



Armed Forces Act 1996

1996 CHAPTER 46

Complaints to ^{F1}...^{F1}employment tribunals^{F1}

25 Equal treatment: Northern Ireland.

- (1) Section 1(10) of the ^{M1}Equal Pay Act (Northern Ireland) 1970 (exclusion of armed forces from requirement of equal treatment for women and men in same employment) shall cease to have effect.
- (2) After section 6 of that Act there shall be inserted the following section—

“6A Service pay and conditions.

- (1) Sections 1 and 6 shall apply, with the modifications mentioned in subsection (2) and any other necessary modifications, to service by a woman in any of the armed forces as they apply to employment by a private person.
- (2) In the application of those sections to service by a woman in any of the armed forces—
 - (a) references to a contract of employment shall be regarded as references to the terms of service;
 - (b) in section 1, in subsection (7), paragraph (c) and the words “or any associated employer” and subsections (9) to (12) (which have no application) shall be omitted; and
 - (c) references to an equality clause shall be regarded as referring to a corresponding term of service capable of requiring the terms of service applicable in her case to be treated as modified or as including other terms.
- (3) Any claim in respect of the contravention of a term of service modified or included, in relation to a woman’s service in any of the armed forces, by a term corresponding to an equality clause in a contract of employment (including a claim for arrears of pay or damages in respect of the contravention) may be presented by way of complaint to an industrial tribunal.

Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1996, Section 25. (See end of Document for details)

Any such contravention shall be regarded for the purposes of a claim under this subsection as if it were a breach of contract.

- (4) Subsections (5) to (10) apply in relation to any claim by a woman (“the claimant”) arising from a contravention of a term of service referred to in subsection (3).
- (5) No complaint in respect of the claim shall be presented to an industrial tribunal unless—
- (a) the claimant has made a complaint to an officer under the service redress procedures applicable to her and has submitted that complaint to the Defence Council under those procedures; and
 - (b) the Defence Council have made a determination with respect to the complaint.
- (6) Regulations made by the Secretary of State may make provision enabling a complaint in respect of the claim to be presented to an industrial tribunal in such circumstances as may be specified by the regulations, notwithstanding that subsection (5) would otherwise preclude its presentation.
- (7) Where a complaint is presented to an industrial tribunal by virtue of regulations under subsection (6), the service redress procedures may continue after the complaint is presented.
- (8) No complaint in respect of the claim shall be presented to an industrial tribunal if the period of service during which the claim arose ended more than nine months before the date of the presentation of the complaint to the tribunal.
- (9) A woman shall not be entitled, in proceedings on a complaint in respect of the claim, to be awarded any payment by way of arrears of pay or damages in respect of a time earlier than two years before the date on which her complaint under the service redress procedures was made.
- (10) Section 2A shall apply in relation to a complaint in respect of the claim as it applies to a complaint presented to an industrial tribunal under section 2(1).
- (11) Regulations under subsection (6) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the ^{M2}Statutory Instruments Act 1946 shall apply accordingly.
- (12) In this section—
- “armed forces” means the naval, military or air forces of the Crown; and
- “the service redress procedures” means the procedures, excluding those which relate to the making of a report on a complaint to Her Majesty, referred to in section 180 of the ^{M3}Army Act 1955, section 180 of the ^{M4}Air Force Act 1955 and section 130 of the ^{M5}Naval Discipline Act 1957.”

Marginal Citations

- M1** 1970 c. 32 (N.I.).
M2 1946 c. 36.

Changes to legislation: *There are currently no known outstanding effects for the Armed Forces Act 1996, Section 25. (See end of Document for details)*

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| M3 | 1955 c. 18. |
| M4 | 1955 c. 19. |
| M5 | 1957 c. 53. |

Changes to legislation:

There are currently no known outstanding effects for the Armed Forces Act 1996, Section 25.