
STATUTORY INSTRUMENTS

2015 No. 621

The National Minimum Wage Regulations 2015

PART 4

Remuneration for the Purposes of the National Minimum Wage

CHAPTER 1

Payments from the employer to the worker

Payments and benefits in kind which do not form part of a worker's remuneration

- 10.** The following payments and benefits in kind do not form part of a worker's remuneration—
- (a) payments by way of an advance under an agreement for a loan or by way of an advance of wages;
 - (b) payment of a pension, allowance or gratuity in connection with the worker's retirement or as compensation for loss of office;
 - (c) payment of an award made by a court or tribunal or a payment to settle proceedings which have been or might be brought before a court or tribunal, other than the payment of an amount due under the worker's contract;
 - (d) payments referable to the worker's redundancy;
 - (e) payment of an award for a suggestion made by the worker under a scheme established by the employer to reward suggestions made by workers;
 - (f) benefits in kind provided to the worker, whether or not a monetary value is attached to the benefit, other than living accommodation;
 - (g) a voucher, stamp or similar document capable of being exchanged for money, goods or services (or for any combination of those things);
 - (h) payments as respects hours which are not, or not treated as—
 - (i) hours of time work in accordance with regulation 35 (absences, industrial action, rest breaks),
 - (ii) hours of output work in accordance with regulation 40 (industrial action), or
 - (iii) hours of unmeasured work in accordance with regulation 48 (industrial action);
 - (i) payments, in the context of salaried hours work, attributable to the hours to be reduced under regulation 23 (worker entitled to less than normal proportion of annual salary because of absence) whether directly or by reason of regulation 28(3) (where the worker works more than the basic hours);
 - (j) payments paid by the employer to the worker as respects hours of time work or output work in the pay reference period if—
 - (i) there is a lower rate per hour which could be payable under the contract as respects that work (including if the work was done at a different time or in different circumstances), and

- (ii) to the extent that such payments exceed the lowest rate;
- (k) payments paid by the employer to the worker attributable to a particular aspect of the working arrangements or to working or personal circumstances that are not consolidated into the worker's standard pay unless the payments are attributable to the performance of the worker in carrying out the work;
- (l) payments paid by the employer to the worker as respects the worker's expenditure in connection with the employment;
- (m) payments paid by the employer to the worker representing amounts paid by customers by way of a service charge, tip, gratuity or cover charge;
- (n) payments paid by the employer to the worker as respects travelling expenses that are allowed as deductions from earnings under section 338 of the Income Tax (Earnings and Pensions) Act 2003⁽¹⁾.

⁽¹⁾ 2003 c.1.