
STATUTORY INSTRUMENTS

1976 No. 1042

Sex Discrimination (Northern Ireland) Order 1976

**PART IX
SUPPLEMENTAL**

Application to Crown

82.—(1) This Order applies—

- (a) to an act done by or for purposes of a Minister of the Crown or government department, or
- (b) to an act done on behalf of the Crown by a statutory body, or a person holding a statutory office,

as it applies to an act done by a private person.

(2) Parts III and V apply to—

- (a) service for purposes of a Minister of the Crown or government department, other than service of a person holding a statutory office, or
- (b) service on behalf of the Crown for purposes of a person holding a statutory office or purposes of a statutory body,^[F1] or

^[F1](c) service in the armed forces,]

as they apply to employment by a private person, and shall so apply as if references to a contract of employment included references to the terms of service.

Para. (3) rep. by 2005 NI 13

(4) Paragraphs (1) and (2) have effect subject to^[F2] Article 84 and 85].

^[F3](5) Nothing in this Order shall render unlawful an act done for the purpose of ensuring the combat effectiveness of the^[F1] armed forces,.]

Para. (6) rep. by SR 2005/426

Para. (7) rep. by SR 1995/318

(8) Paragraph (2) of Article 13 shall have effect in relation to any ship, aircraft or hovercraft belonging to or possessed by Her Majesty in right of the Government of Northern Ireland as it has effect in relation to a ship, aircraft or hovercraft mentioned in sub-paragraph (a) or (b) of that paragraph, and Article 13(5) shall apply accordingly.

(9) The provisions of Parts II to IV of the Crown Proceedings Act 1947 shall apply to proceedings against the Crown under this Order as they apply to proceedings in Northern Ireland which by virtue of section 23 of that Act are treated for the purposes of Part II of that Act as civil proceedings by or against the Crown, except that in their application to proceedings under this Order section 20 of that Act (removal of proceedings from county court to High Court) shall not apply.

^[F1](9A) This paragraph applies to any complaint by a person ("the complainant") that another person—

Status: Point in time view as at 01/01/2016. This version of this provision has been superseded.

Changes to legislation: Sex Discrimination (Northern Ireland) Order 1976, Section 82 is up to date with all changes known to be in force on or before 28 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) has committed an act of discrimination against the complainant which is unlawful by virtue of Article 8; or
- (b) is by virtue of Article 42 or 43 to be treated as having committed such an act of discrimination against the complainant,

if at the time when the act complained of was done the complainant was serving in the armed forces and the discrimination in question relates to his service in those forces.

(9B) No complaint to which paragraph (9A) applies shall be presented to an industrial tribunal under Article 63 unless—

- (a) the complainant has made [^{F4}a service complaint in respect of the act complained of] ; and
- [^{F5}(b) the complaint has not been withdrawn.]

[^{F6}(9BA) Where the service complaint is dealt with by a person or panel appointed by the Defence Council by virtue of section 340C(1)(a) of the Armed Forces Act 2006, it is to be treated for the purposes of paragraph (9B)(b) as withdrawn if—

- (a) the period allowed in accordance with service complaints regulations for bringing an appeal against the person's or panel's decision expires, and
- (b) either—
 - (i) the complainant does not apply to the Service Complaints Ombudsman for a review by virtue of section 340D(6) of that Act (review of decision that appeal brought out of time cannot proceed), or
 - (ii) the complainant does apply for such a review and the Ombudsman decides that an appeal against the person's or panel's decision cannot be proceeded with.]

^{F7}(9C)

[^{F8}(9D) The presentation of a complaint to an industrial tribunal in reliance on paragraph (9B) does not affect the continuation of the procedures set out in service complaints regulations.]

