



# National Minimum Wage Act 1998

## 1998 CHAPTER 39

### *Exclusions*

#### [<sup>F1</sup>44A **Religious and other communities: resident workers.**

- (1) A residential member of a community to which this section applies does not qualify for the national minimum wage in respect of employment by the community.
- (2) Subject to subsection (3), this section applies to a community if—
  - (a) it is a charity or is established by a charity,
  - (b) a purpose of the community is to practise or advance a belief of a religious or similar nature, and
  - (c) all or some of its members live together for that purpose.
- (3) This section does not apply to a community which—
  - (a) is an independent school, or
  - (b) provides a course of further or higher education.
- (4) The residential members of a community are those who live together as mentioned in subsection (2)(c).
- (5) In this section—
  - (a) “charity” has the same meaning as in section 44, and
  - (b) “independent school” has the same meaning as in section 463 of the <sup>M1</sup>Education Act 1996 (in England and Wales), section 135 of the <sup>M2</sup>Education (Scotland) Act 1980 (in Scotland) and Article 2 of the <sup>M3</sup>Education and Libraries (Northern Ireland) Order 1986 (in Northern Ireland).
- (6) In this section “course of further or higher education” means—
  - (a) in England and Wales, a course of a description referred to in Schedule 6 to the <sup>M4</sup>Education Reform Act 1988 or Schedule 2 to the <sup>M5</sup>Further and Higher Education Act 1992;
  - (b) in Scotland, a course or programme of a description mentioned in or falling within section 6(1) or 38 of the <sup>M6</sup>Further and Higher Education (Scotland) Act 1992;

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*Status: Point in time view as at 06/04/2005. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the National Minimum Wage Act 1998, Section 44A. (See end of Document for details)*

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- (c) in Northern Ireland, a course of a description referred to in Schedule 1 to the <sup>M7</sup>Further Education (Northern Ireland) Order 1997 or a course providing further education within the meaning of Article 3 of that Order.]

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**Textual Amendments**

**F1** S. 44A inserted (25.10.1999) by 1999 c. 26, s. 22; S.I. 1999/2830, art. 2(1)(2), **Sch. 1 Pt. I**

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**Marginal Citations**

**M1** 1996 c. 56.

**M2** 1980 c. 44.

**M3** S.I. 1986/594 (N.I. 3).

**M4** 1988 c. 40.

**M5** 1992 c. 13.

**M6** 1992 c. 37.

**M7** S.I. 1997/1772 (N.I. 15).

**Status:**

Point in time view as at 06/04/2005. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the National Minimum Wage Act 1998, Section 44A.