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STATUTORY INSTRUMENTS

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**1997 No. 2162**

**SEX DISCRIMINATION**

**The Equal Pay (Complaints to Industrial  
Tribunals) (Armed Forces) Regulations 1997**

*Made* - - - - - *29th August 1997*  
*Laid before Parliament* *5th September 1997*  
*Coming into force* - - - *1st October 1997*

The Secretary of State, in exercise of the powers conferred by section 7A(6) of the Equal Pay Act 1970<sup>(1)</sup>, hereby makes the following Regulations:—

1. These Regulations may be cited as the Equal Pay (Complaints to Industrial Tribunals) (Armed Forces) Regulations 1997 and shall come into force on 1st October 1997.

2.—(1) A person may present a complaint to an industrial tribunal under section 7A of the Equal Pay Act 1970, notwithstanding that subsection (5) of that section would otherwise preclude the presentation of such a complaint, in any case to which paragraph (2) or (4) below applies.

(2) This paragraph applies where—

- (a) the person has made a complaint in respect of the same matter to an officer under the service redress procedures; and
- (b) that complaint has not been withdrawn.

(3) For the purposes of paragraph (2)(b) above, a person shall be treated as having withdrawn his complaint if, having made a complaint to an officer under the service redress procedures, he fails to submit that complaint to the Defence Council under those procedures.

(4) This paragraph applies where the complaint concerns a claim in respect of the contravention of a term of service relating to membership of, or rights under, any relevant scheme.

(5) In this regulation—

“occupational pension scheme” has the same meaning as in section 1 of the Pensions Schemes Act 1993<sup>(2)</sup>; and

“relevant scheme” means—

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(1) 1970 c. 41; section 7A is inserted by section 24 of the Armed Forces Act 1996 (c. 46).  
(2) 1993 c. 48.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (a) any occupational pension scheme made under section 3 of the Naval and Marine Pay and Pensions Act 1865<sup>(3)</sup>;
- (b) the Army Pensions Warrant 1977; or
- (c) any occupational pension scheme made under section 2 of the Air Force (Constitution) Act 1917<sup>(4)</sup>.

29th August 1997

*John Reid*  
Minister of State, Ministry of Defence

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<sup>(3)</sup> 1865 c. 73.  
<sup>(4)</sup> 1917 c. 51.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations, which come into force on 1st October 1997, specify the circumstances in which a person may present a complaint to an industrial tribunal in respect of his service in the armed forces, notwithstanding that he would otherwise be precluded from making such a complaint by section 7A(5) of the Equal Pay Act 1970 (which requires a person to go through the service redress procedures before making a complaint to an industrial tribunal).