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).

(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.