

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

2007 No.

TERMS AND CONDITIONS OF EMPLOYMENT

The National Minimum Wage Regulations
1999 (Amendment) Regulations 2007

Made - - - - 2007
Coming into force - - 1st October 2007

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 2007 and shall come into force on 1st October 2007.

(2) In these Regulations the “Principal Regulations” means the National Minimum Wage Regulations 1999(2).

Amendments to the Principal Regulations

2. In regulation 11(3) of the Principal Regulations (the rate of the national minimum wage), for “£5.35” substitute “£5.52”.

3.—(1) The following amendments are made to regulation 12(4) of the Principal Regulations (workers who do not qualify for the national minimum wage).

(2) In sub-paragraph (a) of paragraph (4A), after “Entry to Employment”, insert “or under the Government arrangements known at 1st October 2007, as Programme Led Apprenticeships”.

(3) In paragraph (8), for “attending” substitute “undertaking”.

(1) 1998 c.39; section 3(1A) was inserted by S.I. 1999/583 and amended by S.I. 2007/

(2) S.I. 1999/584.

(3) Regulation 11 was amended, and the amount increased, by S.I. 2000/1989, S.I. 2001/2673, S.I. 2002/1999, S.I. 2003/1923, S.I. 2004/1930, S.I. 2005/2019 and S.I. 2006/2001.

(4) Regulation 12 was amended by S.I. 2000/1989, S.I. 2001/1108, S.I. 2004/1930, S.I. 2005/2019 and S.I. 2006/1031.

- (4) In paragraph (9)—
- (a) after “paragraph (8)”, insert “and paragraph (9B)”;
 - (b) for “section 38 of the Further and Higher Education (Scotland) Act 1992” substitute “the definition of “fundable higher education” as defined in section 5(3), (4) and (5) of the Further and Higher Education (Scotland) Act 2005(5)”.
- (5) After paragraph (9) insert—
- “(9A) A worker who is undertaking a further education course and before the course ends is required, as part of that course, to attend a period of work experience not exceeding one year, does not qualify for the national minimum wage in respect of work done for his employer as part of that course.
- (9B) For the purposes of paragraph (9A) “a further education course” means—
- (a) in England, a full-time or part-time course of education that is suitable to the requirements of persons who are over compulsory school age and that—
 - (i) is funded by the Learning and Skills Council for England,
 - (ii) is funded by a local authority,
 - (iii) leads to a qualification that is accredited by the Qualifications and Curriculum Authority pursuant to section 24 of the Education Act 1997(6),
or
 - (iv) leads to a qualification that is approved pursuant to section 98 of the Learning and Skills Act 2000(7),
 except that it does not include a higher education course;
 - (b) in Wales, a full-time or part-time course of education that is suitable to the requirements of persons who are over compulsory school age and that—
 - (i) is funded by the Welsh Ministers,
 - (ii) is funded by a local authority,
 - (iii) leads to a qualification that is accredited by the Welsh Ministers pursuant to section 30 of the Education Act 1997(8), or
 - (iv) leads to a qualification that is approved pursuant to section 99 of the Learning and Skills Act 2000(9),
 except that it does not include a higher education course;
 - (c) in Scotland, a course of “fundable further education” as defined in section 5(1) and 5(2) of the Further and Higher Education (Scotland) Act 2005(10);

(5) 2005 asp 6.

(6) 1997 c.44. Section 24 was amended by the [Learning and Skills Act 2000 \(c. 21\)](#), section 103(2) and (3), the [Education Act 2002 \(c. 32\)](#), Schedule 17, paragraph 2 and the Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), Schedule 1, paragraph 7.

(7) 2000 c.21.

(8) Section 30 was amended by the [Learning and Skills Act 2000 \(c. 21\)](#), section 103(4), Schedule 11 and the Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), Schedule 1, paragraphs 14 and 15. Functions of the National Assembly for Wales under section 30 of the Education Act 1997, transferred to the Welsh Ministers, by virtue of paragraph 30 of Schedule 11 of the [Government of Wales Act 2006 \(c. 32\)](#).

(9) Section 99 was amended by the Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), article 9(1), Schedule 1, paragraph 30. Functions of the National Assembly for Wales under section 99 of the Learning and Skills Act 2000, transferred to the Welsh Ministers, by virtue of paragraph 30 of Schedule 11 of the [Government of Wales Act 2006 \(c. 32\)](#).

(10) 2005 asp 6.