



National Minimum Wage Act 1998

1998 CHAPTER 39

Offences

31 Offences.

- (1) If the employer of a worker who qualifies for the national minimum wage refuses or wilfully neglects to remunerate the worker for any pay reference period at a rate which is at least equal to the national minimum wage, that employer is guilty of an offence.
- (2) If a person who is required to keep or preserve any record in accordance with regulations under section 9 above fails to do so, that person is guilty of an offence.
- (3) If a person makes, or knowingly causes or allows to be made, in a record required to be kept in accordance with regulations under section 9 above any entry which he knows to be false in a material particular, that person is guilty of an offence.
- (4) If a person, for purposes connected with the provisions of this Act, produces or furnishes, or knowingly causes or allows to be produced or furnished, any record or information which he knows to be false in a material particular, that person is guilty of an offence.
- (5) If a person—
 - (a) intentionally delays or obstructs an officer acting for the purposes of this Act in the exercise of any power conferred by this Act, or
 - (b) refuses or neglects to answer any question, furnish any information or produce any document when required to do so under section 14(1) above,that person is guilty of an offence.
- (6) Where the commission by any person of an offence under subsection (1) or (2) above is due to the act or default of some other person, that other person is also guilty of the offence.
- (7) A person may be charged with and convicted of an offence by virtue of subsection (6) above whether or not proceedings are taken against any other person.

Changes to legislation: There are currently no known outstanding effects for the National Minimum Wage Act 1998, Section 31. (See end of Document for details)

- (8) In any proceedings for an offence under subsection (1) or (2) above it shall be a defence for the person charged to prove that he exercised all due diligence and took all reasonable precautions to secure that the provisions of this Act, and of any relevant regulations made under it, were complied with by himself and by any person under his control.
- (9) A person guilty of an offence under this section shall be liable
- [^{F1}(a) on conviction on indictment, to a fine, or
 - (b) on summary conviction, to a fine not exceeding the statutory maximum.]

Textual Amendments

- F1** Words in s. 31(9) substituted (6.4.2009) by [Employment Act 2008 \(c. 24\)](#), **ss. 11(1)**, 22(1)(c) (with s. 11(3)); S.I. 2009/603, art. 2 (with art. 3, Sch.)

Modifications etc. (not altering text)

- C1** S. 31 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.)
- S. 31 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.)
- C2** S. 31 extended (with modifications) by [S.I. 1977/2151 \(N.I. 22\)](#), **art. 8A** (as inserted 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. 31 applied (with modifications) (E.W.) (30.7.2014) by [Agricultural Sector \(Wales\) Act 2014 \(anaw 6\)](#), **ss. 5(1)(2)(1)(3)-(7)**, 19 (with s. 14(1))

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