
STATUTORY INSTRUMENTS

1999 No. 3163

**DISABLED PERSONS
RACE RELATIONS
SEX DISCRIMINATION**

**The Equal Opportunities (Employment
Legislation) (Territorial Limits) Regulations 1999**

Made - - - - *24th November 1999*
Laid before Parliament *25th November 1999*
Coming into force - - *16th December 1999*

The Secretary of State being a Minister designated for the purposes of section 2(2) of the European Communities Act 1972⁽¹⁾ in relation to measures relating to sex discrimination, race discrimination and disability discrimination in matters of employment, self-employment and vocational training⁽²⁾, the Secretary of State for Education and Employment hereby makes the following Regulations in exercise of the powers conferred by that section:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Equal Opportunities (Employment Legislation) (Territorial Limits) Regulations 1999, and shall come into force on 16th December 1999.

(2) These Regulations shall extend to Great Britain only.

Amendment of the Sex Discrimination Act 1975

2.—(1) Section 10 of the Sex Discrimination Act 1975⁽³⁾ (meaning of employment at establishment in Great Britain) shall be amended as follows.

(2) In subsection (1), the words “or mainly” shall be omitted.

(3) For subsection (2) there shall be substituted—

“(2) The reference to “employment” in subsection (1) includes—

(a) employment on board a ship registered at a port of registry in Great Britain, and

(1) 1972 c. 68.

(2) See the European Communities (Designation) (No. 3) Order 1999 (S.I.1999/2788).

(3) 1975 c. 65.

- (b) employment on aircraft or hovercraft registered in the United Kingdom and operated by a person who has his principal place of business, or is ordinarily resident, in Great Britain.”.

Amendment of the Race Relations Act 1976

3.—(1) Section 8 of the Race Relations Act 1976⁽⁴⁾ (meaning of employment at establishment in Great Britain) shall be amended as follows.

(2) In subsection (1), the words “or mainly” shall be omitted.

(3) Subsection (2) shall be omitted.

Amendment of the Disability Discrimination Act 1995

For section 68(2) of the Disability Discrimination Act 1995⁽⁵⁾ (interpretation) there shall be substituted—

“(2) Where an employee does his work wholly outside Great Britain, his employment is not to be treated as being work at an establishment in Great Britain.”.

24th November 1999

Tessa Jowell
Minister of State,
Department for Education and Employment

(4) 1976 c. 74.
(5) 1995 c. 50.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which are made under section 2(2) of the European Communities Act 1972, implement (in Great Britain) Article 3(1)(g) of Directive 96/71/EC of the European Parliament and of the Council of 16th December 1996 concerning the posting of workers in the framework of the provision of services (OJNo. L018, 21. 1.97, p. 1-6).

Article 3(1)(g) of that Directive requires every Member State to ensure that employment legislation concerning equality of treatment between men and women and other provisions on non-discrimination are extended to “posted workers”, that is to say workers who, for a limited period, carry out their work in the territory of that State, having been posted there in certain circumstances by an undertaking established in another Member State.

The relevant equality of treatment and non-discrimination legislation applicable in Great Britain is contained in the provisions of section 1 of the Equal Pay Act 1970, Part II of the Sex Discrimination Act 1975, Part II of the Race Relations Act 1976 and Part II of the Disability Discrimination Act 1995 (“the relevant provisions”). Those provisions currently apply only in relation to the employment of a person at an establishment in Great Britain; and employment is regarded as being at such an establishment unless the employee concerned does his work “wholly or mainly outside Great Britain”. This is by virtue of the territorial limitations contained in section 10(1) of the Sex Discrimination Act 1975, section 8(1) of the Race Relations Act 1976 and section 68(2) of the Disability Discrimination Act 1995 (“the territorial limits”).

These Regulations extend the application of the relevant provisions to workers posted to Great Britain by removing the words “or mainly” from those territorial limits so that employment will henceforth be regarded for the purposes of each of the Acts concerned as being at an establishment in Great Britain provided that the employee does at least part of his work within that country. This will apply even where the work is done mainly elsewhere.

The territorial limit contained in section 10(1) of the Sex Discrimination Act 1975 has effect for the purposes of both Part II of that Act and section 1 of the Equal Pay Act 1970. Accordingly these Regulations do not provide for any separate amendment to the latter Act.

The Regulations also provide for some minor or consequential amendments, namely the substitution of section 10(2) of the Sex Discrimination Act 1975 and the repeal of section 8(2) of the Race Relations Act 1976 (which concern employment on a board a ship or on aircraft or hovercraft).