



Equal Pay Act (Northern Ireland) 1970

1970 CHAPTER 32

^{F2}[^{F1}6A Service pay and conditions.

- (1) Sections 1 and 6 shall apply, with the modifications mentioned in subsection (2) and any other necessary modifications, to service by a woman in any of the armed forces as they apply to employment by a private person.
- (2) In the application of those sections to service by a woman in any of the armed forces—
 - (a) references to a contract of employment shall be regarded as references to the terms of service;
 - (b) in section 1, in subsection (7), paragraph (c) and the words “or any associated employer” and [^{F3} subsections (7A) to (12)] (which have no application) [^{F4} and subsection (14)] shall be omitted; and
 - (c) references to an equality clause shall be regarded as referring to a corresponding term of service capable of requiring the terms of service applicable in her case to be treated as modified or as including other terms.
- (3) Any claim in respect of the contravention of a term of service modified or included, in relation to a woman's service in any of the armed forces, by a term corresponding to an equality clause in a contract of employment (including a claim for arrears of pay or damages in respect of the contravention) may be presented by way of complaint to an industrial tribunal.

Any such contravention shall be regarded for the purposes of a claim under this subsection as if it were a breach of contract.

- (4) Subsections (5) to (10) apply in relation to any claim by a woman (“the claimant”) arising from a contravention of a term of service referred to in subsection (3).
- (5) No complaint in respect of the claim shall be presented to an industrial tribunal unless—
 - (a) the claimant has made [^{F5} a service complaint in respect of the claim] ; and
 - [^{F6}(b) the complaint has not been withdrawn.]

Status: Point in time view as at 01/01/2016. This version of this provision has been superseded.

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[Where the service complaint is dealt with by a person or panel appointed by the
^{F7}(5A) Defence Council by virtue of section 340C(1)(a) of the Armed Forces Act 2006, it is
to be treated for the purposes of subsection (5)(b) as withdrawn if—

- (a) the period allowed in accordance with service complaints regulations for bringing an appeal against the person's or panel's decision expires, and
- (b) either—
 - (i) the claimant does not apply to the Service Complaints Ombudsman for a review by virtue of section 340D(6) of that Act (review of decision that appeal brought out of time cannot proceed), or
 - (ii) the claimant does apply for such a review and the Ombudsman decides that an appeal against the person's or panel's decision cannot be proceeded with.]

[^{F8}(6A) Subsection (5) does not prevent the claimant from presenting a complaint to an industrial tribunal concerning a claim in respect of the contravention of a term of service relating to membership of, or rights under—

- (a) an occupational pension scheme made under section 3 of the Naval and Marine Pay and Pensions Act 1865,
- (b) the Army Pensions Warrant 1977, or
- (c) an occupational pension scheme made under section 2 of the Air Force (Constitution) Act 1917.

(6B) In subsection (6A), “occupational pension scheme” has the same meaning as in section 1 of the Pension Schemes (Northern Ireland) Act 1993.]

[^{F9}(7) The presentation of a complaint to an industrial tribunal in reliance on subsection (5) does not affect the continuation of the procedures set out in service complaints regulations.]

[A determination may not be made by an industrial tribunal in proceedings on a
^{F4}(8) complaint in respect of the claim unless the complaint is presented on or before the qualifying date (determined in accordance with section 6AA).]

(9) A woman shall not be entitled, in proceedings on a complaint in respect of the claim, to be awarded any payment by way of arrears of pay or damages in respect of a time earlier than^{F4} the arrears date (determined in accordance with section 6AB).]

(10) Section 2A shall apply in relation to a complaint in respect of the claim as it applies to a complaint presented to an industrial tribunal under section 2(1).

^{F10}(11)

(12) In this section^{F4} and sections 6AA and 6AB]

“armed forces” means the naval, military or air forces of the Crown; and

[^{F11}“service complaint” means a complaint under [^{F12}section 340A] of the Armed Forces Act 2006;

[^{F13}“service complaints regulations” means regulations made under section 340B(1) of that Act.]

