

---

STATUTORY INSTRUMENTS

---

**2003 No. 1673**

The Disability Discrimination Act  
1995 (Amendment) Regulations 2003

PART 2

AMENDMENTS TO THE 1995 ACT

**Interpretation**

27. In section 68(1)—

(a) in subsection (1)—

- (i) omit the definitions of “benefits”, “section 6 duty” and “section 15 duty”;
- (ii) for the definition of “employment at an establishment in Great Britain” substitute—  
““employment at an establishment in Great Britain” is to be construed in accordance with subsections (2) to (4A)”;
- (iii) in the appropriate place, insert—  
““Great Britain” includes such of the territorial waters of the United Kingdom as are adjacent to Great Britain”;
- (iv) for the definition of “Minister of the Crown” substitute—

““Minister of the Crown” includes the Treasury and the Defence Council”;

(b) for subsections (2)(2) and (3), substitute the following subsections—

“(2) Employment (including employment on board a ship to which subsection (2B) applies or on an aircraft or hovercraft to which subsection (2C) applies) is to be regarded as being employment at an establishment in Great Britain if the employee—

- (a) does his work wholly or partly in Great Britain; or
- (b) does his work wholly outside Great Britain and subsection (2A) applies.

(2A) This subsection applies if—

- (a) the employer has a place of business at an establishment in Great Britain;
- (b) the work is for the purposes of the business carried on at the establishment; and
- (c) the employee is ordinarily resident in Great Britain—
  - (i) at the time when he applies for or is offered the employment, or
  - (ii) at any time during the course of the employment.

(2B) This subsection applies to a ship if—

- (a) it is registered at a port of registry in Great Britain; or

---

(1) Amendments to section 68 of the 1995 Act were made by S.I. 2000/2040 and S.I. 1999/3163, which are not relevant to this amendment.

(2) Subsection (2) was substituted by S.I. 1999/3163, reg. 4.

- (b) it belongs to or is possessed by Her Majesty in right of the Government of the United Kingdom.
- (2C) This subsection applies to an aircraft or hovercraft if—
  - (a) it is—
    - (i) registered in the United Kingdom, and
    - (ii) operated by a person who has his principal place of business, or is ordinarily resident, in Great Britain; or
  - (b) it belongs to or is possessed by Her Majesty in right of the Government of the United Kingdom.
- (2D) The following are not to be regarded as being employment at an establishment in Great Britain—
  - (a) employment on board a ship to which subsection (2B) does not apply;
  - (b) employment on an aircraft or hovercraft to which subsection (2C) does not apply.”;
- (c) after subsection (4) insert the following subsection—

“(4A) For the purposes of determining if employment concerned with the exploration of the sea bed or sub-soil or the exploitation of their natural resources is outside Great Britain, subsections (2)(a) and (b), (2A) and (2C) of this section each have effect as if “Great Britain” had the same meaning as that given to the last reference to Great Britain in section 10(1) of the Sex Discrimination Act 1975<sup>(3)</sup> by section 10(5) of that Act read with the Sex Discrimination and Equal Pay (Offshore Employment) Order 1987<sup>(4)</sup>.”;
- (d) omit subsection (5).

---

<sup>(3)</sup> 1975 c. 65. Section 10(1) was amended by the Equal Opportunities (Employment Legislation) (Territorial Limits) Regulations 1999, S.I. 1999/3163, reg. 2(1), (2).

<sup>(4)</sup> S.I. 1987/930.