



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.
- 11A Extension of time limit to facilitate conciliation before institution of proceedings
- 12 Employer to provide worker with national minimum wage statement.

Officers

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

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Information

- 15 Information obtained by officers.
- 16 Information obtained by agricultural wages officers.
- 16A Disclosure of information by officers

Enforcement

- 17 Non-compliance: worker entitled to additional remuneration.
- 18 Enforcement in the case of special classes of worker.
- 19 Notices of underpayment: arrears
- 19A Notices of underpayment: financial penalty
- 19B Suspension of financial penalty
- 19C Notices of underpayment: appeals
- 19D Non-compliance with notice of underpayment: recovery of arrears
- 19E Non-compliance with notice of underpayment: recovery of penalty
- 19F Withdrawal of notice of underpayment
- 19G Replacement notice of underpayment
- 19H Effect of replacement notice of underpayment
- 20 Non-compliance: power of officer to sue on behalf of worker.
- 21 Financial penalty for non-compliance.
- 22 Appeals against penalty notices.
- 22A Withdrawal of enforcement notice
- 22B Replacement of enforcement notice
- 22C Effect of replacement on penalties where section 22A(3) not applied
- 22D Effect of replacement on appeals and civil proceedings where section 22A(3) not applied
- 22E Withdrawal of penalty notice
- 22F Replacement of penalty notice with notice imposing lower penalty

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”.

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- 35 Home workers who are not otherwise “workers”.
- 36 Crown employment.
- 37 Armed forces.
- 37A Cadet Force Adult Volunteers
- 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.
- 45 Prisoners.
- 45A Persons discharging fines by unpaid work
- 45B Immigration: detained persons

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...

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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...

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...

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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.

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- 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...

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Information obtained by national minimum wage officers

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

SCHEDULE 3 — Repeals and revocations

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Changes and effects yet to be applied to :

- s. 21(5)(a) words substituted by [2007 c. 15 Sch. 13 para. 128](#) (This amendment not applied to legislation.gov.uk. S. 21 was substituted by ss. 19-19H (6.4.2009) by 2008 c. 4, s. 9(1))
- s. 45(2) words inserted by [2012 c. 10 s. 129\(9\)](#)