid by an employer to a worker may be recovered by or on behalf of the worker from the employer summarily as a civil debt.

8 Provisions as to applications, etc, to the Agricultural Wages Board

[1942/8(5)]

- (1) The procedure to be followed on or in connection with applications and complaints under any of the four last preceding sections to the Board shall be such (if any) as may be prescribed.
- (2) The Treasury may pay to persons attending as parties or witnesses before the Board allowances by way of compensation for expenses incurred and time lost by such persons in so attending, at such rate as it may, with the approval of the Treasury determine.²⁷

9 Criminal liability of agents and special defence open to employer

[1942/8(6)]

- (1) Where an offence for which an employer is, under section three or subsection (6) of section five of this Act liable to a fine, has in fact been committed by some agent of the employer or other person, that agent or other person shall be liable to be proceeded against for the offence in the same manner as if he were the employer and either together with, or before or after the conviction of, the employer, and shall be liable on

conviction to the same punishment as that to which the employer is liable.

- (2) Where an employer who is charged with an offence under section three or subsection (6) of section five of this Act proves to the satisfaction of the court that he has used due diligence to secure compliance with the relevant provisions of this Act, and that the offence was in fact committed by his agent or some other person, without his knowledge, consent or connivance, he shall, in the event of the conviction of that agent or other person for the offence, be exempt from any conviction in respect of the offence.

10 Avoidance of agreements in contravention of this Act, and saving for other agreements, etc

[1942/8(10)]

- (1) Any such agreement as the following shall be void, that is to say: —
 - (a) [Repealed]²⁸
 - (b) an agreement as to holidays that is inconsistent with a direction of the Board in that behalf, or for abstaining from exercising the right to holidays conferred by any such direction.
- (2) Nothing in this Act shall prejudice the operation of an agreement or custom for the payment of wages at a rate higher than the minimum rate fixed under this Act or an agreement or custom as to holidays that is not inconsistent with a direction of the Board in that behalf.

Supplementary

11 Officers

[1942/10(3)]

- (1) The Department may appoint a Secretary for the Board and may, subject to the consent of the Treasury as to number, appoint such officers as they think necessary for the purpose of investigating complaints and otherwise securing the proper observance of this Act, and such Secretary and officers shall receive such salaries or remuneration as the Department with the approval of the Treasury determine.²⁹
- (2) Every officer appointed under this section shall be furnished by the Department 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.³⁰
- (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;

- (b) 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) All fines for offences against the provisions of this Act may be recovered at the suit of the Department or the Board or any officer of Police, and when recovered shall be payable to the Treasury to the credit of the general revenue of this Isle.³¹
- (5) Where it appears to the Board —
 - (a) that a sum is due from an employer to a worker by reason of a direction given under subsection (1) of section seven of this Act by the Board for the payment of an additional sum by way of wages for piece work; or³²
 - (b) that a sum is due from an employer on account of the receipt of a premium in contravention of subsection (5) of section five of this Act;

the Board 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, and in any such civil proceedings instituted by the Board the court shall, if the Board is not a party to the proceedings, have the same power to make an order for the payment of costs by or to the Board as if they were a party to the proceedings.

- (6) Nothing in the last preceding subsection shall be taken to exclude the bringing otherwise than in accordance with that subsection of proceedings for the recovery of any such sum as is therein mentioned.
- (7) 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 £2,500 or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

- (8) The powers conferred by subsections (3) and (4) are not exercisable in any case where corresponding or similar powers conferred by any of the enforcement provisions of the *Minimum Wage Act 2001*, as they have

effect for the purposes of this Act, are exercisable by virtue of section 2A of this Act.³³

- (9) In subsection (8), “the enforcement provisions of the *Minimum Wage Act 2001*” has the same meaning as in section 2A(1).³⁴

12 Annual reports

[1942/13]

The Department shall include in the annual report which they make to Tynwald a report of their proceedings under this Act and of the proceedings of the Board, and for that purpose the Board shall, before such date in every year as the Department may fix, send to the Department a report of their proceedings under this Act during the preceding year.³⁵

13 Expenses

[1942/12]

Any expenses of the Treasury and the Department and any expenses of the Board or of any committee thereof which are sanctioned by the Department or the Board shall be defrayed out of moneys provided by Tynwald.³⁶

14 Evidence of resolutions and orders

[1942/14]

In any legal proceedings the production of a document purporting to be a copy of a resolution or order passed or made by the Department or the Board and to be certified by the chairman or secretary of the Department or the Board as the case may be, to be a true copy, shall be sufficient evidence of the order or resolution and, in the case of an order, that any notices required to be given by this Act in relation thereto have been duly given, and no proof shall be required of the handwriting or official position of the person certifying the truth of the copy.³⁷

14A Information obtained by authorised officers

- (1) This section applies to information which has been obtained by an authorised officer (within the meaning of the *Minimum Wage Act 2001*) acting for the purposes of that Act.
- (2) This section does not apply to any information to the extent that the information relates to —
- (a) any failure to allow holidays directed to be allowed by an order under section 3; or
 - (b) any terms and conditions of employment fixed by such an order by virtue of section 3(1)(c).

