



Employment Rights Act 1996

1996 CHAPTER 18

PART XIII

MISCELLANEOUS

CHAPTER I

PARTICULAR TYPES OF EMPLOYMENT

Offshore employment

201 Power to extend employment legislation to offshore employment.

- (1) In this section “offshore employment” means employment for the purposes of activities—
 - (a) in the territorial waters of the United Kingdom
 - (b) connected with the exploration of the sea-bed or subsoil, or the exploitation of their natural resources, in the United Kingdom sector of the continental shelf, or
 - (c) connected with the exploration or exploitation, in a foreign sector of the continental shelf, of a cross-boundary petroleum field.
- (2) Her Majesty may by Order in Council provide that—
 - (a) the provisions of this Act, and
 - (b) any Northern Ireland legislation making provision for purposes corresponding to any of the purposes of this Act,apply, to such extent and for such purposes as may be specified in the Order (with or without modification), to or in relation to a person in offshore employment.
- (3) An Order in Council under this section—
 - (a) may make different provision for different cases,

Status: Point in time view as at 04/12/2023.

Changes to legislation: Employment Rights Act 1996, Cross Heading: Offshore employment is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) may provide that all or any of the provisions referred to in subsection (2), as applied by such an Order in Council, apply—
- (i) to individuals whether or not they are British subjects, and
 - (ii) to bodies corporate whether or not they are incorporated under the law of a part of the United Kingdom,
- and apply even where the application may affect their activities outside the United Kingdom,
- (c) may make provision for conferring jurisdiction on any court or class of court specified in the Order in Council, or on [^{F1}employment tribunals], in respect of offences, causes of action or other matters arising in connection with offshore employment,
- (d) may (without prejudice to subsection (2) and paragraph (a)) provide that the provisions referred to in subsection (2), as applied by the Order in Council, apply in relation to any person in employment in a part of the areas referred to in subsection (1)(a) and (b),
- (e) may exclude from the operation of section 3 of the ^{M1}Territorial Waters Jurisdiction Act 1878 (consents required for prosecutions) proceedings for offences under the provisions referred to in subsection (2) in connection with offshore employment,
- (f) may provide that such proceedings shall not be brought without such consent as may be required by the Order in Council,
- (g) may (without prejudice to subsection (2)) modify or exclude the operation of any or all of sections ^{F2}. . . 199 and 215(2) to (6) or of any corresponding Northern Ireland legislation.
- [^{F3}(3A) Where an Order in Council under this section confers jurisdiction on an employment tribunal, the jurisdiction conferred includes power to make an order under section 12A of the Employment Tribunals Act 1996 (financial penalties), and that section applies accordingly.]
- (4) Any jurisdiction conferred on a court or tribunal under this section is without prejudice to jurisdiction exercisable apart from this section by that or any other court or tribunal.
- (5) In this section—
- “cross-boundary petroleum field” means a petroleum field that extends across the boundary between the United Kingdom sector of the continental shelf and a foreign sector of the continental shelf,
- “foreign sector of the continental shelf” means an area outside the territorial waters of any state, within which rights with respect to the sea-bed and subsoil and their natural resources are exercisable by a state other than the United Kingdom,
- “petroleum field” means a geological structure identified as an oil or gas field by the Order in Council concerned, and
- “United Kingdom sector of the continental shelf” means the area designated under section 1(7) of the ^{M2}Continental Shelf Act 1964.

Textual Amendments

- F1** Words in s. 201(3)(c) substituted (1.8.1998) by 1998 c. 8, s. 1(2)(b) (with s. 16(2)); S.I. 1998/1658, art. 2(1), Sch. 1

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- F2** Word in s. 201(3)(g) repealed (25.10.1999) by 1999 c. 26, s. 44, **Sch. 9(9)**; S.I. 1999/2830, art. 2(3), **Sch. 2 Pt. 1** (with **Sch. 3 para. 7(2)**)
- F3** S. 201(3A) inserted (E.W.S.) (6.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 3 para. 5** (with s. 24(5)); S.I. 2014/253, art. 3(h)

Modifications etc. (not altering text)

- C1** S. 201 applied by 1993 c. 48, s. 165(7) (as substituted (E.W.S.) (6.2.2018) by **The Seafarers (Transnational Information and Consultation, Collective Redundancies and Insolvency Miscellaneous Amendments) Regulations 2018** (S.I. 2018/26), regs. 1(1), **4(2)** (with reg. 4(4)))

Marginal Citations

- M1** 1878 c. 73.
M2 1964 c. 29.

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