



# Equal Pay Act (Northern Ireland) 1970

## 1970 CHAPTER 32

### <sup>F1</sup>6AB “Arrears date” in proceedings under section 6A(9)

<sub>F2</sub>

(1) This section applies for the purpose of determining the arrears date, in relation to an award of any payment by way of arrears of pay or damages in proceedings on a complaint in respect of a woman's service in any of the armed forces, for the purposes of section 6A(9).

(2) In this section—

“concealment case” means a case where—

- (a) the employer deliberately concealed from the woman any 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 made a [<sup>F3</sup>service complaint] within six years of the day on which she discovered the fact (or could with reasonable diligence have discovered it);

“disability case” means a case where—

- (a) the woman was under a disability at the time of the contravention to which the proceedings relate, and
- (b) the woman made a [<sup>F4</sup>service complaint] within six years of the day on which she ceased to be under a disability;

“standard case” means a case which is not—

- (a) a concealment case,
- (b) a disability case, or
- (c) both.

(3) In a standard case, the arrears date is the date falling six years before the day on which the [<sup>F5</sup>service complaint] was made.

(4) In a case which is a concealment or a disability case or both, the arrears date is the date of the contravention.

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*Changes to legislation:* There are currently no known outstanding effects for the Equal Pay Act (Northern Ireland) 1970, Section 6AB. (See end of Document for details)

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- (5) Subsection (6) applies in a case where, [<sup>F6</sup>by virtue of section 6A(6A)] , proceedings are instituted without a [<sup>F7</sup>service complaint having been made.]
- (6) In that case, references in this section to the making of a [<sup>F8</sup>service complaint] shall be read as references to the institution of proceedings.]

- F1** SR 2004/171
- F2** mod. by SR 2005/377
- F3** Words in para. (b) of the definition of "concealment case" in s. 6AB(2) substituted (1.1.2008) by [Armed Forces Act 2006 \(c. 52\), ss. 378\(1\), 383\(2\), Sch. 16 para. 58\(a\)](#); S.I. 2007/2913, [art. 3](#)
- F4** Words in para. (b) of the definition of "disability case" in s. 6AB(2) substituted (1.1.2008) by [Armed Forces Act 2006 \(c. 52\), ss. 378\(1\), 383\(2\), Sch. 16 para. 58\(a\)](#); S.I. 2007/2913, [art. 3](#)
- F5** Words in s. 6AB(3) substituted (1.1.2008) by [Armed Forces Act 2006 \(c. 52\), ss. 378\(1\), 383\(2\), Sch. 16 para. 58\(b\)](#); S.I. 2007/2913, [art. 3](#)
- F6** Words in s. 6AB(5) substituted (1.1.2016) by [Armed Forces \(Service Complaints and Financial Assistance\) Act 2015 \(c. 19\), s. 7\(1\), Sch. para. 3](#); S.I. 2015/1957, reg. 2 (with savings and transitional provisions in S.I. 2015/1969)
- F7** Words in s. 6AB(5) substituted (1.1.2008) by [Armed Forces Act 2006 \(c. 52\), ss. 378\(1\), 383\(2\), Sch. 16 para. 58\(c\)](#); S.I. 2007/2913, [art. 3](#)
- F8** Words in s. 6AB(6) substituted (1.1.2008) by [Armed Forces Act 2006 \(c. 52\), ss. 378\(1\), 383\(2\), Sch. 16 para. 58\(d\)](#); S.I. 2007/2913, [art. 3](#)

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**Modifications etc. (not altering text)**

- C1** S. 6AB modified (24.4.2009) by [Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(2)(b), [196\(1\)\(b\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Equal Pay Act (Northern Ireland) 1970, Section 6AB .