

## SCHEDULES

### SCHEDULE 3

Section 10

#### SERVICE COMPLAINTS APPEALS

##### *Equal Pay Act (Northern Ireland) 1970*

- 1 In section 6A of the [Equal Pay Act \(Northern Ireland\) 1970 \(c. 32 \(N.I.\)\)](#) (service pay and conditions), in subsection (5A)—
- (a) omit “and” at the end of paragraph (a);
  - (b) after paragraph (a) insert—
    - “(aa) there are grounds (of which the claimant is aware) on which the claimant is entitled to bring such an appeal, and”;
  - (c) in paragraph (b)(i) for “340D(6)” substitute “340D(6)(a)”.

##### *Sex Discrimination (Northern Ireland) Order 1976*

- 2 In Article 82 of the [Sex Discrimination \(Northern Ireland\) Order 1976 \(S.I. 1976/1042 \(N.I. 15\)\)](#) (application to Crown), in paragraph (9BA)—
- (a) omit “and” at the end of sub-paragraph (a);
  - (b) after sub-paragraph (a) insert—
    - “(aa) there are grounds (of which the complainant is aware) on which the complainant is entitled to bring such an appeal, and”;
  - (c) in paragraph (b)(i) for “340D(6)” substitute “340D(6)(a)”.

##### *Race Relations (Northern Ireland) Order 1997*

- 3 In Article 71 of the [Race Relations \(Northern Ireland\) Order 1997 \(S.I. 1997/869 \(N.I. 6\)\)](#) (application to Crown etc), in paragraph (8A)—
- (a) omit “and” at the end of sub-paragraph (a);
  - (b) after sub-paragraph (a) insert—
    - “(aa) there are grounds (of which the complainant is aware) on which the complainant is entitled to bring such an appeal, and”;
  - (c) in paragraph (b)(i) for “340D(6)” substitute “340D(6)(a)”.

##### *Working Time Regulations 1998*

- 4 In regulation 38 of the [Working Time Regulations 1998 \(S.I. 1998/1833\)](#) (armed forces)—
- (a) in paragraph (2), for sub-paragraph (a) substitute—

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- “(a) that person (“the complainant”) has made a service complaint in respect of the same matter, and”;
- (b) for paragraph (3) substitute—
- “(3) 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virtue of section 340C(1)(a) of the Armed Forces Act 2006, it is to be treated for the purposes of paragraph (2)(b) as withdrawn if—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,
- (b) there are grounds (of which the complainant is aware) on which the complainant is entitled to bring such an appeal, and
- (c) either—
- (i) the complainant does not apply to the Service Complaints Ombudsman for a review by virtue of section 340D(6)(a) of the Armed Forces Act 2006 (review of decision that appeal brought out of time cannot proceed), or
- (ii) the complainant 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.”;
- (c) in paragraph (4), for “service redress procedures” substitute “procedures set out in service complaints regulations”;
- (d) for paragraph (5) substitute—
- “(5) In this regulation—
- “service complaint” means a complaint under section 340A of the Armed Forces Act 2006;
- “service complaints regulations” means regulations made under section 340B(1) of that Act.”

*Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000*

- 5 In regulation 13 of the [Part-time Workers \(Prevention of Less Favourable Treatment\) Regulations 2000 \(S.I. 2000/1551\)](#) (armed forces)—
- (a) in paragraph (3), for sub-paragraph (a) substitute—
- “(a) that person (“the complainant”) has made a service complaint in respect of the same matter, and”;
- (b) for paragraph (4) substitute—
- “(4) 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 paragraph (3)(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,

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- (b) there are grounds (of which the complainant is aware) on which the complainant is entitled to bring such an appeal, and
- (c) either—
  - (i) the complainant does not apply to the Service Complaints Ombudsman for a review by virtue of section 340D(6)(a) of the Armed Forces Act 2006 (review of decision that appeal brought out of time cannot proceed), or
  - (ii) the complainant 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.”;
- (c) in paragraph (5), for “service redress procedures” substitute “procedures set out in service complaints regulations”;
- (d) for paragraph (6) substitute—
  - “(6) In this regulation—
    - “service complaint” means a complaint under section 340A of the Armed Forces Act 2006;
    - “service complaints regulations” means regulations made under section 340B(1) of that Act.”

