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STATUTORY INSTRUMENTS

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**2015 No. 621**

**The National Minimum Wage Regulations 2015**

**PART 4**

**Remuneration for the Purposes of the National Minimum Wage**

**CHAPTER 1**

**Payments from the employer to the worker**

**Payments as respects the pay reference period**

**9.—(1)** The following payments and amounts, except as provided in regulation 10, are to be treated as payments by the employer to the worker as respects the pay reference period—

- (a) payments paid by the employer to the worker in the pay reference period (other than payments required to be included in an earlier pay reference period in accordance with sub-paragraphs (b) or (c));
- (b) payments paid by the employer to the worker in the following pay reference period as respects the pay reference period (whether as respects work or not);
- (c) payments paid by the employer to the worker later than the following pay reference period where the requirements in paragraph (2) are met;
- (d) where a worker's contract terminates then as respects the worker's final pay reference period, payments paid by the employer to the worker in the period of a month beginning with the day after that on which the contract was terminated;
- (e) amounts determined in accordance with regulation 16 (amount for provision of living accommodation) where—
  - (i) the employer has provided the worker with living accommodation during the pay reference period, and
  - (ii) as respects that provision of living accommodation, the employer is not entitled to make a deduction from the worker's wages or to receive a payment from the worker.

**(2)** The requirements are that as respects the work in the pay reference period—

- (a) the worker is under an obligation to complete a record of the amount of work done,
- (b) the worker is not entitled to payment until the completed record has been given to the employer,
- (c) the worker has failed to give the record to the employer before the fourth working day before the end of that following pay reference period, and
- (d) the payment is paid in either the pay reference period in which the record is given to the employer or the pay reference period after that.