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STATUTORY INSTRUMENTS

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**1999 No. 583**

**TERMS AND CONDITIONS OF EMPLOYMENT**

The National Minimum Wage Act  
1998 (Amendment) Regulations 1999

*Made* - - - - 5th March 1999  
*Coming into force* - - 6th March 1999

Whereas a draft of the following Regulations was laid before Parliament in accordance with section 51(5) of the National Minimum Wage Act 1998<sup>(1)</sup> and approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 4 and 51(1) of the National Minimum Wage Act 1998, hereby makes the following Regulations:—

**Citation and commencement**

1. These Regulations may be cited as the National Minimum Wage Act 1998 (Amendment) Regulations 1999 and shall come into force on the day after the day on which they are made.

**Amendment of section 3 of the Act**

2. After subsection (1) of section 3 of the National Minimum Wage Act 1998 there shall be inserted—

- “(1A) This section also applies to persons who have attained the age of 26 who are—
- (a) within the first six months after the commencement of their employment with an employer by whom they have not previously been employed;
  - (b) participating in a scheme under which shelter is provided in return for work;
  - (c) participating in a scheme designed to provide training, work experience or temporary work;
  - (d) participating in a scheme to assist in the seeking or obtaining of work; or
  - (e) attending a course of higher education requiring attendance for a period of work experience.”.

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(1) 1998 c. 39.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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5th March 1999

*Ian McCartney*  
Minister of State,  
Department of Trade and Industry

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend section 3 of the National Minimum Wage Act 1998 (“the Act”) by adding a new subsection (1A). Section 3 permits the Secretary of State to prevent persons who have not attained the age of 26 from qualifying for the national minimum wage or to prescribe a different hourly rate, from that of the single hourly rate of the national minimum wage, which is to apply to them.

Section 4 of the Act permits the Secretary of State, by amending section 3, to extend the power to make regulations under that section to persons who have attained the age of 26, subject to the limitations set out in section 4(2) of the Act.

The effect of these Regulations is to extend the power to make regulations under section 3 to include those who have attained the age of 26 and who are:

- (a) within the first six months after the commencement of their employment with an employer by whom they have not previously been employed;
- (b) participating in a scheme under which shelter is provided in return for work;
- (c) participating in a scheme designed to provide training, work experience or temporary work;
- (d) participating in a scheme to assist in the seeking or obtaining of work; or
- (e) attending a course of higher education requiring attendance for a period of work experience.

The Regulations come into force on the day after the day on which they are made.