*Part-time Workers (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2000*

- 6 In regulation 13 of the [Part-time Workers \(Prevention of Less Favourable Treatment\) Regulations \(Northern Ireland\) 2000 \(S.R. \(N.I.\) 2000 No. 219\)](#) (armed forces)—
- (a) in paragraph (3), for sub-paragraph (a) substitute—
    - “(a) that person (“the complainant”) has made a service complaint in respect of the same matter, and”;
  - (b) for paragraph (4) substitute—
    - “(4) 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 paragraph (3)(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,
      - (b) there are grounds (of which the complainant is aware) on which the complainant is entitled to bring such an appeal, and
      - (c) either—
        - (i) the complainant does not apply to the Service Complaints Ombudsman for a review by virtue of section 340D(6)(a) of the Armed Forces Act 2006 (review of decision that appeal brought out of time cannot proceed), or
        - (ii) the complainant does apply for such a review and the Ombudsman decides that an appeal against the

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- person's or panel's decision cannot be proceeded with.”;
- (c) in paragraph (5), for “service redress procedures” substitute “procedures set out in service complaints regulations”;
  - (d) for paragraph (6) substitute—
    - “(6) In this regulation—
      - “service complaint” means a complaint under section 340A of the Armed Forces Act 2006;
      - “service complaints regulations” means regulations made under section 340B(1) of that Act.”

*Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003*

- 7 In regulation 43 of the [Employment Equality \(Sexual Orientation\) Regulations \(Northern Ireland\) 2003 \(S.R. \(N.I.\) 2003 No. 497\)](#)—
- (a) in paragraph (7), for sub-paragraph (a) substitute—
    - “(a) the complainant has made a service complaint about the matter; and”;
  - (b) for paragraph (8) substitute—
    - “(8) 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 paragraph (7)(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;
      - (b) there are grounds (of which the complainant is aware) on which the complainant is entitled to bring such an appeal; and
      - (c) either—
        - (i) the complainant does not apply to the Service Complaints Ombudsman for a review by virtue of section 340D(6) of the Armed Forces Act 2006 (review of decision that appeal brought out of time cannot proceed); or
        - (ii) the complainant 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.”;
  - (c) in paragraph (9), for “service redress procedures” substitute “procedures set out in service complaints regulations”;
  - (d) in paragraph (10)—
    - (i) for the definition of “the service redress procedures” substitute—
      - ““service complaint” means a complaint under section 340A of the Armed Forces Act 2006;”;
    - (ii) after the definition of “service complaint” (as substituted by sub-paragraph (i)) insert—

““service complaints regulations” means regulations made under section 340B(1) of the Armed Forces Act 2006; and”.

### *Equality Act 2010*

- 8 In section 121 of the Equality Act 2010 (armed forces cases), in subsection (2)—
- (a) omit “and” at the end of paragraph (a);
  - (b) after paragraph (a) insert—
    - “(aa) there are grounds (of which the complainant is aware) on which the complainant is entitled to bring such an appeal, and”;
  - (c) in paragraph (b)(i) for “340D(6)” substitute “340D(6)(a)”.

### *Working Time Regulations (Northern Ireland) 2016*

- 9 In regulation 49 of the [Working Time Regulations \(Northern Ireland\) 2016 \(S.R. \(N.I.\) 2016 No. 49\)](#) (armed forces)—
- (a) in paragraph (2), for sub-paragraph (a) substitute—
    - “(a) that person (“the complainant”) has made a service complaint in respect of the same matter, and”;
  - (b) for paragraph (3) substitute—
    - “(3) 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 paragraph (2)(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,
      - (b) there are grounds (of which the complainant is aware) on which the complainant is entitled to bring such an appeal, and
      - (c) either—
        - (i) the complainant does not apply to the Service Complaints Ombudsman for a review by virtue of section 340D(6)(a) of the Armed Forces Act 2006 (review of decision that appeal brought out of time cannot proceed), or
        - (ii) the complainant 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.”;
  - (c) in paragraph (4), for “service redress procedures” substitute “procedures set out in service complaints regulations”;
  - (d) for paragraph (5) substitute—
    - “(5) In this regulation—
      - “service complaint” means a complaint under section 340A of the Armed Forces Act 2006;
      - “service complaints regulations” means regulations made under section 340B(1) of that Act.”