



# Equal Pay Act (Northern Ireland) 1970

## 1970 CHAPTER 32

### [<sup>F1</sup>2ZA “Qualifying date” under section 2(4)]

(1) This section applies for the purpose of determining the qualifying date, in relation to proceedings in respect of a woman's employment, for the purposes of section 2(4).

(2) In this section—

“concealment case” means a case where—

(a) the employer deliberately concealed from the woman any fact (referred to in this section as a “qualifying fact”)—

(i) which is relevant to the contravention to which the proceedings relate, and

(ii) without knowledge of which the woman could not reasonably have been expected to institute the proceedings, and

(b) the woman did not discover the qualifying fact (or could not with reasonable diligence have discovered it) until after—

(i) the last day on which she was employed in the employment, or

(ii) the day on which the stable employment relationship between her and the employer ended,

(as the case may be);

“disability case” means a case where the woman was under a disability at any time during the six months after (as the case may be)—

(a) the last day on which she was employed in the employment to which the proceedings relate,

(b) where the proceedings relate to a stable employment relationship between her and the employer, the day on which that relationship ended; or

(c) where a qualifying fact is relevant to the proceedings and the fact was deliberately concealed from her by her employer, the day on which she discovered (or could with reasonable diligence have discovered) the fact (if that day falls after the day referred to in paragraph (a) or (b), as the case may be);

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*Changes to legislation:* There are currently no known outstanding effects for the Equal Pay Act (Northern Ireland) 1970, Section 2ZA. (See end of Document for details)

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“stable employment case” means a case where the proceedings relate to a period during which a stable employment relationship subsists between the woman and the employer, notwithstanding that the period includes any time after the ending of a contract of employment when no further contract of employment is in force; “standard case” means a case which is not—

- (a) a stable employment case,
- (b) a concealment case,
- (c) a disability case, or
- (d) both a concealment and a disability case.

<sup>F2</sup>(3) In a standard case, [<sup>F3</sup>the qualifying date is, subject to [<sup>F4</sup>sections 2ZAA and 2ZAB] ,] the date falling six months after the last day on which the woman was employed in the employment.

<sup>F2</sup>(4) In a case which is a stable employment case (but not also a concealment or a disability case or both), [<sup>F3</sup>the qualifying date is, subject to [<sup>F4</sup>sections 2ZAA and 2ZAB] ,] the date falling six months after the day on which the stable employment relationship ended.

<sup>F2</sup>(5) In a case which is a concealment case (but not also a disability case), [<sup>F3</sup>the qualifying date is, subject to [<sup>F4</sup>sections 2ZAA and 2ZAB] ,] the date falling six months after the day on which the woman discovered the qualifying fact in question (or could with reasonable diligence have discovered it).

<sup>F2</sup>(6) In a case which is a disability case (but not also a concealment case), [<sup>F3</sup>the qualifying date is, subject to [<sup>F4</sup>sections 2ZAA and 2ZAB] ,] the date falling six months after the day on which the woman ceased to be under a disability.

(7) In a case which is both a concealment and a disability case, the qualifying date is the later of the dates referred to in subsections (5) and (6).]

**F1** SR 2004/171

**F2** S. 2ZA(3)-(6): by The Cross-Border Mediation (EU Directive) (EU Exit) Regulations 2019 (S.I. 2019/469), reg. 1(1), **Sch. 1 para. 3(2)** (with reg. 5) (as amended by S.I. 2020/1493, regs. 1(1), 4(5)(6)); 2020 c. 1, Sch. 5 para. 1(1), it is provided that (31.12.2020) the words “, subject to section 2ZAA,” are omitted each time they occur

**F3** Words in s. 2ZA(3)-(6) substituted (18.4.2011) by Cross-Border Mediation Regulations (Northern Ireland) 2011 (S.R. 2011/157), **reg. 5(2)** (with reg. 1(2))

**F4** Words in ss. 2ZA(3)-(6) substituted (27.1.2020) by virtue of Employment Act (Northern Ireland) 2016 (c. 15), s. 29(2), **Sch. 2 para. 1**; S.R. 2020/1, art. 2(n)

**Changes to legislation:**

There are currently no known outstanding effects for the Equal Pay Act (Northern Ireland) 1970, Section 2ZA.