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STATUTORY RULES OF NORTHERN IRELAND

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**2013 No. 181**

**SEX DISCRIMINATION**

**The Sex Discrimination Code of Practice (Equal Pay) (Appointed Day) Order (Northern Ireland) 2013**

*Made - - - - 2nd July 2013*

Whereas—

(1) under Article 56A(8) of the Sex Discrimination (Northern Ireland) Order 1976(1) (“the 1976 Order”) the Equality Commission for Northern Ireland(2) (“the Commission”) may from time to time revise the whole or any part of a Code of Practice issued by it;

(2) in pursuance of Article 56A(8) of the 1976 Order the Commission determined to revise the whole of the Code of Practice on Equal Pay which came into effect on 4th May 1999;

(3) in pursuance of Article 56A(3) of the 1976 Order the Commission prepared and published in draft, a revised Code of Practice on Equal Pay (“the draft Code”) and considered any representations made to it about the draft Code, and modified it accordingly;

(4) in pursuance of Article 56A(4) of the 1976 Order, in the course of preparing the draft Code, the Commission consulted with such organisations or associations of organisations representative of employers or of workers and such other organisations or bodies as appeared to the Commission to be appropriate;

(5) in pursuance of Article 56A(5) of the 1976 Order, the Commission transmitted the draft Code to the Office of the First Minister and deputy First Minister(3);

(6) in pursuance of Article 56A(5)(a) of the 1976 Order, the Office of the First Minister and deputy First Minister approved the draft Code and laid it before the Assembly on 12th February 2013 and the statutory period has elapsed;

(7) in pursuance of Article 56A(7) of the 1976 Order, the Assembly having passed no resolution under Article 56A(6) that no further proceedings shall be taken on the draft Code, the Commission is issuing the Code of Practice on Equal Pay in the form of the draft Code;

The Office of the First Minister and deputy First Minister makes the following Order in exercise of the powers conferred by Article 56A(7) of the 1976 Order, and now vested in it(4).

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(1) Article 56A was inserted by Article 7 of the Sex Discrimination (Northern Ireland) Order 1988 (S.I. 1988/1303 (N.I. 13)). Paragraph (1) was amended by S.R. 1999 No. 311 and S.R. 2005 No. 426.  
(2) Formerly the Equal Opportunities Commission for Northern Ireland, see section 74(1) and (2) of the Northern Ireland Act 1999 (c.47).  
(3) Formerly the Department of Economic Development. See S.R. 1999 No. 481; Article 4(a) and Schedule 2, Part 1.  
(4) See S.R. 1999 No. 481; Article 4(a) and Schedule 2, Part 1.

### **Citation**

1. This Order may be cited as the Sex Discrimination Code of Practice (Equal Pay) (Appointed Day) Order (Northern Ireland) 2013.

### **Appointed Day**

2. The day appointed for the coming into effect of the Code of Practice on Equal Pay is 22nd July 2013.

### **Saving provision**

3.—(1) This Article applies where an industrial tribunal is hearing any proceedings arising from a complaint (whenever presented) alleging that a person has, before 22nd July 2013, committed an act which is unlawful for the purposes of the Equal Pay Act (Northern Ireland) 1970<sup>(5)</sup>.

(2) Where this Article applies—

- (a) the revised Code of Practice referred to in Article 2 shall not have effect for the purpose of Article 56A(9) of the Sex Discrimination (Northern Ireland) Order 1976; and
- (b) the Code of Practice on Equal Pay which came into effect on 4th May 1999 will continue to have effect for the purpose of Article 56A(9) of the Sex Discrimination (Northern Ireland) Order 1976.

### **Revocation**

4. Subject to Article 3, the Sex Discrimination Code of Practice (Equal Pay) (Appointed Day) Order (Northern Ireland) 1999<sup>(6)</sup> is revoked.

Sealed with the Official Seal of the Office of the First Minister and deputy First Minister on 2nd July 2013.



*Fergus Devitt*  
A senior officer of the  
Office of the First Minister and deputy First  
Minister

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<sup>(5)</sup> 1970 c.32 (N.I.).  
<sup>(6)</sup> S.R. 1999 No. 98.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order appoints 22nd July 2013 as the date on which the Code of Practice on Equal Pay which is being issued by the Equality Commission for Northern Ireland (“the Commission”) shall come into effect. The Code of Practice replaces the previous Code of Practice on Equal Pay which came into effect on 4th May 1999. The revisions to the Code of Practice, which are introduced to reflect best practice, were carried out by the Commission under Article 56A(8) of the Sex Discrimination (Northern Ireland) Order 1976 (“the 1976 Order”). A draft of the Code of Practice was laid before the Assembly on 12th February 2013 in accordance Article 56A(6) of the 1976 Order.

Article 3 contains a saving provision, the effect of which is that the previous Code of Practice will continue to apply in the case of proceedings under the Equal Pay Act (Northern Ireland) 1970 commenced before 22nd July 2013.

Article 4 revokes the Sex Discrimination Code of Practice (Equal Pay) (Appointed Day) Order (Northern Ireland) 1999.

Copies of the new Code of Practice on Equal Pay may be obtained free of charge from the Equality Commission for Northern Ireland, Equality House, 7-9 Shaftesbury Square, Belfast, BT2 7DP (Telephone 02890500600, Textphone 02890500589, e-mail: [information@equalityni.org](mailto:information@equalityni.org) or it can be downloaded from the Equality Commission’s website at [www.equalityni.org](http://www.equalityni.org)