
STATUTORY INSTRUMENTS

2006 No. 1031

The Employment Equality (Age) Regulations 2006

PART 4

GENERAL EXCEPTIONS FROM PARTS 2 AND 3

Exception for the national minimum wage

31.—(1) Nothing in Part 2 or 3 shall render it unlawful for a relevant person (“A”) to be remunerated in respect of his work at a rate which is lower than the rate at which another such person (“B”) is remunerated for his work where—

- (a) the hourly rate of the national minimum wage for a person of A's age is lower than that for a person of B's age, and
- (b) the rate at which A is remunerated is below the single hourly rate for the national minimum wage prescribed by the Secretary of State under section 1(3) of the National Minimum Wage Act 1998 ^{M1}.

(2) Nothing in Part 2 or 3 shall render it unlawful for an apprentice who is not a relevant person to be remunerated in respect of his work at a rate which is lower than the rate at which an apprentice who is a relevant person is remunerated for his work.

(3) In this regulation—

“apprentice” means a person who is employed under a contract of apprenticeship or, in accordance with regulation 12(3) of the National Minimum Wage Regulations 1999 ^{M2}, is to be treated as employed under such a contract;

“relevant person” means a person who qualifies for the national minimum wage ^{M3} (whether at the single hourly rate for the national minimum wage prescribed by the Secretary of State under section 1(3) of the National Minimum Wage Act 1998 or at a different rate).

Marginal Citations

- M1** 1998 c. 39. The hourly rate is prescribed in regulation 11 of the [National Minimum Wage Regulations 1999 \(S.I. 1999/584\)](#) and that rate has most recently been amended by regulation 2 of the [National Minimum Wage Regulations 1999 \(Amendment\) Regulations 2005 \(S.I. 2005/2019\)](#).
- M2** [S.I. 1999/584](#), to which relevant amendments have been made by [S.I. 2000/1989](#) and [S.I. 2004/1930](#).
- M3** A person qualifies for the national minimum wage if he is a person who – (a) is a worker; (b) is working, or ordinarily works, in the UK under a contract; and (c) has ceased to be of compulsory school age: see [s.1\(2\)](#) of the National Minimum Wage Act 1998.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Employment Equality (Age) Regulations 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations revoked (except Schs. 6, 8) by [2010 c. 15 Sch. 27 Pt. 2](#) (Regulations revoked except Schs. 6, 8)

Commencement Orders yet to be applied to the The Employment Equality (Age) Regulations 2006

Commencement Orders bringing legislation that affects this Instrument into force:

- [S.I. 2010/2317 art. 2\(15\)\(f\)](#) commences ([2010 c. 15](#))
- [S.I. 2011/1066 art. 2\(h\)](#) commences ([2010 c. 15](#))