



# National Minimum Wage Act 1998

## 1998 CHAPTER 39

### *Enforcement*

#### **[<sup>F1</sup>19C Notices of underpayment: appeals**

- (1) A person on whom a notice of underpayment is served may in accordance with this section appeal against any one or more of the following—
  - (a) the decision to serve the notice;
  - (b) any requirement imposed by the notice to pay a sum to a worker;
  - (c) any requirement imposed by the notice to pay a financial penalty.
- (2) An appeal under this section lies to an employment tribunal.
- (3) An appeal under this section must be made before the end of the 28-day period.
- (4) An appeal under subsection (1)(a) above must be made on the ground that no sum was due under section 17 above to any worker to whom the notice relates on the day specified under section 19(4)(a) above in relation to him in respect of any pay reference period specified under section 19(4)(b) above in relation to him.
- (5) An appeal under subsection (1)(b) above in relation to a worker must be made on either or both of the following grounds—
  - (a) that, on the day specified under section 19(4)(a) above in relation to the worker, no sum was due to the worker under section 17 above in respect of any pay reference period specified under section 19(4)(b) above in relation to him;
  - (b) that the amount specified in the notice as the sum due to the worker is incorrect.
- (6) An appeal under subsection (1)(c) above must be made on either or both of the following grounds—
  - (a) that the notice was served in circumstances specified in a direction under section 19A(2) above, or
  - (b) that the amount of the financial penalty specified in the notice of underpayment has been incorrectly calculated (whether because the notice is

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*Changes to legislation: There are currently no known outstanding effects for the National Minimum Wage Act 1998, Section 19C. (See end of Document for details)*

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incorrect in some of the particulars which affect that calculation or for some other reason).

- (7) Where the employment tribunal allows an appeal under subsection (1)(a) above, it must rescind the notice.
- (8) Where, in a case where subsection (7) above does not apply, the employment tribunal allows an appeal under subsection (1)(b) or (c) above—
- (a) the employment tribunal must rectify the notice, and
  - (b) the notice of underpayment shall have effect as rectified from the date of the employment tribunal's determination.]

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**Textual Amendments**

- F1** Ss. 19-19H substituted for ss.19-22F (6.4.2009) by [Employment Act 2008 \(c. 24\)](#), **ss. 9(1)**, 22(1)(a) (with s. 9(7)); [S.I. 2009/603](#), [art. 2](#) (with [art. 3](#), [Sch.](#))

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**Modifications etc. (not altering text)**

- C1** S. 19C applied (with modifications) (E.W.) (30.7.2014) by [Agricultural Sector \(Wales\) Act 2014 \(anaw 6\)](#), **ss. 5(1)(2)(e)(3)-(7)**, 19 (with s. 14(1))

**Changes to legislation:**

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