
STATUTORY INSTRUMENTS

2000 No. 1828

TERMS AND CONDITIONS OF EMPLOYMENT

The Employment Relations (Offshore Employment) Order 2000

Made - - - - 12th July 2000
Laid before Parliament 24th July 2000
Coming into force - - 14th August 2000

At the Court at Buckingham Palace, the 12th day of July 2000

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 287 of the Trade Union and Labour Relations (Consolidation) Act 1992⁽¹⁾ and sections 201 and 236 of the Employment Rights Act 1996⁽²⁾, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1.—(1) This Order may be cited as the Employment Relations (Offshore Employment) Order 2000 and shall come into force on 14th August 2000.

(2) In this Order—

“the 1992 Act” means the Trade Union and Labour Relations (Consolidation) Act 1992;

“the 1996 Act” means the Employment Rights Act 1996;

“oversea company” has the same meaning as in section 744 of the Companies Act 1985⁽³⁾;

“the English area” and “the Scottish area” have the same meanings respectively as in the Civil Jurisdiction (Offshore Activities) Order 1987⁽⁴⁾, and references to the part of the UK sector of the Continental shelf to which the law of Northern Ireland applies are references to the Northern Irish Area as defined in that Order.

Application of provisions

2.—(1) The provisions of the 1992 Act and of the 1996 Act specified in paragraphs (5) and (6) (“the applied provisions”) apply to and in relation to employment for the purposes of activities—

(1) 1992 c. 52; section 287 was amended by the Employment Relations Act 1999 (c. 26), section 32(2).

(2) 1996 c. 18.

(3) 1985 c. 6.

(4) S.I. 1987/2197.

- (a) in the territorial waters of the United Kingdom (other than an area or part of an area to which the law of Northern Ireland applies);
 - (b) 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 (other than an area or part of an area to which the law of Northern Ireland applies); or
 - (c) in the foreign sector of the continental shelf connected with the exploration or exploitation of the Frigg Gas Field, where the employer is—
 - (i) a company registered under the Companies Act 1985,
 - (ii) an oversea company which has an established place of business within Great Britain from which it directs the activities in question, or
 - (iii) any other person who has a place of business within Great Britain from which he directs the activities in question.
- (2) The applied provisions do not apply to or in relation to any employment wholly or mainly for the purposes of any activities connected with the Ekofisk Field.
- (3) The applied provisions do not apply to or in relation to employment in connection with a ship which is in the course of navigation or a ship which is engaged in dredging or fishing.
- (4) In paragraph (3) “dredging” does not include the excavation of the sea-bed or its subsoil in the course of pipe laying.
- (5) The provisions of the 1992 Act are—
- (a) sections 70A, 70B, and 70C and Schedule A1 (recognition of trade unions)(5);
 - (b) sections 222 to 224 (exclusion from protection for certain acts in contemplation or furtherance of a trade dispute); and
 - (c) sections 226 to 235 (requirement of ballot etc. before industrial action) and section 246 (definitions) as it applies to those sections(6).
- (6) The provisions of the 1996 Act are those of Part X (unfair dismissal), for the purposes of paragraphs 161 to 165 of Schedule A1 to the 1992 Act, (dismissal for reasons connected with recognition), to the extent that the provisions would not otherwise apply for those purposes.

Jurisdiction of employment tribunals

3.—(1) 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.

(2) 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.

(3) The employment tribunals England and Wales and the employment tribunals Scotland shall have jurisdiction to determine complaints or appeals (in connection with employment to which this Order applies) in respect of matters arising in connection with employment wholly or mainly for the purposes of any activities connected with the Frigg Gas Field.

(5) Sections 70A and Schedule A1 were inserted by section 1 of the Employment Relations Act 1999 (c. 26); sections 70B and 70C were inserted by section 5 of that Act.

(6) Sections 226, 229 and 230 were amended by the Trade Union Reform and Employment Rights Act 1993 (c. 19) (“the 1993 Act”) and by the Employment Relations Act 1999 (“the 1999 Act”); sections 232 and 235 were amended by the 1993 Act; sections 227 and 234 were amended by the 1999 Act; sections 226B and C and 231A and B were inserted by the 1993 Act; sections 226A and 234A were inserted by the 1993 Act and amended by the 1999 Act; section 228 was substituted by the 1999 Act; sections 228A and 232A and B were inserted by the 1999 Act.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

A. K. Galloway,
Clerk of the Privy Council

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order in Council has the effect of applying certain provisions of the Trade Union and Labour Relations (Consolidation) Act 1992, and the Employment Rights Act 1996, relating to trade union recognition and industrial action, to employment for the purposes of activities in the territorial waters of the United Kingdom and specified areas of the Continental Shelf.

The Order has no application in respect of ships in navigation, or engaged in fishing or dredging.

The Order will come into force on 14th August 2000.