

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the National Minimum Wage Act 1998, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 8.

THE LOW PAY COMMISSION

Membership

- 1 (1) The Low Pay Commission appointed under section 8(9) of this Act (in this Schedule referred to as “the Commission”) shall consist of a chairman and eight other members appointed by the Secretary of State.
- (2) In appointing members, the Secretary of State shall have regard to the desirability of securing that there is such a balance as the Secretary of State considers appropriate between—
- (a) members with knowledge or experience of, or interest in, trade unions or matters relating to workers generally;
 - (b) members with knowledge or experience of, or interest in, employers’ associations or matters relating to employers generally; and
 - (c) members with other relevant knowledge or experience.
- (3) Members shall hold and vacate office in accordance with their terms of appointment, subject to the following provisions.
- (4) A member may resign his membership by giving notice to the Secretary of State.
- (5) A person who ceases to be a member shall be eligible for re-appointment.
- (6) The Secretary of State may by notice to the member concerned remove from office a member who—
- (a) has become bankrupt, [^{F1}has had a debt relief order made in respect of him (under Part 7A of the Insolvency Act 1986),] has made an arrangement with his creditors, has had his estate sequestrated, has granted a trust deed for his creditors or has made a composition contract with his creditors, or
 - (b) has been absent from two or more consecutive meetings of the Commission otherwise than for a reason approved by them, or
 - (c) is in the opinion of the Secretary of State unable or unfit to perform his duties as member.

Textual Amendments

- F1** Words in Sch. 1 para. 1(6)(a) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, [Sch. 2 para. 40](#) (with art. 5)

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Financial provisions

- 2 (1) The Secretary of State may pay the members of the Commission such remuneration, and such allowances in respect of travel or other expenses properly incurred by them, or in respect of loss of remuneration sustained by them, in the performance of their duties, as the Secretary of State may determine.
- (2) The Secretary of State may determine to pay in respect of a person's office as member of the Commission—
- (a) such pension, allowance or gratuity to or in respect of that person on his retirement or death, or
 - (b) such contributions or other payment towards the provision of such a pension, allowance or gratuity,
- as the Secretary of State may determine.
- (3) Where a person ceases to be a member of the Commission otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for him to receive compensation, the Secretary of State may determine to make a payment to him by way of compensation of such amount as the Secretary of State may determine.

Staff, facilities and money

- 3 The Secretary of State shall provide the Commission with—
- (a) such staff,
 - (b) such accommodation, equipment and other facilities, and
 - (c) such sums,
- as the Secretary of State may reasonably determine are required by the Commission for carrying out their duties in preparing any report on matters referred to them under this Act.

Proceedings

- 4 (1) The quorum of the Commission and the arrangements relating to their meetings shall be such as the Commission may determine.
- (2) The validity of proceedings of the Commission is not affected by—
- (a) any vacancy among the members, whether occurring by reason of death, resignation or otherwise;
 - (b) the appointment of a member at any time to fill such a vacancy; or
 - (c) any defect in the appointment of a member.

Disqualification for House of Commons and Northern Ireland Assembly

- 5 (1) The entry set out in sub-paragraph (2) below shall be inserted at the appropriate place in—
- (a) Part II of Schedule 1 to the ^{M1}House of Commons Disqualification Act 1975 (offices disqualifying for membership of the House of Commons); and
 - (b) Part II of Schedule 1 to the ^{M2}Northern Ireland Assembly Disqualification Act 1975 (offices disqualifying for membership of the Northern Ireland Assembly).

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(2) The entry is—

“The Low Pay Commission appointed under section 8(9) of the National Minimum Wage Act 1998.”

Marginal Citations

M1 1975 c. 24.

M2 1975 c. 25.

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