



# National Minimum Wage Act 1998

## 1998 CHAPTER 39

### *Information*

#### **15 Information obtained by officers.**

- (1) This section applies to [<sup>F1</sup>—
  - (a)] any information obtained by an officer acting for the purposes of this Act, whether by virtue of paragraph (a) or paragraph (b) of section 13(1) above [<sup>F2</sup>, and
  - (b) any information obtained by an officer acting by virtue of section 26(2) of the Immigration Act 2016 (investigative functions in connection with labour market enforcement undertakings and orders).]
- (2) Information to which this section applies vests in the Secretary of State.
- (3) Information to which this section applies may be used for any purpose relating to this Act by—
  - (a) the Secretary of State; or
  - (b) any [<sup>F3</sup>eligible] relevant authority whose officer obtained the information.
- (4) Information to which this section applies—
  - (a) may be supplied by, or with the authorisation of, the Secretary of State to any [<sup>F4</sup>eligible] relevant authority for any purpose relating to this Act; and
  - (b) may be used by the recipient for any purpose relating to this Act.
- (5) Information supplied under subsection (4) above—
  - (a) shall not be supplied by the recipient to any other person or body unless it is supplied for the purposes of any civil or criminal proceedings relating to this Act; and
  - (b) shall not be supplied in those circumstances without the authorisation of the Secretary of State.

[<sup>F5</sup>(5A) Information to which this section applies—

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- (a) may be supplied by, or with the authorisation of, the Secretary of State to an officer acting for the purposes of the Employment Agencies Act 1973 for any purpose relating to that Act; and
- (b) may be used by an officer acting for the purposes of that Act for any purpose relating to that Act.]

[<sup>F6</sup>(5B) Information to which this section applies—

- (a) may be supplied by, or with the authorisation of, the Secretary of State to an officer acting for the purposes of Part 2 of the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981 for any purpose relating to that Part; and
- (b) may be used by an officer acting for the purposes of that Part for any purpose relating to that Part.]

[<sup>F7</sup>(5C) Information to which this section applies—

- (a) may be supplied by, or with the authorisation of, the Secretary of State to an officer acting by virtue of section 26 of the Immigration Act 2016 (investigative functions in connection with labour market enforcement undertakings and orders); and
- (b) may be used by an officer so acting for any purpose for which the officer is so acting.]

[<sup>F8</sup>(6) This section—

- (a) does not limit the circumstances in which information may be supplied or used apart from this section; and
- (b) is subject to section 148 of the Finance Act 2000 (use of minimum wage information).]

[<sup>F9</sup>(6A) Nothing in this section prevents a disclosure in accordance with section 16A below.]

(7) Subsection (2) above does not affect the title or rights of—

- (a) any person whose property the information was immediately before it was obtained as mentioned in subsection (1) above; or
- (b) any person claiming title or rights through or under such a person otherwise than by virtue of any power conferred by or under this Act.

(8) In this section [<sup>F10</sup>“eligible relevant authority” means any relevant authority within the meaning given by section 13(1A) which] is party to arrangements made with the Secretary of State which are in force under section 13(1)(b) above.

#### Textual Amendments

- F1** S. 15(1)(a): words in s. 15(1) renumbered as s. 15(1)(a) (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 3 para. 7\(2\)\(a\)](#); S.I. 2016/603, reg. 3(u)
- F2** S. 15(1)(b) and word inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 3 para. 7\(2\)\(b\)](#); S.I. 2016/603, reg. 3(u)
- F3** Word in s. 15(3)(b) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 2 para. 7\(a\)](#); S.I. 2016/603, reg. 3(t)
- F4** Word in s. 15(4)(a) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 2 para. 7\(b\)](#); S.I. 2016/603, reg. 3(t)
- F5** S. 15(5A) inserted (6.4.2009) by [Employment Act 2008 \(c. 24\)](#), [ss. 18\(1\)](#), 22(1)(f); S.I. 2009/603, art. 2 (with [art. 3](#), [Sch.](#))
- F6** S. 15(5B) inserted (N.I.) (3.8.2010) by [Employment Act \(Northern Ireland\) 2010 \(c. 12\)](#), [ss. 5\(1\)](#), 8(2)

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- F7** S. 15(5C) inserted (12.7.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 3 para. 7(3)**; S.I. 2016/603, reg. 3(u)
- F8** S. 15(6) substituted (28.7.2000) by 2000 c. 17, s. 148(4)
- F9** S. 15(6A) inserted (6.4.2005) by Employment Relations Act 2004 (c. 24), s. 59(3), **Sch. 1 para. 40**; S.I. 2005/872, art. 4, Sch.
- F10** Words in s. 15(8) substituted (12.7.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 2 para. 7(c)**; S.I. 2016/603, reg. 3(t)

## 16 Information obtained by agricultural wages officers.

- (1) This section applies to information which has been obtained by an officer acting for the purposes of any of the agricultural wages legislation.
- (2) Information to which this section applies may, with the authorisation of the relevant authority, be supplied to the Secretary of State for use for any purpose relating to this Act.
- (3) Information supplied under subsection (2) above may be supplied by the recipient to any Minister of the Crown, government department or other body if—
  - (a) arrangements made between the recipient and that Minister, department or body under section 13(1)(b) above are in force; and
  - (b) the information is supplied for any purpose relating to this Act.
- (4) Except as provided by subsection (3) above, information supplied under subsection (2) or (3) above—
  - (a) shall not be supplied by the recipient to any other person or body unless it is supplied for the purposes of any civil or criminal proceedings relating to this Act; and
  - (b) shall not be supplied in those circumstances without the authorisation of the relevant authority.
- (5) This section does not limit the circumstances in which information may be supplied or used apart from this section.

