STATUTORY RULES OF NORTHERN IRELAND

2012 No. 263

RACE RELATIONS

The Race Relations Order 1997 (Amendment) Order (Northern Ireland) 2012

Laid before the Assembly in draft

Made - - - -	*26 June 2012*
Coming into operation	*9 July 2012*

The Office of the First Minister and deputy First Minister, being a Department designated for the purposes of section 2(2) of the European Communities Act 1972(**1**) ("the Act") in relation to discrimination(**2**), makes the following Order in exercise of the powers conferred by section 2(2) of the Act and by Article 69(1)(b) of the Race Relations (Northern Ireland) Order 1997(**3**) ("the Order").

In accordance with Article 69(4) of the Order, the Office of the First Minister and deputy First Minister has consulted the Commission about the contents of the draft.

In accordance with Schedule 2, paragraph 3 of the Act and Article 69(3) of the Order, a draft of this Order was laid before, and approved by, a resolution of the Assembly.

Citation, interpretation and commencement

1.—(1) This Order may be cited as the Race Relations Order 1997 (Amendment) Order (Northern Ireland) 2012.

(2) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to this Order as it applies to an Act of the Assembly.

(3) This Order comes into operation on 2012.

(**1**) 1972 c.68
(**2**) See Schedule 2 to the European Communities (Designation) (No.3) Order 2002 (S.I.2002/1819)
(**3**) 1997 No. 869 (N.I. 6). Article 9 was amended by regulation11 of the Race Relations Order (Amendment) Regulations (Northern Ireland) 2003 (S.R.2003 No.341); Article 10 was amended by regulation 4 of the Equal Opportunities (Employment Legislation) (Territorial Limits) Regulations (Northern Ireland) 2000 (S.R.2000 No.8) and by regulation 12 of S.R.2003 No.341; Article 11 was amended by Article 2 of the Race Relations Order (Seamen recruited Abroad) Order (Northern Ireland) 2003 (S.R.2003 No.318); Article 71 was amended by regulation 54 of S.R.2003 No.318.
(**4**) 1954 c.33 (N.I.)

Amendments to the Race Relations (Northern Ireland) Order 1997

2. The Race Relations (Northern Ireland) Order 1997 shall be amended in accordance with Articles 3 to 8.

3. In Article 9(6) for "Article 10 applies" substitute "Articles 10 and 11 apply".

4. In Article 10—

(a) in paragraph (2) omit sub-paragraph (a) and the words "or hovercraft" in sub-paragraph (b);

(b) after paragraph (2) insert—

"(2A) Except as provided by Article 11, paragraph (1) does not apply to employment as a seafarer (within the meaning of that Article)."

5. For Article 11 substitute the following—

"**Seafarers**

11.—(1) If paragraph (2), (3) or (4) applies to a seafarer, this Part applies to the seafarer as if the seafarer were employed at an establishment in Northern Ireland.

(2) This paragraph applies to a seafarer who works wholly or partly within Northern Ireland on—

(a) a UK ship; or

(b) a UK hovercraft operated by a person whose principal place of business, or ordinary residence, is in Northern Ireland.

(3) This paragraph applies to a seafarer who works wholly or partly within Northern Ireland if—

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

(b) the ship or hovercraft is in United Kingdom waters adjacent to Northern Ireland,

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

(d) the legal relationship of the seafarer's employment is located within Northern Ireland or retains a sufficiently close link to Northern Ireland.

(4) This paragraph applies to a seafarer who works wholly outside Northern Ireland if—

(a) the seafarer is on a UK ship registered at a port of registry in Northern Ireland or a UK hovercraft operated by a person whose principal place of business, or ordinary residence, is in Northern Ireland,

(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 Northern Ireland or retains a sufficiently close link to Northern Ireland.

(5) It is not a contravention of Article 6 or 9 for an employer or principal to offer to pay, or to pay, a person (A) at a lower rate than that at which the employer or principal offers to pay or pays another person (B) because A is of a different nationality from B, if—

(a) A—

(i) applied for work as a seafarer, or

(ii) was recruited as a seafarer,