
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Minimum Wage Regulations 1999 (the “Principal Regulations”). The Regulations come into force on 1st October 2012.

Regulation 2(2) increases the principal rate of the national minimum wage from £6.08 to £6.19 per hour (regulation 11 of the Principal Regulations).

Regulation 2(3) amends regulation 12(5A)(a) of the Principal Regulations and paragraph (4)(b) amends regulation 13(6)(b)(i) of the Principal Regulations to provide that a worker participating in a Government scheme in England known as Intermediate Level Apprenticeships or Advanced Level Apprenticeships is entitled to the national minimum wage at the applicable rate.

Regulation 2(4)(a) increases the rate paid to apprentices within the first 12 months of their employment or engagement under Government arrangements specified in regulation 13(6)(b) of the Principal Regulations or who have not attained the age of 19 from £2.60 to £2.65 per hour (regulation 13(3) of the Principal Regulations).

Regulation 2(5) amends regulations 33(e) and 35(f) of the Principal Regulations to make clear that those provisions apply to deductions and payments, respectively, in respect of the provision of living accommodation which is exempted from regulation 31(1)(i) of the Principal Regulations by regulation 31(6).

Regulation 2(6) increases the accommodation amount which is applicable where an employer provides a worker with living accommodation from £4.73 to £4.82 for each day that accommodation is provided (regulation 36(1) of the Principal Regulations).

Regulation 3 amends regulation 11(3) of the Agency Workers Regulations 2010 to delete the reference to an amending instrument, the relevant parts of which are superseded by amendments to the Principal Regulations in this instrument.

Regulation 4 provides that regulation 2(2), (4)(a) and (6) do not apply in relation to any pay reference period beginning before 1st October 2012.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is annexed to the Explanatory Memorandum which is available alongside the instrument on www.legislation.gov.uk.