
STATUTORY INSTRUMENTS

2015 No. 621

The National Minimum Wage Regulations 2015

PART 6

Exclusions

Schemes for training, work experience, temporary work or for seeking or obtaining work

51.—(1) A person who is participating in a scheme which meets the requirements in paragraph (2) does not qualify for the national minimum wage for work done as part of that scheme.

(2) The requirements are that the scheme—

- (a) is designed to provide training, work experience or temporary work, or to assist in the seeking or obtaining of work, and
- (b) is, in whole or in part, made or funded by—
 - (i) the Secretary of State under section 2 of the Employment and Training Act 1973⁽¹⁾ or section 17B of the Jobseekers Act 1995⁽²⁾;
 - (ii) the Scottish Ministers or the Welsh Ministers under section 2 of the Employment and Training Act 1973;
 - (iii) the Chief Executive of Skills Funding;
 - (iv) Scottish Enterprise or Highlands and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990⁽³⁾;
 - (v) the Department for Employment and Learning under section 1 of the Employment and Training Act (Northern Ireland) 1950⁽⁴⁾; or
 - (vi) the European Social Fund established under Article 162 of the Treaty on the Functioning of the European Union⁽⁵⁾.

(1) 1973 c.50; section 2 was substituted by the Employment Act 1988 (c.19), section 25; subsection (3A) and (3B) were inserted by the Trade Union Reform and Employment Rights Act 1993 (c.19), section 47; subsections (2) and (6) were repealed by the Employment Act 1989 (c.38), Schedule 7, paragraph 1. The powers under section 2 are exercisable by the Scottish Ministers concurrently with the Secretary of State by virtue of section 56(1)(g) of the Scotland Act 1998 (c.46). The powers under section 2 are exercisable by the Welsh Ministers concurrently with the Secretary of State by virtue of S.I. 1999/672 and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

(2) 1995 c.18. Section 17B was inserted by the Welfare Reform Act 2009 (c.24), section 1.

(3) 1990 c.35 (S.); subsection (3)(b) and (c) and (4) of section 2 were amended, and subsection (3)(d) was inserted, by the Trade Union Reform and Employment Rights Act 1993 (c.19), section 47 and Schedule 10, paragraph 1; subsection (4)(a) was amended by the Equality Act 2010 (c.15), Schedule 26(1), paragraph 20; subsection (6) was amended by S.I. 1999/1820.

(4) 1950 c.29 (N.I.); the powers of the Department under section 1 were extended by S.I. 1974/2144 (N.I.7), article 7; subsection (1) to (1C) were substituted for subsections (1) and (1A) by S.I. 1988/1087 (N.I. 10); subsections (2) and (3) were amended by S.I. 1990/1200 (N.I. 8); section 1(1A)(d) was amended by the Employment Act (Northern Ireland) 2010 c.12 (N.I.), Schedule 1, paragraph 1.

(5) OJ No C83, 30.3.2010, p.47.