



National Minimum Wage Act 1998

CHAPTER 39

NATIONAL MINIMUM WAGE ACT 1998

Entitlement to the national minimum wage

- 1 Workers to be paid at least the national minimum wage.

Regulations relating to the national minimum wage

- 2 Determination of hourly rate of remuneration.
- 3 Exclusion of, and modifications for, certain classes of person.
- 4 Power to add to the persons to whom section 3 applies.

The Low Pay Commission

- 5 The first regulations: referral to the Low Pay Commission.
- 6 Referral of matters to the Low Pay Commission at any time.
- 7 Referrals to, and reports of, the Low Pay Commission: supplementary.
- 8 The Low Pay Commission.

Records

- 9 Duty of employers to keep records.
- 10 Worker's right of access to records.
- 11 Failure of employer to allow access to records.
- 12 Employer to provide worker with national minimum wage statement.

Officers

- 13 Appointment of officers.
- 14 Powers of officers.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to National Minimum Wage Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Information

- 15 Information obtained by officers.
- 16 Information obtained by agricultural wages officers.

Enforcement

- 17 Non-compliance: worker entitled to additional remuneration.
- 18 Enforcement in the case of special classes of worker.
- 19 Power of officer to issue enforcement notice.
- 20 Non-compliance: power of officer to sue on behalf of worker.
- 21 Financial penalty for non-compliance.
- 22 Appeals against penalty notices.

Rights not to suffer unfair dismissal or other detriment

- 23 The right not to suffer detriment.
- 24 Enforcement of the right.
- 25 Right of employee not to be unfairly dismissed: Great Britain.
- 26 Right of employee not to be unfairly dismissed: Northern Ireland.

Civil procedure, evidence and appeals

- 27 Tribunal hearings etc by chairman alone.
- 28 Reversal of burden of proof.
- 29 Appeals to the Employment Appeal Tribunal.

Conciliation

- 30 Conciliation.

Offences

- 31 Offences.
- 32 Offences by bodies corporate etc.
- 33 Proceedings for offences.

Special classes of person

- 34 Agency workers who are not otherwise “workers”.
- 35 Home workers who are not otherwise “workers”.
- 36 Crown employment.
- 37 Armed forces.
- 38 House of Lords staff.
- 39 House of Commons staff.
- 40 Mariners.

Extensions

- 41 Power to apply Act to individuals who are not otherwise “workers”.
- 42 Power to apply Act to offshore employment.

Exclusions

- 43 Share fishermen.
- 44 Voluntary workers.
- 44A Religious and other communities: resident workers.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to National Minimum Wage Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

45 Prisoners.

Agricultural workers

46 Relationship of this Act and agricultural wages legislation.

47 Amendments relating to remuneration etc of agricultural workers.

Miscellaneous

48 Application of Act to superior employers.

49 Restrictions on contracting out.

50 Publicity.

Supplementary

51 Regulations and orders.

52 Expenses.

53 Repeals and revocations.

54 Meaning of “worker”, “employee” etc.

55 Interpretation.

56 Short title, commencement and extent.

SCHEDULES

SCHEDULE 1 — The Low Pay Commission

Membership

1 (1) The Low Pay Commission appointed under section 8(9) of...

Financial provisions

2 (1) The Secretary of State may pay the members of...

Staff, facilities and money

3 The Secretary of State shall provide the Commission with—

Proceedings

4 (1) The quorum of the Commission and the arrangements relating...

Disqualification for House of Commons and Northern Ireland Assembly

5 (1) The entry set out in sub-paragraph (2) below shall...

SCHEDULE 2 — Amendments relating to remuneration etc of agricultural workers

Part I — THE AGRICULTURAL WAGES ACT 1948

1 The Agricultural Wages Act 1948 shall be amended in accordance...

Section 3

2 (1) Section 3 (power of Agricultural Wages Board to fix...

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to National Minimum Wage Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Enforcement

- 3 After section 3 there shall be inserted— Enforcement. (1) The enforcement provisions of the National Minimum Wage Act...

Section 4

- 4 (1) In section 4 (enforcement of wages and holidays orders)...

Section 5

- 5 (1) Section 5 (permits to incapacitated persons) shall be amended...

Section 11

- 6 Section 11(1)(a) (invalidity of certain agreements) shall cease to have...

Section 12

- 7 (1) Section 12 (officers) shall be amended as follows.

Information obtained by national minimum wage officers

- 8 After section 15 there shall be inserted— Information obtained by...

Section 17

- 9 (1) Section 17 (interpretation) shall be amended as follows.

Relationship between the national minimum wage and agricultural wages legislation

- 10 After section 17 there shall be inserted— Relationship between this...
 Part II — THE AGRICULTURAL WAGES (SCOTLAND) ACT 1949
 11 The Agricultural Wages (Scotland) Act 1949 shall be amended in...

Section 3

- 12 (1) Section 3 (power of Scottish Agricultural Wages Board to...

Enforcement

- 13 After section 3 there shall be inserted— Enforcement. (1) The enforcement provisions of the National Minimum Wage Act...

Section 4

- 14 In section 4 (enforcement of wages and holiday orders) the...

Section 5

- 15 (1) Section 5 (permits to infirm and incapacitated persons) shall...

Section 11

- 16 Section 11(1)(a) (invalidity of certain agreements) shall cease to have...

Section 12

- 17 (1) Section 12 (officers) shall be amended as follows.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to National Minimum Wage Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Information obtained by national minimum wage officers

18 After section 15 there shall be inserted— Information obtained by...

Section 17

19 (1) Section 17 (interpretation) shall be amended as follows.

