



National Minimum Wage Act 1998

1998 CHAPTER 39

Exclusions

[^{F1}44A Religious and other communities: resident workers.

- (1) A residential member of a community to which this section applies does not qualify for the national minimum wage in respect of employment by the community.
- (2) Subject to subsection (3), this section applies to a community if—
 - (a) it is a charity or is established by a charity,
 - (b) a purpose of the community is to practise or advance a belief of a religious or similar nature, and
 - (c) all or some of its members live together for that purpose.
- (3) This section does not apply to a community which—
 - (a) is an independent school [^{F2}or an alternative provision Academy that is not an independent school] , or
 - (b) provides a course of further or higher education.
- (4) The residential members of a community are those who live together as mentioned in subsection (2)(c).
- (5) In this section—
 - (a) “charity” has the same meaning as in section 44, and
 - (b) “independent school” has the same meaning as in section 463 of the ^{M1}Education Act 1996 (in England and Wales), section 135 of the ^{M2}Education (Scotland) Act 1980 (in Scotland) and Article 2 of the ^{M3}Education and Libraries (Northern Ireland) Order 1986 (in Northern Ireland).
- (6) In this section “course of further or higher education” means—
 - (a) in England and Wales, a course of a description referred to in Schedule 6 to the ^{M4}Education Reform Act 1988 or Schedule 2 to the ^{M5}Further and Higher Education Act 1992;

Changes to legislation: There are currently no known outstanding effects for the National Minimum Wage Act 1998, Section 44A. (See end of Document for details)

- (b) in Scotland, a course or programme of a description mentioned in or falling within section 6(1) or 38 of the ^{M6}Further and Higher Education (Scotland) Act 1992;
- (c) in Northern Ireland, a course of a description referred to in Schedule 1 to the ^{M7}Further Education (Northern Ireland) Order 1997 or a course providing further education within the meaning of Article 3 of that Order.]

Textual Amendments

- F1** S. 44A inserted (25.10.1999) by 1999 c. 26, s. 22; S.I. 1999/2830, art. 2(1)(2), **Sch. 1 Pt. I**
 - F2** Words in s. 44A(3)(a) inserted (E.W.) (1.4.2012) by **The Alternative Provision Academies (Consequential Amendments to Acts) (England) Order 2012** (S.I. 2012/976), art. 1, **Sch. para. 10** (with art. 3)
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Marginal Citations

- M1** 1996 c. 56.
- M2** 1980 c. 44.
- M3** S.I. 1986/594 (N.I. 3).
- M4** 1988 c. 40.
- M5** 1992 c. 13.
- M6** 1992 c. 37.
- M7** S.I. 1997/1772 (N.I. 15).

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