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STATUTORY INSTRUMENTS

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**1999 No. 584**

**The National Minimum Wage Regulations 1999**

**PART III**

**WORKING TIME FOR THE PURPOSES  
OF THE NATIONAL MINIMUM WAGE**

*The hours worked in a pay reference period*

**Salaried hours work**

**21.**—(1) In this regulation, “the basic hours” means the basic number of hours in a year in respect of which a worker is entitled under his contract to his annual salary as ascertained in accordance with his contract on the first day of the pay reference period in question.

(2) Except as mentioned in paragraph (3) and regulations 22 and 23, the salaried hours work worked by a worker in a pay reference period shall be the basic hours divided by—

- (a) where the pay reference period is a week, 52;
- (b) where the pay reference period is a month, 12; and
- (c) where the pay reference period is any other period, by the figure obtained by dividing 365 by the number of days in the pay reference period (including non-working days).

(3) Where in a pay reference period—

- (a) a worker is absent from work for a number of hours in respect of which his annual salary is payable, and
- (b) is, for that reason, entitled to be paid less and is paid less than the normal proportion of his annual salary in respect of the pay reference period,

the salaried hours work worked by the worker in the pay reference period shall be the number of hours determined under paragraph (2) in relation to the pay reference period reduced by the number of hours referred to in sub-paragraph (a) of this paragraph.

(4) Hours in a pay reference period during which a worker is engaged in taking industrial action and in respect of which his annual salary is or, but for his engagement in the action, would be payable, shall be regarded as satisfying the requirements in sub-paragraphs (a) and (b) of paragraph (3) whether or not the worker’s entitlement to the normal proportion of his annual salary is affected by his engagement in the action and whether or not he is paid any amount in respect of those hours.