

# National Minimum Wage (Workplace Internships) Bill

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## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by Alec Shelbrooke, are published separately as Bill 8 – EN.

# National Minimum Wage (Workplace Internships) Bill

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**B I L L**

TO

Require the Secretary of State to apply the provisions of the National Minimum Wage Act 1998 to workplace internships; and for connected purposes.

**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 Workplace internships**

For the purpose of this Act, a workplace internship is an employment practice in which a person (“the intern”)—

- (a) undertakes regular work or provides regular services in the United Kingdom for — 5
  - (i) another person;
  - (ii) a company;
  - (iii) a limited liability partnership; or
  - (iv) a public authority; and
- (b) the purpose of the employment practice is — 10
  - (i) that the intern meets learning objectives or gains experience of working for the employer listed in section 1(a); and
  - (ii) to provide practical experience in an occupation or profession.

**2 Remuneration**

- (1) The Secretary of State must make regulations to apply subsections (2) to (4). 15
- (2) An intern who enters into a workplace internship shall be remunerated by his employer in respect of his work at a rate which is not less than the national minimum wage calculated in accordance with the National Minimum Wage Act 1998 for the appropriate age of the individual.
- (3) Subject to subsection (4) an employer is not liable for Employers' National Insurance contributions for an intern undertaking a workplace internship of less than 12 months. 20

- (4) An employer may meet Employers' National Insurance contributions for an intern undertaking a workplace internship of less than 12 months.

### **3 Exclusions**

- (1) For the purposes of this Act, section 2 shall not apply if the person is—
- (a) a student at a higher or further education institution based in the UK who is required to undertake an internship or equivalent work placement as part of his or her course; 5
  - (b) of compulsory school age;
  - (c) undertaking an approved English apprenticeship as set out in the Apprenticeships, Skills, Children and Learning Act 2009; or 10
  - (d) meets the terms of a definition set out in regulations made by the Secretary of State or, as the case may be, the relevant Scottish, Welsh or Northern Ireland Ministers.
- (2) Regulations under this section—
- (a) shall be made by statutory instrument, and 15
  - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament or, as the case may be, the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly.

### **4 Extent, commencement and short title**

- (1) This Act extends to England and Wales, Scotland and Northern Ireland. 20
- (2) This Act comes into force at the end of the period of two months beginning with the day on which it is passed.
- (3) This Act may be cited as the National Minimum Wage (Workplace Internships) Act 2017.

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## B I L L

To require the Secretary of State to apply the provisions of the National Minimum Wage Act 1998 to workplace internships; and for connected purposes.

*Presented by Alec Shelbrooke.*

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*Ordered, by The House of Commons,  
to be Printed, 29 June 2016.*

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