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## SCHEDULES

### SCHEDULE 1

#### EQUAL PAY ACT 1970

##### PART I

###### AMENDMENTS OF ACT

- 1 (1) In section 1(6), paragraph (b) is repealed and the following is inserted after paragraph (c): “and men shall be treated as in the same employment with a woman if they are men employed by her employer or any associated employer at the same establishment or at establishments in Great Britain which include that one and at which common terms and conditions of employment are observed either generally or for employees of the relevant classes”.
- (2) Section 1(7) is repealed.
- (3) The following is substituted for section 1(8)—
  - “(8) This section shall 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,as it applies 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.
  - (9) Subsection (8) does not apply in relation to service in—
    - (a) the naval, military or air forces of the Crown, or
    - (b) any women’s service administered by the Defence Council.
  - (10) In this section “statutory body” means a body set up by or in pursuance of an enactment, and “statutory office” means an office so set up; and service “for purposes of” a Minister of the Crown or government department does not include service in any office in Schedule 2 (Ministerial offices) to the House of Commons Disqualification Act 1975 as for the time being in force.”
- (4) The following subsections are inserted at the end of section 1—
  - “(11) For the purposes of this Act it is immaterial whether the law which (apart from this subsection) is the proper law of a contract is the law of any part of the United Kingdom or not.
  - (12) In this Act “Great Britain” includes such of the territorial waters of the United Kingdom as are adjacent to Great Britain.

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- (13) Provisions of this section and section 2 below framed with reference to women and their treatment relative to men are to be read as applying equally in a converse case to men and their treatment relative to women.”

**Modifications etc. (not altering text)**

- C1** The text of ss. 8(1)(6), 18(2), 21(2), Sch. 1 Pt. I paras. 1–5, 6(1), Sch. 1 Pt. II, Sch. 3 para. 16(1)(2), Sch. 5 para. 1 and Sch. 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 2 (1) The following is substituted for section 2(1)—

“(1) Any claim in respect of the contravention of a term modified or included by virtue of an equality clause, including a claim for arrears of remuneration or damages in respect of the contravention, may be presented by way of a complaint to an industrial tribunal.”

- (2) After section 2(1) there is inserted—

“(1A) Where a dispute arises in relation to the effect of an equality clause the employer may apply to an industrial tribunal for an order declaring the rights of the employer and the employee in relation to the matter in question.”

- (3) In section 2(2)—

- (a) for “failing to comply with their equal pay clauses” there is substituted “contravening a term modified or included by virtue of their equality clauses”, and  
(b) after “the question may be referred by him” there is inserted “as respects all or any of them”, and  
(c) after “claim by the women” there is inserted “or woman”.

- (4) Section 2(6) is repealed.

- (5) In section 2(7), the words “and there shall be paid” onwards are repealed.

**Modifications etc. (not altering text)**

- C2** The text of ss. 8(1)(6), 18(2), 21(2), Sch. 1 Pt. I paras. 1–5, 6(1), Sch. 1 Pt. II, Sch. 3 para. 16(1)(2), Sch. 5 para. 1 and Sch. 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 3 In section 6 the following is substituted for subsection (1)—

“(1) Neither an equality clause nor the provisions of section 3(4) above shall operate in relation to terms—

- (a) affected by compliance with the laws regulating the employment of women, or  
(b) affording special treatment to women in connection with pregnancy or childbirth.

- (1A) An equality clause and those provisions—

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- (a) shall operate in relation to terms relating to membership of an occupational pension scheme (within the meaning of the Social Security Pensions Act 1975) so far as those terms relate to any matter in respect of which the scheme has to conform with the equal access requirements of Part IV of that Act ; but
- (b) subject to this, shall not operate in relation to terms related to death or retirement, or to any provision made in connection with death or retirement.”

**Modifications etc. (not altering text)**

- C3** The text of ss. 8(1)(6), 18(2), 21(2), Sch. 1 Pt. I paras. 1–5, 6(1), Sch. 1 Pt. II, Sch. 3 para. 16(1)(2), Sch. 5 para. 1 and Sch. 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

4 Section 8 is repealed.

**Modifications etc. (not altering text)**

- C4** The text of ss. 8(1)(6), 18(2), 21(2), Sch. 1 Pt. I paras. 1–5, 6(1), Sch. 1 Pt. II, Sch. 3 para. 16(1)(2), Sch. 5 para. 1 and Sch. 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

5 in section 9(1), the words “Except as provided by subsection (2) below”, and sections 9(2) to (5) and 10(4) are repealed.

**Modifications etc. (not altering text)**

- C5** The text of ss. 8(1)(6), 18(2), 21(2), Sch. 1 Pt. I paras. 1–5, 6(1), Sch. 1 Pt. II, Sch. 3 para. 16(1)(2), Sch. 5 para. 1 and Sch. 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

6 (1) For references to an equal pay clause in each place where they occur there are substituted references to an equality clause.

(2) For the words “the Industrial Court”, in each place where they occur, there are substituted the words “the Industrial Arbitration Board” ; in sections 4 . . . <sup>F1</sup>for the words “Court” and “Court’s” in each place where they occur there are substituted respectively “Board” and “Board’s”, and in section 5 for the word “Board” in each place where it occurs there is substituted “Agricultural Wages Board” and for the word “Court” in each place where it occurs there is substituted “Industrial Arbitration Board”.

**Textual Amendments**

- F1** Words repealed by [Sex Discrimination Act 1986 \(c. 59, SIF 106:1\)](#), s. 9, [Sch. Pt. II](#)

**Modifications etc. (not altering text)**

- C6** The text of ss. 8(1)(6), 18(2), 21(2), Sch. 1 Pt. I paras. 1–5, 6(1), Sch. 1 Pt. II, Sch. 3 para. 16(1)(2), Sch. 5 para. 1 and Sch. 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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- C7** The text of Sch. 1 Pt. I para. 6(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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