

---

STATUTORY INSTRUMENTS

---

**2012 No. 3112**

**EMPLOYMENT AND TRAINING,  
ENGLAND AND WALES**

**The Apprenticeships, Skills, Children and Learning  
Act 2009 (Consequential Amendments to Subordinate  
Legislation) (England and Wales) Order 2012**

*Made* - - - - *12th December 2012*  
*Laid before Parliament* *18th December 2012*  
*Coming into force* - - *9th January 2013*

The Secretary of State for Business, Innovation and Skills makes the following Order in exercise of the powers conferred by section 265(1) and (2) of the Apprenticeships, Skills, Children and Learning Act 2009(1).

**Citation and commencement**

1. This Order may be cited as the Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments to Subordinate Legislation) (England and Wales) Order 2012 and comes into force on 9th January 2013.

**Amendment of the National Minimum Wage Regulations 1999**

2. After regulation 13 of the National Minimum Wage Regulations 1999(2), insert:—

**“Workers working under an apprenticeship agreement**

**13A.** For the purposes of these Regulations, the expression “a worker who is employed under a contract of apprenticeship” includes a worker who is working under an apprenticeship agreement (within the meaning of section 32 of the Apprenticeships, Skills, Children and Learning Act 2009).”.

---

(1) 2009 c. 22.

(2) S.I. 1999/584; relevant amending instruments are S.I. 2008/1894, S.I. 2010/1901, S.I. 2011/2345, S.I. 2011/2347 and S.I. 2012/2397.

---

*Status: This is the original version (as it was originally made).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

---

**Amendment of the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002**

3.—(1) The Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002<sup>(3)</sup> are amended as follows.

(2) In regulation 20, after “apprenticeship” insert “or an apprenticeship agreement (within the meaning of section 32 of the Apprenticeships, Skills, Children and Learning Act 2009)”.

*Matthew Hancock*  
Minister for Skills

12th December 2012

Department for Business, Innovation and Skills

---

(3) [S.I. 2002/2034](#); there are no relevant amending instruments.

## EXPLANATORY NOTE

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

This Order amends the National Minimum Wage Regulations 1999 so that persons working under apprenticeship agreements, within the meaning of section 32 of the Apprenticeships, Skills, Children and Learning Act 2009, are entitled to the same national minimum wage rate as those employed under contracts of apprenticeship.

This Order also amends the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002, with the effect that those Regulations do not apply to apprenticeship agreements within the meaning of section 32 of the Apprenticeships, Skills, Children and Learning Act 2009.

An impact assessment has not been produced for this instrument as it contains only consequential amendments. The Explanatory Memorandum is published alongside the Order on [www.legislation.gov.uk](http://www.legislation.gov.uk).