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STATUTORY RULES OF NORTHERN IRELAND

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**2005 No. 426**

**Employment Equality (Sex Discrimination)  
Regulations (Northern Ireland) 2005**

**Amendments to the Equal Pay Act (Northern Ireland) 1970: office holders**

**31.**—(1) The 1970 Act is amended as follows.

(2) In section 1 (Requirement of equal treatment for men and women in same employment), after subsection (7) insert—

“(7A) This section applies to —

- (a) the holding of an office or post to which persons are appointed to discharge functions personally under the direction of another person, and in respect of which they are entitled to remuneration, or
- (b) any office or post to which appointments are made by (or on the recommendation of or subject to the approval of) a Minister of the Crown, a Northern Ireland Minister, the Assembly or a government department,

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 appointment, and as if references to the employer included references to the person responsible for paying any remuneration that a holder of the office or post is entitled to in respect of the office or post.

(7B) For the purposes of subsection (7A) the holder of an office or post—

- (a) is to be regarded as discharging her functions under the direction of another person of that other person is entitled to direct her as to when and where she discharges those functions,
- (b) is not to be regarded as entitled to remuneration merely because she is entitled to payments—
  - (i) in respect of expenses incurred by her in carrying out the functions of the office or post, or
  - (ii) by way of compensation for the loss of income or benefits she would or might have received from any person had she not been carrying out the functions of the office or post.

(7C) For the purposes of subsection (7A)—

- (a) “office or post” does not include a political office, and
- (b) appointment to an office or post does not include election to an office or post.”.

(3) After section 1 insert—

**“Meaning of “political office” in section 1(7C)(a)**

**1A.** The following are political offices for the purposes of section 1(7C)(a)—

- (a) any office of the House of Commons held by a member of it,

- (b) a life peerage within the meaning of the Life Peerages Act 1958<sup>(1)</sup>, or any office of the House of Lords held by a member of it,
  - (c) any office of the Assembly held by a member of it,
  - (d) any office of a district council held by a member of it, or
  - (e) any office of a political party.”
- (4) In section 2, after subsection (5), insert—
- “(5A) In this section “employer”, in relation to the holder of an office or post to which section 1 above applies by virtue of subsection (7A) of that section, shall be construed in accordance with that subsection.”
- (5) In section 6A(2)(b), for “subsections (9) to (12)”, substitute “subsections (7A) to (12)”.