

*Draft Order in Council laid before Parliament under section 51(3) of the National Minimum Wage
Act 1998, for approval by resolution of each House of Parliament*

DRAFT STATUTORY INSTRUMENTS

1999 No.

TERMS AND CONDITIONS OF EMPLOYMENT

The National Minimum Wage
(Offshore Employment) Order 1999

Made - - - - 1999
Coming into force - - 1st May 1999

At the Court at Windsor Castle, the day of 1999
Present,
The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by resolution of each House of Parliament:
Now, therefore, Her Majesty, in exercise of the powers conferred on Her by sections 42 and 51(1) of
the National Minimum Wage Act 1998(1), is pleased, by, and with the advice of Her Privy Council,
to order, and it is hereby ordered, as follows:

Citation, commencement and interpretation

- 1.—(1) This Order may be cited as the National Minimum Wage (Offshore Employment) Order 1999 and shall come into force on 1st May 1999.
- (2) In this Order “the 1998 Act” means the National Minimum Wage Act 1998.

Application of Order

- 2.—(1) The provisions of the 1998 Act shall apply to offshore employment, as if the reference in section 1(2)(b) of the 1998 Act to an individual who “is working, or ordinarily works in the United Kingdom” included a reference to an individual who is working, or ordinarily works—
 - (a) in the territorial waters of the United Kingdom; or
 - (b) in the United Kingdom sector of the continental shelf.

(1) 1998, c. 39.

(2) This Order shall have no application to employment in connection with a ship which is in the course of navigation or a ship which is engaged in dredging or fishing.

(3) In paragraph (2) “dredging” does not include the excavation of the sea-bed or its subsoil in the course of pipe laying.

(4) This Order applies to individuals whether or not they are British subjects, and to bodies corporate whether or not they are incorporated under the law of the United Kingdom, and applies even when the application may affect their activities outside the United Kingdom.

Jurisdiction of employment tribunals

3.—(1) In this article, the expressions “the English area”, “the Scottish area” and “the Northern Irish area” have the same meanings respectively as in the Civil Jurisdiction (Offshore Activities) Order 1987(2).

(2) In England and Wales, the employment tribunals shall have jurisdiction to determine complaints or appeals arising (in connection with employment to which this Order applies) from acts or omissions taking place in the English area, as they would have if those acts or omissions had taken place in England and Wales.

(3) In Scotland, the employment tribunals shall have jurisdiction to determine complaints or appeals arising (in connection with employment to which this Order applies) from acts or omissions taking place in the Scottish area, as they would have if those acts or omissions had taken place in Scotland.

(4) In Northern Ireland, the industrial tribunals shall have jurisdiction to determine complaints or appeals arising (in connection with employment to which this Order applies) from acts or omissions taking place in the Northern Irish area, as they would have if those acts or omissions had taken place in Northern Ireland.

Offences

4. Proceedings for any offence connected with employment to which this Order applies shall not be brought in England and Wales or Northern Ireland except by, or with the consent of, the Secretary of State.

Transitional provisions

5.—(1) Nothing in this Order applies to work done before 1st May 1999.

(2) The National Minimum Wage Regulations 1999(3) shall apply to employment to which this Order relates as if those Regulations had come into force on the day this Order comes into force.

Clerk of the Privy Council

(2) S.I.1987/2197.

(3) S.I. 1999/584.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order in Council has the effect of extending the provisions of the National Minimum Wage Act 1998 to workers who work, or ordinarily work, in the territorial waters of the United Kingdom.

It also extends the operation of the Act to workers who work, or ordinarily work, in the United Kingdom sector of the continental shelf where the employment is—

- (a) connected with the exploration of the sea-bed or its subsoil, or the exploitation of their natural resources in the United Kingdom sector of the continental shelf; or
- (b) connected with the exploration or exploitation, in a foreign sector of the continental shelf, of a cross-boundary petroleum field.

The Order has no application in respect of ships in navigation, or engaged in fishing or dredging (section 40 of the Act already treats mariners who work on board UK registered ships as being persons to whom the Act applies, unless the employment is wholly outside the United Kingdom or the person is not ordinarily resident in the United Kingdom).

Article 5 contains transitional provisions. The Order will come into force on 1st May 1999.