

# **National Minimum Wage (Enforcement Notices) Bill [HL]**

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## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department of Trade and Industry, are published separately as Bill 51 – EN.

## EUROPEAN CONVENTION ON HUMAN RIGHTS

Ms Secretary Hewitt has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the National Minimum Wage (Enforcement Notices) Bill [HL] are compatible with the Convention rights.



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Make provision enabling an enforcement notice under section 19 of the National Minimum Wage Act 1998 to impose a requirement under subsection (2) of that section in relation to a person, whether or not a requirement under subsection (1) of that section is, or may be, imposed in relation to that or any other person; and to limit the pay reference periods in respect of which a requirement under subsection (2) of that section may be imposed.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Enforcement notices**

In section 19 of the National Minimum Wage Act 1998 (c. 39) (power of officer to issue enforcement notice) after subsection (2) (previous underpayments to workers who qualify for the national minimum wage) insert—

- “(2A) If an officer acting for the purposes of this Act is of the opinion that a worker who has at any time qualified for the national minimum wage has not been remunerated for any pay reference period (whether ending before or after the coming into force of this subsection) by his employer at a rate at least equal to the national minimum wage, the officer may serve on the employer an enforcement notice which imposes a requirement under subsection (2) above in relation to the worker, whether or not a requirement under subsection (1) above is, or may be, imposed in relation to that worker (or any other worker to whom the notice relates).”
- (2B) An enforcement notice may not impose a requirement under subsection (2) above in respect of any pay reference period ending more than 6 years before the date on which the notice is served.”

**2 Short title, commencement and extent**

- (1) This Act may be cited as the National Minimum Wage (Enforcement Notices) Act 2003.
- (2) This Act comes into force at the end of the period of two months beginning with the day on which it is passed. 5
- (3) The amendment made by this Act has the same extent as the enactment amended.
- (4) But, notwithstanding section 20(2) of the Interpretation Act 1978 (c. 30) (construction of references to other enactments), the reference in section 1 to section 19 of the National Minimum Wage Act 1998 (c. 39) shall be taken not to include a reference to that section as applied by section 3A of the Agricultural Wages (Scotland) Act 1949 (c. 30). 10
- (5) This Act extends to Northern Ireland.
- (6) **Nothing in this Act shall impose any charge on the people or on public funds, or vary the amount or incidence of or otherwise alter any such charge in any manner, or affect the assessment, levying, administration or application of any money raised by any such charge.** 15