
STATUTORY INSTRUMENTS

2015 No. 621

The National Minimum Wage Regulations 2015

PART 4

Remuneration for the Purposes of the National Minimum Wage

CHAPTER 2

Reductions

Deductions or payments as respects living accommodation

14.—(1) The amount of any deduction the employer is entitled to make, or payment the employer is entitled to receive from the worker, as respects the provision of living accommodation by the employer to the worker in the pay reference period, as adjusted, where applicable, in accordance with regulation 15, is treated as a reduction to the extent that it exceeds the amount determined in accordance with regulation 16, unless the payment or deduction falls within paragraph (2).

(2) The following payments and deductions are not treated as reductions—

- (a) payments made to or deductions by a Higher Education Institution, Further Education Institution or a 16 to 19 Academy⁽¹⁾ in respect of the provision of living accommodation where the living accommodation is provided to a worker who is enrolled on a full-time higher education course or a full-time further education course at that Higher Education Institution or Further Education Institution or on a full-time course provided by that 16 to 19 Academy;
- (b) payments made to or deductions by a local housing authority or a registered social landlord in respect of the provision of living accommodation, except where the living accommodation is provided to the worker in connection with the worker's employment with the local housing authority or registered social landlord.

(3) For the purposes of this regulation—

“further education institution” means an institution within the further education sector as defined by section 91(3) of the Further and Higher Education Act 1992⁽²⁾;

“higher education institution” means an institution within the higher education sector as defined by section 91(5) of the Further and Higher Education Act 1992;

“local housing authority” means—

- (a) in England and Wales, a local housing authority, as defined in Part 1 of the Housing Act 1985⁽³⁾, or a county council in England;

(1) A “16 to 19 Academy” is defined in section 1B of the Academies Act 2010 (c.32), which was inserted by the Education Act 2011 (c.21), section 53(7).

(2) 1992 c.13; subsections (3)(c) and (3A) of section 91(3) were inserted by Apprenticeships, Skills, Children and Learning Act 2009, Schedule 8, paragraph 13.

(3) 1985 c.68; “local housing authority” is defined by section 1 and 2(2) of that Act; section 1 was amended by the Local Government (Wales) Act 1994 (c.19), section 22(2) and Schedule 8, paragraph 5.

- (b) in Scotland, a local authority landlord as defined in section 11(3) of the Housing (Scotland) Act 2001(4);
 - (c) in Northern Ireland, the Northern Ireland Housing Executive;
- “registered social landlord” means—
- (d) in England and Wales—
 - (i) a private registered provider of social housing or a subsidiary or associate of such a provider, as defined in Part 2 of the Housing and Regeneration Act 2008(5), or
 - (ii) a social landlord registered under Part 1 of the Housing Act 1996(6) or a subsidiary or associate of such a person as defined in that Act(7);
 - (e) in Scotland, a body registered in the register maintained under section 20(1) of the Housing (Scotland) Act 2010(8);
 - (f) in Northern Ireland, a housing association registered under Chapter II of Part II of the Housing (Northern Ireland) Order 1992(9).

(4) 2001 asp 10.

(5) 2008 c.17; “registered provider of social housing” is defined by section 80 of that Act, subsection (3) of which was inserted by S.I. 2010/844 Schedule.1 para.5; “subsidiary” and “associate” are defined in section 271 of that Act.

(6) 1996 c.52; Part I was amended by the Government of Wales Act 1998 (c.38), Schedules 16 and 18; the Land Registration Act 2002 (c.9), Schedule 13; the Housing Act 2004 (c.34), section 199 and 200; the Housing and Regeneration Act 2008 (c.17), section 61 to 63, 307 and Schedule 16; S.I. 2009/1941, S.I. 2001/3649, S.I. 2013/496, S.I. 2010/866; the title of Part I was amended by the Housing (Wales) Measure 2011 (c.5), Schedule 1, paragraph 2; Part I was modified by the Housing and Regeneration Act 2008, section 179.

(7) “associate” and “subsidiary” are defined by sections 60 and 61 of the Housing Act 1996, which were amended by the Co-operative and Community Benefit Societies Act 2014 (c.14), Schedule 4, paragraphs 56, 62 and 63, and S.I. 2009/1941, Schedule 1, paragraph 161(7).

(8) 2010 asp 17.

(9) S.I. 1992/1725 (N.I.15); Article 20 was amended, Article 21 to 21C were substituted for Article 21, and words were inserted in Article 23(2), by the Housing (Amendment) Act (Northern Ireland) 2011 (c.22) (N.I.), section 6, section 7 and Schedule 1, paragraph 1; Article 29 was amended by S.I. 2007/2194; Articles 23 and Articles 27 to 29 were amended by S.I. 2009/1941.