^{F9}(9E)]

[^{F1}(10) In this Article—

"armed forces" means any of the naval, military or air forces of the Crown;

"service for purposes of a Minister of the Crown or government department" does not include service in any office for the time being mentioned in Schedule 2 (Ministerial offices) to the House of Commons Disqualification Act 1975;

[^{F10}"service complaint" means a complaint under [^{F11}section 340A] of the Armed Forces Act 2006;]

[^{F12}"service complaints regulations" means regulations made under section 340B(1) of that Act;]

^{F13} ...

"statutory body" means a body set up by or in pursuance of a statutory provision and "statutory office" means an office so set up.]

F1	1996 c. 46
F2	2000 c. 32
F3	SR 1995/318
F4	Words in art. 82(9B)(a) substituted (1.1.2008) by Armed Forces Act 2006 (c. 52) , ss. 378(1), 383(2), Sch. 16 para. 82(2)(a) ; S.I. 2007/2913, art. 3

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- F5** Art. 82(9B)(b) substituted (1.1.2016) by Armed Forces (Service Complaints and Financial Assistance) Act 2015 (c. 19), s. 7(1), **Sch. para. 7(2)**; S.I. 2015/1957, reg. 2 (with savings and transitional provisions in S.I. 2015/1969)
- F6** Art. 82(9BA) inserted (1.1.2016) by Armed Forces (Service Complaints and Financial Assistance) Act 2015 (c. 19), s. 7(1), **Sch. para. 7(3)**; S.I. 2015/1957, reg. 2 (with savings and transitional provisions in S.I. 2015/1969)
- F7** Art. 82(9C) omitted (1.1.2016) by virtue of Armed Forces (Service Complaints and Financial Assistance) Act 2015 (c. 19), s. 7(1), **Sch. para. 7(4)**; S.I. 2015/1957, reg. 2 (with savings and transitional provisions in S.I. 2015/1969)
- F8** Art. 82(9D) substituted (1.1.2016) by Armed Forces (Service Complaints and Financial Assistance) Act 2015 (c. 19), s. 7(1), **Sch. para. 7(5)**; S.I. 2015/1957, reg. 2 (with savings and transitional provisions in S.I. 2015/1969)
- F9** Art. 82(9E) omitted (1.1.2016) by virtue of Armed Forces (Service Complaints and Financial Assistance) Act 2015 (c. 19), s. 7(1), **Sch. para. 7(6)**; S.I. 2015/1957, reg. 2 (with savings and transitional provisions in S.I. 2015/1969)
- F10** Art. 82(10): definitions of "service complaint" and "the service complaint procedures" substituted (1.1.2008) for "the service redress procedures" by Armed Forces Act 2006 (c. 52), ss. 378(1), 383(2), **Sch. 16 para. 82(4)**; S.I. 2007/2913, **art. 3**
- F11** Words in art. 82(10) substituted (1.1.2016) by Armed Forces (Service Complaints and Financial Assistance) Act 2015 (c. 19), s. 7(1), **Sch. para. 7(7)(a)**; S.I. 2015/1957, reg. 2 (with savings and transitional provisions in S.I. 2015/1969)
- F12** Words in art. 82(10) inserted (1.1.2016) by Armed Forces (Service Complaints and Financial Assistance) Act 2015 (c. 19), s. 7(1), **Sch. para. 7(7)(b)**; S.I. 2015/1957, reg. 2 (with savings and transitional provisions in S.I. 2015/1969)
- F13** Words in art. 82(10) omitted (1.1.2016) by virtue of Armed Forces (Service Complaints and Financial Assistance) Act 2015 (c. 19), s. 7(1), **Sch. para. 7(7)(c)**; S.I. 2015/1957, reg. 2 (with savings and transitional provisions in S.I. 2015/1969)

Modifications etc. (not altering text)

- C1** Art. 82(9B) modified (24.4.2009) by Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059), arts. 1(2)(b), **196(1)(e)**
- C2** Art. 82(9D) modified (24.4.2009) by Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059), arts. 1(2)(b), **196(2)(e)**

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