
STATUTORY INSTRUMENTS

1998 No. 2574 (C.61)

TERMS AND CONDITIONS OF EMPLOYMENT

**The National Minimum Wage Act 1998 (Commencement
No. 1 and Transitional Provisions) Order 1998**

Made - - - - *20th October 1998*

The Secretary of State, in exercise of the powers conferred on him by sections 51(1)(b) and 56(2) of the National Minimum Wage Act 1998(a), hereby makes the following Order:—

Citation and interpretation

1.—(1) This Order may be cited as the National Minimum Wage Act 1998 (Commencement No. 1 and Transitional Provisions) Order 1998.

(2) In this Order—

“the Act” means the National Minimum Wage Act 1998.

Commencement

2.—(1) The provisions of the Act specified in Schedule 1 shall come into force on 1st November 1998.

(2) The provisions of the Act specified in Schedule 2 shall come into force on 1st April 1999.

Transitional provisions

3.—(1) The amendments to the Employment Rights Act 1996(b) made by section 25 of the Act (right of employee not to be unfairly dismissed: Great Britain) shall have effect in respect of an employee’s dismissal where the effective date of termination (within the meaning of section 97 of that Act) falls on or after 1st November 1998.

(2) The amendments to the Employment Rights (Northern Ireland) Order 1996(c) made by section 26 of the Act (right of employee not to be unfairly dismissed: Northern Ireland) shall have effect in respect of an employee’s dismissal where the effective date of termination (within the meaning of Article 129 of that Order) falls on or after 1st November 1998.

(a) 1998 c. 39.

(b) 1996 c. 18.

(c) S.I. 1996/1919 (N.I. 16).

*Status: This is the original version (as it was originally made).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

Signed by order of the Secretary of State

20th October 1998

Ian McCartney
Minister of State,
Department of Trade and Industry

SCHEDULE 1

Article 2(1)

PROVISIONS COMING INTO FORCE ON 1ST NOVEMBER 1998

| <i>Provision</i> | <i>Subject Matter of Provision</i> |
|---|---|
| Section 5 | The first regulations: referral to the Low Pay Commission |
| Section 6 | Referral of matters to the Low Pay Commission at any time |
| Section 7 | Referrals to, and reports of, the Low Pay Commission: supplementary |
| Section 8 | The Low Pay Commission |
| Section 13 | Appointment of officers |
| Section 23 | The right not to suffer detriment |
| Section 24 | Enforcement of the right not to suffer detriment |
| Section 25 | Right of employee not to be unfairly dismissed: Great Britain |
| Section 26, in so far as it is not already in force, except for subsection (5) | Right of employee not to be unfairly dismissed: Northern Ireland |
| Section 29 | Appeals to the Employment Appeal Tribunal |
| Section 30, in so far as it relates to section 24 | Conciliation |
| Section 34 | Agency workers who are not otherwise “workers” |
| Section 35 | Homeworkers who are not otherwise “workers” |
| Section 36 | Crown employment |
| Section 37 | Armed forces |
| Section 38 | House of Lords staff |
| Section 39 | House of Commons staff |
| Section 40 | Mariners |
| Section 43 | Exclusions: share fishermen |
| Section 44 | Exclusions: voluntary workers |
| Section 45 | Exclusions: prisoners |
| Section 48 | Application of Act to superior employers |
| Section 49, in so far as it is not already in force, except for subsections (9) and (10) | Restrictions on contracting out |
| Section 50 | Publicity |
| Section 52 | Expenses |
| Section 53, in so far as it relates to the repeals in Schedule 3 specified in the table below | Repeals and revocations |

| <i>Provision</i> | <i>Subject Matter of Provision</i> |
|--|--------------------------------------|
| Section 54 | Meaning of “worker”, “employee”, etc |
| Section 55 | Interpretation |
| Schedule 1 | The Low Pay Commission |
| In Schedule 3 the repeals specified in the table below | Repeals and revocations |

Table

| <i>Reference</i> | <i>Short Title</i> | <i>Extent of Repeal</i> |
|----------------------------|-----------------------------------|--|
| 1996 c. 17 | The Employment Tribunals Act 1996 | In section 21(1)(f), the word “or”. |
| 1996 c. 18 | The Employment Rights Act 1996 | In section 108(3), the word “or”. In section 109(2), the word “or” at the end of paragraph (g). |

SCHEDULE 2

Article 2(2)

PROVISIONS COMING INTO FORCE ON 1ST APRIL 1999

| <i>Provision</i> | <i>Subject Matter of Provision</i> |
|---|---|
| Section 1, in so far as it is not already in force | Workers to be paid at least the national minimum wage |
| Section 10 | Worker’s right of access to records |
| Section 11 | Failure of employer to allow access to records |
| Section 12, in so far as it is not already in force | Employer to provide worker with national minimum wage statement |
| Section 14 | Powers of officers |
| Section 15 | Information obtained by officers |
| Section 16 | Information obtained by agricultural wages officers |
| Section 17 | Non-compliance: worker entitled to additional remuneration |
| Section 18 | Enforcement in the case of special classes of worker |
| Section 19 | Power of officer to issue enforcement notice |
| Section 20 | Non-compliance: power of officer to sue on behalf of worker |
| Section 21, in so far as it is not already in force | Financial penalty for non-compliance |

| <i>Provision</i> | <i>Subject Matter of Provision</i> |
|---|---|
| Section 22 | Appeals against penalty notices |
| Section 27 | Tribunal hearings etc by chairman alone |
| Section 28 | Reversal of the burden of proof |
| Section 30, in so far as it is not already in force | Conciliation |
| Section 31 | Offences |
| Section 32 | Offences by bodies corporate etc |
| Section 33 | Proceedings for offences |

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force provisions of the National Minimum Wage Act 1998 which did not come into force on Royal Assent—

- (a) the provisions specified in Schedule 1 to the Order are to come into force on 1st November 1998; and
- (b) the provisions specified in Schedule 2 to the Order are to come into force on 1st April 1999.

Transitional provisions are set out in Article 3.

Other provisions will be brought into force by a subsequent Order.