- (3) Information to which this section applies may, with the authority of the Department of Economic Development, be supplied to the Department for use for any purpose relating to this Act.³⁸
- (4) Information supplied under subsection (3) shall not be supplied by the recipient to any other person or body unless —
- (a) it could be supplied to that person or body under that subsection; or
 - (b) it is supplied for the purposes of any civil or criminal proceedings relating to this Act;
- and shall not be supplied in those circumstances without the authority of the Department of Economic Development.³⁹
- (5) This section does not limit the circumstances in which information may be supplied or used apart from this section.⁴⁰

15 Power to give effect to, and modify this Act as respects holidays and holiday remuneration

The Board may make regulations for giving effect to the purposes of this Act so far as it relates to holidays and minimum rates of wages by way of pay in respect of holidays.⁴¹

16 Regulations

[1942/9(2)]

Any regulation made by the Department or the Board under this Act shall be laid before Tynwald as soon as may be after they are made and shall not take effect until approved by resolution of Tynwald.⁴²

17 Interpretation

[1942/16]

- (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say —

“**agriculture**” includes dairy-farming, and the use of land as grazing, meadow or pasture land or orchard or osier land or woodland or for market gardens or nursery grounds or for purposes of horticulture;⁴³

“**Board of Agriculture**” [Repealed]⁴⁴

“**the Department**” means the Department of Environment, Food and Agriculture;⁴⁵

“**employment**” means employment under a contract of service or apprenticeship, and the expressions “**employed**” and “**employer**” shall be construed accordingly;

“**the minimum wage**” means the single hourly rate for the time being in force by virtue of regulations under section 1(3) of the *Minimum Wage Act 2001*, but this definition is subject to subsection (2);⁴⁶

“**prescribed**” means prescribed by regulations made by the Department;⁴⁷

“**worker**” includes a boy, woman and girl.

(2) [Repealed]⁴⁸

(3) If, in the case of persons of any description, regulations under section 4(2) of the *Minimum Wage Act 2001* —

(a) prevent them being persons who (within the meaning of that Act) qualify for the minimum wage, or

(b) prescribe a rate (“the reduced rate”) for the minimum wage other than the single hourly rate for the time being prescribed under section 1(3) of that Act,

this Act shall have effect in relation to persons of that description as if in a case falling within paragraph (a) the minimum wage were nil and in a case falling within paragraph (b) the minimum wage were the reduced rate.⁴⁹

17A Relationship between this Act and the *Minimum Wage Act 2001*

(1) Except so far as expressly provided by this Act, nothing in the *Minimum Wage Act 2001* or in regulations made under that Act affects the operation of this Act.

(2) This Act is subject to —

(a) section 40 of the *Minimum Wage Act 2001*; and

(b) section 41 of that Act and any regulations made under that section.⁵⁰

18 [Repealed]⁵¹

19 Short title

This Act may be cited as the Agricultural Wages Act, 1952.

20 Commencement

This Act shall come into operation when the Royal Assent thereto has been by the Governor announced to Tynwald and a certificate thereof has been signed by the Governor and the Speaker of the House of Keys, but shall come into force on such day as the Governor shall by order appoint.⁵²

FIRST SCHEDULE

**CONSTITUTION AND PROCEEDINGS OF AGRICULTURAL
WAGES BOARD**

Section 1(2)

1. The Board shall consist of nine members, comprising three persons representing employers in agriculture and three persons representing workers in agriculture (in this Act referred to as representative members); of two impartial members appointed by the Department, and of a Chairman.⁵³

2. The three members of the Board representing employers shall be farmers engaged in farming and employing labour other than members of their own family and such members shall be elected under precept issued by the Department by the Isle of Man Agricultural Marketing Society in accordance with regulations made for such purposes by the Department. The Chairman of the Isle of Man Agricultural Marketing Society shall certify to the Department the names and addresses of the persons elected as members of the Board by such Society.

