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STATUTORY INSTRUMENTS

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**1998 No. 2574 (C.61)**

**TERMS AND CONDITIONS OF EMPLOYMENT**

**The National Minimum Wage Act 1998 (Commencement  
No. 1 and Transitional Provisions) Order 1998**

*Made - - - - 20th October 1998*

The Secretary of State, in exercise of the powers conferred on him by sections 51(1)(b) and 56(2) of the National Minimum Wage Act 1998<sup>(1)</sup>, hereby makes the following Order:—

**Citation and interpretation**

1.—(1) This Order may be cited as the National Minimum Wage Act 1998 (Commencement No. 1 and Transitional Provisions) Order 1998.

(2) In this Order—

“the Act” means the National Minimum Wage Act 1998.

**Commencement**

2.—(1) The provisions of the Act specified in Schedule 1 shall come into force on 1st November 1998.

(2) The provisions of the Act specified in Schedule 2 shall come into force on 1st April 1999.

**Transitional provisions**

3.—(1) The amendments to the Employment Rights Act 1996<sup>(2)</sup> made by section 25 of the Act (right of employee not to be unfairly dismissed: Great Britain) shall have effect in respect of an employee’s dismissal where the effective date of termination (within the meaning of section 97 of that Act) falls on or after 1st November 1998.

(2) The amendments to the Employment Rights (Northern Ireland) Order 1996<sup>(3)</sup> made by section 26 of the Act (right of employee not to be unfairly dismissed: Northern Ireland) shall have effect in respect of an employee’s dismissal where the effective date of termination (within the meaning of Article 129 of that Order) falls on or after 1st November 1998.

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(1) 1998 c. 39.

(2) 1996 c. 18.

(3) S.I.1996/1919 (N.I. 16).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Signed by order of the Secretary of State

20th October 1998

*Ian McCartney*  
Minister of State,  
Department of Trade and Industry

## SCHEDULE 1

Article 2(1)

## PROVISIONS COMING INTO FORCE ON 1ST NOVEMBER 1998

<i>Provision</i>	<i>Subject Matter of Provision</i>
Section 5	The first regulations: referral to the Low Pay Commission
Section 6	Referral of matters to the Low Pay Commission at any time
Section 7	Referrals to, and reports of, the Low Pay Commission: supplementary
Section 8	The Low Pay Commission
Section 13	Appointment of officers
Section 23	The right not to suffer detriment
Section 24	Enforcement of the right not to suffer detriment
Section 25	Right of employee not to be unfairly dismissed: Great Britain
Section 26, in so far as it is not already in force, except for subsection (5)	Right of employee not to be unfairly dismissed: Northern Ireland
Section 29	Appeals to the Employment Appeal Tribunal
Section 30, in so far as it relates to section 24	Conciliation
Section 34	Agency workers who are not otherwise “workers”
Section 35	Homeworkers who are not otherwise “workers”
Section 36	Crown employment
Section 37	Armed forces
Section 38	House of Lords staff
Section 39	House of Commons staff
Section 40	Mariners
Section 43	Exclusions: share fishermen
Section 44	Exclusions: voluntary workers
Section 45	Exclusions: prisoners
Section 48	Application of Act to superior employers
Section 49, in so far as it is not already in force, except for subsections (9) and (10)	Restrictions on contracting out
Section 50	Publicity
Section 52	Expenses
Section 53, in so far as it relates to the repeals in Schedule 3 specified in the table below	Repeals and revocations

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<i>Provision</i>	<i>Subject Matter of Provision</i>
Section 54	Meaning of “worker”, “employee”, etc
Section 55	Interpretation
Schedule 1	The Low Pay Commission
In Schedule 3 the repeals specified in the table below	Repeals and revocations

Table

<i>Reference</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
<a href="#">1996 c. 17</a>	The Employment Tribunals Act 1996	In section 21(1)(f), the word “or”.
<a href="#">1996 c. 18</a>	The Employment Rights Act 1996	In section 108(3), the word “or”.  In section 109(2), the word “or” at the end of paragraph (g).

## SCHEDULE 2

Article 2(2)

## PROVISIONS COMING INTO FORCE ON 1ST APRIL 1999

<i>Provision</i>	<i>Subject Matter of Provision</i>
Section 1, in so far as it is not already in force	Workers to be paid at least the national minimum wage
Section 10	Worker’s right of access to records
Section 11	Failure of employer to allow access to records
Section 12, in so far as it is not already in force	Employer to provide worker with national minimum wage statement
Section 14	Powers of officers
Section 15	Information obtained by officers
Section 16	Information obtained by agricultural wages officers
Section 17	Non-compliance: worker entitled to additional remuneration
Section 18	Enforcement in the case of special classes of worker
Section 19	Power of officer to issue enforcement notice
Section 20	Non-compliance: power of officer to sue on behalf of worker
Section 21, in so far as it is not already in force	Financial penalty for non-compliance

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<i>Provision</i>	<i>Subject Matter of Provision</i>
Section 22	Appeals against penalty notices
Section 27	Tribunal hearings etc by chairman alone
Section 28	Reversal of the burden of proof
Section 30, in so far as it is not already in force	Conciliation
Section 31	Offences
Section 32	Offences by bodies corporate etc
Section 33	Proceedings for offences

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#### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order brings into force provisions of the National Minimum Wage Act 1998 which did not come into force on Royal Assent—

- (a) the provisions specified in Schedule 1 to the Order are to come into force on 1st November 1998; and
- (b) the provisions specified in Schedule 2 to the Order are to come into force on 1st April 1999.

Transitional provisions are set out in Article 3.

Other provisions will be brought into force by a subsequent Order.