



National Minimum Wage Act 1998

1998 CHAPTER 39

Extensions

41 Power to apply Act to individuals who are not otherwise “workers”

The Secretary of State may by regulations make provision for this Act to apply, with or without modifications, as if—

- (a) any individual of a prescribed description who would not otherwise be a worker for the purposes of this Act were a worker for those purposes;
- (b) there were in the case of any such individual a worker’s contract of a prescribed description under which the individual works; and
- (c) a person of a prescribed description were the employer under that contract.

42 Power to apply Act 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, or
- (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 the provisions 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 provide that all or any of the provisions of this Act, 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,
- (b) may make provision for conferring jurisdiction on any court or class of court specified in the Order in Council, or on employment tribunals, in respect of offences, causes of action or other matters arising in connection with offshore employment,
 - (c) may (without prejudice to subsection (2) above) provide that the provisions of this Act, 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) above,
 - (d) may exclude from the operation of section 3 of the Territorial Waters Jurisdiction Act 1878 (consents required for prosecutions) proceedings for offences under this Act in connection with offshore employment,
 - (e) may provide that such proceedings shall not be brought without such consent as may be required by the Order in Council,
 - (f) may (without prejudice to subsection (2) above) modify or exclude the operation of sections 1(2)(b) and 40 above.
- (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 Continental Shelf Act 1964.