



# National Minimum Wage Act 1998

## 1998 CHAPTER 39

### *Supplementary*

#### **51 Regulations and orders.**

- (1) Except to the extent that this Act makes provision to the contrary, any power conferred by this Act to make an Order in Council, regulations or an order includes power—
  - (a) to make different provision for different cases or for different descriptions of person; and
  - (b) to make incidental, consequential, supplemental or transitional provision and savings.
- (2) Paragraph (a) of subsection (1) above does not have effect in relation to regulations under section 1(3) above or an order under section 49 above.
- (3) No recommendation shall be made to Her Majesty to make an Order in Council under any provision of this Act unless a draft of the Order in Council has been laid before Parliament and approved by a resolution of each House of Parliament.
- (4) Any power of a Minister of the Crown to make regulations or an order under this Act shall be exercisable by statutory instrument.
- (5) A statutory instrument containing (whether alone or with other provisions) regulations under this Act shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (6) Subsection (5) above shall not have effect in relation to a statutory instrument if the only regulations under this Act which the instrument contains are regulations under section <sup>F1</sup>... 47(2) or (4) above.
- (7) A statutory instrument—
  - (a) which contains (whether alone or with other provisions) any regulations under section <sup>F2</sup>... 47(2) or (4) above or an order under section 49 above, and
  - (b) which is not subject to any requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament,

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*Changes to legislation: There are currently no known outstanding effects for the National Minimum Wage Act 1998, Section 51. (See end of Document for details)*

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shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(8) The power—

- (a) of the Department of Economic Development to make an order under section 26(6) above, or
- (b) of the Department of Agriculture for Northern Ireland to make regulations under section 47 above,

shall be exercisable by statutory rule for the purposes of the <sup>M1</sup>Statutory Rules (Northern Ireland) Order 1979; and any such order or regulations shall be subject to negative resolution within the meaning of section 41(6) of the <sup>M2</sup>Interpretation Act (Northern Ireland) 1954.

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#### **Subordinate Legislation Made**

**P1** Power conferred by s. 51(1)(b) exercised, 1.4.1999 appointed by [S.I. 1999/685, art. 2, Sch.](#)

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#### **Textual Amendments**

**F1** Words in s. 51(6) repealed (6.4.2009) by [Employment Act 2008 \(c. 24\), ss. 9\(3\), 22\(1\)\(a\), Sch. Pt. 2](#) (with s. 9(7)); [S.I. 2009/603, art. 2](#) (with art. 3, Sch.)

**F2** Words in s. 51(7)(a) repealed (6.4.2009) by [Employment Act 2008 \(c. 24\), ss. 9\(3\), 22\(1\)\(a\), Sch. Pt. 2](#) (with s. 9(7)); [S.I. 2009/603, art. 2](#) (with art. 3, Sch.)

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#### **Commencement Information**

**I1** S. 51 in force at Royal Assent in accordance with s. 52(6)

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#### **Marginal Citations**

**M1** [S.I. 1979/1573 \(N.I.12\).](#)

**M2** [1954 c. 33 \(N.I.\).](#)

**Changes to legislation:**

There are currently no known outstanding effects for the National Minimum Wage Act 1998, Section 51.