
STATUTORY INSTRUMENTS

2015 No. 621

The National Minimum Wage Regulations 2015

PART 1

General and Interpretation

General interpretative provisions

3. In these Regulations—

“the Act” means the National Minimum Wage Act 1998⁽¹⁾;

“basic hours” has the meaning given in regulation 21(5);

“compulsory school age” has the meaning given in section 8 of the Education Act 1996⁽²⁾;

“days” includes a fraction of a day, other than as specified in regulation 16(2) (amount for provision of living accommodation);

“further education course” means—

- (a) in England, a course of education, other than a higher education course, that is suitable to the requirements of persons who are over compulsory school age and that—
 - (i) is funded by the Secretary of State under section 14 of the Education Act 2002⁽³⁾,
 - (ii) is funded by the Chief Executive of Skills Funding⁽⁴⁾,
 - (iii) is funded by a local authority,
 - (iv) leads to a qualification to which Part 7 of the Apprenticeships, Skills, Children and Learning Act 2009⁽⁵⁾ applies which is awarded or authenticated by a body which is recognised by the Office of Qualifications and Examinations Regulation under section 132 of that Act in respect of the qualification, or
 - (v) leads to a qualification that is approved pursuant to section 98 of the Learning and Skills Act 2000⁽⁶⁾;
- (b) in Wales, a course of education, other than a higher education course, that is suitable to the requirements of persons who are over compulsory school age and that—
 - (i) is funded by the Welsh Ministers,

⁽¹⁾ 1998 c.39.

⁽²⁾ 1996 c.56; section 8 had words substituted by the Education Act 1997 (c. 44), section 52.

⁽³⁾ 2002 c.32; in section 14, the heading and subsection (2) were amended, and subsection (2A) inserted, by the Children Act 2004 (c.31), section 59; subsection (2ZA) was inserted, and subsection (3) was amended, by the Education Act 2005 (c.18), Schedule 14, paragraph 23; subsection (2)(ca) was inserted and subsection (2ZA) was amended by the Education Act 2011 (c.21), section 15(2); section 14 and subsection (3) were amended by S.I. 2010/1158.

⁽⁴⁾ The office of the Chief Executive of Skills Funding was established by section 81 of the Apprenticeships, Skills, Children and Learning Act 2009 (c.22).

⁽⁵⁾ 2009 c.22; Part 7 was amended by the Education Act 2011 (c.21), section 22 and 23 and Schedule 8, paragraph 23 and 24.

⁽⁶⁾ 2000 c.21; subsection (1) of section 98 was amended, subsection (2A) was repealed and subsection (2B) and (2C) were inserted, by the Apprenticeships, Skills, Children and Learning Act 2009, section 44, Schedule 16, Part 2 and Schedule 12, paragraph 28; subsections (4), (7) and (8) were omitted by the Education and Skills Act 2008 (c.25), section 159 and Schedule 16, paragraph 14.

- (ii) is funded by a local authority,
- (iii) leads to a qualification that is accredited by the Welsh Ministers pursuant to section 30 of the Education Act 1997(7), or
- (iv) leads to a qualification that is approved pursuant to section 99 of the Learning and Skills Act 2000(8);
- (c) in Scotland, a course of “fundable further education” as defined in section 5(1) and (2) of the Further and Higher Education (Scotland) Act 2005(9);
- (d) in Northern Ireland, a course of education or training as defined in article 3(1) and (2) of the Further Education (Northern Ireland) Order 1997(10);

“higher education course” means—

- (a) in England and Wales, a course of a description referred to in Schedule 6 to the Education Reform Act 1988(11);
- (b) in Scotland, a course of “fundable higher education” as defined in section 5(3), (4) and (5) of the Further and Higher Education (Scotland) Act 2005;
- (c) in Northern Ireland, a course of a description referred to in Schedule 1 to the Further Education (Northern Ireland) Order 1997;

“hours” includes a fraction of an hour;

“hours of work” has the meaning given in regulation 17;

“output work” has the meaning given in regulation 36;

“pay reference period” has the meaning given in regulation 6;

“performance bonus” has the meaning given in regulation 21(6);

“remuneration” has the meaning given in regulation 8;

“salaried hours work” has the meaning given in regulation 21;

“time work” has the meaning given in regulation 30;

“unmeasured work” has the meaning given in regulation 44;

“work” is to be construed subject to regulations 57 and 58.

(7) 1997 c.44; the heading and subsections (1) and (2) of section 30 were amended, subsection (1A) to -(1C) were inserted, and subsection (4) was omitted by S.I. 2005/3239, Schedule 1, paragraph 14 and paragraph 15; the heading and subsection (1) to (1B) were amended, subsections (5) to (5C) were substituted for subsection (5), and subsections (1C), (1D), (2) and (6) were omitted, by Apprenticeships, Skills, Children and Learning Act 2009, Schedule 12, paragraph 15 and Schedule 16, Part 4; subsection (3) was omitted by the Learning and Skills Act 2000, section 103.

(8) 2000 c.21; subsections (1) and (2)(a) and (b) of section 99 were amended, subsections (2)(za) and (2ZA) were inserted, and subsection (2A) was omitted, by the Apprenticeships, Skills, Children and Learning Act 2009, Schedule 6, paragraph 45, Schedule 12, paragraph 29 and Schedule 16, Part 2; subsections (7) and (8) were omitted by SI 2005/3239, Schedule 1, paragraph 30.

(9) 2005 asp 6.

(10) S.I. 1997/1772 (N.I.15).

(11) 1988 c.40.