



National Minimum Wage Act 1998

1998 CHAPTER 39

Enforcement

18 Enforcement in the case of special classes of worker

- (1) If the persons who are the worker and the employer for the purposes of section 17 above would not (apart from this section) fall to be regarded as the worker and the employer for the purposes of—
 - (a) Part II of the Employment Rights Act 1996 (protection of wages), or
 - (b) in relation to Northern Ireland, Part IV of the Employment Rights (Northern Ireland) Order 1996,they shall be so regarded for the purposes of the application of that Part in relation to the entitlement conferred by that section.
- (2) In the application by virtue of subsection (1) above of—
 - (a) Part II of the Employment Rights Act 1996, or
 - (b) Part IV of the Employment Rights (Northern Ireland) Order 1996,in a case where there is or was, for the purposes of that Part, no worker's contract between the persons who are the worker and the employer for the purposes of section 17 above, it shall be assumed that there is or, as the case may be, was such a contract.
- (3) For the purpose of enabling the amount described as additional remuneration in subsection (1) of section 17 above to be recovered in civil proceedings on a claim in contract in a case where in fact there is or was no worker's contract between the persons who are the worker and the employer for the purposes of that section, it shall be assumed for the purpose of any civil proceedings, so far as relating to that amount, that there is or, as the case may be, was such a contract.