
STATUTORY INSTRUMENTS

2004 No. 2352

The Equal Pay Act 1970 (Amendment) Regulations 2004

Amendments to section 2A of the Equal Pay Act 1970

- 2.—(1) Section 2A of the Equal Pay Act 1970 is amended as follows.
- (2) In subsection (1) –
- (a) in paragraph (b), omit the words from the beginning to “so mentioned,”; and
 - (b) omit the words from “and, if it requires” to the end.
- (3) After subsection (1) insert –
- “(1A) Subsections (1B) and (1C) below apply in a case where the tribunal has required a member of the panel of independent experts to prepare a report under paragraph (b) of subsection (1) above.
- (1B) The tribunal may –
- (a) withdraw the requirement, and
 - (b) request the member of the panel of independent experts to provide it with any documentation specified by it or make any other request to him connected with the withdrawal of the requirement.
- (1C) If the requirement has not been withdrawn under paragraph (a) of subsection (1B) above, the tribunal shall not make any determination under paragraph (a) of subsection (1) above unless it has received the report.”.
- (4) For subsection (2) substitute –
- “(2) Subsection (2A) below applies in a case where –
- (a) a tribunal is required to determine whether any work is of equal value as mentioned in section 1(2)(c) above, and
 - (b) the work of the woman and that of the man in question have been given different values on a study such as is mentioned in section 1(5) above.”.

(5) After subsection (2) insert –

“(2A) The tribunal shall determine that the work of the woman and that of the man are not of equal value unless the tribunal has reasonable grounds for suspecting that the evaluation contained in the study –

 - (a) was (within the meaning of subsection (3) below) made on a system which discriminates on grounds of sex, or
 - (b) is otherwise unsuitable to be relied upon.”.

(6) In subsection (4) for the words “In paragraph (b) of subsection (1) above the” substitute “In this section a”.