

Lesley Griffiths AC/AM  
Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig  
Cabinet Secretary for Energy, Planning and Rural Affairs



Llywodraeth Cymru  
Welsh Government

Ein cyf/MA L LG 308 18

Mick Antoniw AM  
Chair, Legislative and Constitutional Affairs Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA  
[SeneddCLA@assembly.wales](mailto:SeneddCLA@assembly.wales)

13 June 2018

Dear Mick,

### **The Agricultural Wages (Wales) Order 2018**

Thank you for your letter of 23 May 2018 which raised questions concerning the laying of the above Order.

I can assure you that every effort was made to complete the legal and policy considerations of what is a complex Order in time to meet requirements.

The proposal for the Order had originally been submitted by the Agricultural Advisory Panel in November 2017 to meet its aspiration for the Order to come into force on 1 April 2018, the same date increased national minimum and living wage rates take effect.

This ambitious timetable allowed three - four months for the Welsh Ministers to consider each provision of the draft Order, translate and finalise the bilingual draft Order and, if so minded, to approve and make the draft Order.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

[Gohebiaeth.Lesley.Griffiths@llyw.cymru](mailto:Gohebiaeth.Lesley.Griffiths@llyw.cymru)  
[Correspondence.Lesley.Griffiths@gov.wales](mailto:Correspondence.Lesley.Griffiths@gov.wales)

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.

Changes to the National Minimum Wage rates intended to take effect on 1 April 2018 were published in November 2017, after the Panel had submitted the draft Order to the Welsh Ministers for approval. The proposed National Minimum Wage rates were higher than anticipated and, in some respects, higher than the agricultural minimum wage rates proposed by the Panel in the draft Order. Section 3(5) of the Agricultural Sector (Wales) Act 2014 prevents agricultural minimum wage rates being prescribed in agricultural wages order which are lower than the national minimum wage rates.

The Panel informed the Welsh Ministers of its intention to reconsider the agricultural minimum rates proposed in the draft Order. As a result a revised draft Order was submitted by the Panel to the Welsh Ministers approximately two months later in January 2018.

It remained the Panel's intention the draft Order would come into force on 1 April 2018, the same date increased National Minimum Wage rate changes would take effect. The revised timetable allowed the Welsh Ministers less than half of the time originally allocated for the consideration, translation and finalisation of the bilingual draft Order and its approval and making, if a coming into force date of 1 April 2018 was to be met without breaching the 21 day rule.

It was not until mid-March the draft Order was fully considered, translated and the bilingual version settled, which meant it was not possible to approve and make the Order to bring it into force on 1 April 2018 without breaching the 21 day rule. There was never an intention to breach the 21 day rule and the decision to do this, rather than delay the bringing into force of the Order, was taken reluctantly and at a very late stage. Once that decision was made, the Order was finalised to include the coming into force date, made on 27 March and registered with the National Archives. The Order was then laid on Thursday 29 March. I am informed that due to unforeseen technical difficulties experienced with Welsh Government IT systems, it was not possible to lay the Order before 3pm.

I fully support this Government's commitment to making our laws accessible from the first possible opportunity. I understand the timetable for bringing forward future agricultural wages orders is being reviewed. All opportunities for expediting the consideration of such orders will be explored.

Regards,

A handwritten signature in black ink that reads "Lesley". The signature is written in a cursive, flowing style with a large loop at the end.

**Lesley Griffiths AC/AM**

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