

Lesley Griffiths AS/MS
Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA/LG/0189/24

Rt Hon Elin Jones MS
Llywydd
Senedd Cymru

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19 March 2024

Dear Elin

The Agricultural Wages (Wales) Order 2024

In accordance with section 11A(4) of the Statutory Instruments Act 1946, I am notifying you this Statutory Instrument will come into force on 1 April 2024, less than 21 days after it has been laid. A copy of the instrument and Explanatory Memorandum for this Order are attached for your information.

Background

At present, agricultural workers in Wales are subject to the rates specified by the Agricultural Wages (Wales) Order 2023 (“the 2023 Order”) which came into force on 1 April 2023.

The Agricultural Advisory Panel for Wales (“the Panel”) is an independent advisory body established under section 2(1) of the Agricultural Sector (Wales) Act 2014 by the Agricultural Advisory Panel for Wales (Establishment) Order 2016 on 1 April 2016. The Panel’s remit includes reviewing wages and other employment conditions and support skills and career development in the agricultural sector.

The Panel agreed to increase the agricultural minimum wage rates and consulted on the proposals in the autumn of 2023. Consequently, the Agricultural Wages (Wales) Order 2024 ("the 2024 Order") has been prepared, which:

- a) increases the minimum hourly rates for all grades and categories of agricultural worker;
- b) increases all allowances;
- c) amends the overtime rate payable to agricultural workers by reference to the agricultural worker's actual hourly rates of pay, rather than the minimum hourly rate of pay prescribed in Schedule 1; and
- d) a number of simplification amendments to the 2023 Order by removing provisions which repeat passages of other legislation.

Finalisation of the 2024 Order took longer than anticipated due to the simplification amendments necessitating lengthy legal scrutiny to ensure the correct legal effect was maintained.

The Panel's intention is for the 2024 Order to come into force on 1 April 2024 so as to align the Agricultural Minimum Wage increases with the National Minimum Wage increases which will also take effect on that date.

Until the 2024 Order comes into force, agricultural workers in Wales will continue to be subject to the 2023 Order. To minimise disruption and ensure workers are paid in accordance with the minimum rates agreed by the Panel, it is proposed the making of the 2024 Order will not adhere to the 21 day convention so as to enable it to come into force on 1 April.

Not adhering to the 21 day convention is considered necessary and justifiable in light of the unavoidable circumstances that have delayed the process. I also believe reducing any further delay in bringing uplifted agricultural wage rates into force is justified on the basis it will minimise the length of time agricultural workers covered by the Agricultural Minimum Wage are disadvantaged in relation to their pay awards and make compliance easier for agricultural employers.

An Explanatory Memorandum has been prepared and this has been laid, together with the 2024 Order, in the Table Office.

I am copying this letter to Huw Irranca-Davies MS, Chair of the Legislation, Justice and Constitution Committee, Siwan Davies, Director of Senedd Business, Bethan Davies, Head of Chamber and Committee Services and Julian Luke, Head of Policy and Legislation Committee Service.

Yours sincerely



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