



Armed Forces Act 1996

1996 CHAPTER 46

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

21 Sex discrimination: Great Britain.

^{F1}(1) Section 85 of the ^{M1}Sex Discrimination Act 1975 (application of that Act to the Crown) shall be amended as set out in subsections (2) to (5) below.

(2) In subsection (2), after paragraph (b) there shall be inserted—

“or

(c) service in the armed forces.”.

(3) In subsection (4), for the words from “naval” to the end there shall be substituted the words “armed forces.”.

(4) After subsection (9) there shall be inserted the following subsections—

“(9A) This subsection applies to any complaint by a person (“the complainant”) that another person—

(a) has committed an act of discrimination against the complainant which is unlawful by virtue of section 6; or

(b) is by virtue of section 41 or 42 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 subsection (9A) applies shall be presented to an ^{F2}employment tribunal] under section 63 unless—

(a) the complainant has made a complaint to an officer under the service redress procedures applicable to him 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.

Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1996, Section 21. (See end of Document for details)

- (9C) Regulations may make provision enabling a complaint to which subsection (9A) applies to be presented to an [^{F2}employment tribunal] under section 63 in such circumstances as may be specified by the regulations, notwithstanding that subsection (9B) would otherwise preclude the presentation of the complaint to an [^{F2}employment tribunal].
- (9D) Where a complaint is presented to an [^{F2}employment tribunal] under section 63 by virtue of regulations under subsection (9C), the service redress procedures may continue after the complaint is so presented.
- (9E) Regulations under subsection (9C) shall be made by the Secretary of State by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (5) For subsection (10) there shall be substituted the following subsection—
- “(10) In this section—
- “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 ^{M2}House of Commons Disqualification Act 1975;
- “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; and
- “statutory body” means a body set up by or in pursuance of an enactment and “statutory office” means an office so set up.”
- (6) In section 76(1) of the ^{M6}Sex Discrimination Act 1975 (period within which complaint under section 63 of that Act to be presented to an [^{F2}employment tribunal]), for the words from “the period” to the end there shall be substituted the following words
- (a) the period of three months beginning when the act complained of was done; or
- (b) in a case to which section 85(9A) applies, the period of six months so beginning.”]

Textual Amendments

- F1** S. 21 repealed (E.W.S.) (1.10.2010) by 2010 c. 15, Sch. 27 Pt. 1 (as substituted by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see S.I. 2010/2317, art. 2))
- F2** Words in s. 21(4)(6) substituted (E.W.S.) (1.8.1998) by 1998 c. 8, [s. 1\(2\)\(a\)](#) (with s. 16(2); S.I. 1998/1658, art. 2(1), [Sch. 1](#))
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Marginal Citations

- M1** 1975 c. 65.
- M2** 1975 c. 24.
- M3** 1955 c. 18.
- M4** 1955 c. 19.

Changes to legislation: *There are currently no known outstanding effects for the Armed Forces Act 1996, Section 21. (See end of Document for details)*

M5 1957 c. 53.

M6 1975 c. 65.

Changes to legislation:

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