
DRAFT STATUTORY INSTRUMENTS

1998 No.

**The Fair Employment and Treatment
(Northern Ireland) Order 1998**

**PART I
INTRODUCTORY**

Interpretation

“Employment in Northern Ireland” and “occupation in Northern Ireland”

6.—(1) For the purposes of this Order, employment is to be regarded as being employment in Northern Ireland unless the employee does his work wholly or mainly outside Northern Ireland.

(2) Paragraph (1) does not apply to—

- (a) employment on board a ship registered at a port of registry in Northern Ireland; or
- (b) employment on an 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 Northern Ireland other than an aircraft or hovercraft while operated in pursuance of a contract with a person who has his principal place of business, or is ordinarily resident, outside the United Kingdom,

but for the purposes of this Order such employment is to be regarded as being employment in Northern Ireland unless the employee does his work wholly outside Northern Ireland.

(3) In relation to employment concerned with exploration of the sea bed or subsoil or the exploitation of their natural resources, the Department may by order provide that paragraphs (1) and (2) shall each have effect as if the last reference to Northern Ireland included any area for the time being designated under section 1(7) of the Continental Shelf Act 1964, or any part of such an area, in which the law of Northern Ireland applies.

(4) An order under paragraph (3) may provide that, in relation to employment to which the order applies, this Order is to have effect with such modifications as are specified in the order.

(5) In this Article references to the work an employee does include—

- (a) in relation to a person who is seeking employment, references to the work he would do if employed; and
- (b) in relation to a person who has ceased to be in employment, references to the work he did when employed.

(6) This Article has effect for construing references in this Order to a person’s being engaged, or seeking to become engaged, in an occupation in Northern Ireland as if references in this Article to employment were references to an occupation and references to an employee were references to a person engaged, or seeking to become engaged, in an occupation.

(7) In the application of this Article for the purposes of Part VII, references to employment are references to employment within the meaning of that Part.