

“for purposes of” a Minister of the Crown or government department does not include service in any office in Schedule 2 (Ministerial offices) to the House of Commons Disqualification Act 1975 as for the time being in force.

[¹(10A) This section applies in relation to service as a relevant member of the House of Commons staff as in relation to service for the purposes of a Minister of the Crown or government department, and accordingly applies as if references to a contract of employment included references to the terms of service of such a member.

In this subsection “relevant member of the House of Commons staff” has the same meaning as in [² section 195 of the Employment Rights Act 1996]; and [³ subsections (6) to (12)] of that section (person to be treated as employer of House of Commons staff) apply, with any necessary modifications, for the purposes of this section.]

[⁴(10B) This section applies in relation to employment as a relevant member of the House of Lords staff as in relation to other employment.

In this subsection “relevant member of the House of Lords staff” has the same meaning as in [⁵ section 194 of the Employment Rights Act 1996]; and [⁶subsection 7] of that section applies for the purposes of this section.]

(11) For the purposes of this Act it is immaterial whether the law which (apart from this subsection) is the [⁷law applicable to] a contract is the law of any part of the United Kingdom or not.

(12) In this Act “Great Britain” includes such of the territorial waters of the United Kingdom as are adjacent to Great Britain.

(13) Provisions of this section and [⁸sections 2 and 2A] below framed with reference to women and their treatment relative to men are to be read as applying equally in a converse case to men and their treatment relative to women.

[The provisions of s.2 below apply in varying versions, as follows:-

- (i) for purposes other than pensions;
- (ii) for equal treatment rules under s.62 of the Pensions Act 1995 relating to access to occupational pension schemes;
- (iii) for equal treatment rules under s.62 of the Pensions Act 1995 relating to the terms on which non-pensioner members of occupational pension schemes are treated;
- (iv) for equal treatment rules under s.62 of the Pensions Act 1995 relating to the terms on which pensioner members of occupational pension schemes are treated;
- (v) for equality clauses under s.1 above relating to access to occupational pension schemes;
- (vi) for equality clauses under s.1 above relating to the terms on which non-pensioner members of occupational pension schemes are treated;
- (vii) for equality clauses under s.1 above relating to the terms on which pensioner members of occupational pension schemes are treated.

S.2 is reproduced below successively in each of the above versions.]

1 S.1. (10A) inserted (16.10.92) by Trade Union and Labour Relations (Consolidation) Act 1992 (c.52), Sch. 2, para. 3(2).

2 Words in S.1.(10A) substituted (22.8.96) by Employment Rights Act 1996(c.18), Sch.1, para.1(2)(a).

3 Words in S.1.(10A) substituted (22.8.96) by Employment Rights Act 1996(c.18), Sch.1, para.1(2)(b).

4 S.1(10B) inserted (30.11.93) by Trade Union Reform and Employment Rights Act 1993 (c.19), Sch. 7. para. 8.

5 Words in S.1. (10B) substituted (22.8.96) by Employment Rights Act 1996(c.18), Sch.1, para.1(3)(a)

6 Words in S.1. (10B) substituted (22.8.96) by Employment Rights Act 1996 (c.18), Sch.1, para. 1(3)(b).

7 Words in s.1(11) substituted (1.4.91) by Contracts (Applicable Law) Act 1990 (c.36), Sch.4, para. 1.

8 Words substituted (1.1.84) in s.1(13) by reg. 3(2) of S.1. 1983/1794.

EQUAL PAY ACT 1970 c.41

S.2

Disputes as to, and enforcement of, requirement of equal treatment.

(i) S.2 as applying for purposes other than pensions:-

2.—(1) Any claim in respect of the contravention of a term modified or included by virtue of an equality clause, including a claim for arrears of remuneration or damages in respect of the contravention, may be presented by way of a complaint to an industrial tribunal.

(1A) Where a dispute arises in relation to the effect of an equality clause the employer may apply to an industrial tribunal for an order declaring the rights of the employer and the employee in relation to the matter in question.

(2) Where it appears to the Secretary of State that there may be a question whether the employer of any women is or has been contravening a term modified or included by virtue of their equality clauses, but that it is not reasonable to expect them to take steps to have the question determined, the question may be referred by him as respects all or any of them to an industrial tribunal and shall be dealt with as if the reference were of a claim by the women or woman against the employer.

(3) Where it appears to the court in which any proceedings are pending that a claim or counterclaim in respect of the operation of an equality clause could more conveniently be disposed of separately by an industrial tribunal, the court may direct that the claim or counterclaim shall be struck out; and (without prejudice to the foregoing) where in proceedings before any court a question arises as to the operation of an equality clause, the court may on the application of any party to the proceedings or otherwise refer that question, or direct it to be referred by a party to the proceedings, to an industrial tribunal for determination by the tribunal, and may stay or sist the proceedings in the meantime.

(4) No claim in respect of the operation of an equality clause relating to a woman's employment shall be referred to an industrial tribunal otherwise than by virtue of subsection (3) above, if she has not been employed in the employment within the six months preceding the date of the reference.

(5) A woman shall not be entitled, in proceedings brought in respect of a failure to comply with an equality clause (including proceedings before an industrial tribunal), to be awarded any payment by way of arrears of remuneration or damages in respect of a time earlier than two years before the date on which the proceedings were instituted.

(6)

(7)¹

(ii) S.2 as applying for equal treatment rules under s.62 of the Pensions Act 1995 relating to access to occupational pension schemes:-

Disputes as to, and enforcement of, requirement of equal treatment.

2.—(1) Any claim in respect of the contravention of a term modified or included by virtue of an [2equal treatment rule], including a claim for arrears of [3benefits] or damages in respect of the contravention, may be presented by way of a complaint to an industrial tribunal.

(1A) Where a dispute arises in relation to the effect of an [2equal treatment rule] the [4trustees or managers of the scheme] may apply to an industrial tribunal for an order declaring the rights of the [4trustees or manager of the scheme] and [4the members, or prospective members, of the scheme] in relation to the matter in question.

(2) Where it appears to the Secretary of State that there may be a question whether the [4trustees or managers of the scheme] of any women [4are or have been] contravening a term modified or included by virtue of their⁵ [2equal treatment rules], but that it is not reasonable to expect them⁵ to take steps to have the question determined, the question may be referred by [4the trustees or managers of the scheme] as respects all or any of them⁵ to an industrial tribunal and shall be dealt with as if the reference were of a claim by the women or woman against the [4trustees or managers of the scheme].

(3) Where it appears to the court in which any proceedings are pending that a claim or counterclaim in respect of the operation of an [2equal treatment rule]

1 S.2(7) repealed by Employment Protection (Consolidation) Act 1978 (c.44), Sch. 17.

2 Words substituted (1.1.96) by virtue of s.63(4)(a) of Pensions Act 1995.

3 Words substituted (1.1.96) by virtue of reg. 2(b) of S.I. 1995/3183.

4 Words substituted (1.1.96) by virtue of s.63(4)(b) of the Pensions Act 1995.

5 The pre-modification text shows that references to "their" and "them" in this context refer to the women mentioned earlier in this subsection.