The Department of Economic Development makes the following Regulations under section 4(2) of the Minimum Wage Act 2001.

1 Title

These Regulations are the Minimum Wage (Young Workers) (No. 2) Regulations 2017.

2 Commencement

(1) If approved by Tynwald, these Regulations come into operation in accordance with paragraphs (2) and (3).

(2) Subject to paragraph (3) these Regulations come into operation on 1 June 2017.

(3) Regulation 6 in so far as it relates to the revocation of the Minimum Wage (Young Workers) Regulations 2017¹, comes into operation on the day following the approval of Tynwald.

3 Interpretation

In these Regulations –

“pay reference period” has the meaning given by regulation 10(1) of the principal Regulations;

“the principal Regulations” means the Minimum Wage Regulations 2001²;

“the upper limit of compulsory school age” is a person’s 16th birthday, except where on his or her 16th birthday the person is, or has been during any year beginning on the 1st September, a registered pupil at a school in the

¹ SD 2017/0059
² SD 397/01
Island in which case he or she attains the upper limit on the Friday before the last Monday in May in that year.

4 Application

These Regulations apply only in relation to a pay reference period beginning on or after 1 June 2017.

5 Rates of minimum wage for young workers

(1) The hourly rate of the minimum wage is £5.70 for a worker who has attained the upper limit of compulsory school leaving age but who has not attained the age of 18.

(2) The hourly rate of the minimum wage is £6.85 for –

   (a) a worker who has attained the age of 18 but not the age of 21; or

   (b) a worker who –

      (i) has attained the age of 21;

      (ii) is within the first 6 months after the commencement of his or her employment with an employer;

      (iii) has not previously been employed either by that employer or by an associated employer (within the meaning of section 173(7) of the Employment Act 2006) of that employer; and

      (iv) has entered into an agreement with the employer requiring the worker to take part in accredited training on at least 26 days between the commencement of his or her employment or, if later, the day upon which he or she entered into the agreement, and the end of the 6 month period referred to in sub-paragraph (b)(ii).

(3) For the purposes of paragraph (2)(b)(ii) a worker does not commence employment with an employer where he or she has previously been employed by another employer and continuity of employment is preserved between the two employments by Schedule 5 to the Employment Act 2006 or any other enactment.

(4) In paragraph (2)(b)(iv) “accredited training” means –

   (a) training by means of a course approved by the Department;

   (b) training provided by the worker’s employer where –

      (i) the training is recognised in England, both as being directed towards the achievement of a National Vocational Qualification at any level, and as including at least 50% of the requirements of the relevant level, by an awarding body recognised by the Office of Qualifications and Examinations Regulation;
(ii) the training is recognised in Scotland, both as being directed towards the achievement of a Scottish Vocational Qualification at any level, and as including at least 50% of the requirements of the relevant level, by an awarding body approved by the Scottish Qualifications Authority;

(iii) the training is recognised in Northern Ireland, both as being directed towards the achievement of a National Vocational Qualification at any level, and as including at least 50% of the requirements of the relevant level, by an awarding body recognised by the Office of Qualifications and Examinations Regulation; or

(iv) the training is recognised in Wales, both as being directed towards the achievement of a National Vocational Qualification at any level, and as including at least 50% of the requirements of the relevant level, by an awarding body recognised by Qualifications Wales.

(5) The hourly rate of the minimum wage is £7.20 for a worker who has attained the age of 21 but not the age of 25.

(6) Paragraphs (1) and (2) do not apply in relation to a worker who, by virtue of regulation 12 of the principal Regulations, does not qualify for the minimum wage.

6 Revocation

The Minimum Wage (Young Workers) Regulations 2015 and the Minimum Wage (Young Workers) Regulations 2017 are revoked.

MADE 3 MARCH 2017

LAURENCE SKELLY
Minister for Economic Development

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3 SD 2015/0342


EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Minimum Wage (Young Workers) Regulations 2015 and the Minimum Wage (Young Workers) Regulations 2017. The Regulations make the following changes in respect of any pay reference period beginning on or after 1 June 2017:

The hourly rate of pay for those who have attained the upper limit of compulsory school age (usually 16) but are not yet 18 is increased to £5.70.

The hourly rate of pay for workers who have attained the age of 18 but are not yet 21 is increased from £6.65 to £6.85.

An hourly rate of pay for workers who have attained the age of 21 but are not yet 25 is created and is set at £7.20.

The hourly rate of pay for workers in accredited training is increased from £6.65 to £6.85. The minimum age at which the accredited training rate applies is increased from 18 to 21.