



# National Minimum Wage Act 1998

## 1998 CHAPTER 39

### *Enforcement*

#### [<sup>F1</sup>19D Non-compliance with notice of underpayment: recovery of arrears

- (1) If a requirement to pay a sum to a worker contained in a notice of underpayment is not complied with in whole or in part, an officer acting for the purposes of this Act may, on behalf of any worker to whom the requirement relates—
- present a complaint under section 23(1)(a) of the Employment Rights Act 1996 (deductions from worker's wages in contravention of section 13 of that Act) to an employment tribunal in respect of any sums due to the worker by virtue of section 17 above; or
  - in relation to Northern Ireland, present a complaint under Article 55(1)(a) of the Employment Rights (Northern Ireland) Order 1996 (deductions from worker's wages in contravention of Article 45 of that Order) to an industrial tribunal in respect of any sums due to the worker by virtue of section 17 above; or
  - commence other civil proceedings for the recovery, on a claim in contract, of any sums due to the worker by virtue of section 17 above.
- (2) The powers conferred by subsection (1) above for the recovery of sums due from an employer to a worker shall not be in derogation of any right which the worker may have to recover such sums by civil proceedings.]

#### **Textual Amendments**

- F1** Ss. 19-19H substituted for ss.19-22F (6.4.2009) by [Employment Act 2008 \(c. 24\)](#), **ss. 9(1)**, 22(1)(a) (with [s. 9\(7\)](#)); [S.I. 2009/603](#), [art. 2](#) (with [art. 3](#), [Sch.](#))

#### **Modifications etc. (not altering text)**

- C1** [S. 19D](#) applied (with modifications) (E.W.) (30.7.2014) by [Agricultural Sector \(Wales\) Act 2014 \(anaw 6\)](#), **s. 5(1)(2)(f)**, (3)-(7), 19 (with [s. 14\(1\)](#))

**Changes to legislation:**

There are currently no known outstanding effects for the National Minimum Wage Act 1998, Section 19D.