

2010 No. 1835

EQUALITY

The Equality Act 2010 (Offshore Work) Order 2010

Made - - - - *21st July 2010*

Laid before Parliament *28th July 2010*

Coming into force - - *1st October 2010*

At the Court at Buckingham Palace, the 21st day of July 2010

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by and with the advice of Her Privy Council, in exercise of the powers conferred by sections 82 and 207(8) of the Equality Act 2010(a), makes the following Order in Council—

Citation, commencement, interpretation and extent

1.—(1) This Order may be cited as the Equality Act 2010 (Offshore Work) Order 2010 and shall come into force on 1st October 2010.

(2) In this Order—

“the Equality Act” means the Equality Act 2010;

“Renewable Energy Zone” has the meaning given in section 84(4) of the Energy Act 2004(b).

(3) This Order does not extend to Northern Ireland.

Application of provisions

2.—(1) Part 5 of the Equality Act applies to offshore work as if the work were taking place in Great Britain unless it—

(a) takes place in the Northern Irish Area as defined by the Civil Jurisdiction (Offshore Activities) Order 1987(c); or

(b) is in connection with a ship which is in the course of navigation or a ship which is engaged in dredging or fishing.

(2) In paragraph (1)(b), “dredging” does not include the excavation of the sea-bed or its subsoil in the course of pipe laying.

(a) 2010 c.15.
(b) 2004 c.20.
(c) S.I. 1987/2197.

Jurisdiction over complaints arising in relation to offshore work within section 82(3)(a) and (b) of the Equality Act

3. In relation to offshore work within section 82(3)(a) and (b) of the Equality Act—

(1) The employment tribunal in England and Wales shall have jurisdiction to determine a complaint arising from an act taking place in the English area as defined in the Civil Jurisdiction (Offshore Activities) Order 1987, as it would have if that act had taken place in England and Wales.

(2) The employment tribunal in Scotland shall have jurisdiction to determine a complaint arising from an act taking place in the Scottish area as defined in the Civil Jurisdiction (Offshore Activities) Order 1987, as it would have if that act had taken place in Scotland.

Jurisdiction over claims arising in relation to offshore work within section 82(3)(c) of the Equality Act

4. In relation to offshore work within section 82(3)(c) of the Equality Act—

(1) The High Court shall have jurisdiction to determine a claim arising from an act taking place in the English area as it would have if that act had taken place in England or Wales.

(2) The Court of Session shall have jurisdiction to determine a claim arising from an act taking place in the Scottish area as it would have if that act had taken place in Scotland.

(3) For purposes of this Article—

“offshore area” means—

(a) tidal waters and parts of the sea in or adjacent to Great Britain up to the seaward limits of the territorial sea;

(b) waters in the Renewable Energy Zone as designated by the Renewable Energy Zone (Designation of Area) Order 2004(a);

“the English area” means such of the offshore area adjacent to England and Wales which lies to the south of the Scottish border;

“the Scottish area” means such of the offshore area adjacent to Scotland which lies to the north of the Scottish border;

“the Scottish border” has the meaning in the Schedule to this Order.

Judith Simpson
Clerk of the Privy Council

(a) S.I. 2004/2668.

SCHEDULE

Article 4(3)

The Scottish border means—

(a) in the North Sea a series of lines joining, in the Point Number order given, the co-ordinates described under the headings “Latitude” and “Longitude”—

