



National Minimum Wage Act 1998

CHAPTER 39

NATIONAL MINIMUM WAGE ACT 1998

Entitlement to the national minimum wage

- 1 Workers to be paid at least the national minimum wage.

Regulations relating to the national minimum wage

- 2 Determination of hourly rate of remuneration.
- 3 Exclusion of, and modifications for, certain classes of person.
- 4 Power to add to the persons to whom section 3 applies.

The Low Pay Commission

- 5 The first regulations: referral to the Low Pay Commission.
- 6 Referral of matters to the Low Pay Commission at any time.
- 7 Referrals to, and reports of, the Low Pay Commission: supplementary.
- 8 The Low Pay Commission.

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- 9 Duty of employers to keep records.
- 10 Worker's right of access to records.
- 11 Failure of employer to allow access to records.
- 12 Employer to provide worker with national minimum wage statement.

Officers

- 13 Appointment of officers.
- 14 Powers of officers.

Status: Point in time view as at 06/04/2009.

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Information

- 15 Information obtained by officers.
- 16 Information obtained by agricultural wages officers.
- 16A Disclosure of information by officers

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- 17 Non-compliance: worker entitled to additional remuneration.
- 18 Enforcement in the case of special classes of worker.
- 19 Notices of underpayment: arrears
- 19A Notices of underpayment: financial penalty
- 19B Suspension of financial penalty
- 19C Notices of underpayment: appeals
- 19D Non-compliance with notice of underpayment: recovery of arrears
- 19E Non-compliance with notice of underpayment: recovery of penalty
- 19F Withdrawal of notice of underpayment
- 19G Replacement notice of underpayment
- 19H Effect of replacement notice of underpayment
- 20 Non-compliance: power of officer to sue on behalf of worker.
- 21 Financial penalty for non-compliance.
- 22 Appeals against penalty notices.
- 22A Withdrawal of enforcement notice
- 22B Replacement of enforcement notice
- 22C Effect of replacement on penalties where section 22A(3) not applied
- 22D Effect of replacement on appeals and civil proceedings where section 22A(3) not applied
- 22E Withdrawal of penalty notice
- 22F Replacement of penalty notice with notice imposing lower penalty

Rights not to suffer unfair dismissal or other detriment

- 23 The right not to suffer detriment.
- 24 Enforcement of the right.
- 25 Right of employee not to be unfairly dismissed: Great Britain.
- 26 Right of employee not to be unfairly dismissed: Northern Ireland.

Civil procedure, evidence and appeals

- 27 Tribunal hearings etc by chairman alone.
- 28 Reversal of burden of proof.
- 29 Appeals to the Employment Appeal Tribunal.

Conciliation

- 30 Conciliation.

Offences

- 31 Offences.
- 32 Offences by bodies corporate etc.
- 33 Proceedings for offences.

Special classes of person

- 34 Agency workers who are not otherwise “workers”.

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- 35 Home workers who are not otherwise “workers”.
- 36 Crown employment.
- 37 Armed forces.
- 37A Cadet Force Adult Volunteers
- 38 House of Lords staff.
- 39 House of Commons staff.
- 40 Mariners.

Extensions

- 41 Power to apply Act to individuals who are not otherwise “workers”.
- 42 Power to apply Act to offshore employment.

Exclusions

- 43 Share fishermen.
- 44 Voluntary workers.
- 44A Religious and other communities: resident workers.
- 45 Prisoners.
- 45A Persons discharging fines by unpaid work
- 45B Immigration: detained persons

Agricultural workers

- 46 Relationship of this Act and agricultural wages legislation.
- 47 Amendments relating to remuneration etc of agricultural workers.

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- 48 Application of Act to superior employers.
- 49 Restrictions on contracting out.
- 50 Publicity.

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- 51 Regulations and orders.
- 52 Expenses.
- 53 Repeals and revocations.
- 54 Meaning of “worker”, “employee” etc.
- 55 Interpretation.
- 56 Short title, commencement and extent.

SCHEDULES

SCHEDULE 1 — The Low Pay Commission

Membership

- 1 (1) The Low Pay Commission appointed under section 8(9) of...

Financial provisions

- 2 (1) The Secretary of State may pay the members of...

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Staff, facilities and money

3 The Secretary of State shall provide the Commission with—

Proceedings

4 (1) The quorum of the Commission and the arrangements relating...

Disqualification for House of Commons and Northern Ireland Assembly

5 (1) The entry set out in sub-paragraph (2) below shall...

SCHEDULE 2 — Amendments relating to remuneration etc of agricultural workers

Part I — THE AGRICULTURAL WAGES ACT 1948

1 The Agricultural Wages Act 1948 shall be amended in accordance...

Section 3

2 (1) Section 3 (power of Agricultural Wages Board to fix...

Enforcement

3 After section 3 there shall be inserted— Enforcement. (1) The enforcement provisions of the National Minimum Wage Act...

Section 4

4 (1) In section 4 (enforcement of wages and holidays orders)...

Section 5

5 (1) Section 5 (permits to incapacitated persons) shall be amended...

Section 11

6 Section 11(1)(a) (invalidity of certain agreements) shall cease to have...

Section 12

7 (1) Section 12 (officers) shall be amended as follows.

Information obtained by national minimum wage officers

8 After section 15 there shall be inserted— Information obtained by...

Section 17

9 (1) Section 17 (interpretation) shall be amended as follows.

Relationship between the national minimum wage and agricultural wages legislation

10 After section 17 there shall be inserted— Relationship between this...

Part II — THE AGRICULTURAL WAGES (SCOTLAND) ACT 1949

11 The Agricultural Wages (Scotland) Act 1949 shall be amended in...

Section 3

12 (1) Section 3 (power of Scottish Agricultural Wages Board to...

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Enforcement

- 13 After section 3 there shall be inserted— Enforcement. (1) The enforcement provisions of the National Minimum Wage Act...

Section 4

- 14 In section 4 (enforcement of wages and holiday orders) the...

Section 5

- 15 (1) Section 5 (permits to infirm and incapacitated persons) shall...

Section 11

- 16 Section 11(1)(a) (invalidity of certain agreements) shall cease to have...

Section 12

- 17 (1) Section 12 (officers) shall be amended as follows.

Information obtained by national minimum wage officers

- 18 After section 15 there shall be inserted— Information obtained by...

Section 17

- 19 (1) Section 17 (interpretation) shall be amended as follows.

Relationship between national minimum wage and agricultural wages legislation

- 20 After section 17 there shall be inserted— Relationship between this...

Part III — THE AGRICULTURAL WAGES (REGULATION) (NORTHERN IRELAND) ORDER 1977

- 21 The Agricultural Wages (Regulation) (Northern Ireland) Order 1977 shall be...

Article 2

- 22 (1) Article 2 (interpretation) shall be amended as follows.

Relationship between the national minimum wage and agricultural wages legislation

- 23 After Article 2 there shall be inserted— Relationship between this...

Article 4

- 24 (1) Article 4 (power of Agricultural Wages Board for Northern...

Article 6

- 25 (1) Article 6 (permits exempting, in certain cases, payment of...

Enforcement

- 26 After Article 8 there shall be inserted— Enforcement. (1) The enforcement provisions of the National Minimum Wage Act...

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Information obtained by national minimum wage officers

27 After Article 11 there shall be inserted— Information obtained by...

SCHEDULE 3 — Repeals and revocations

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