
Changes to legislation: There are currently no known outstanding effects for the Armed Forces (Service Complaints and Financial Assistance) Act 2015, Cross Heading: Equal Pay Act (Northern Ireland) 1970 (c. 32 (N.I.)). (See end of Document for details)

SCHEDULE

SERVICE COMPLAINTS: CONSEQUENTIAL AMENDMENTS

Equal Pay Act (Northern Ireland) 1970 (c. 32 (N.I.))

1 The Equal Pay Act (Northern Ireland) 1970 is amended as follows.

Commencement Information

II Sch. para. 1 in force at 1.1.2016 by S.I. 2015/1957, reg. 2 (with savings and transitional provisions in S.I. 2015/1969)

2 (1) Section 6A (service pay and conditions) is amended as follows.

(2) In subsection (5), for paragraph (b) substitute—

“(b) the complaint has not been withdrawn.”

(3) After subsection (5) insert—

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of section 340C(1)(a) of the Armed Forces Act 2006, it is to be treated for the purposes of subsection (5)(b) as withdrawn if—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

(4) For subsection (6) substitute—

“(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.”

(5) For subsection (7) substitute—

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“(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.”

(6) Omit subsection (11).

(7) In subsection (12)—

- (a) in the definition of “service complaint”, for “section 334” substitute “section 340A ”,
- (b) after that definition, insert—
 ““service complaints regulations” means regulations made under section 340B(1) of that Act.”, and
- (c) omit the definition “the service complaint procedures”.

Commencement Information

I2 [Sch. para. 2](#) in force at 1.1.2016 by [S.I. 2015/1957](#), [reg. 2](#) (with savings and transitional provisions in [S.I. 2015/1969](#))

3 In section 6AB (“arrears date” in proceedings under section 6A(9)), in subsection (5), for “in accordance with regulations made under section 6A(6)” substitute “ by virtue of section 6A(6A) ”.

Commencement Information

I3 [Sch. para. 3](#) in force at 1.1.2016 by [S.I. 2015/1957](#), [reg. 2](#) (with savings and transitional provisions in [S.I. 2015/1969](#))

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