
STATUTORY INSTRUMENTS

2015 No. 621

The National Minimum Wage Regulations 2015

PART 7

Records

Records to be kept by an employer

59.—(1) The employer of a worker who qualifies for the national minimum wage must keep in respect of that worker records sufficient to establish that the employer is remunerating the worker at a rate at least equal to the national minimum wage.

(2) The records required to be kept under paragraph (1) are to be in a form which enables the information kept about a worker in respect of a pay reference period to be produced in a single document.

(3) The employer of a worker who does unmeasured work, and with whom the employer has entered into a daily average agreement in accordance with regulation 49, must keep a copy of that agreement.

(4) The employer of a worker who does output work, and has given the worker a notice in accordance with regulation 41(1)(d), must keep a copy of that notice and a copy of such data as is necessary to show how the average hourly output rate has been determined.

(5) The employer of a worker who qualifies for an agricultural minimum rate of wages must, in addition to the records the employer is required to keep under paragraphs (1), (3), and (4), keep as respects that worker sufficient records to establish that the employer is remunerating the worker at a rate at least equal to the agricultural minimum rate of wages applicable to the worker.

(6) In paragraph (5), “agricultural minimum rate of wages” means—

- (a) in Wales, a minimum rate of wages fixed under section 4 of the Agricultural Sector (Wales) Act 2014;
- (b) in Scotland, a minimum rate of wages fixed under section 3(1)(a) of the Agricultural Wages (Scotland) Act 1949;
- (c) in Northern Ireland, a minimum rate of wages fixed under Article 4(1) of the Agricultural Wages (Regulation) (Northern Ireland) Order 1977.

(7) Where under paragraph (5) an employer is required to keep records in respect of a worker in addition to those the employer is required to keep under paragraph (1), those additional records are to be in a form which enables the information kept under paragraph (5) about a worker in respect of a pay reference period to be produced in a single document.

(8) The records required to be kept by this regulation must be kept by the employer for a period of three years beginning with the day upon which the pay reference period immediately following that to which they relate ends.

(9) The records required to be kept by this regulation may be kept by means of a computer.