



# National Minimum Wage Act 1998

## 1998 CHAPTER 39

### *Special classes of person*

#### **34 Agency workers who are not otherwise “workers”**

- (1) This section applies in any case where an individual (“the agency worker”)—
  - (a) is supplied by a person (“the agent”) to do work for another (“the principal”) under a contract or other arrangements made between the agent and the principal; but
  - (b) is not, as respects that work, a worker, because of the absence of a worker’s contract between the individual and the agent or the principal; and
  - (c) is not a party to a contract under which he undertakes to do the work for another party to the contract whose status is, by virtue of the contract, that of a client or customer of any profession or business undertaking carried on by the individual.
- (2) In a case where this section applies, the other provisions of this Act shall have effect as if there were a worker’s contract for the doing of the work by the agency worker made between the agency worker and—
  - (a) whichever of the agent and the principal is responsible for paying the agency worker in respect of the work; or
  - (b) if neither the agent nor the principal is so responsible, whichever of them pays the agency worker in respect of the work.