



National Minimum Wage Act 1998

1998 CHAPTER 39

Records

10 Worker's right of access to records.

- (1) A worker may, in accordance with the following provisions of this section,—
 - (a) require his employer to produce any relevant records; and
 - (b) inspect and examine those records and copy any part of them.
- (2) The rights conferred by subsection (1) above are exercisable only if the worker believes on reasonable grounds that he is or may be being, or has or may have been, remunerated for any pay reference period by his employer at a rate which is less than the national minimum wage.
- (3) The rights conferred by subsection (1) above are exercisable only for the purpose of establishing whether or not the worker is being, or has been, remunerated for any pay reference period by his employer at a rate which is less than the national minimum wage.
- (4) The rights conferred by subsection (1) above are exercisable—
 - (a) by the worker alone; or
 - (b) by the worker accompanied by such other person as the worker may think fit.
- (5) The rights conferred by subsection (1) above are exercisable only if the worker gives notice (a “production notice”) to his employer requesting the production of any relevant records relating to such period as may be described in the notice.
- (6) If the worker intends to exercise the right conferred by subsection (4)(b) above, the production notice must contain a statement of that intention.
- (7) Where a production notice is given, the employer shall give the worker reasonable notice of the place and time at which the relevant records will be produced.
- (8) The place at which the relevant records are produced must be—
 - (a) the worker's place of work; or

Changes to legislation: There are currently no known outstanding effects for the National Minimum Wage Act 1998, Section 10. (See end of Document for details)

- (b) any other place at which it is reasonable, in all the circumstances, for the worker to attend to inspect the relevant records; or
 - (c) such other place as may be agreed between the worker and the employer.
- (9) The relevant records must be produced—
- (a) before the end of the period of fourteen days following the date of receipt of the production notice; or
 - (b) at such later time as may be agreed during that period between the worker and the employer.

(10) In this section—

“records” means records which the worker’s employer is required to keep and, at the time of receipt of the production notice, preserve in accordance with section 9 above;

“relevant records” means such parts of, or such extracts from, any records as are relevant to establishing whether or not the worker has, for any pay reference period to which the records relate, been remunerated by the employer at a rate which is at least equal to the national minimum wage.

Modifications etc. (not altering text)

- C1** S. 10 modified by 1948 c. 47, s. 3A(1)-(4) (as inserted (1.4.1999) by 1998 c. 39, ss. 47(1)(a), 56(2), Sch. 2 Pt. I, para. 3 (with s. 36); S.I. 1999/685, art. 2, Sch.)
S. 10 modified by 1949 c. 30, s. 3A(1)-(3) (as inserted (1.4.1999) by 1998 c. 39, ss. 47(1)(b), 56(2), Sch. 2 Pt. II, para. 13 (with s. 36); S.I. 1999/685, art. 2, Sch. (with art. 3))
- C2** S. 10 extended (with modifications) by S.I. 1997/2151 (N.I. 22), art. 8A (as inserted (1.4.1999) by 1998 c. 39, ss. 47(1)(c), 56(2), Sch. 2 Pt. III, para. 26 (with s. 36); S.I. 1999/685, art. 2, Sch. (with art. 3))
- C3** S. 10 applied (with modifications) (E.W.) (30.7.2014) by Agricultural Sector (Wales) Act 2014 (anaw 6), ss. 5(1)(2)(a)(3)-(7), 19 (with s. 14(1))

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