

Julie James AC/AM
Arweinydd y Tŷ a'r Prif Chwip
Leader of the House and Chief Whip



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA-L-LG-0121-18

Elin Jones AM
Presiding Officer
National Assembly for Wales

29 March 2018

Dear Elin,

The Agricultural Wages (Wales) Order 2018

In accordance with guidance I am notifying you that in accordance with section 11A(4) of the Statutory Instruments Act 1946, as inserted by paragraph 3 of Schedule 10 to the Government of Wales Act 2006, I am notifying you that the 21 day rule will be breached for the introduction of the Agricultural Wages (Wales) Order 2018.. The Explanatory Memorandum is attached for your information.

Background

The Agricultural Advisory Panel for Wales (the Panel) was established under the Agricultural Sector (Wales) Act 2014 on 1 April 2016. The Panel's remit includes reviewing wages and other employment conditions and supporting skills and career development in the agricultural sector.

At present, agricultural workers in Wales are subject to the rates specified by the Agricultural Wages (Wales) Order 2017.

The Panel decided recommend an increase to wages for agricultural workers and consulted on the proposals in the autumn of 2017. The Panel's original timeline proposed to have the new Order in force on 1 April, the same date the UK National Living Wage (NLW) and National Minimum Wage (NMW) increases take effect. New wage rates for agricultural workers in Scotland and Northern Ireland come into force on this day as well. The Panel's aim is to align the agricultural minimum wage increase with NLW and NMW changes.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Higher than expected uplifts to the rates of the National Minimum/Living Wage were announced in late November. This necessitated a review of the agricultural minimum rates proposed to be included in the Agricultural Wages (Wales) Act 2018. Though every effort has been made to act quickly no compromise in consideration has been allowed.

Until the Agricultural Wages (Wales) Order 2018 comes into force, agricultural workers in Wales will not receive the proposed uplift to the agricultural minimum rates or the proposed rises to certain allowances.

To minimise disruption, and ensure workers are paid in accordance with the rates proposed by the Agricultural Advisory Panel, it is proposed the Statutory Instrument will breach the 21 day rule.

Breaching the 21 day rule will minimise the delay in bringing the new agreed wage rates into force and provide fair employment conditions and fair pay to agricultural workers in Wales. A breach of the 21 day rule is thought necessary and justifiable in this case on the basis it will reduce the delay in bringing in the uplift to the minimum agricultural wage rates and certain allowances into force.

Any delay would penalise those agricultural workers who would be paid lower rates of pay than they would have anticipated receiving from 1 April 2018.

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

A copy of this letter goes to Mick Antoniw AM, Chair of the Constitutional and Legislative Affairs Committee and Chris Warner, Head of Policy and Legislation Committee Service.

Yours sincerely,



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