



Employment Relations Act 1999

1999 CHAPTER 26

Other rights of individuals

22 National minimum wage: communities.

The following shall be inserted after section 44 of the ^{M1}National Minimum Wage Act 1998 (exclusions: voluntary workers)—

“44A Religious and other communities: resident workers.

- (1) A residential member of a community to which this section applies does not qualify for the national minimum wage in respect of employment by the community.
- (2) Subject to subsection (3), this section applies to a community if—
 - (a) it is a charity or is established by a charity,
 - (b) a purpose of the community is to practise or advance a belief of a religious or similar nature, and
 - (c) all or some of its members live together for that purpose.
- (3) This section does not apply to a community which—
 - (a) is an independent school, or
 - (b) provides a course of further or higher education.
- (4) The residential members of a community are those who live together as mentioned in subsection (2)(c).
- (5) In this section—
 - (a) “charity” has the same meaning as in section 44, and
 - (b) “independent school” has the same meaning as in section 463 of the ^{M2}Education Act 1996 (in England and Wales), section 135 of the ^{M3}Education (Scotland) Act 1980 (in Scotland) and Article 2 of the ^{M4}Education and Libraries (Northern Ireland) Order 1986 (in Northern Ireland).

Changes to legislation: There are currently no known outstanding effects for the Employment Relations Act 1999, Section 22. (See end of Document for details)

- (6) In this section “course of further or higher education” means—
- (a) in England and Wales, a course of a description referred to in Schedule 6 to the ^{M5}Education Reform Act 1988 or Schedule 2 to the ^{M6}Further and Higher Education Act 1992;
 - (b) in Scotland, a course or programme of a description mentioned in or falling within section 6(1) or 38 of the ^{M7}Further and Higher Education (Scotland) Act 1992;
 - (c) in Northern Ireland, a course of a description referred to in Schedule 1 to the ^{M8}Further Education (Northern Ireland) Order 1997 or a course providing further education within the meaning of Article 3 of that Order.”

Marginal Citations

- M1** 1998 c. 39.
M2 1996 c. 56.
M3 1980 c. 44.
M4 S.I. 1986/594 (N.I. 3).
M5 1988 c. 40.
M6 1992 c. 13.
M7 1992 c. 37.
M8 S.I. 1997/1772 (N.I. 15).

Changes to legislation:

There are currently no known outstanding effects for the Employment Relations Act 1999, Section 22.