
STATUTORY INSTRUMENTS

1981 No. 208

TERMS AND CONDITIONS OF EMPLOYMENT

**The Employment Protection (Offshore
Employment) (Amendment) Order 1981**

<i>Made</i>	- - - -	<i>18th February 1981</i>
<i>Laid before Parliament</i>		<i>26th February 1981</i>
<i>Coming into Operation</i>		<i>31st March 1981</i>

At the Court at Buckingham Palace, the 18th day of February 1981

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 127 of the Employment Protection Act 1975(1) and section 137 of the Employment Protection (Consolidation) Act 1978, and all other powers enabling Her Majesty, 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 Employment Protection (Offshore Employment) (Amendment) Order 1981 and shall come into operation on 31st March 1981.

(2) In this Order:

“the Frigg Gas Field” means the naturally occurring gas-bearing sand formations of the lower Eocene age located in the vicinity of the intersection of the line of latitude 59° 53′ North and of the dividing line between the sectors of the Continental Shelf of the United Kingdom and the Kingdom of Norway and includes all other gas-bearing strata from which gas at the start of production is capable of flowing into the above-mentioned gas-bearing sand formations;

“oversea company” has the same meaning as in section 406 of the Companies Act 1948;

“the principal Order” means the Employment Protection (Offshore Employment) Order 1976(2)

(1) section 127 was extended by section 1(1) of the Employment (Continental Shelf) Act 1978 (c. 46).

(2) , amended by S.I. 1977/588.

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Amendment of principal Order

2. The principal Order shall be amended as follows:—

(a) in Article 1(2), there shall be inserted after the definition of “dredging” the following definition:—

““foreign sector of the continental shelf” has the same meaning as in section 137 of the Employment Protection (Consolidation) Act 1978;”;

(b) in (1), there shall be added at the end a new sub-paragraph:—

“(c) any activities in the foreign sector of the continental shelf connected with the exploration or exploitation of the Frigg Gas Field.”;

(c) in Article 2(2), the words “the Frigg Field Reservoir or” shall be deleted;

(d) in Article 3, in place of the list of Acts there set out there shall be substituted the following:—

“(a) the Industrial Training Act 1964(3);

(b) the Trade Union and Labour Regulations Act 1974(4);

(c) the Employment Protection Act 1975;

(d) the Employment Protection (Consolidation) Act 1978;

(e) the Wages Councils Act 1979(5)

(f) the Employment Act 1980(6).”;

(e) in Article 6, there shall be added at the end a new paragraph:—

“(3) The industrial tribunals (England and Wales) and the industrial tribunals (Scotland) shall have jurisdiction in respect of matters arising in connection with employment wholly or mainly for the purposes of any activities connected with the Frigg Gas Field”.

(f) for the Schedule there set out there shall be substituted the Schedule to this Order.

Modification of principal Order

3. In its application to any employment wholly or mainly for the purpose of any activities connected with the Frigg Gas Field (whether or not that employment wholly or mainly takes place in the foreign sector of the continental shelf) the principal Order shall be modified as follows:—

(a) the employment to which it applies is employment within Article 2 of the said Order and in respect of which the employer is:

(i) a company registered under the Companies Acts 1948 to 1980(7)

(ii) an overseas company which has established a place of business within Great Britain from which it directs the offshore operations in question, or

(iii) any other person who has a place of business within Great Britain from which he directs the offshore operations in question.

(b) the references in Article 7 to the date on which the principal Order comes into operation shall be construed as references to the date on which this Order comes into operation.

(3) 1964 c.16.

(4) 1974 c. 52.

(5) 1979 c. 12.

(6) 1980 c. 42.

(7) 1948 c. 38, 1967 c. 81, 1976 c. 69, 1980 c. 22.

