



Employment Relations Act 2004

2004 CHAPTER 24

PART 4

ENFORCEMENT OF MINIMUM WAGE LEGISLATION

44 Information supplied by worker and employer

After section 16 of the National Minimum Wage Act 1998 (c. 39) insert—

“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;

Status: Point in time view as at 06/04/2009.

Changes to legislation: There are currently no known outstanding effects for the Employment Relations Act 2004, Part 4. (See end of Document for details)

- (b) 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;
 - “the relevant legislation” means—
 - (a) in relation to an enforcement officer acting for the purposes of this Act, this Act;
 - (b) 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.”

Commencement Information
 I1 S. 44 in force at 6.4.2005 by S.I. 2005/872, art. 4, Sch. (with art. 14)

F1 45 Enforcement notices

.....

Textual Amendments
 F1 S. 45 repealed (6.4.2009) by Employment Act 2008 (c. 24), s. 22(1)(a), Sch. Pt. 2; S.I. 2009/603, art. 2 (with art. 3Sch.)

Commencement Information
 I2 S. 45 in force at 6.4.2005 by S.I. 2005/872, art. 4, Sch. (with art. 15)

F2 46 Withdrawal and replacement of, and appeals against, notices

.....

Textual Amendments
 F2 S. 46 repealed (6.4.2009) by Employment Act 2008 (c. 24), s. 22(1)(a), Sch. Pt. 2; S.I. 2009/603, art. 2 (with art. 3Sch.)

Commencement Information
 I3 S. 46 in force at 6.4.2005 by S.I. 2005/872, art. 4, Sch. (with art. 15)

47 Enforcement officers for agricultural wages legislation

- (1) Before section 12 of the Agricultural Wages Act 1948 (in this section referred to as “the 1948 Act”) insert—

Status: Point in time view as at 06/04/2009.

Changes to legislation: There are currently no known outstanding effects for the Employment Relations Act 2004, Part 4. (See end of Document for details)

“11A Appointment of officers

- (1) The Secretary of State—
 - (a) may appoint officers to act in England for the purposes of this Act; and
 - (b) may, instead of or in addition to appointing any officers under this section, arrange with any Minister of the Crown or government department, or any body performing functions on behalf of the Crown, that officers of that Minister, department or body shall act in England for those purposes.
- (2) The National Assembly for Wales—
 - (a) may appoint officers to act in Wales for the purposes of this Act; and
 - (b) may, instead of or in addition to appointing any officers under this section, arrange with any Minister of the Crown or government department, or any body performing functions on behalf of the Crown, that officers of that Minister, department or body shall act in Wales for those purposes.
- (3) When acting for the purposes of this Act, an officer shall, if so required, produce some duly authenticated document showing his authority so to act.
- (4) If it appears to an officer that any person with whom he is dealing while acting for the purposes of this Act does not know that he is an officer so acting, the officer shall identify himself as such to that person.”

- (2) In section 12 of the 1948 Act (officers)—
 - (a) for the sidenote substitute “ Powers of officers ”;
 - (b) omit subsections (1) and (2); and
 - (c) in each of subsections (3), (4), (5) and (5A), for “so appointed” substitute “ acting for the purposes of this Act ”.
- (3) An appointment made under section 12(1) of the 1948 Act which is in force immediately before the date on which this section comes into force shall, without prejudice to the generality of section 17(2)(b) of the Interpretation Act 1978 (c. 30), have effect on and after that date as if made under section 11A of the 1948 Act (which is inserted by subsection (1) above).

Commencement Information

I4 S. 47 in force at 6.4.2005 by S.I. 2005/872, art. 4, Sch.

Status:

Point in time view as at 06/04/2009.

Changes to legislation:

There are currently no known outstanding effects for the Employment Relations Act 2004, Part 4.