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STATUTORY INSTRUMENTS

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**2012 No. 1388**

**The Automatic Enrolment (Offshore Employment) Order 2012**

**Application of relevant provisions**

2.—(1) Subject to paragraph (2), the relevant provisions apply in relation to a person in offshore employment<sup>(1)</sup>—

- (a) in the English area or the Scottish area as if the reference in section 1(1)(a) of the 2008 Act to a worker “who is working or ordinarily works in Great Britain under the worker’s contract” included a reference to such a person; and
- (b) in the Northern Irish area as if the reference in section 1(1)(a) of the (No. 2) 2008 Act to a worker “who is working or ordinarily works in Northern Ireland under the worker’s contract” included a reference to such a person.

(2) The relevant provisions do not apply in relation to a person in offshore employment where the employment is connected with the exploration or exploitation, in a foreign sector of the continental shelf, of a cross-boundary petroleum field.

(3) The relevant provisions apply in relation to—

- (a) a person in offshore employment as referred to in paragraphs (1) and (2), whether or not that person is a British subject; and
- (b) the employer of a person in offshore employment as referred to in paragraphs (1) and (2), where that employer is a body corporate, whether or not the body is incorporated under the law of a part of the United Kingdom.

(4) The relevant provisions apply as referred to in paragraph (3) even where the application may affect the person’s or employer’s activities outside the United Kingdom.

(5) For the purposes of this article, “cross-boundary petroleum field” and “foreign sector of the continental shelf” have the same meaning in each case as in section 201 of the Employment Rights Act 1996<sup>(2)</sup>.

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(1) See section 97 of the 2008 Act for the meaning given to “relevant provisions” and “offshore employment”.

(2) 1996 c.18. Subsection (1) was substituted, and subsection (5) repealed, by the Petroleum Act 1998 (c.17), Schedule 4, paragraph 40, but the amending provisions are not yet in force. There are amendments to subsection (3) but they are not relevant to this Order.