



National Minimum Wage Act 1998

1998 CHAPTER 39

Enforcement

[^{F1}19G Replacement notice of underpayment

- (1) Where an officer acting for the purposes of this Act serves a notice of withdrawal under section 19F above and is of the opinion referred to in section 19(1) above in relation to any worker specified in the notice which is being withdrawn (“the original notice”), he may at the same time serve another notice under section 19 above (“the replacement notice”).
- (2) The replacement notice may not relate to any worker to whom the original notice did not relate.
- (3) If the replacement notice contravenes subsection (2) above, that fact shall be an additional ground of appeal for the purposes of section 19C above.
- (4) The replacement notice may relate to a pay reference period ending after the date of service of the original notice.
- (5) Section 19(7) above applies in relation to the replacement notice as if the reference to six years before the date of service of the notice were a reference to six years before the date of service of the original notice.
- (6) The replacement notice must—
 - (a) indicate the differences between it and the original notice that it is reasonable for the officer to consider are material; and
 - (b) indicate the effect of section 19H below.
- (7) Failure to comply with subsection (6) above does not make the replacement notice ineffective.
- (8) Where a replacement notice is withdrawn under section 19F above, no further replacement notice may be served under subsection (1) above pursuant to the withdrawal.

Status: Point in time view as at 06/04/2009. This version of this provision has been superseded.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 19G. (See end of Document for details)

(9) Nothing in this section affects any power that arises apart from this section to serve a notice of underpayment in relation to any worker.]

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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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