



# National Minimum Wage Act 1998

## 1998 CHAPTER 39

### *Offences*

#### **33 Proceedings for offences**

- (1) The persons who may conduct proceedings for an offence under this Act—
  - (a) in England and Wales, before a magistrates' court, or
  - (b) in Northern Ireland, before a court of summary jurisdiction,shall include any person authorised for the purpose by the Secretary of State even if that person is not a barrister or solicitor.
- (2) In England and Wales or Northern Ireland, proceedings for an offence under this Act may be begun at any time within whichever of the following periods expires the later, that is to say—
  - (a) the period of 6 months from the date on which evidence, sufficient in the opinion of the Secretary of State to justify a prosecution for the offence, comes to the knowledge of the Secretary of State, or
  - (b) the period of 12 months from the commission of the offence,notwithstanding anything in any other enactment (including an enactment comprised in Northern Ireland legislation) or in any instrument made under an enactment.
- (3) For the purposes of subsection (2) above, a certificate purporting to be signed by or on behalf of the Secretary of State as to the date on which such evidence as is mentioned in paragraph (a) of that subsection came to the knowledge of the Secretary of State shall be conclusive evidence of that date.
- (4) In Scotland, proceedings for an offence under this Act may, notwithstanding anything in section 136 of the Criminal Procedure (Scotland) Act 1995, be commenced at any time within—
  - (a) the period of 6 months from the date on which evidence, sufficient in the opinion of the procurator fiscal to justify proceedings, comes to the knowledge of the procurator fiscal, or
  - (b) the period of 12 months from the commission of the offence,whichever period expires the later.

- (5) For the purposes of subsection (4) above—
- (a) a certificate purporting to be signed by or on behalf of the procurator fiscal as to the date on which such evidence as is mentioned above came to the knowledge of the procurator fiscal shall be conclusive evidence of that date; and
  - (b) subsection (3) of section 136 of the said Act of 1995 (date of commencement of proceedings) shall have effect as it has effect for the purposes of that section.