

**Changes to legislation:** There are currently no known outstanding effects for the Enterprise and Regulatory Reform Act 2013, Cross Heading: National Minimum Wage Act 1998 (c. 39). (See end of Document for details)

## SCHEDULES

### SCHEDULE 2

#### EXTENSION OF LIMITATION PERIODS TO ALLOW FOR CONCILIATION

##### *National Minimum Wage Act 1998 (c. 39)*

36 The National Minimum Wage Act 1998 is amended as follows.

#### Commencement Information

**I1** Sch. 2 para. 36 in force at 6.4.2014 by S.I. 2014/253, art. 3(g)

37 In section 11 (failure of employer to allow access to records), after subsection (4) insert—

“(4A) Where the complaint is presented to an employment tribunal in England and Wales or Scotland, section 11A applies for the purposes of subsection (3).”

#### Commencement Information

**I2** Sch. 2 para. 37 in force at 6.4.2014 by S.I. 2014/253, art. 3(g)

38 After section 11 insert—

#### **“11A Extension of time limit to facilitate conciliation before institution of proceedings**

(1) In this section—

- (a) Day A is the day on which the worker concerned complies with the requirement in subsection (1) of section 18A of the Employment Tribunals Act 1996 (requirement to contact ACAS before instituting proceedings) in relation to the matter in respect of which the proceedings are brought, and
- (b) Day B is the day on which the worker concerned receives or, if earlier, is treated as receiving (by virtue of regulations made under subsection (11) of that section) the certificate issued under subsection (4) of that section.

(2) In working out when the time limit set by section 11(3) expires the period beginning with the day after Day A and ending with Day B is not to be counted.

(3) If the time limit set by section 11(3) would (if not extended by this subsection) expire during the period beginning with Day A and ending one month after Day B, the time limit expires instead at the end of that period.

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- (4) The power conferred on the employment tribunal by subsection (4) of section 11 to extend the time limit set by subsection (3) of that section is exercisable in relation to that time limit as extended by this section.”

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**Commencement Information**

**I3** Sch. 2 para. 38 in force at 6.4.2014 by S.I. 2014/253, art. 3(g)

- 39 In section 24 (enforcement of right under section 23), in subsection (2)(a), for “sections 48(2) to (4)” substitute “ sections 48(2) to (4A) ”.

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**Commencement Information**

**I4** Sch. 2 para. 39 in force at 6.4.2014 by S.I. 2014/253, art. 3(g)

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