

Government Response: The Agricultural Wages (Wales) Order 2024

The Agricultural Wages Order is made pursuant to section 4 of the Agricultural Sector (Wales) Act 2014. Although the Order is made by the Welsh Ministers, it is drafted and prepared by the Agricultural Advisory Panel for Wales (“the Panel”). The Welsh Ministers can either approve and make the Order as submitted to them by the Panel or refer the Order back to the Panel for further consideration and resubmission.

Technical Scrutiny points 1, 2, 2a, 3, 4, 5, 5b, 6, 8, 9, 12, 14, 15, 16, 17: We have advised the Panel of your comments, and they will take them into account for the 2025 Order. We do not consider this drafting to be defective nor to adversely affect the meaning and effectiveness of the Order and would note that the wording reflects that from the 2023 Order.

Technical Scrutiny point 2b: We note your comments and will take them into account for the 2025 Order. We do not consider this drafting to be defective nor to adversely affect the meaning and effectiveness of the Order.

Technical Scrutiny point 5a: We have advised the Panel of your comments, and they will take them into account for the 2025 Order. We do not consider this drafting to be defective nor to adversely affect the meaning and effectiveness of the Order.

Technical Scrutiny point 5c: We note your comments and will take them into account for the 2025 Order. We do not consider this to adversely affect the meaning and effectiveness of the Order.

Technical Scrutiny point 7: We are satisfied that the wording and dates are correct and as intended and have confirmed the same with the Panel. The pay protection clause relates specifically to changes made in 2022 and offer ongoing protection to those who may have otherwise suffered a reduction in pay as a result of their assimilation to the new grading structure which came into effect from 22 April 2022. Due to the age groups mainly affected by the change in grading structure, this provision will become obsolete next year and will therefore be omitted from the 2025 Order.

Technical Scrutiny point 10: The comments are noted, and we acknowledge that although article 19(a) is clear, article 22(5) could potentially be read in different ways. We understand however that the criteria are clear from the accompanying guidance provided for stakeholders and that this is a longstanding provision going back to 2016. We have been advised that the Panel will give consideration to the removal of article 22(5) for the 2025 Order.

Technical Scrutiny point 11: The comments are noted, and whilst we acknowledge that article 25(1) in the Welsh text could be clearer, the accompanying guidance provided for stakeholders will assist in clarifying the meaning, intention and effect and the wording will be reviewed again for the 2025 Order.

Technical Scrutiny point 13: We note your comments in respect of articles 26(2) and 43(2) and will take them into account for the 2025 Order. In respect of the use of “the worker” and “agricultural worker” we have advised the Panel of your comments, and they will be taken into account for the 2025 Order. We do not consider these to adversely affect the meaning and effectiveness of the Order and would note that the wording reflects that from the 2023 Order. The accompanying guidance provided for stakeholders will also assist in clarifying the meaning, intention and effect of the wording.

Technical Scrutiny point 18: In respect of the third column of the table, we will investigate with the SI Registrar the possibility of making the change by correction slip. In respect of the table headings in Schedule 4, we have advised the Panel of your comments, and they will take them into account for the 2025 Order. We do not consider this drafting to be defective nor to adversely affect the meaning and effectiveness of the Order and would note that the wording reflects that from the 2023 Order.

Merit Scrutiny point 19: We note your comment and refer to the contents of the letter dated 19 March 2024. Due to the unique arrangements relating to the drafting of this Order, we acknowledge there was a short reduction in the 21-day convention between the making and coming into force of the Order and all endeavours were made to keep this reduction to a minimum.