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STATUTORY INSTRUMENTS

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**2007 No. 2042**

**TERMS AND CONDITIONS OF EMPLOYMENT**

The National Minimum Wage Act  
1998 (Amendment) Regulations 2007

Made - - - - 16th July 2007

Coming into force in accordance with regulation 1

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 4 and 51(1) of the National Minimum Wage Act 1998, makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the National Minimum Wage Act 1998 (Amendment) Regulations 2007 and shall come into force on the day after the day on which they are made.

**Amendment of section 3 of the National Minimum Wage Act 1998**

2.—(1) Section 3(1A)(b) of the National Minimum Wage Act 1998 is amended as follows.

- (2) The “or” at the end of paragraph (d) is omitted.
- (3) In paragraph (e), for “attending” substitute “undertaking”.
- (4) At the end of that paragraph add—

“or

- (f) undertaking a course of further education requiring attendance for a period of work experience.”

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(a) 1998 c.39.

(b) Section 3(1A) was inserted by S.I. 1999/583.

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**Status:** *This is the original version (as it was originally made). UK  
Statutory Instruments are not carried in their revised form on this site.*

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16th July 2007

*Pat McFadden*  
Minister of State for Employment Relations and  
Postal Affairs  
Department for Business, Enterprise and  
Regulatory Reform

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend section 3 of the National Minimum Wage Act 1998.

Section 3 of the Act sets out, among other things, the classes of persons in relation to whom regulations may be made which exclude them from being persons who qualify for the minimum wage or prescribing an hourly rate other than the main rate of minimum wage. One of the classes is persons who have attained the age of 26 who are *attending* a course of higher education requiring attendance for a period of work experience. Regulation 2 amends section 3 of the Act so that the class comprises persons who have attained the age of 26 who are *undertaking* a course of higher education requiring attendance for a period of work experience. Regulation 2 also inserts into section 3(1A) of the Act a new class of persons in relation to whom regulations may be made excluding them from being persons who qualify for the minimum wage or prescribing an hourly rate for such persons other than the main rate of minimum wage, namely persons who have attained the age of 26 who are undertaking a course of further education requiring attendance for a period of work experience.