Draft Regulations laid before Parliament under section 208(4),(5)(c) and (8) of the Equality Act 2010 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2011 No. 0000

EQUALITY
EMPLOYMENT AND TRAINING

The Equality Act 2010 (Work on Ships and Hovercraft) Regulations 2011

Made - - - - 2011

Coming into force in accordance with regulation 1

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 81, 207(1) and (4)(b) and 212(1)(**1**) of the Equality Act 2010(**2**).

In accordance with section 208(4), (5)(c) and (8) of that Act, a draft of these Regulations was laid before, and approved by a resolution of, each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Equality Act 2010 (Work on Ships and Hovercraft) Regulations 2011 and come into force fourteen days after the day on which they are made.

Interpretation

2.—(1) In these Regulations—

"the Act" means the Equality Act 2010;

"British citizen" has the same meaning as in the British Nationality Act 1981(**3**);

"designated state" means the countries of the African, Caribbean and Pacific Group of States, the Kingdom of Morocco, Montenegro, the Most Serene Republic of San Marino, the People's Democratic Republic of Algeria, the Principality of Andorra, the Republic of Albania, the Republic of Croatia, the Republic of Macedonia, the Republic of Tunisia, the Republic of Turkey, the Russian Federation or the Swiss Confederation;

(**1**) *See* the definition of "prescribed".
(**2**) 2010 c.15.
(**3**) 1981 c.61.

"United Kingdom ship" means a ship registered in the United Kingdom under Part II of the Merchant Shipping Act 1995(**4**), and

"United Kingdom waters" means the sea or other waters within the seaward limits of the territorial sea of the United Kingdom.

(2) For the purposes of regulations 3(3)(c) and 4(2)(b)—

(a) the legal relationship of the seafarer's employment is located within Great Britain if the contract under which the seafarer is employed—

(i) was entered into in Great Britain; or

(ii) takes effect in Great Britain,

(b) whether the legal relationship of the seafarer's employment retains a sufficiently close link with Great Britain is to be determined by reference to all relevant factors including—

(i) where the seafarer is subject to tax;

(ii) where the employer or principal is incorporated;

(iii) where the employer or principal is established;

(iv) where the ship or hovercraft on which the seafarer works is registered.

Application of Part 5 of the Act to seafarers working wholly or partly in Great Britain and adjacent waters

3.—(1) Part 5 of the Act applies to a seafarer who works wholly or partly within Great Britain (including United Kingdom waters adjacent to Great Britain) if the seafarer is on—

(a) a United Kingdom ship and the ship's entry in the register maintained under section 8 of the Merchant Shipping Act 1995 specifies a port in Great Britain as the ship's port of choice, or

(b) a hovercraft registered in the United Kingdom and operated by a person whose principal place of business, or ordinary residence, is in Great Britain.

(2) Part 5 of the Act, except in relation to the protected characteristic of marriage and civil partnership, also applies to a seafarer who works wholly or partly within Great Britain (including United Kingdom waters adjacent to Great Britain) and who is on—

(a) a ship registered in or entitled to fly the flag of an EEA State other than the United Kingdom, or

(b) a hovercraft registered in an EEA State other than the United Kingdom,

if paragraph (3) applies.

(3) This paragraph applies if—

(a) the ship or hovercraft is in United Kingdom waters adjacent to Great Britain,

(b) the seafarer is a British citizen, or a national of an EEA State other than the United Kingdom or of a designated state, and

(c) the legal relationship of the seafarer's employment is located within Great Britain or retains a sufficiently close link with Great Britain.

(**4**) 1995 c.21.