



# National Minimum Wage Act 1998

## 1998 CHAPTER 39

*Civil procedure, evidence and appeals*

VALID FROM 01/04/1999

### **27 Tribunal hearings etc by chairman alone.**

- (1) In section 4 of the <sup>M1</sup>Employment Tribunals Act 1996 (composition of employment tribunal) in subsection (3) (which specifies proceedings to be heard by the chairman alone) after paragraph (ca) there shall be inserted—
  - “(cc) proceedings on a complaint under section 11 of the National Minimum Wage Act 1998;
  - (cd) proceedings on an appeal under section 19 or 22 of the National Minimum Wage Act 1998;”.
- (2) In Article 6 of the <sup>M2</sup>Industrial Tribunals (Northern Ireland) Order 1996 (composition of industrial tribunal in Northern Ireland) in paragraph (3) (which specifies proceedings to be heard by the chairman alone) after sub-paragraph (b) there shall be inserted—
  - “(bb) proceedings on a complaint under section 11 of the National Minimum Wage Act 1998;
  - (bc) proceedings on an appeal under section 19 or 22 of the National Minimum Wage Act 1998;”.

#### **Marginal Citations**

**M1** 1996 c. 17.

**M2** S.I. 1996/1921 (N.I.18).

*Status: Point in time view as at 01/11/1998. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the National Minimum Wage Act 1998, Cross Heading: Civil procedure, evidence and appeals. (See end of Document for details)*

VALID FROM 01/04/1999

## 28 Reversal of burden of proof.

- (1) Where in any civil proceedings any question arises as to whether an individual qualifies or qualified at any time for the national minimum wage, it shall be presumed that the individual qualifies or, as the case may be, qualified at that time for the national minimum wage unless the contrary is established.
- (2) Where—
  - (a) a complaint is made—
    - (i) to an employment tribunal under section 23(1)(a) of the <sup>M3</sup>Employment Rights Act 1996 (unauthorised deductions from wages), or
    - (ii) to an industrial tribunal under Article 55(1)(a) of the <sup>M4</sup>Employment Rights (Northern Ireland) Order 1996, and
  - (b) the complaint relates in whole or in part to the deduction of the amount described as additional remuneration in section 17(1) above,
 it shall be presumed for the purposes of the complaint, so far as relating to the deduction of that amount, that the worker in question was remunerated at a rate less than the national minimum wage unless the contrary is established.
- (3) Where in any civil proceedings a person seeks to recover on a claim in contract the amount described as additional remuneration in section 17(1) above, it shall be presumed for the purposes of the proceedings, so far as relating to that amount, that the worker in question was remunerated at a rate less than the national minimum wage unless the contrary is established.

### Modifications etc. (not altering text)

- C1** S. 28 modified (*prosp.*) by 1948 c.47, s. 3A(1)-(4) (as inserted by 1998 c. 39, ss. 47(1)(a), 56(2), **Sch. 2 Pt. I**, para. 3 (with s. 36))  
S. 28 modified (*prosp.*) by 1949 c. 30, s. 3A(1)-(3) (as inserted by 1998 c. 39, ss. 47(1)(b), 56(2), **Sch. 2 Pt. II**, para. 13 (with s. 36))
- C2** S. 28 extended (with modifications) (*prosp.*) by S.I. 1997/2151 (N.I. 22), **art. 8A** (as inserted by 1998 c. 39, ss. 47(1)(c), 56(2), **Sch. 2 Pt. III**, para. 26 (with s. 36))

### Marginal Citations

- M3** 1996 c. 18.  
**M4** S.I. 1996/1919 (N.I.16).

## 29 Appeals to the Employment Appeal Tribunal.

In section 21(1) of the <sup>M5</sup>Employment Tribunals Act 1996 (appeal from employment tribunal to Employment Appeal Tribunal on question of law arising under or by virtue of the enactments there specified) after paragraph (f) there shall be inserted—

“(ff) the National Minimum Wage Act 1998, or”.

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**Marginal Citations**

**M5** [1996 c. 17](#).

**Status:**

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