STATUTORY INSTRUMENTS

1977 No. 588

TERMS AND CONDITIONS OF EMPLOYMENT

The Employment Protection (Offshore Employment) (Amendment) Order 1977

Made - - -	30*th March* 1977
Laid before Parliament	7*th April* 1977
Coming into Operation	2*nd May* 1977

At the Court of Saint James, the 30*th* day of *March* 1977

Present,

The Counsellors of State in Council

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 3rd day of February 1977, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Margaret, Countess of Snowdon, being authorised thereto by the said Letters Patent, and in pursuance of the powers conferred by sections 123(4) and 127 of the Employment Protection Act 1975(**a**) and all other powers enabling Her Majesty, and by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf order, and it is hereby ordered, as follows:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Employment Protection (Offshore Employment) (Amendment) Order 1977 and shall come into operation on 2*nd May* 1977.

(2) References in this Order to enactments are references to those enactments as amended or extended by or under any other enactment including the Employment Protection Act 1975 and the Trade Union and Labour Relations (Amendment) Act 1976(**b**).

(3) The Interpretation Act 1889(**c**) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(**a**) 1975 c. 71. (**b**) 1976 c. 7. (**c**) 1889 c. 63.

Amendments to the Employment Protection (Offshore Employment) Order 1976

2. The Employment Protection (Offshore Employment) Order 1976(**a**) shall be amended—

(*a*) by the deletion of the words "paragraph (2)" in paragraph (1) of Article 2 and the substitution therefor of the words "paragraphs (1A) and (2)";

(*b*) by the insertion after paragraph (1) of Article 2 of the following paragraph:

"(1A) Where, apart from this Order, any provision of any Act mentioned in Article 3 below to any extent applies to or in relation to a person's employment, then that employment shall not as respects that Act be regarded as an employment to which this Order applies; and accordingly nothing in this Order affects the application of those Acts in cases to which they apply apart from this Order.";

(*c*) by the substitution for Part VI of the Schedule of the following Part:

"PART VI

THE EMPLOYMENT PROTECTION ACT 1975

("the 1975 *Act")*

13. Subject to 14 and 15 below, the provisions of the 1975 Act in force on the date on which the Employment Protection (Offshore Employment) (Amendment) Order 1977 ("the Amendment Order") comes into operation shall apply for such purposes as are relevant to or in relation to persons in employment to which this Order, as amended by that Order, applies. (The provisions of the 1975 Act not in force on the date on which the Amendment Order comes into operation are set out in the Appendix below.)

14. Sections 59, 60, 97, 114, 115, 116 and 122 and Schedules 9, 10, 13, 14 and 15 are not applied.

15. The application of the provisions of the 1975 Act is subject to the modifications that section 119 shall have effect as if—

(*a*) the reference in subsection (5) to Great Britain included the territorial waters and the waters in any designated area (other than an area or part of an area in which the law of Northern Ireland applies);

(*b*) subsection (6) were omitted.";

(*d*) by the substitution for the Appendix to the Schedule of the following Appendix:

"APPENDIX

The provisions of the 1975 Act not in force on the date on which the Amendment Order comes into operation

(*a*) sections 17–21 (disclosure of information);

(*b*) section 40(3) (amendment of section 4(6)(*b*) of the Social Security Act 1975(**b**));

a) S.I. 1976/766 (1976 II . p 1992). (b)1975 c.14.

(*c*) sections 57 and 58 (time off work for trade union duties and activities);

(*d*) section 59(4)(*b*) in so far as it refers to sections 57 and 58;

(*e*) sections 60 and 62 in so far as they relate to sections 57 and 58; and

(*f*) section 63(2)(*c*) in so far as it relates to section 57(4) (payment for time off)."

Clerk of the Privy Council.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order, which comes into operation on *2nd May* 1977, amends the Employment Protection (Offshore Employment) Order 1976 (the principal Order). The main effect of the amendments is to include provisions of the Employment Protection Act 1975 which have come into operation since the principal Order was made. Those provisions comprise rights of employees to guarantee payments, maternity pay, itemised pay statement, extension of terms and conditions and amendments and repeals of certain enactments. The amendments of the principal Order are also intended to ensure that that Order does not overlap with the relevant statutory provisions and to secure uniformity of operation between those statutory provisions and the comparable provisions as applied by that Order.

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