

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Minimum Wage Regulations 2015 (S.I. 2015/621) (“the 2015 Regulations”) and come into force on 1st April 2024.

Regulation 57(1) of the 2015 Regulations provides that the term “work” within those Regulations does not include any work done in relation to an employer’s family household if the requirements set out in regulation 57(2) or (3) are met. These Regulations remove regulation 57(3) of the 2015 Regulations (“paragraph (3)”). The requirements set out in paragraph (3) are all of the following—

- (a) the worker resides in the family home of the worker’s employer;
- (b) the worker is not a member of that family, but is treated as such, in particular as regards to the provision of living accommodation and meals and the sharing of tasks and leisure activities;
- (c) the worker is neither liable to any deduction, nor to make any payment to the employer, or any other person, as respects the provision of the living accommodation or meals;
- (d) if the work had been done by a member of the employer’s family, it would not be treated as work or as performed under a worker’s contract because the requirements in regulation 57(2) would be met. The requirements in regulation 57(2) are all of the following: the worker is a member of the employer’s family; the worker resides in the family home of the employer; the worker shares in the tasks and activities of the family.

Upon commencement of this instrument, any work which meets the requirements set out in paragraph (3) will be included as “work” for the purposes of the 2015 Regulations. This will mean that from 1st April 2024 a worker must be remunerated in respect of any such work in a pay reference period (as defined by regulation 6 of the 2015 Regulations) at a rate which is not less than the national minimum wage (as set out in Part 2 of the 2015 Regulations).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. Instead a de minimis assessment has been prepared as this instrument is likely to entail some costs for businesses, but the net impact is estimated to be below £5 million per year.

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