[<sup>F11</sup>(5A) Nothing in this section prevents a disclosure in accordance with section 16A below.]

- (6) In this section—

“the agricultural wages legislation” means—

- (a) [<sup>F12</sup>the <sup>M1</sup>Agricultural Wages Act 1948;]
- (b) the <sup>M2</sup>Agricultural Wages (Scotland) Act 1949; and
- (c) the <sup>M3</sup>Agricultural Wages (Regulation) (Northern Ireland) Order 1977;

“relevant authority” means—

- (a) [<sup>F12</sup>in relation to information obtained by an officer acting in England, the Minister of Agriculture, Fisheries and Food;]
- (b) [<sup>F12</sup>in relation to information obtained by an officer acting in Wales, the Minister of the Crown with the function of appointing officers under section 12 of the <sup>M4</sup>Agricultural Wages Act 1948 in relation to Wales;]
- (c) [<sup>F12</sup>in relation to information obtained by an officer acting in an area which is partly in England and partly in Wales, the Ministers mentioned in paragraphs (a) and (b) above acting jointly;]

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- (d) in relation to information obtained by an officer acting in Scotland, the Minister of the Crown with the function of appointing officers under section 12 of the <sup>M5</sup>Agricultural Wages (Scotland) Act 1949; and
- (e) in relation to information obtained by an officer acting in Northern Ireland, the Department of Agriculture for Northern Ireland.

#### Textual Amendments

- F11** S. 16(5A) inserted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\)](#), s. 59(3), [Sch. 1 para. 41](#); [S.I. 2005/872](#), art. 4, [Sch.](#)
- F12** Words in s. 16(6) repealed (1.10.2013 for E.) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 20 para. 2](#); [S.I. 2013/1455](#), art. 3(b), [Sch. 2](#) (with art. 4(2)(4)) (as amended (7.9.2013) by [S.I. 2013/2271](#), art. 2)

#### Modifications etc. (not altering text)

- C1** S. 16: transfer of certain functions (1.7.1999) by [S.I. 1999/672](#), [art. 2 Sch. 1](#)

#### Marginal Citations

- M1** 1948 c. 47.
- M2** 1949 c. 30.
- M3** [S.I. 1977/2151 \(N.I.22\)](#).
- M4** 1948 c. 47.
- M5** 1949 c. 30.

### [<sup>F13</sup>16A Disclosure of information by officers

- (1) Subsection (2) applies to information obtained for the purposes of the relevant legislation by an enforcement officer so far as that information relates to an identifiable worker or agency worker.
- (2) In order to enable or assist him to act for the purposes of the relevant legislation, the enforcement officer may disclose all or any of the information to the worker or, as the case may be, agency worker concerned.
- (3) Subsection (4) applies to information obtained for the purposes of the relevant legislation by an enforcement officer so far as that information relates to an identifiable employer or person who is the agent or the principal for the purposes of section 34 below.
- (4) In order to enable or assist him to act for the purposes of the relevant legislation, the officer may disclose all or any of the information to the employer, the agent or, as the case may be, the principal concerned.
- (5) In this section—
  - “agency worker” shall be construed in accordance with section 34 below;
  - “enforcement officer” means—
    - (a) an officer acting for the purposes of this Act, whether by virtue of paragraph (a) or (b) of section 13(1) above;
    - (b) [<sup>F14</sup>an officer acting for the purposes of the Agricultural Wages Act 1948; or]
    - (c) an officer acting for the purposes of the Agricultural Wages (Regulation) (Northern Ireland) Order 1977;

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“the relevant legislation” means—

- (a) in relation to an enforcement officer acting for the purposes of this Act, this Act;
- (b) [<sup>F14</sup>in relation to an enforcement officer acting for the purposes of the Agricultural Wages Act 1948, that Act; and]
- (c) in relation to an enforcement officer acting for the purposes of the Agricultural Wages (Regulation) (Northern Ireland) Order 1977, that Order.]

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#### **Textual Amendments**

- F13** S. 16A inserted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\)](#), **ss. 44**, 59(3); S.I. 2005/872, art. 4, Sch. (with art. 14)
- F14** Words in s. 16A(5) repealed (1.10.2013 for E.) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), **Sch. 20 para. 2**; S.I. 2013/1455, art. 3(b), Sch. 2 (with art. 4(2)(4)) (as amended (7.9.2013) by S.I. 2013/2271, art. 2)

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