^{F14}...]

[Provisions of this section and sections 6AA and 6AB, and provisions applied by this
^{F4}(13) section, framed with reference to women and their treatment relative to men are to

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be read as applying equally in a converse case to men and their treatment relative to women.]]

- F1** 1996 c. 46
- F2** mod. by SR 2005/377
- F3** SR 2005/426
- F4** SR 2004/171
- F5** Words in s. 6A(5)(a) substituted (1.1.2008) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383(2), [Sch. 16 para. 57\(2\)\(a\)](#); S.I. 2007/2913, [art. 3](#)
- F6** S. 6A(5)(b) substituted (1.1.2016) by [Armed Forces \(Service Complaints and Financial Assistance\) Act 2015 \(c. 19\)](#), s. 7(1), [Sch. para. 2\(2\)](#); S.I. 2015/1957, reg. 2 (with savings and transitional provisions in S.I. 2015/1969)
- F7** S. 6A(5A) inserted (1.1.2016) by [Armed Forces \(Service Complaints and Financial Assistance\) Act 2015 \(c. 19\)](#), s. 7(1), [Sch. para. 2\(3\)](#); S.I. 2015/1957, reg. 2 (with savings and transitional provisions in S.I. 2015/1969)
- F8** S. 6A(6A)(6B) substituted (1.1.2016) for s. 6A(6) by [Armed Forces \(Service Complaints and Financial Assistance\) Act 2015 \(c. 19\)](#), s. 7(1), [Sch. para. 2\(4\)](#); S.I. 2015/1957, reg. 2 (with savings and transitional provisions in S.I. 2015/1969)
- F9** S. 6A(7) substituted (1.1.2016) by [Armed Forces \(Service Complaints and Financial Assistance\) Act 2015 \(c. 19\)](#), s. 7(1), [Sch. para. 2\(5\)](#); S.I. 2015/1957, reg. 2 (with savings and transitional provisions in S.I. 2015/1969)
- F10** S. 6A(11) omitted (1.1.2016) by virtue of [Armed Forces \(Service Complaints and Financial Assistance\) Act 2015 \(c. 19\)](#), s. 7(1), [Sch. para. 2\(6\)](#); S.I. 2015/1957, reg. 2 (with savings and transitional provisions in S.I. 2015/1969)
- F11** Definition of "the service redress procedures" in s. 6A(12) substituted (1.1.2008) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383(2), [Sch. 16 para. 57\(4\)](#); S.I. 2007/2913, [art. 3](#)
- F12** Words in s. 6A(12) substituted (1.1.2016) by [Armed Forces \(Service Complaints and Financial Assistance\) Act 2015 \(c. 19\)](#), s. 7(1), [Sch. para. 2\(7\)\(a\)](#); S.I. 2015/1957, reg. 2 (with savings and transitional provisions in S.I. 2015/1969)
- F13** Words in s. 6A(12) inserted (1.1.2016) by [Armed Forces \(Service Complaints and Financial Assistance\) Act 2015 \(c. 19\)](#), s. 7(1), [Sch. para. 2\(7\)\(b\)](#); S.I. 2015/1957, reg. 2 (with savings and transitional provisions in S.I. 2015/1969)
- F14** Words in s. 6A(12) omitted (1.1.2016) by virtue of [Armed Forces \(Service Complaints and Financial Assistance\) Act 2015 \(c. 19\)](#), s. 7(1), [Sch. para. 2\(7\)\(c\)](#); S.I. 2015/1957, reg. 2 (with savings and transitional provisions in S.I. 2015/1969)

Modifications etc. (not altering text)

- C1** S. 6A(5) modified (24.4.2009) by [Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(2)(b), [196\(1\)\(b\)](#)
- C2** S. 6A(7) modified (24.4.2009) by [Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(2)(b), [196\(2\)\(b\)](#)

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Changes to legislation:

There are currently no known outstanding effects for the Equal Pay Act (Northern Ireland) 1970, Section 6A .