



# National Minimum Wage Act 1998

## 1998 CHAPTER 39

### *Supplementary*

#### **54 Meaning of “worker”, “employee” etc.**

- (1) In this Act “employee” means an individual who has entered into or works under (or, where the employment has ceased, worked under) a contract of employment.
- (2) In this Act “contract of employment” means a contract of service or apprenticeship, whether express or implied, and (if it is express) whether oral or in writing.
- (3) In this Act “worker” (except in the phrases “agency worker” and “home worker”) means an individual who has entered into or works under (or, where the employment has ceased, worked under)—
  - (a) a contract of employment; or
  - (b) any other contract, whether express or implied and (if it is express) whether oral or in writing, whereby the individual undertakes to do or perform personally any work or services for another party to the contract whose status is not by virtue of the contract that of a client or customer of any profession or business undertaking carried on by the individual;and any reference to a worker’s contract shall be construed accordingly.
- (4) In this Act “employer”, in relation to an employee or a worker, means the person by whom the employee or worker is (or, where the employment has ceased, was) employed.
- (5) In this Act “employment”—
  - (a) in relation to an employee, means employment under a contract of employment; and
  - (b) in relation to a worker, means employment under his contract;and “employed” shall be construed accordingly.

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**Changes to legislation:** There are currently no known outstanding effects for the National Minimum Wage Act 1998, Section 54. (See end of Document for details)

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**Modifications etc. (not altering text)**

C1 S. 54 applied (11.11.1999) by 1999 c. 31, s. 6(4)(a) (with s. 10(2)(3))

**Changes to legislation:**

There are currently no known outstanding effects for the National Minimum Wage Act 1998, Section 54.