

SCHEDULES

SCHEDULE 6

TRANSITIONAL PROVISIONS AND SAVINGS

Failure to pay minimum remuneration occurring before the commencement date

5.—(1) Where at any time during the period of two years ending with the date of an offence under Article 17(2) of this Order an order under Article 10 of the 1982 Order applied to the worker in relation to whom the offence was committed, or to any other worker employed by that worker's employer, Article 17 of this Order shall have effect in relation to any such time as if—

- (a) in paragraphs (3) and (6), any reference to any other failure on the part of the employer to pay an amount of remuneration equal to, or exceeding, the statutory minimum remuneration provided for a worker by an order under Article 15 of this Order were a reference to any failure on the part of the employer to pay an amount of remuneration equal to, or exceeding, the remuneration for the time being fixed in relation to a worker by an order under Article 10 of the 1982 Order or by a permit under Article 12(1) of that Order;
- (b) in paragraph (4), the reference to the statutory minimum remuneration so provided were a reference to the remuneration so fixed; and
- (c) paragraph (5) were omitted.

(2) For the purposes of paragraphs (3) and (4) of Article 17 of this Order as they have effect in accordance with sub-paragraph (1), the following matters, namely—

- (a) the question whether an employer has failed to pay an amount of remuneration equal to, or exceeding, that fixed by any such order or permit under the 1982 Order as is mentioned in that sub-paragraph, and
- (b) the amount referred to in paragraph (4)(b), shall be determined in accordance with Article 13 of the 1982 Order and not in accordance with Articles 18 and 19 of this Order.