If the Isle of Man Agricultural Marketing Society fail to elect members of the Board the Department shall select or cause to be selected three farmers actually carrying on farming and employing labour other than members of their own family to be members of the Board representing the employers.⁵⁴

3. Each of the three members of the Board representing workers shall be an employee actively and regularly employed in farming in the Isle of Man and shall be elected in accordance with the following provisions, namely: —

- (a) For the purposes of this Act the Isle of Man shall be divided into three electoral districts namely:- the Sheadings of Ayre and Garff, the Sheadings of Michael and Glenfaba, and the Sheadings of Middle and Rushen.
- (b) Each electoral district shall return and be represented by a representative of full age whose name appears on the list of electors prepared by the Department for such electoral district.⁵⁵
- (c) The Department shall in each year by notice served on the occupier of agricultural land or on the person having the management on behalf of the occupier of any such land require him within such time, not being less than twenty-one days, as may be specified in the notice, to make a return in writing to the Board of the names and addresses of all agricultural employees actively and regularly engaged on such agricultural land, on such day as may be specified in the notice. Any notice may be served on the person to whom it is addressed either personally or by post, and, in the case of a notice to an occupier, may be addressed

to “the occupier” without naming him. Any person who refuses or, without lawful excuse, neglects to make any such return under the provisions of this Schedule, shall be liable on summary conviction to a fine not exceeding £200. If any person makes any such return which is to his knowledge false in any material particular, he shall be liable on summary conviction to a fine not exceeding £200.⁵⁶

- (d) From such returns the Department shall in each year cause to be prepared for each of the electoral districts a list of electors comprising the employees actively and regularly employed on agricultural land in such electoral district, which list when prepared shall supersede the previous list of electors, and the persons whose names appear on such list of electors shall have the right to vote at the election of the representative for that electoral district.⁵⁷
- (e) After the completion of the list of electors for the respective electoral districts the Department shall cause current copies of the list of electors –
- (i) for the electoral district of the Sheadings of Ayre and Garff to be deposited with the Town Clerk of Ramsey;
 - (ii) for the electoral district of the Sheadings of Michael and Glenfaba to be deposited with the Clerk to the Peel Commissioners; and
 - (iii) for the electoral district of the Sheadings of Middle and Rushen to be deposited with the Town Clerk of Douglas and the Clerk to the Castletown Commissioners;

and such lists shall be open for public inspection and reference during the hours when the Offices of the Town Clerks are open for the transaction of public business for twelve week-days from the date on which the same shall be deposited and public notice of such deposit shall forthwith be given by the Department in two successive issues of two or more newspapers printed and circulating in the Isle of Man indicating the hours during which such lists may be inspected.

Upon the expiration of such twelve week-days the said copies shall be returned to the Secretary of the Department.

The said current lists of electors shall also be open for public inspection and reference at the Office of the Department during the hours when the Offices of the Department are open for the transaction of public business.⁵⁸

- (f) The elections shall be conducted by the Department.⁵⁹
- (g) A candidate for the position of an elected member of the Board shall be nominated in writing by not less than two persons

entitled to vote in respect of such candidate and such nomination shall be delivered to the Office of the Department on or before five p.m. on the date to be specified in a notice published in two Isle of Man newspapers circulating in the electoral district.⁶⁰

- (h) If there are more than one valid nomination the member of the Board shall be elected from among the persons nominated and the election shall be conducted in accordance with paragraph (i) hereof. If there is only one valid nomination the person so nominated shall be deemed to be elected.
- (i) The Department shall send to each elector a notice in writing informing him of the election and of the persons nominated in respect of which he has a right to vote, with directions as to the method of voting and also a voting paper with the names and addresses of the persons so nominated. Each elector may give one vote and no more for the candidate he desires to be elected. Postage on the return of the voting paper to the Department shall be prepaid. No election shall be invalid by reason of such notice or voting paper not having been sent to any elector or of any technical defect therein unless the Department shall determine that such omission or defect would be likely to materially affect such election. The Department shall as soon as may be after the date fixed for returning voting papers ascertain and give public notice of the name and address of the person elected and shall file in the Rolls Office a list of such elected persons.⁶¹
- (j) All expenses incurred by the Department in connection with such election shall be defrayed by the Treasury.⁶²

4. The Chairman of the Board shall be appointed annually by the Board, but if the Board at any time fail to appoint a Chairman within the prescribed time, the appointment may be made by the Department. The Vice-Chairman of the Board shall be appointed annually by the Board from among the members of the Board.⁶³

5. At every meeting of the Board, the Chairman, if present, shall preside. If the Chairman is absent, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent, such member as the members then present choose, shall preside.

6. At a meeting of the Board the Chairman, Vice-Chairman or other person presiding at the meeting shall be entitled to vote, and in case of equality of votes shall have a second or casting vote.