<i>Point No</i>	<i>Latitude</i>	<i>Longitude</i>
1	55° 48' 42" N	2° 01' 54" W
2	55° 49' 47" N	1° 59' 58" W
3	55° 50' 40" N	1° 58' 09" W
4	55° 50' 44" N	1° 57' 55" W
5	55° 53' 17" N	1° 48' 28" W
6	55° 53' 27" N	1° 47' 54" W
7	55° 55' 01" N	1° 43' 32" W
8	55° 56' 00" N	1° 40' 35" W
9	55° 56' 30" N	1° 38' 54" W
10	55° 58' 01" N	1° 33' 49" W
11	56° 01' 54" N	1° 26' 02" W
12	56° 11' 41" N	1° 11' 20" W
13	56° 22' 16" N	0° 55' 04" W
14	56° 23' 39" N	0° 50' 28" W
15	56° 27' 10" N	0° 38' 41" W
16	56° 27' 40" N	0° 35' 11" W
17	56° 30' 12" N	0° 17' 09" W
18	56° 32' 41" N	0° 01' 51" E
19	56° 33' 38" N	0° 13' 13" E
20	56° 34' 39" N	0° 26' 10" E
21	56° 36' 13" N	0° 47' 53" E
22	56° 36' 26" N	0° 57' 24" E
23	56° 36' 32" N	1° 10' 34" E
24	56° 36' 37" N	1° 30' 00" E
25	56° 36' 39" N	2° 00' 00" E
26	56° 36' 33" N	2° 30' 00" E
27	56° 36' 31" N	2° 36' 26" E

(b) in the Solway Firth a series of lines joining, in the Point Number order given, the co-ordinates described under the headings “Latitude” and “Longitude”—

<i>Point No</i>	<i>Latitude</i>	<i>Longitude</i>
1	54° 59' 05" N	3° 03' 33" W
2	54° 58' 18" N	3° 04' 55" W
3	54° 56' 59" N	3° 08' 29" W
4	54° 57' 41" N	3° 10' 58" W
5	54° 57' 39" N	3° 14' 05" W
6	54° 56' 22" N	3° 20' 48" W
7	54° 54' 34" N	3° 27' 55" W
8	54° 49' 11" N	3° 32' 23" W
9	54° 46' 44" N	3° 38' 12" W
10	54° 37' 50" N	3° 50' 47" W
11	54° 37' 33" N	3° 51' 05" W

(c) in the Irish Sea a series of lines—

(i) joining, in the Point Number given, the co-ordinates described under the headings “Latitude” and “Longitude”—

<i>Point No</i>	<i>Latitude</i>	<i>Longitude</i>
1	54° 37' 33" N	3° 51' 05" W
2	54° 36' 56" N	3° 52' 05" W
3	54° 36' 07" N	3° 53' 52" W
4	54° 33' 13" N	4° 00' 11" W
5	54° 32' 47" N	4° 01' 07" W
6	54° 31' 51" N	4° 03' 09" W
7	54° 30' 00" N	4° 04' 25" W

(ii) then following the seaward limit of the United Kingdom Territorial Sea adjacent to Scotland until the position 55° 26' 39" N, 6° 34' 45" W.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order in Council applies Part 5 of the Equality Act 2010 to offshore work. It replaces previous orders extending anti-discrimination law to offshore work. This Order has no application in respect of ships in navigation or engaged in fishing or dredging.

Articles 3 and 4 determine the jurisdiction of tribunals and courts over complaints and claims concerning offshore work to which Part 5 applies, replicating the effect of previous legislation determining the venue and jurisdiction for complaints and claims concerning different types of offshore work. Article 3 provides that in respect of complaints arising from activities in the territorial sea adjacent to the United Kingdom or such as are mentioned in section 11(2) of the Petroleum Act 1998 in waters within subsection (8)(b) or (c) of that section, the employment tribunals in England and Wales or Scotland shall have jurisdiction according to the borders established in the Civil Jurisdiction (Offshore Activities) Order 1987.

Article 4 provides that in respect of claims arising from activities mentioned in paragraphs (a) and (b) of section 87(1) of the Energy Act 2004 in waters to which that section applies, the High Court or Court of Session shall have jurisdiction according to the border established in the Schedule to this Order.

A full impact assessment of the effect that the Act will have on the costs of business and the voluntary sector is available at the Government Equalities Office website at www.equalities.gov.uk, relevant extracts of which are available alongside this instrument on the OPSI website. A further impact assessment has not been produced for this instrument as no additional impact on the private or voluntary sectors is foreseen.

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