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N. E. Leigh
Clerk of the Privy Council

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SCHEDULE

Article 2(f)

APPLIED PROVISIONS

PART I

THE INDUSTRIAL TRAINING ACT 1964

(“the 1964 Act”)

1. Subject to 2 below, the whole of the 1964 Act shall apply for such purposes as are relevant to or in relation to persons in employment to which this Order applies.

2. The application of the 1964 Act is subject to the modification that in respect of employment to which this Order applies the references in section 14 to Great Britain shall be treated as including the territorial waters, the waters in any designated area (other than an area or part of an area in which the law of Northern Ireland applies) and the waters in the foreign sector of the continental shelf.

PART II

THE TRADE UNION AND LABOUR RELATIONS ACT 1974

(“the 1974 Act”)

3. The provisions of the 1974 Act shall apply for such purposes as are relevant to or in relation to persons in employment to which this Order applies.

PART III

THE EMPLOYMENT PROTECTION ACT 1975

(“the 1975 Act”)

4. Subject to 5 below, the 1975 Act shall apply for such purposes as are relevant to or in relation to persons in employment to which this Order applies.

5. The application of the provisions of the 1975 Act is subject to the modification that section 119 shall have effect in respect of employment to which this Order applies as if:—

- (a) the reference in subsection (5) to Great Britain included the territorial waters, the waters in any designated area (other than an area or part of an area in which the law of Northern Ireland applies) and the waters in the foreign sector of the continental shelf;
- (b) subsection (6) were omitted.

PART IV

THE EMPLOYMENT PROTECTION (CONSOLIDATION) ACT 1978

(“the 1978 Act”)

6. Subject to 7 and 8 below, the provisions of the 1978 Act except section 29 shall apply for such purposes as are relevant to or in relation to persons in employment to which this Order applies.

7. The application of the provisions of the 1978 Act is subject to the modification that:—

- (a) section 141 shall have effect in respect of employment to which this Order applies as if the references to Great Britain included the territorial waters, the waters in any designated area (other than an area or part of an area in which the law of Northern Ireland applies) and the waters in the foreign sector of the continental shelf, and subsection (5) were omitted;
- (b) section 144(1)(a) shall have effect as if the word “British” were omitted;
- (c) the reference in paragraph 14(1)(a) of Schedule 13 to Great Britain shall be treated as including the territorial waters, the waters in any designated area (other than an area or part of an area in which the law of Northern Ireland applies) and the waters in the foreign sector of the continental shelf;
- (d) in Schedule 15 paragraph 10(1) for the words “before 28th February 1972” there are substituted the words “before 21st June 1976”;
- (e) in Schedule 15 paragraph 12 for the words “before 6th December 1965” there are substituted the words “before 21st June 1976”.

8. The provisions of Part VI of the Act shall not apply so as to affect the exclusion of any merchant seaman from that Part by the Redundancy Payments (Merchant Seamen Exclusion) Order 1973 or the disregarding of any period of employment pursuant to Article 4 of that Order.

PART V

THE WAGES COUNCILS ACT 1979

(“the 1979 Act”)

9. The whole Act shall apply for such purposes as are relevant to or in relation to persons in employment to which this Order applies.

PART VI

THE EMPLOYMENT ACT 1980

(“the 1980 Act”)

10. The provisions of the 1980 Act shall apply for such purposes as are relevant to or in relation to persons in employment to which this Order applies.

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EXPLANATORY NOTE

The principal substantive effect of this Order, which comes into operation on 31st March 1981, is further to amend the Employment Protection (Offshore Employment) Order 1976 by bringing within its scope:—

- (a) employment for the purposes of any activities connected with the exploration or exploitation of the Frigg Gas Field if the employer is either a United Kingdom company or has a place of business within the United Kingdom from which he directs the offshore operations;
- (b) provisions of the Employment Protection Act 1975 which have come into operation since the Employment Protection (Offshore Employment) (Amendment) Order 1977; and
- (c) the substantive provisions of the Employment Act 1980.

The Order also amends the statutory references to take account of legislative changes.