
STATUTORY INSTRUMENTS

2020 No. 339

**The National Minimum Wage
(Amendment) (No. 2) Regulations 2020**

PART 2

AMENDMENTS TO THE NATIONAL MINIMUM WAGE REGULATIONS 2015

CHAPTER 1

SALARIED HOURS WORK

5. In regulation 21 (the meaning of salaried hours work)—

(a) for paragraph (2) substitute—

“(2) The first condition is that the worker is entitled under their contract to be paid—

(a) an annual salary; or

(b) an annual salary and one or both of—

(i) a performance bonus; and

(ii) a salary premium.”;

(b) in paragraph (3) after “bonus” insert “or salary premium (or all three)”;

(c) for paragraph (4) substitute—

“(4) The third condition is that the worker is not entitled under their contract to a payment in respect of the basic hours other than—

(a) an annual salary; or

(b) an annual salary and one or both of—

(i) a performance bonus; and

(ii) a salary premium.”;

(d) for paragraph (5) substitute—

“(5) The fourth condition is that the worker is entitled under their contract to be paid, where practicable and regardless of the number of hours actually worked in a particular week, month or other period, in instalments which—

(a) are equal and occur not more often than weekly and not less often than monthly;
or

(b) occur monthly and vary but have the result that the worker is entitled to be paid an equal amount in each quarter.”;

(e) in paragraph (6)—

(i) after sub-paragraph (a) insert “(aa) a salary premium is paid”; and

(ii) for sub-paragraph (d) substitute—

- “(d) the employment starts or terminates during a week, month or other period provided for in paragraph (5)(a) with the result that the worker is paid a proportionate amount of their annual salary for that week, month or other period.”; and
- (f) after paragraph (8) insert—
 - “(9) A “salary premium” is—
 - (a) an amount of pay which is—
 - (i) in addition to the annual salary; or
 - (ii) an increase in the rate of pay for particular working hours;
 - (b) in respect of the basic hours; and
 - (c) attributable to working—
 - (i) at a particular time of the day;
 - (ii) on a particular day;
 - (iii) at a particular location;
 - (iv) in a particular working environment;
 - (v) within a particular geographical area;
 - (vi) on a particular task; or
 - (vii) subject to a particular responsibility.”.