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STATUTORY INSTRUMENTS

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**1999 No. 584**

**The National Minimum Wage Regulations 1999**

**PART V  
RECORDS**

**Records to be kept by an employer**

**38.**—(1) The employer of a worker who qualifies for the national minimum wage shall keep in respect of that worker records sufficient to establish that he is remunerating the worker at a rate at least equal to the national minimum wage.

(2) The records required to be kept under paragraph (1) shall be in a form which enables the information kept about a worker in respect of a pay reference period to be produced in a single document.

(3) The employer of a worker who qualifies for the national minimum wage who has entered into any agreement with the worker referred to in regulations 13(2)(d) (accredited training), 25(1) (output work) or 28(1) (unmeasured work), shall keep a copy of that agreement.

(4) The employer of a worker who qualifies for an agricultural minimum rate of wages shall, in addition to the records he is required to keep under paragraphs (1) and (3), keep in respect of that worker records sufficient to establish that he is remunerating the worker at a rate at least equal to any agricultural minimum rate of wages applicable to the worker.

(5) In paragraph (4), “agricultural minimum rate of wages” means—

- (a) in England and Wales, a minimum rate of wages fixed under section 3(1)(a) of the Agricultural Wages Act 1948(1);
- (b) in Scotland, a minimum rate of wages fixed under section 3(1)(a) of the Agricultural Wages (Scotland) Act 1949(2);
- (c) in Northern Ireland, a minimum rate of wages fixed under Article 4(1) of the Agricultural Wages (Regulation) (Northern Ireland) Order 1977(3).

(6) Where under paragraph (4) an employer is required to keep records in respect of a worker in addition to those he is required to keep under paragraph (1), those additional records shall be in a form which enables the information kept under paragraph (4) about a worker in respect of a pay reference period to be produced in a single document.

(7) The records required to be kept by this regulation shall be kept by the employer for a period of three years beginning with the day upon which the pay reference period immediately following that to which they relate ends.

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(1) 1948 c. 47; section 3 was substituted by Part I of Schedule 9 to the Employment Protection Act 1975 (c. 71); new subsections (2B), (2C) and (8) to (15) are to be inserted by the National Minimum Wage Act 1998 (c. 39), Schedule 2, paragraph 2.

(2) 1949 c. 30; section 3(1) was substituted by Part I of Schedule 10 to the Employment Protection Act 1975 (c. 71); new subsections (2B), (2C) and (8) to (15) are to be inserted by the National Minimum Wage Act 1998 (c. 39), Schedule 2, paragraph 12.

(3) S.I.1977/2151 (N.I. 22); new paragraphs (1A), (1B) and (13) to (20) are to be inserted into Article 4 by the National Minimum Wage Act 1998 (c. 39), Schedule 2, paragraph 24.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(8) The records required to be kept by this regulation may be kept by means of a computer.