



# Small Business, Enterprise and Employment Act 2015

## 2015 CHAPTER 26

### PART 11

#### EMPLOYMENT

##### *National minimum wage*

#### **152 Amount of financial penalty for underpayment of national minimum wage**

- (1) Section 19A of the National Minimum Wage Act 1998 (notices of underpayment: financial penalty) is amended as follows.
- (2) In subsection (4), for the words following “to be” substitute “ the total of the amounts for all workers to whom the notice relates calculated in accordance with subsections (5) to (5B). ”
- (3) For subsection (5) substitute—
  - “(5) The amount for each worker to whom the notice relates is the relevant percentage of the amount specified under section 19(4)(c) in respect of each pay reference period specified under section 19(4)(b).
  - (5A) In subsection (5), “the relevant percentage”, in relation to any pay reference period, means 100%.
  - (5B) If the amount as calculated under subsection (5) for any worker would be more than £20,000, the amount for the worker taken into account in calculating the financial penalty is to be £20,000.”
- (4) Omit subsection (7).
- (5) In subsection (8)—
  - (a) in paragraph (a), for “(4)” substitute “ (5A) ”;

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*Status: Point in time view as at 26/05/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Small Business, Enterprise and Employment Act 2015, Cross Heading: National minimum wage. (See end of Document for details)*

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(b) in paragraph (b), for “(6) or (7)” substitute “ (5B) or (6) ”.

(6) The amendments made by this section have effect in relation to notices of underpayment which relate only to pay reference periods commencing on or after the day on which this section comes into force.

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**Commencement Information**

**II** [S. 152](#) in force at 26.5.2015 by [S.I. 2015/1329](#), [reg. 2\(f\)](#)

**Status:**

Point in time view as at 26/05/2015.

**Changes to legislation:**

There are currently no known outstanding effects for the Small Business, Enterprise and Employment Act 2015, Cross Heading: National minimum wage.