



National Minimum Wage Act 1998

1998 CHAPTER 39

Officers

13 Appointment of officers.

- (1) The Secretary of State—
 - (a) may appoint officers to act for the purposes of this Act; and
 - (b) may, instead of or in addition to appointing any officers under this section, arrange with any Minister of the Crown or government department, or any body performing functions on behalf of the Crown, that officers of that Minister, department or body shall act for those purposes.
- (2) When acting for the purposes of this Act, an officer shall, if so required, produce some duly authenticated document showing his authority so to act.
- (3) If it appears to an officer that any person with whom he is dealing while acting for the purposes of this Act does not know that he is an officer so acting, the officer shall identify himself as such to that person.

14 Powers of officers.

- (1) An officer acting for the purposes of this Act shall have power for the performance of his duties—
 - (a) to require the production by a relevant person of any records required to be kept and preserved in accordance with regulations under section 9 above and to inspect and examine those records and to copy ^{F1}... them;
 - (b) to require a relevant person to furnish to him (either alone or in the presence of any other person, as the officer thinks fit) an explanation of any such records;
 - (c) to require a relevant person to furnish to him (either alone or in the presence of any other person, as the officer thinks fit) any additional information known to the relevant person which might reasonably be needed in order to establish whether this Act, or any enforcement notice under section 19 below, is being or has been complied with;

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- (d) at all reasonable times to enter any relevant premises in order to exercise any power conferred on the officer by paragraphs (a) to (c) above.
- (2) No person shall be required under paragraph (b) or (c) of subsection (1) above to answer any question or furnish any information which might incriminate the person or, if [^{F2}married or a civil partner, the person's spouse or civil partner].
- (3) The powers conferred by subsection (1) above include power, on reasonable written notice, to require a relevant person—
- (a) to produce any such records as are mentioned in paragraph (a) of that subsection to an officer at such time and place as may be specified in the notice; or
 - (b) to attend before an officer at such time and place as may be specified in the notice to furnish any such explanation or additional information as is mentioned in paragraph (b) or (c) of that subsection.
- [^{F3}(3A) The power of an officer to copy records under subsection (1)(a) includes a power to remove such records from the place where they are produced to him in order to copy them; but such records must be returned as soon as reasonably practicable to the relevant person by whom they are produced.]
- (4) In this section “relevant person” means any person whom an officer acting for the purposes of this Act has reasonable cause to believe to be—
- (a) the employer of a worker;
 - (b) a person who for the purposes of section 34 below is the agent or the principal;
 - (c) a person who supplies work to an individual who qualifies for the national minimum wage;
 - (d) a worker, servant or agent of a person falling within paragraph (a), (b) or (c) above; or
 - (e) a person who qualifies for the national minimum wage.
- (5) In this section “relevant premises” means any premises which an officer acting for the purposes of this Act has reasonable cause to believe to be—
- (a) premises at which an employer carries on business;
 - (b) premises which an employer uses in connection with his business (including any place used, in connection with that business, for giving out work to home workers, within the meaning of section 35 below); or
 - (c) premises of a person who for the purposes of section 34 below is the agent or the principal.

Textual Amendments

- F1** Words in s. 14(1)(a) repealed (13.1.2009) by [Employment Act 2008 \(c. 24\)](#), ss. 10(2), 22(1)(b), [Sch. Pt. 3](#) (with s. 10(4))
- F2** Words in s. 14(2) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(b), [Sch. 27 para. 155](#); S.I. 2005/3175, art. 2(2)
- F3** S. 14(3A) inserted (13.1.2009) by [Employment Act 2008 \(c. 24\)](#), ss. 10(3), 22(1)(b) (with s. 10(4))

Modifications etc. (not altering text)

- C1** S. 14 modified by [1948 c. 47, s. 3A\(1\)-\(4\)](#) (as inserted (1.4.1999) by [1998 c. 39, ss. 47\(1\)\(a\), 56\(2\), Sch. 2 Pt. I, para. 3](#) (with s. 36); S.I. 1999/685, art. 2, Sch.)

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- S. 14 modified by 1949 c. 30, **s. 3A(1)-(3)** (as inserted (1.4.1999) by 1998 c. 39, ss. 47(1)(b), 56(2), **Sch. 2 Pt. II**, para. 13 (with s. 36); S.I. 1999/685, art. 2, Sch. (with art. 3))
- C2** S. 14 extended (with modifications) by S.I. 1997/2151 (N.I. 22), **art. 8A** (as inserted (1.4.1999) by 1998 c. 39, ss. 47(1)(c), 56(2), **Sch. 2 Pt. III**, para. 26 (with s. 36); S.I. 1999/685, art. 2, Sch.)
- C3** S. 14 applied (with modifications) (E.W.) (30.7.2014) by **Agricultural Sector (Wales) Act 2014** (anaw 6), **ss. 5(1)(2)(b)(3)-(7)**, 19 (with s. 14(1))

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