

*Draft Order laid before Parliament under section 73(1) of the Race Relations Act 1976, for approval
by resolution of each House of Parliament.*

DRAFT STATUTORY INSTRUMENTS

2003 No.

RACE RELATIONS

**The Race Relations Act 1976 (Seamen
Recruited Abroad) Order 2003**

Made - - - - 2003
Coming into force - - 19th July 2003

The Secretary of State, after consulting the Commission for Racial Equality, in exercise of the powers conferred upon him by section 73(1)(a) of the Race Relations Act 1976(1), hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Race Relations Act 1976 (Seamen Recruited Abroad) Order 2003 and shall come into force on 19th July 2003.

Amendment of section 9 of the Race Relations Act 1976

2.—(1) Section 9 of the Race Relations Act 1976 is amended as follows.

(2) In subsection (1), at the end there is added—

“to the extent that the act—

- (a) relates to the pay the person receives in respect of his employment, and
- (b) amounts to discrimination against the person on the basis of his nationality.”

(3) In subsection (2), at the end there is added—

“to the extent that the act—

- (a) relates to the pay the person receives in respect of the work, and
- (b) amounts to discrimination against the person on the basis of his nationality.”

(4) After subsection (4) there is added—

“(5) In this section—

“pay” includes retirement or death benefit;

“retirement or death benefit” means a pension, annuity, lump sum, gratuity or other similar benefit which will be paid or given to the employee or contract worker or a member of his family or household in the event of his retirement or death.”.

Signed by authority of the Secretary of State for Transport

2003

Parliamentary Under Secretary of State,
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Order)

Section 9 of the Race Relations Act 1976 contains an exception to the prohibition on racial discrimination in the field of employment. As originally enacted the section permits racial discrimination when an employer engages a seafarer for employment on a ship and the seafarer applied for the employment, or was engaged, outside Great Britain. The ships in question are ships registered at a port of registry in Great Britain.

This Order amends section 9 of the 1976 Act. The amendments reduce the scope of the exception so that the only aspect of a person's employment in which there may be discrimination is pay (which includes retirement or death benefits) and the only ground on which there may be discrimination is the ground of nationality. To the extent the amendments remove from the exception discrimination on grounds of racial or ethnic origin they give effect to Council Directive [2000/43/EC](#) of 29th June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (O.J. L 180, 19.7.2000, p. 22).