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Equality Act 2010

2010 CHAPTER 15

PART 5

WORK

CHAPTER 4

SUPPLEMENTARY

81 Ships and hovercraft

- (1) This Part applies in relation to—
 - (a) work on ships,
 - (b) work on hovercraft, and
 - (c) seafarers,only in such circumstances as are prescribed.
- (2) For the purposes of this section, it does not matter whether employment arises or work is carried out within or outside the United Kingdom.
- (3) “Ship” has the same meaning as in the Merchant Shipping Act 1995.
- (4) “Hovercraft” has the same meaning as in the Hovercraft Act 1968.
- (5) “Seafarer” means a person employed or engaged in any capacity on board a ship or hovercraft.
- (6) Nothing in this section affects the application of any other provision of this Act to conduct outside England and Wales or Scotland.

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Commencement Information

- II** S. 81 wholly in force; s. 81 not in force at Royal Assent see s. 216; s. 81 in force for certain purposes at 6.7.2010 by [S.I. 2010/1736](#), [art. 2](#), [Sch.](#); s. 81 in force at 1.10.2010 in so far as not already in force by [S.I. 2010/2317](#), [art. 2\(1\)\(5\)\(e\)](#) (with [art. 15](#))

82 Offshore work

- (1) Her Majesty may by Order in Council provide that in the case of persons in offshore work—
 - (a) specified provisions of this Part apply (with or without modification);
 - (b) Northern Ireland legislation making provision for purposes corresponding to any of the purposes of this Part applies (with or without modification).
- (2) The Order may—
 - (a) provide for these provisions, as applied by the Order, to apply to individuals (whether or not British citizens) and bodies corporate (whether or not incorporated under the law of a part of the United Kingdom), whether or not such application affects activities outside the United Kingdom;
 - (b) make provision for conferring jurisdiction on a specified court or class of court or on employment tribunals in respect of offences, causes of action or other matters arising in connection with offshore work;
 - (c) exclude from the operation of section 3 of the Territorial Waters Jurisdiction Act 1878 (consents required for prosecutions) proceedings for offences under the provisions mentioned in subsection (1) in connection with offshore work;
 - (d) provide that such proceedings must not be brought without such consent as may be required by the Order.
- (3) “Offshore work” is work for the purposes of—
 - (a) activities in the territorial sea adjacent to the United Kingdom,
 - (b) activities such as are mentioned in subsection (2) of section 11 of the Petroleum Act 1998 in waters within subsection (8)(b) or (c) of that section, or
 - (c) activities mentioned in paragraphs (a) and (b) of section 87(1) of the Energy Act 2004 in waters to which that section applies.
- (4) Work includes employment, contract work, a position as a partner or as a member of an LLP, or an appointment to a personal or public office.
- (5) Northern Ireland legislation includes an enactment contained in, or in an instrument under, an Act that forms part of the law of Northern Ireland.
- (6) In the application to Northern Ireland of subsection (2)(b), the reference to employment tribunals is to be read as a reference to industrial tribunals.
- (7) Nothing in this section affects the application of any other provision of this Act to conduct outside England and Wales or Scotland.

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Commencement Information

- I2** S. 82 wholly in force; s. 82 not in force at Royal Assent see s. 216; s. 82 in force for certain purposes at 6.7.2010 by [S.I. 2010/1736](#), [art. 2](#), [Sch.](#); s. 82 in force at 1.10.2010 in so far as not already in force by [S.I. 2010/2317](#), [art. 2\(1\)\(5\)\(e\)](#) (with [art. 15](#))

VALID FROM 04/08/2010

83 Interpretation and exceptions

- (1) This section applies for the purposes of this Part.
- (2) “Employment” means—
 - (a) employment under a contract of employment, a contract of apprenticeship or a contract personally to do work;
 - (b) Crown employment;
 - (c) employment as a relevant member of the House of Commons staff;
 - (d) employment as a relevant member of the House of Lords staff.
- (3) This Part applies to service in the armed forces as it applies to employment by a private person; and for that purpose—
 - (a) references to terms of employment, or to a contract of employment, are to be read as including references to terms of service;
 - (b) references to associated employers are to be ignored.
- (4) A reference to an employer or an employee, or to employing or being employed, is (subject to section 212(11)) to be read with subsections (2) and (3); and a reference to an employer also includes a reference to a person who has no employees but is seeking to employ one or more other persons.
- (5) “Relevant member of the House of Commons staff” has the meaning given in section 195 of the Employment Rights Act 1996; and such a member of staff is an employee of—
 - (a) the person who is the employer of that member under subsection (6) of that section, or
 - (b) if subsection (7) of that section applies in the case of that member, the person who is the employer of that member under that subsection.
- (6) “Relevant member of the House of Lords staff” has the meaning given in section 194 of that Act (which provides that such a member of staff is an employee of the Corporate Officer of the House of Lords).
- (7) In the case of a person in Crown employment, or in employment as a relevant member of the House of Commons staff, a reference to the person's dismissal is a reference to the termination of the person's employment.
- (8) A reference to a personal or public office, or to an appointment to a personal or public office, is to be construed in accordance with section 52.
- (9) “Crown employment” has the meaning given in section 191 of the Employment Rights Act 1996.

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(10) Schedule 8 (reasonable adjustments) has effect.

(11) Schedule 9 (exceptions) has effect.

Commencement Information

- I3** S. 83 wholly in force; s. 83 not in force at Royal Assent see s. 216; s. 83(11) in force for certain purposes at 4.8.2010 by [S.I. 2010/1966](#), **art. 2**; s. 83 in force at 1.10.2010 in so far as not already in force by [S.I. 2010/2317](#), **art. 2(1)(5)(e)** (with art. 15)

Status:

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