
STATUTORY INSTRUMENTS

1983 No. 1794

The Equal Pay (Amendment) Regulations 1983

Procedure before industrial tribunal

3.—(1) After section 2 of the said Act of 1970 (disputes as to, and enforcement of, requirement of equal treatment), there shall be inserted the following section:—

“Procedure before tribunal in certain cases

2A.—(1) Where on a complaint or reference made to an industrial tribunal under section 2 above, a dispute arises as to whether any work is of equal value as mentioned in section 1(2)(c) above the tribunal shall not determine that question unless—

- (a) it is satisfied that there are no reasonable grounds for determining that the work is of equal value as so mentioned; or
- (b) it has required a member of the panel of independent experts to prepare a report with respect to that question and has received that report.

(2) Without prejudice to the generality of paragraph (a) of subsection (1) above, there shall be taken, for the purposes of that paragraph, to be no reasonable grounds for determining that the work of a woman is of equal value as mentioned in section 1(2)(c) above if—

- (a) that work and the work of the man in question have been given different values on a study such as is mentioned in section 1(5) above; and
- (b) there are no reasonable grounds for determining that the evaluation contained in the study was (within the meaning of subsection (3) below) made on a system which discriminates on grounds of sex.

(3) An evaluation contained in a study such as is mentioned in section 1(5) above is made on a system which discriminates on grounds of sex where a difference, or coincidence, between values set by that system on different demands under the same or different headings is not justifiable irrespective of the sex of the person on whom those demands are made.

(4) In paragraph (b) of subsection (1) above the reference to a member of the panel of independent experts is a reference to a person who is for the time being designated by the Advisory, Conciliation and Arbitration Service for the purposes of that paragraph as such a member, being neither a member of the Council of that Service nor one of its officers or servants.”

(2) Accordingly, in subsection (13) of section 1 of the said Act of 1970 (application in relation to men as well as to women), for the words “section 2” there shall be substituted the words “sections 2 and 2A”.

(3) In paragraph 1(2) of Schedule 9 to the Employment Protection (Consolidation) Act 1978 (regulations with respect to proceedings before industrial tribunals), after paragraph (g) there shall be inserted the following paragraph:—

- “(ga) for authorising an industrial tribunal to require persons to furnish information and produce documents to a person required for the purposes of section 2A(1)(b) of the Equal Pay Act 1970 to prepare a report;”;

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and, accordingly, in paragraph 1(7) of that Schedule (offences for failure to comply with requirements imposed by the regulations), after the words “sub-paragraph (2)(d)” there shall be inserted the words “or (ga)”.

(4) In paragraph 10 of the said Schedule 9 (remuneration etc. for members of industrial tribunals and for assessors and other persons), after the word “tribunals”, in the second place where it occurs, there shall be inserted the words “and to any persons required for the purposes of section 2A(1)(b) of the Equal Pay Act 1970 to prepare reports”.