7. The Board may, in accordance with the regulations under this Schedule, appoint one or more committees consisting of persons representing employers and persons representing workers in agriculture in equal proportions, and of a Chairman, if the Board think fit, and the Board may refer to any such committee for report and recommendations any matter which they think it expedient so to refer, and may also, if

they think fit, delegate to any such committee any of their powers and duties under this Act other than a power or duty to fix, cancel, or vary minimum rates of wages, or to direct that workers shall be entitled to be allowed holidays. The members of a committee may, but need not be, members of the Board.

8. The representative members of the Board shall hold office for three years, but if qualified shall be eligible for re-election. A casual vacancy in the Board shall be filled in like manner as the person vacating his office was elected or nominated. A person appointed a member of the Board on a casual vacancy shall only hold office for the residue of the term of the person in whose place he has been elected or nominated. A representative member of the Board upon ceasing to be actively engaged in farming in the Isle of Man shall cease to hold office.⁶⁴

9. The proceedings of the Board or a committee shall not be invalidated by any vacancy in their number, or by any defect in the appointment, nomination or election of the Chairman, Vice-Chairman, or any member of the Board or committee.

10. The Department may make regulations with respect to the proceedings and meetings of the Board, and any committee thereof, including the appointment of chairmen and the term of office of chairmen and other members, the method of voting, and the number of members necessary to form a quorum, and any such regulations may be made so as to apply generally to the procedure of the Board and all committees or specially to the procedure of the Board or any particular committee; but, subject to the provisions of this Schedule and to any regulations so made, the Board and committees thereof may respectively regulate their proceedings in such manner as they think fit.⁶⁵

SECOND SCHEDULE**ORDERS OF THE AGRICULTURAL WAGES BOARD**

Section 2(6)

1. Where the Board propose to make an order under any provision of this Act, the Board shall give in such manner as appears to the Board requisite for informing persons concerned, public notice of the proposed order and of the manner in which and the time (not being less than fourteen days from the date of the notice) within which objections to the proposals may be lodged, and shall consider any objections to the proposals which may be lodged in accordance with the notice.

2. After considering any such objections the Board may make an order in accordance with their original proposals or with those proposals as modified in such manner as appears to the Board expedient having regard to any objections lodged:

Provided that where it appears to the Board that, having regard to the nature of any modifications which they propose to make in their original proposals, opportunity should be given for the consideration thereof by persons concerned, the Board shall again give notice under the preceding paragraph, and this paragraph shall apply accordingly.

3. Notwithstanding anything in the foregoing paragraphs of this Schedule, where the Board are satisfied that on the ground of the limited application of a proposed order it is unnecessary to comply with the provisions of those paragraphs and certify accordingly, the Board may, instead of complying with those provisions, give notice of the proposed order in such manner as appears to the Board expedient in the circumstances, and may make the order at any time after the expiration of seven days from the giving of the notice.

4. As soon as may be after the Board have made an order under any provision of this Act they shall give public notice of the making of the order and of the contents thereof in such manner as appears to the Board requisite for informing persons concerned.

5. An order of the Board under any provisions of this Act may apply either universally to all workers employed in agriculture or to any special class of workers (as defined in the order) so employed, subject in each case to any exceptions specified in the order; and an order of the Board fixing or varying a minimum rate of wages so as to secure that workers employed in agriculture receive remuneration calculated by reference to periods during the currency of their employment may make alternative provisions applying according to different circumstances arising during the currency of a worker's employment or in connection with the termination thereof.

6. Without prejudice to the provisions of this Act as to the cancellation and variation of minimum rates of wages and directions as to holidays, an order of the

Board made under any provision of this Act may be varied or revoked by a subsequent order made in the like manner and subject to the like conditions.



THIRD SCHEDULE⁶⁶

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ Ed.: There is no subs (2A).

² Subs (2B) inserted by Minimum Wage Act 2001 Sch.

³ Subs (2C) inserted by Minimum Wage Act 2001 Sch.

⁴ Subs (8) added by Minimum Wage Act 2001 Sch.

⁵ Subs (9) added by Minimum Wage Act 2001 Sch.

⁶ Subs (10) added by Minimum Wage Act 2001 Sch.

⁷ Subs (11) added by Minimum Wage Act 2001 Sch.

⁸ Subs (12) added by Minimum Wage Act 2001 Sch.

⁹ Subs (13) added by Minimum Wage Act 2001 Sch.

¹⁰ Subs (14) added by Minimum Wage Act 2001 Sch.

¹¹ Subs (15) added by Minimum Wage Act 2001 Sch.

