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DRAFT STATUTORY INSTRUMENTS

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**2020 No.**

**The National Minimum Wage  
(Amendment) (No. 2) Regulations 2020**

**PART 3**

**TRANSITIONAL PROVISION**

**CHAPTER 1**

**SALARIED HOURS WORK**

**11.** The amendments made by Chapter 1 of Part 2 of these Regulations apply in the case of a re-categorised worker as provided for in this Chapter.

**12.** A “re-categorised worker” is a worker who on the day these Regulations come into force would—

- (a) meet the conditions for performing salaried hours work in regulation 21(2) to (5) of the National Minimum Wage Regulations 2015 (“the 2015 Regulations”) if the amendments to those conditions were not deferred by this Chapter; and
- (b) do so as a result of the amendments to those conditions made by Chapter 1 of Part 2.

**13.** The amendments made by Chapter 1 of Part 2 apply in the case of a re-categorised worker from the first day of the worker’s calculation year (as determined by regulation 24 of the 2015 Regulations) beginning after 6th April 2022, unless the employer has nominated a different day in accordance with regulations 14 to 16 of these Regulations.

**14.** Before 6th April 2022, the employer may (subject to the limitation in regulation 15) give written notice to a re-categorised worker nominating the day on which the amendments made by Chapter 1 of Part 2 shall apply in the worker’s case (the “nominated day”).

**15.** The nominated day may not occur after 6th April 2022.

**16.** Where the employer gives written notice of a nominated day—

- (a) the amendments made by Chapter 1 of Part 2 apply in the worker’s case from that day;
- (b) the worker’s calculation year is—
  - (i) in the first year, not determined by regulation 24 of the 2015 Regulations but is a year beginning with the nominated day; and
  - (ii) in each subsequent year, a year beginning on an anniversary of that day, unless an alternative calculation year takes effect in accordance with regulation 24(5) to (8) of the 2015 Regulations; and
- (c) the worker is treated as if for the purpose of regulation 24(6)(d) of the 2015 Regulations a change to the worker’s calculation year took effect on the nominated day.

## CHAPTER 2

### REDUCTIONS

**17.** The amendments made by Chapter 2 of Part 2 do not apply in respect of a pay reference period which begins before 6th April 2020.