Draft Order laid before Parliament under section 97(7) of the Pensions Act 2008, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2012 No. []

PENSIONS

The Automatic Enrolment (Offshore Employment) Order 2012

Made - - - - ***

Coming into force - - *1st June 2012*

At the Court at Buckingham Palace, the *** day of ***

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order was laid before Parliament in accordance with section 97(7) of the Pensions Act 2008(**1**) and approved by a resolution of each House of Parliament.

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by sections 97(1), (4) and (5) and 144(2) of the Pensions Act 2008, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Automatic Enrolment (Offshore Employment) Order 2012 and comes into force on 1st June 2012.

(2) In this Order—

"the 2008 Act" means the Pensions Act 2008;

"the (No. 2) 2008 Act" means the Pensions (No. 2) Act (Northern Ireland) 2008(**2**);

"the English area", "the Scottish area" and "the Northern Irish area" have the same meaning in each case as in article 1(2) of the Civil Jurisdiction (Offshore Activities) Order 1987(**3**).

(**1**) 2008 c. 30.
(**2**) 2008 c.13 (N.I.).
(**3**) S.I. 1987/2197.

Application of relevant provisions

2.—(1) Subject to paragraph (2), the relevant provisions apply in relation to a person in offshore employment(**4**)—

(a) in the English area or the Scottish area as if the reference in section 1(1)(a) of the 2008 Act to a worker "who is working or ordinarily works in Great Britain under the worker's contract" included a reference to such a person; and

(b) in the Northern Irish area as if the reference in section 1(1)(a) of the (No. 2) 2008 Act to a worker "who is working or ordinarily works in Northern Ireland under the worker's contract" included a reference to such a person.

(2) The relevant provisions do not apply in relation to a person in offshore employment where the employment is connected with the exploration or exploitation, in a foreign sector of the continental shelf, of a cross-boundary petroleum field.

(3) The relevant provisions apply in relation to—

(a) a person in offshore employment as referred to in paragraphs (1) and (2), whether or not that person is a British subject; and

(b) the employer of a person in offshore employment as referred to in paragraphs (1) and (2), where that employer is a body corporate, whether or not the body is incorporated under the law of a part of the United Kingdom.

(4) The relevant provisions apply as referred to in paragraph (3) even where the application may affect the person's or employer's activities outside the United Kingdom.

(5) For the purposes of this article, "cross-boundary petroleum field" and "foreign sector of the continental shelf" have the same meaning in each case as in section 201 of the Employment Rights Act 1996(**5**).

Jurisdiction

3.—(1) In Great Britain—

(a) the employment tribunals have jurisdiction to determine complaints;

(b) the Employment Appeal Tribunal has jurisdiction to determine appeals; and

(c) the Tribunal has jurisdiction to determine references made to it,

for the purposes of Part 1 of the 2008 Act, or any enactment as amended by that Part, as that Part or that enactment applies by virtue of this Order.

(2) In Northern Ireland—

(a) proceedings may be brought in any place in Northern Ireland for an offence;

(b) the industrial tribunals have jurisdiction to determine complaints; and

(c) the Tribunal has jurisdiction to determine references made to it,

for the purposes of Part 1 of the (No. 2) 2008 Act, or any enactment as amended by that Part, as that Part or that enactment applies by virtue of this Order.

(3) In this article "Tribunal"—

(**4**) *See* section 97of the 2008 Act for the meaning given to "relevant provisions" and "offshore employment".
(**5**) 1996 c.18. Subsection (1) was substituted, and subsection (5) repealed, by the Petroleum Act 1998 (c.17), Schedule 4, paragraph 40, but the amending provisions are not yet in force. There are amendments to subsection (3) but they are not relevant to this Order.