



National Minimum Wage Act 1998

1998 CHAPTER 39

Exclusions

45 Prisoners.

- (1) A prisoner does not qualify for the national minimum wage in respect of any work which he does in pursuance of prison rules.
- (2) In this section—
 - “prisoner” means a person detained in, or on temporary release from, a prison;
 - “prison” includes any other institution to which prison rules apply;
 - “prison rules” means—
 - (a) in relation to England and Wales, rules made under section 47 of the ^{M1}Prison Act 1952;
 - (b) in relation to Scotland, rules made under section 39 of the ^{M2}Prisons (Scotland) Act 1989; and
 - (c) in relation to Northern Ireland, rules made under section 13 of the ^{M3}Prison Act Northern Ireland) 1953.

Marginal Citations

- M1** 1952 c. 52.
M2 1989 c. 45.
M3 1953 c. 18 (N.I.).

Changes to legislation:

National Minimum Wage Act 1998, Section 45 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 45(2) words inserted by [2012 c. 10 s. 129\(9\)](#)