

Draft Regulations laid before Parliament under section 51(5) of the National Minimum Wage Act 1998, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No. XXXX

TERMS AND CONDITIONS OF EMPLOYMENT

The National Minimum Wage (Amendment) Regulations 2014

Made - - - - - ***
Coming into force - - - - - ***

A draft of these Regulations was laid before Parliament in accordance with section 51(5) of the National Minimum Wage Act 1998(1) and approved by a resolution of each House of Parliament. The Secretary of State, in exercise of the powers conferred by sections 3 and 51(1) of the National Minimum Wage Act 1998(2), makes the following Regulations.

Citation and commencement

- 1.—(1) These Regulations may be cited as the National Minimum Wage (Amendment) Regulations 2014.
- (2) These Regulations come into force on the day after the date on which these Regulations are made.

Amendments to the National Minimum Wage Regulations 1999

- 2.—(1) The National Minimum Wage Regulations 1999(3) are amended as follows.
- (2) In regulation 12 (workers who do not qualify for the national minimum wage)—
 - (a) after paragraph (7) insert—

“(7A) A worker does not qualify for the national minimum wage for work done as part of that worker’s participation in a traineeship in England to which paragraph (7B) applies.

(7B) This paragraph applies to a traineeship consisting of a skills programme which meets the following conditions—

 - (a) the programme includes a work experience placement and work preparation training;

(1) 1998 c.39.
(2) Section 3(1A) was inserted by S.I. 1999/583 and amended by S.I. 2007/2402.
(3) S.I. 1999/584; relevant amending instruments are: S.I. 2000/1989, S.I. 2001/1108, S.I. 2004/1930, S.I. 2005/2019, S.I. 2007/2042, S.I. 2007/2318, S.I. 2008/1894, S.I. 2009/1902, S.I. 2010/1901, S.I. 2011/2345, S.I. 2011/2347 and S.I. 2012/2397.

- (b) the programme lasts no more than six months;
- (c) the programme is funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002(4) or by the Chief Executive of Skills Funding(5); and
- (d) the programme is open only to persons aged on the first day of the traineeship—
 - (i) at least 16 years but under the age of 25 years; or
 - (ii) at least 16 years but under the age of 26 years in the case of persons subject to learning difficulty assessment within the meaning of section 13(4) and (5) of the Education Act 1996(6)

Date

Name
Parliamentary Under Secretary of State for
Employment Relations and Consumer Affairs
Department for Business, Innovation and Skills

(4) 2002 c.32; a number of amendments were made to section 14 of the Education Act 2002 by the Children Act 2004 (c.31), the Education Act 2005 (c.18), the Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158) and the Education Act 2011 (c.21).

(5) The office of Chief Executive of Skills Funding was established by section 81 of the Apprenticeships, Skills, Children and Learning Act 2009 (c.22).

(6) 1996 c.56.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Minimum Wage Regulations 1999 (“the 1999 Regulations”).

Regulation 2(2)(a) amends the 1999 Regulations so that a worker does not qualify for the national minimum wage for work done as part of a traineeship in England.

An impact assessment has not been produced for this instrument as no additional cost on the private, public or voluntary sectors is foreseen. The Explanatory Memorandum is published alongside the Regulations on www.legislation.gov.uk.