
STATUTORY INSTRUMENTS

2015 No. 621

The National Minimum Wage Regulations 2015

PART 6

Exclusions

Work schemes for provision of accommodation to the homeless

55.—(1) A worker, who meets the requirements in paragraph (2), does not qualify for the national minimum wage for work done for an employer, under a scheme which meets the requirements in paragraph (3), if the worker is provided with accommodation and other benefits (which may include money) under that scheme.

(2) The requirements are that immediately before entry into the scheme the worker was homeless or residing in a hostel for homeless persons and—

(a) was in receipt of, or entitled to any of the following benefits—

- (i) universal credit (payable under Part 1 of the Welfare Reform Act 2012(1)),
- (ii) income support (payable under Part VII of the Social Security Contributions and Benefits Act 1992(2)),
- (iii) income-based jobseeker's allowance (payable under Part I of the Jobseekers Act 1995(3)),
- (iv) income-related employment and support allowance (payable under Part 1 of the Welfare Reform Act 2007(4) or Part 1 of the Welfare Reform Act (Northern Ireland) 2007(5)); or

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- (1) 2012 c.5.
- (2) 1992 c.4; Part VII was amended by the Housing Act 1991 (c.52), Schedule 19; the Local Government Finance Act 1992 (c.14), Schedule 9 and Schedule 14; the Social Security (Incapacity for Work) Act 1994 (c.18), Schedules 1 and Schedule 2; the Local Government etc (Scotland) Act 1994 (c.39), Schedules 13 and 14; the Jobseekers Act 1995 (c.18), Schedule 2 and 3; the Housing Act 1996 (c.52), Schedule 19(6); the Welfare Reform and Pensions Act 1999 (c.30), Schedule 8(IV); the Health and Social Care Act 2001 (c.15), Schedule 6(3); the State Pension Credit Act 2002 (c.16), Schedule 2 and 3; the Tax Credits Act 2002 (c.21), Schedule 6; the Income Tax (Earnings and Pensions) Act 2003 (c.1), Schedule 6; the Civil Partnership Act 2004 (c.33), Schedule 24(3) and Schedule 30; the Welfare Reform Act 2007 (c.5), Sections 30(2) and 31(1), Schedule 3, 5 and 8; the Welfare Reform Act 2009 (c.24), section 3; the Welfare Reform Act 2012 (c.5), section 69 and Schedule 14(1); S.I. 2002/1397; S.I. 2008/632; S.I. 2009/497 and S.I. 2012/780; Part VII was repealed for certain purposes by the Welfare Reform Act 2012, schedule 14 and S.I. 2013/358.
- (3) 1995 c.18; Part I was amended by the Employment Rights Act 1996 (c.18), Schedule 1; the Social Security Act 1998 (c.14), Schedules 7 and 8; the Welfare Reform and Pensions Act 1999 (c.30), Schedules 1, 7, 8 and 13; the State Pension Credit Act 2002 (c.16), Schedule 2(3); the National Insurance Contributions Act 2002 (c.19), Schedule 1; the Income Tax (Earnings and Pensions) Act 2003 (c.18), Schedule 6; the Civil Partnership Act 2004 (c.33), Schedule 24(7) and S.I. 2006/343; the Welfare Reform Act 2007 (c.5), Schedule 3; the Welfare Reform Act 2009 (c.24), sections 1, 4, 12, 32 to 33, Schedule 2, Schedule 7(1), Schedule 7(3) and S.I. 2010/293; Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c.10), Schedule 24; Welfare Reform Act 2012 (c.5), sections 44, 46, 49, 61, Schedule 2, Schedule 5, Schedule 7, and Schedule 14(1) to (3); S.I. 2011/1498; Part I was modified by S.I. 2003/2438, S.I. 2006/962, S.I. 1998/2825, S.I. 2000/3134, S.I. 1995/3276, S.I. 1996/2567, S.I. 1996/3182, S.I. 2006/343, S.I. 1996/207 and S.I. 2013/378.
- (4) 2007 c.5; Part I was amended by the Welfare Reform Act 2009 (c.24), sections 3, 10 and 28, and Schedule 3(2), and the Welfare Reform Act 2012 (c.5), sections 50 to 57 and 60, Schedules 3 and 14; Part I was modified by S.I. 2008/794, S.I. 2010/875, S.I. 2010/1907 and S.I. 2013/379.
- (5) 2007 c.2 (N.I.); Part I was modified by S.I. 2010/312; Part I was amended by the Welfare Reform Act (Northern Ireland) 2010 (c.13)(N.I.), sections 3, 10, and 22.

- (b) was not entitled to receive any of those benefits only because the worker was not habitually resident in the United Kingdom.
- (3) The requirements for the scheme are as follows—
 - (a) no one makes a profit out of the scheme other than—
 - (i) a profit only applied to running the scheme or other qualifying schemes, or
 - (ii) where the person operating the scheme is a charity, for a purpose of the charity relating to the alleviation of poverty;
 - (b) every person participating in the scheme satisfies the same requirements as for workers in paragraph (2) (although they need not all be workers);
 - (c) the accommodation available under the scheme is provided by the person operating the scheme or under arrangements made between that person and another person; and
 - (d) the work done under the scheme is both provided by, and performed for, the person operating the scheme.