¹² S 2A inserted by Minimum Wage Act 2001 Sch.

¹³ Subs (4) amended by SD155/10 Sch 3.

¹⁴ Subs (5) amended by Employment Act 2006 Sch 8.

¹⁵ Paras (a) and (b) repealed by Minimum Wage Act 2001 Sch.

¹⁶ Subs (1) amended by Minimum Wage Act 2001 Sch.

¹⁷ Subs (2) repealed by Minimum Wage Act 2001 Sch.

¹⁸ Subs (3) amended by Minimum Wage Act 2001 Sch.

¹⁹ Subs (4) repealed by Minimum Wage Act 2001 Sch.

²⁰ Subs (1) amended by Minimum Wage Act 2001 Sch.

²¹ Subs (1A) inserted by Minimum Wage Act 2001 Sch.

²² Subs (1B) inserted by Minimum Wage Act 2001 Sch.

²³ Subs (2) amended by Minimum Wage Act 2001 Sch.

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- ²⁴ Subs (8) amended by GC121/86.
- ²⁵ Subs (1) amended by Statute Law Revision Act 1989 Sch 1.
- ²⁶ Subs (3) amended by GC121/86.
- ²⁷ Subs (2) amended by Treasury Act 1985 s 7 and Sch 2.
- ²⁸ Para (a) repealed by Minimum Wage Act 2001 Sch.
- ²⁹ Subs (1) amended by Treasury Act 1985 Sch 2 and by GC121/86.
- ³⁰ Subs (2) amended by GC121/86.
- ³¹ Subs (4) amended by Treasury Act 1985 Sch 2 and by GC121/86.
- ³² Para (a) amended by Minimum Wage Act 2001 Sch.
- ³³ Subs (8) added by Minimum Wage Act 2001 Sch.
- ³⁴ Subs (9) added by Minimum Wage Act 2001 Sch.
- ³⁵ S 12 amended by GC121/86.
- ³⁶ S 13 amended by Payment of Members' Expenses Act 1975 Sch 6, by Governor's General Functions (Transfer) Act 1980 Sch 2, by Treasury Act 1985 Sch 2 and by GC121/86.
- ³⁷ S 14 amended by GC121/86.
- ³⁸ Subs (3) amended by SD155/10 Sch 2.
- ³⁹ Subs (4) amended by SD155/10 Sch 2.
- ⁴⁰ S14A inserted by Minimum Wage Act 2001 Sch.
- ⁴¹ S 15 amended by Statute Law Revision Act 1989 Sch 1.
- ⁴² S 16 amended by GC121/86 and by Statute Law Revision Act 1989 Sch 1.
- ⁴³ Definition of "agriculture" amended by Statute Law Revision Act 1982 Sch 1.
- ⁴⁴ Definition of "Board of Agriculture" repealed by GC121/86.
- ⁴⁵ Definition of "the Department" inserted by GC121/86 and amended by SD155/10 Sch 3.
- ⁴⁶ Definition of "the minimum wage" inserted by Minimum Wage Act 2001 Sch.
- ⁴⁷ Definition of "prescribed" amended by GC121/86.
- ⁴⁸ Ed.: There is no subs (2).
- ⁴⁹ Subs (3) added by Minimum Wage Act 2001 Sch.
- ⁵⁰ S 17A inserted by Minimum Wage Act 2001 Sch.
- ⁵¹ S 18 repealed by Statute Law Revision Act 1983 Sch 2.
- ⁵² ADO (whole Act) 21/5/1952 (GC72/52).
- ⁵³ Para 1 amended by Transfer of Governor's Functions Act 1992 Sch 1.
- ⁵⁴ Para 2 amended by Transfer of Governor's Functions Act 1992 Sch 1.
- ⁵⁵ Subpara (b) amended by GC121/86.
- ⁵⁶ Subpara (c) amended by GC121/86.
- ⁵⁷ Subpara (d) amended by GC121/86.
- ⁵⁸ Subpara (e) amended by GC121/86.
- ⁵⁹ Subpara (f) amended by GC121/86.
- ⁶⁰ Subpara (g) amended by GC121/86.
- ⁶¹ Subpara (i) amended by GC121/86.
- ⁶² Subpara (j) amended by GC121/86 and by Statute Law Revision Act 1989 Sch 1.

⁶³ Para 4 amended by GC121/86.

⁶⁴ Para 8 amended by Statute Law Revision Act 1989 Sch 2.

⁶⁵ Para 10 amended by GC121/86.

⁶⁶ Sch 3 repealed by Statute Law Revision Act 1983 Sch 2.