
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend section 3 of the National Minimum Wage Act 1998 (“the Act”) by adding a new subsection (1A). Section 3 permits the Secretary of State to prevent persons who have not attained the age of 26 from qualifying for the national minimum wage or to prescribe a different hourly rate, from that of the single hourly rate of the national minimum wage, which is to apply to them.

Section 4 of the Act permits the Secretary of State, by amending section 3, to extend the power to make regulations under that section to persons who have attained the age of 26, subject to the limitations set out in section 4(2) of the Act.

The effect of these Regulations is to extend the power to make regulations under section 3 to include those who have attained the age of 26 and who are:

- (a) within the first six months after the commencement of their employment with an employer by whom they have not previously been employed;
- (b) participating in a scheme under which shelter is provided in return for work;
- (c) participating in a scheme designed to provide training, work experience or temporary work;
- (d) participating in a scheme to assist in the seeking or obtaining of work; or
- (e) attending a course of higher education requiring attendance for a period of work experience.

The Regulations come into force on the day after the day on which they are made.