



# Armed Forces Act 1996

## 1996 CHAPTER 46

### *Complaints to <sup>F1</sup>...<sup>F1</sup>employment tribunals<sup>F1</sup>*

#### **22 Sex discrimination: Northern Ireland.**

(1) Article 82 of the <sup>M1</sup>Sex Discrimination (Northern Ireland) Order 1976 (application of that Order to the Crown) shall be amended as set out in subsections (2) to (5) below.

(2) In paragraph (2), after sub-paragraph (b) there shall be inserted—

“or

(c) service in the armed forces,”.

(3) In paragraph (5), for the words from “naval” to the end there shall be substituted the words “armed forces”.

(4) After paragraph (9) there shall be inserted the following paragraphs—

“(9A) This paragraph applies to any complaint by a person (“the complainant”) that another person—

(a) has committed an act of discrimination against the complainant which is unlawful by virtue of Article 8; or

(b) is by virtue of Article 42 or 43 to be treated as having committed such an act of discrimination against the complainant,

if at the time when the act complained of was done the complainant was serving in the armed forces and the discrimination in question relates to his service in those forces.

(9B) No complaint to which paragraph (9A) applies shall be presented to an industrial tribunal under Article 63 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.

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*Changes to legislation:* There are currently no known outstanding effects for the Armed Forces Act 1996, Section 22. (See end of Document for details)

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- (9C) Regulations made by the Secretary of State may make provision enabling a complaint to which paragraph (9A) applies to be presented to an industrial tribunal under Article 63 in such circumstances as may be specified by the regulations, notwithstanding that paragraph (9B) would otherwise preclude the presentation of the complaint to an industrial tribunal.
- (9D) Where a complaint is presented to an industrial tribunal under Article 63 by virtue of regulations under paragraph (9C), the service redress procedures may continue after the complaint is so presented.
- (9E) Regulations under paragraph (9C) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the <sup>M2</sup>Statutory Instruments Act 1946 shall apply accordingly.”
- (5) For paragraph (10) there shall be substituted the following paragraph—
- “(10) In this Article—
- “armed forces” means any of the naval, military or air forces of the Crown;
- “service for purposes of a Minister of the Crown or government department” does not include service in any office for the time being mentioned in Schedule 2 (Ministerial offices) to the <sup>M3</sup>House of Commons Disqualification Act 1975;
- “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 <sup>M4</sup>Army Act 1955, section 180 of the <sup>M5</sup>Air Force Act 1955 and section 130 of the <sup>M6</sup>Naval Discipline Act 1957; and
- “statutory body” means a body set up by or in pursuance of a statutory provision and “statutory office” means an office so set up.”
- (6) In Article 76(1) of the <sup>M7</sup>Sex Discrimination (Northern Ireland) Order 1976 (period within which complaint under Article 63 of that Order 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 Article 82(9A) applies, the period of six months so beginning.”.
- (7) In Article 80(1) of the Sex Discrimination (Northern Ireland) Order 1976 (orders and regulations subject to negative resolution of the Northern Ireland Assembly), after the words “regulations made under this Order” there shall be inserted the words “ (except Article 82(9C)) ”.

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**Marginal Citations**

- M1** [S.I. 1976/1042 \(N.I. 15\).](#)
- M2** [1946 c. 36.](#)
- M3** [1975 c. 24.](#)
- M4** [1955 c. 18.](#)
- M5** [1955 c. 19.](#)

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**Changes to legislation:** *There are currently no known outstanding effects for the Armed Forces Act 1996, Section 22. (See end of Document for details)*

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**M6** 1957 c. 53.

**M7** S.I. 1976/1042 (N.I. 15).

**Changes to legislation:**

There are currently no known outstanding effects for the Armed Forces Act 1996, Section 22.