

2012 No. 2397

TERMS AND CONDITIONS OF EMPLOYMENT

The National Minimum Wage (Amendment) Regulations 2012

Made - - - - *15th September 2012*

Coming into force - - *1st October 2012*

A draft of these Regulations was laid before Parliament in accordance with section 51(5) of the National Minimum Wage Act 1998(a) and approved by a resolution of each House of Parliament.

The Secretary of State, in exercise of the powers conferred by sections 1(3), 2, 3 and 51 of the National Minimum Wage Act 1998, makes the following Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Minimum Wage (Amendment) Regulations 2012.

(2) These Regulations shall come into force on 1st October 2012.

(3) In these Regulations “the Principal Regulations” means the National Minimum Wage Regulations 1999(b).

Amendments to the Principal Regulations

2.—(1) The Principal Regulations are amended as follows.

(2) In regulation 11 (the rate of the national minimum wage), for “£6.08” substitute “£6.19”.

(3) In paragraph (5A)(a) of regulation 12 (workers who do not qualify for the national minimum wage), after “Advanced Apprenticeships” insert “, or known as Intermediate Level Apprenticeships or Advanced Level Apprenticeships”.

(4) In regulation 13 (workers who qualify for the national minimum wage at a different rate)—

(a) in paragraph (3) for “£2.60” substitute “£2.65”;

(b) in paragraph (6)(b)(i) after “Advanced Apprenticeships” insert “, or known as Intermediate Level Apprenticeships or Advanced Level Apprenticeships”.

(5) In regulations 33(e) and 35(f), after the words “by regulation 31(3)” insert “or (6)”.

(6) In regulation 36(1) (amount permitted to be taken into account where living accommodation is provided), for “£4.73” substitute “£4.82”.

(a) 1998 c.39; section 3(1A) was inserted by S.I. 1999/583 and amended by S.I. 2007/2042; sections 51(6) and (7) were amended by the Employment Act 2008 (c. 23), sections 9(3) and 20 and Schedule, Part 2.

(b) S.I. 1999/584; relevant amending instruments are S.I. 2000/1989, S.I. 2001/2673, S.I. 2002/1999, S.I. 2003/1923, S.I. 2004/1930, S.I. 2005/2019, S.I. 2006/2001, S.I. 2007/2318, S.I. 2008/1894, S.I. 2009/1902, S.I. 2010/1901, S.I. 2011/2345 and S.I. 2011/2347.

Regulation 11(3) of the Agency Workers Regulations 2010

3. In regulation 11(3) of the Agency Workers Regulations 2010^(a) delete the words “as amended by the National Minimum Wage (Amendment) Regulations 2011”.

Transitional Provision

4. The amendments to the Principal Regulations made by regulation 2(2), (4)(a) and (6) do not apply in relation to a pay reference period beginning before 1st October 2012.

Jo Swinson

Parliamentary Under Secretary of State for Employment Relations and Consumer Affairs
15th September 2012

Department for Business, Innovation and Skills

^(a) S.I. 2010/93; amended by S.I. 2010/1901 and S.I. 2011/2345.

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.

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STATUTORY INSTRUMENTS

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The National Minimum Wage (Amendment) Regulations 2012

£4.00

E4531 09/2012 124531T 19585

ISBN 978-0-11-152888-4



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