Relationship between national minimum wage and agricultural wages legislation

20 After section 17 there shall be inserted— Relationship between this...

Part III — THE AGRICULTURAL WAGES (REGULATION) (NORTHERN IRELAND) ORDER 1977

21 The Agricultural Wages (Regulation) (Northern Ireland) Order 1977 shall be...

Article 2

22 (1) Article 2 (interpretation) shall be amended as follows.

Relationship between the national minimum wage and agricultural wages legislation

23 After Article 2 there shall be inserted— Relationship between this...

Article 4

24 (1) Article 4 (power of Agricultural Wages Board for Northern...

Article 6

25 (1) Article 6 (permits exempting, in certain cases, payment of...

Enforcement

26 After Article 8 there shall be inserted— Enforcement. (1) The enforcement provisions of the National Minimum Wage Act...

Information obtained by national minimum wage officers

27 After Article 11 there shall be inserted— Information obtained by...

SCHEDULE 3 — Repeals and revocations

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to National Minimum Wage Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations.

Changes and effects yet to be applied to :

- s. 3(1A)(d) text amended by S.I. 2007/2042 art. 2(2)
- s. 3(1A)(e) text amended by S.I. 2007/2042 art. 2(3)
- s. 3(1A)(f) and word added by S.I. 2007/2042 art. 2(4)
- s. 8(1)-(8) repealed by 2004 c. 14 Sch. 1 Pt. 8
- s. 8(12)-(14) repealed by 2004 c. 14 Sch. 1 Pt. 8
- s. 14(1)(a) text amended by 2008 c. 24 s. 10(2) Sch. Pt. 3
- s. 14(2) text amended by 2004 c. 33 Sch. 27 para. 155
- s. 14(3A) inserted by 2008 c. 24 s. 10(3)
- s. 15(5A) inserted by 2008 c. 24 s. 18(1)
- s. 15(5B) inserted by 2010 c. 12 (N.I.) s. 5(1)
- s. 15(6A) inserted by 2004 c. 24 Sch. 1 para. 40
- s. 16(5A) inserted by 2004 c. 24 Sch. 1 para. 41
- s. 17(1) text amended by 2008 c. 24 s. 8(2)(3)
- s. 17(2) text amended by 2008 c. 24 s. 8(4)
- s. 17(4)-(6) inserted by 2008 c. 24 s. 8(5)
- s. 19-19H substituted for s. 19-22F by 2008 c. 24 s. 9(1)
- s. 19(2A)(2B) inserted by 2003 c. 8 s. 1
- s. 19(2C)(2D) inserted by 2004 c. 24 s. 45(2)
- s. 19(3) text amended by 2004 c. 24 s. 45(3)
- s. 19(6)(c)(ii) text amended by 2004 c. 24 s. 46(2)(a)
- s. 19(6)(c)(iii) inserted by 2004 c. 24 s. 46(2)(b)
- s. 21(5)(a) text amended by 2007 c. 15 Sch. 13 para. 128
- s. 22(3)(b)(c) substituted by 2004 c. 24 s. 46(3)
- s. 31(9) text amended by 2008 c. 24 s. 11(1)
- s. 33(1)(a) repealed by 2007 c. 29 Sch. 21 para. 125(a) Sch. 23 (This Act is amended by 2009 c. 25 Sch. 21 para. 97 Sch. 23 Pt. 9)
- s. 33(1A) inserted by 2007 c. 29 Sch. 21 para. 125(b)
- s. 33(2)-(5) repealed by 2008 c. 24 s. 11(2) Sch. Pt. 4
- s. 44(1A) inserted by 2008 c. 24 s. 14
- s. 49(7)(a) substituted by 2007 c. 29 Sch. 21 para. 126
- s. 51(6) text amended by 2008 c. 24 s. 9(3) Sch. Pt. 2
- s. 51(7)(a) text amended by 2008 c. 24 s. 9(3) Sch. Pt. 2
- Sch. 2 para. 25 repealed by S.R. 2006/429 Sch.
- Sch. 2 para. 15 repealed by S.S.I. 2004/384 Sch.
- Sch. 2 para. 4(1) repealed by 2004 c. 14 Sch. 1 Pt. 8
- Sch. 2 para. 6 repealed by 2004 c. 14 Sch. 1 Pt. 8
- Sch. 2 para. 7(2) repealed by 2004 c. 14 Sch. 1 Pt. 8

Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 16A inserted by 2004 c. 24 s. 44
- s. 19E(a) modified by 2008 c. 24 s. 9(2)
- s. 22A-22F inserted by 2004 c. 24 s. 46(1)
- s. 37A inserted by 2008 c. 24 s. 13
- s. 45A inserted by 2003 c. 39 Sch. 8 para. 382
- s. 45B inserted by 2006 c. 13 s. 59(2)

- Sch. 4A para. 18 restricted by [2008 c. 31 s. 22\(8\)](#)

Commencement Orders yet to be applied to the National Minimum Wage Act 1998:

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2005/872 art. 4](#) commences ([2004 c. 24](#))
- [S.I. 2005/910 art. 3](#) commences ([2003 c. 39](#))
- [S.I. 2005/3175 art. 2 3](#) commences ([2004 c. 33](#))
- [S.I. 2006/2226 art. 3 Sch. 1](#) commences ([2006 c. 13](#))
- [S.I. 2009/603 art. 2](#) commences ([2008 c. 24](#))
- [S.I. 2009/3250 art. 2](#) commences ([2007 c. 29](#))