



Wages Act 1986

1986 CHAPTER 48

PART I

PROTECTION OF WORKERS IN RELATION TO THE PAYMENT OF WAGES

1 General restrictions on deductions made, or payments received, by employers.

- (1) An employer shall not make any deduction from any wages of any worker employed by him unless the deduction satisfies one of the following conditions, namely—
 - (a) it is required or authorised to be made by virtue of any statutory provision or any relevant provision of the worker's contract; or
 - (b) the worker has previously signified in writing his agreement or consent to the making of it.
- (2) An employer shall not receive any payment from any worker employed by him unless the payment satisfies one of the conditions set out in paragraphs (a) and (b) of subsection (1).
- (3) In this section "relevant provision", in relation to a worker's contract, means any provision of the contract comprised—
 - (a) in one or more written terms of the contract of which the employer has given the worker a copy on any occasion prior to the employer making the deduction in question, or (where subsection (1)(a) applies for the purposes of subsection (2)) prior to his receiving the payment in question, or
 - (b) in one or more terms of the contract (whether express or implied and, if express, whether oral or in writing) whose existence and effect, or (as the case may be) combined effect, in relation to the worker the employer has notified to the worker in writing on any such occasion.
- (4) For the purposes of this section—
 - (a) any relevant provision of a worker's contract having effect by virtue of any variation of the contract, or
 - (b) any agreement or consent signified by a worker as mentioned in subsection (1)(b),

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shall not operate to authorise the making of any deduction, or the receipt of any payment, on account of any conduct of the worker, or any other event occurring, before the variation took effect or (as the case may be) the agreement or consent was signified.

(5) Nothing in this section applies—

- (a) to any deduction from a worker’s wages made by his employer, or any payment received from a worker by his employer, where the purpose of the deduction or payment is the reimbursement of the employer in respect of—
 - (i) any overpayment of wages, or
 - (ii) any overpayment in respect of expenses incurred by the worker in carrying out his employment,
 made (for any reason) by the employer to the worker;
- (b) to any deduction from a worker’s wages made by his employer, or any payment received from a worker by his employer, in consequence of any disciplinary proceedings if those proceedings were held by virtue of any statutory provision;
- (c) to any deduction from a worker’s wages made by his employer in pursuance of any requirement imposed on the employer by any statutory provision to deduct and pay over to a public authority amounts determined by that authority as being due to it from the worker, if the deduction is made in accordance with the relevant determination of that authority;
- (d) to any deduction from a worker’s wages made by his employer in pursuance of any arrangements which have been established—
 - (i) in accordance with any relevant provision of his contract to whose inclusion in the contract the worker has signified his agreement or consent in writing, or
 - (ii) otherwise with the prior agreement or consent of the worker signified in writing,
 and under which the employer is to deduct and pay over to a third person amounts notified to the employer by that person as being due to him from the worker, if the deduction is made in accordance with the relevant notification by that person;
- (e) to any deduction from a worker’s wages made by his employer, or any payment received from a worker by his employer, where the worker has taken part in a strike or other industrial action and the deduction is made, or the payment has been required, by the employer on account of the worker’s having taken part in that strike or other action; or
- (f) to any deduction from a worker’s wages made by his employer with his prior agreement or consent signified in writing, or any payment received from a worker by his employer, where the purpose of the deduction or payment is the satisfaction (whether wholly or in part) of an order of a court or tribunal requiring the payment of any amount by the worker to the employer.

(6) This section is without prejudice to any other statutory provision by virtue of which any sum payable to a worker by his employer but not falling within the definition of “wages” in section 7 is not to be subject to any deduction at the instance of the employer ^{F1}; and where a certificate has been given by a worker to his employer for the purposes of section 18 of the Trade Union Act ^{M1}1984 (deduction of contributions to a trade union’s political fund), nothing in the worker’s contract, or in any agreement or consent signified by the worker, shall be taken for the purposes of this section as

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authorising the making of deductions in contravention of any obligation imposed on the employer in consequence of the giving of that certificate.]

Textual Amendments

F1 Words inserted by [Employment Act 1988 \(c. 19, SIF 43:5\)](#), s. 33(1), **Sch. 3 Pt. I para. 6(1)(3)**

Marginal Citations

M1 [1984 c.49 \(43:5\)](#).

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