

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) (No. 3) 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 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) (No. 3) Regulations 2014.

(2) These Regulations come into force on the day after the day on which these Regulations are made.

Amendments to the National Minimum Wage Regulations 1999

2. The National Minimum Wage Regulations 1999(3) are amended as follows.

3. In regulation 13 (workers who qualify for the national minimum wage at a different rate)—
(a) in paragraph (6)(b)(i) after “Advanced Level Apprenticeships” insert “, or under a Trailblazer Apprenticeship”.

(b) after paragraph (6) insert—

(1) 1998 c.39.
(2) Section 3(1A) was inserted by S.I. 1999/583 and amended by S.I. 2007/2042; section 51(6) and (7) was amended by the Employment Act 2008 (c.24), sections 9(3) and 20 and Schedule, Part 2.
(3) S.I. 1999/584; relevant amending instruments are S.I. 2000/1411, S.I. 2001/2673, S.I. 2002/1999, S.I. 2003/1923, S.I. 2004/1930, S.I. 2005/2019, S.I. 2006/2001, S.I. 2007/2318, S.I. 2008/1894, S.I. 2009/1902, S.I. 2010/1901, S.I. 2011/2345, S.I. 2012/297, S.I. 2012/2397 and S.I. 2013/1975.

“(7) In paragraph (6)(b)(i), a “Trailblazer Apprenticeship” is an agreement between an employer and a worker which provides for the worker to perform work for that employer and for the employer, or another person, to provide training in order to assist the worker to achieve the apprenticeship standard in the work done under the agreement.

(8) In paragraph (7), “apprenticeship standard” means the standard published by the Secretary of State in connection with the Government arrangements known as Trailblazer Apprenticeships, which applies as respects the work done under the agreement.”

Date

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Minimum Wage Regulations 1999 (“the 1999 Regulations”). These Regulations come into force on the day after the day on which these Regulations are made.

Regulation 3 amends the 1999 Regulations so that a worker engaged under a Trailblazer Apprenticeship is to be treated as employed under a contract of apprenticeship for the purpose of qualifying for the hourly rate specified in regulation 13(3) of the 1999 Regulations. Trailblazer Apprenticeships are arrangements made under section 2 of the Employment and Training Act 1973. The relevant apprenticeship standards are published on the National Apprenticeship Service website on www.apprenticeships.org.uk/standards.

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.