Draft Regulations laid before Parliament under section 51(5) of the National Minimum Wage Act 1998, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2010 No. 0000

TERMS AND CONDITIONS OF EMPLOYMENT

The National Minimum Wage Regulations 1999 (Amendment) Regulations 2010

Made - - - -	*2010*
Coming into force - -	*1st October 2010*

A draft of these Regulations was laid before Parliament in accordance with section 51(5) of the National Minimum Wage Act 1998(**1**) 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 Regulations 1999 (Amendment) Regulations 2010 and shall come into force on 1st October 2010.

(2) In these Regulations "the Principal Regulations" means the National Minimum Wage Regulations 1999(**2**).

Amendments to the Principal Regulations

2. In the definition of "worker" in paragraph (1) of regulation 2 of the Principal Regulations (general interpretative provisions), for "paragraphs (3), (5) and (6) of regulation 12" substitute "paragraphs (5) and (6) of regulation 12".

3. In regulation 11 of the Principal Regulations (the rate of the national minimum wage), for "£5.80" substitute "£5.93".

4. In regulation 12 of the Principal Regulations (workers who do not qualify for the national minimum wage)—

(a) omit paragraphs (2) to (4);

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

(**2**) 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 and S.I. 2009/1902.

(b) for paragraph (4A) substitute—

"(4A) A worker who is participating in a scheme provided to that worker—

(a) in England, under the Government arrangements known, at 1st October 2010, as Programme Led Apprenticeships,

(b) in Scotland, under the Government arrangements known, at 1st October 2010, as Get Ready for Work or Skillseekers,

(c) in Northern Ireland, under the Government arrangements known, at 1st October 2010, as Programme Led Apprenticeships or Training for Success,

(d) in Wales, under the Government arrangements known, at 1st October 2010, as Skill Build,

does not qualify for the national minimum wage in respect of work done for the employer as part of the scheme.";

(c) for paragraph (5) substitute—

"(5) A worker who is participating in a scheme designed to provide training, work experience or temporary work, or to assist in seeking or obtaining work, which is—

(a) a scheme provided under Government arrangements that are not specified in paragraph (4A) or (5A), or

(b) a scheme, not being one provided under Government arrangements, funded in whole or in part under the European Social Fund,

does not qualify for the national minimum wage in respect of work done for the employer as part of that scheme except to the extent that paragraph (6) or (7) otherwise provides.";

(d) after paragraph (5) insert—

"(5A) For the purposes of paragraph (5), the Government arrangements specified are—

(a) in England, Government arrangements known, at 1st October 2010, as Apprenticeships or Advanced Apprenticeships;

(b) in Scotland, Government arrangements known, at 1st October 2010, as Modern Apprenticeships;

(c) in Northern Ireland, Government arrangements known, at 1st October 2010, as ApprenticeshipsNI or Modern Apprenticeships;

(d) in Wales, Government arrangements known, at 1st October 2010, as Foundation Modern Apprenticeships, Modern Apprenticeships, Foundation Apprenticeships or Apprenticeships."; and

(e) in paragraph (7), for "(c)" substitute "(b)".

5. For regulation 13 of the Principal Regulations (workers who qualify for the national minimum wage at a different rate) substitute—

"**Workers who qualify for the national minimum wage at a different rate**

13.—(1) Subject to paragraph (3), the hourly rate of the national minimum wage is £4.92 for a worker who has attained the age of 18 but not the age of 21.

(2) Subject to paragraph (3), the hourly rate of the national minimum wage is £3.64 for a worker who has not attained the age of 18.

(3) The hourly rate of the national minimum wage is £2.50 for a worker who—