



Armed Forces Act 1996

1996 CHAPTER 46

Complaints to ^{F1}...^{F1}employment tribunals^{F1}

^{F2}23 Racial discrimination. E+W+S

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Extent Information

E1 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F2 S. 23 repealed (1.10.2010) by 2010 c. 15, Sch. 27 Pt. 1 (as substituted by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see S.I. 2010/2317, art. 2))

23 Racial discrimination. N.I.

(1) Section 75 of the ^{M1}Race Relations Act 1976 (application of that Act to the Crown) shall be amended as set out in subsections (2) and (3) below.

(2) For subsection (9) there shall be substituted the following subsections—

“(9) No complaint to which subsection (8) applies shall be presented to an industrial tribunal under section 54 unless—

- (a) the complainant has made a complaint to an officer under the service redress procedures applicable to him and has submitted that complaint to the Defence Council under those procedures; and
- (b) the Defence Council have made a determination with respect to the complaint.

(9A) Regulations may make provision enabling a complaint to which subsection (8) applies to be presented to an industrial tribunal under section 54 in such

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. **Skip to:** E+W+S - England, Wales and Scotland extent N.I. - Northern Ireland extent

Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1996, Section 23. (See end of Document for details)

circumstances as may be specified by the regulations, notwithstanding that subsection (9) would otherwise preclude the presentation of the complaint to an industrial tribunal.

(9B) Where a complaint is presented to an industrial tribunal under section 54 by virtue of regulations under subsection (9A), the service redress procedures may continue after the complaint is so presented.”

(3) In subsection (10), after paragraph (a) there shall be inserted the following paragraphs—

- “(aa) “regulations” means regulations made by the Secretary of State;
- (ab) “the service redress procedures” means the procedures, excluding those which relate to the making of a report on a complaint to Her Majesty, referred to in section 180 of the ^{M2}Army Act 1955, section 180 of the ^{M3}Air Force Act 1955 and section 130 of the ^{M4}Naval Discipline Act 1957;”.

(4) In section 68(1) of the ^{M5}Race Relations Act 1976 (period within which complaint under section 54 of that Act to be presented to an industrial tribunal), for the words from “the period” to the end there shall be substituted the following words “—

- (a) the period of three months beginning when the act complained of was done; or
- (b) in a case to which section 75(8) applies, the period of six months so beginning.”

(5) In section 74(2) of the Race Relations Act 1976 (parliamentary control of orders and regulations), after the words “section 75(5)(a)” there shall be inserted the words “or (9A)”.

Extent Information

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Marginal Citations

M1 1976 c. 74.
M2 1955 c. 18.
M3 1955 c. 19.
M4 1957 c. 53.
M5 1976 c. 74.

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