



National Minimum Wage Act 1998

1998 CHAPTER 39

Enforcement

[^{F1}19F] **Withdrawal of notice of underpayment**

- (1) Where a notice of underpayment has been served (and not already withdrawn or rescinded) and it appears to an officer acting for the purposes of this Act that the notice incorrectly includes or omits any requirement or is incorrect in any particular, the officer may withdraw it by serving notice of the withdrawal on the employer.
- (2) Where a notice of underpayment is withdrawn and no replacement notice of underpayment is served in accordance with section 19G below—
 - (a) any sum paid by or recovered from the employer by way of financial penalty payable under the notice must be repaid to him with interest at the appropriate rate running from the date when the sum was paid or recovered;
 - (b) any appeal against the notice must be dismissed;
 - (c) after the withdrawal no complaint may be presented or other civil proceedings commenced by virtue of section 19D above in reliance on any non-compliance with the notice before it was withdrawn;
 - (d) any complaint or proceedings so commenced before the withdrawal may be proceeded with despite the withdrawal.
- (3) In a case where subsection (2) above applies, the notice of withdrawal must indicate the effect of that subsection (but a failure to do so does not make the withdrawal ineffective).
- (4) In subsection (2)(a) above, “the appropriate rate” means the rate that, on the date the sum was paid or recovered, was specified in section 17 of the Judgments Act 1838.]

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.](#))

Status:

Point in time view as at 06/04/2014. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the National Minimum Wage Act 1998, Section 19F.