



National Minimum Wage Act 1998

1998 CHAPTER 39

Regulations relating to the national minimum wage

3 Exclusion of, and modifications for, certain classes of person.

(1) This section applies to persons who have not attained the age of 26.

[^{F1}(1A) This section also applies to persons who have attained the age of 26 who are—

- (a) within the first six months after the commencement of their employment with an employer by whom they have not previously been employed;
- (b) participating in a scheme under which shelter is provided in return for work;
- (c) participating in a scheme designed to provide training, work experience or temporary work;
- (d) participating in a scheme to assist in the seeking or obtaining of work; ^{F2}...
- (e) [^{F3}undertaking] a course of higher education requiring attendance for a period of work experience. [^{F4}or
- (f) undertaking a course of further education requiring attendance for a period of work experience.]]

(2) The Secretary of State may by regulations make provision in relation to any of the persons to whom this section applies—

- (a) preventing them being persons who qualify for the national minimum wage; or
- (b) prescribing an hourly rate for the national minimum wage other than the single hourly rate for the time being prescribed under section 1(3) above.

(3) No provision shall be made under subsection (2) above which treats persons differently in relation to—

- (a) different areas;
- (b) different sectors of employment;
- (c) undertakings of different sizes; or
- (d) different occupations.

(4) If any description of persons who have attained the age of 26 is added by regulations under section 4 below to the descriptions of person to whom this section applies,

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Changes to legislation: There are currently no known outstanding effects for the National Minimum Wage Act 1998, Section 3. (See end of Document for details)

no provision shall be made under subsection (2) above which treats persons of that description differently in relation to different ages over 26.

Textual Amendments

- F1** S. 3(1A) inserted (6.3.1999) by [S.I. 1999/583, art. 2](#)
- F2** Word in s. 3(1A)(d) omitted (17.7.2007) by virtue of [The National Minimum Wage Act 1998 \(Amendment\) Regulations 2007 \(S.I. 2007/2042\)](#), [regs. 1, 2\(2\)](#)
- F3** Word in s. 3(1A)(e) substituted (17.7.2007) by [The National Minimum Wage Act 1998 \(Amendment\) Regulations 2007 \(S.I. 2007/2042\)](#), [regs. 1, 2\(3\)](#)
- F4** S. 3(1A)(f) and word added (17.7.2007) by [The National Minimum Wage Act 1998 \(Amendment\) Regulations 2007 \(S.I. 2007/2042\)](#), [regs. 1, 2\(4\)](#)

Commencement Information

- I1** S. 3 partly in force; s. 3(2) in force for certain purposes at Royal Assent see s. 56(2)

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