



# Armed Forces Act 1996

## 1996 CHAPTER 46

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

#### **24 Equal treatment: Great Britain.**

<sup>F1</sup>(1) Section 1(9) of the <sup>M1</sup>Equal Pay Act 1970 (exclusion of armed forces from requirement of equal treatment for women and men in same employment) shall cease to have effect.

(2) For section 7 of that Act (service pay) there shall be substituted the following section—

**“ Service pay and conditions.**

- (1) Sections 1 and 6 above shall apply, with the modifications mentioned in subsection (2) below and any other necessary modifications, to service by a woman in any of the armed forces as they apply to employment by a private person.
- (2) In the application of those sections to service by a woman in any of the armed forces—
  - (a) references to a contract of employment shall be regarded as references to the terms of service;
  - (b) in section 1, in subsection (6), paragraph (c) and the words “or any associated employer” and subsections (8) to (11) (which have no application) shall be omitted; and
  - (c) references to an equality clause shall be regarded as referring to a corresponding term of service capable of requiring the terms of service applicable in her case to be treated as modified or as including other terms.
- (3) Any claim in respect of the contravention of a term of service modified or included, in relation to a woman’s service in any of the armed forces, by a term corresponding to an equality clause in a contract of employment (including a claim for arrears of pay or damages in respect of the contravention) may be presented by way of complaint to an [<sup>F2</sup>employment tribunal].

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*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1996, Section 24. (See end of Document for details)*

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Any such contravention shall be regarded for the purposes of a claim under this subsection as if it were a breach of contract.

- (4) Subsections (5) to (10) below apply in relation to any claim by a woman (“the claimant”) arising from a contravention of a term of service referred to in subsection (3) above.
- (5) No complaint in respect of the claim shall be presented to an [F<sup>2</sup>employment tribunal] unless—
- (a) the claimant has made a complaint to an officer under the service redress procedures applicable to her 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.
- (6) Regulations may make provision enabling a complaint in respect of the claim to be presented to an [F<sup>2</sup>employment tribunal] in such circumstances as may be specified by the regulations, notwithstanding that subsection (5) above would otherwise preclude its presentation.
- (7) Where a complaint is presented to an [F<sup>2</sup>employment tribunal] by virtue of regulations under subsection (6) above, the service redress procedures may continue after the complaint is presented.
- (8) No complaint in respect of the claim shall be presented to an [F<sup>2</sup>employment tribunal] if the period of service during which the claim arose ended more than nine months before the date of the presentation of the complaint to the tribunal.
- (9) A woman shall not be entitled, in proceedings on a complaint in respect of the claim, to be awarded any payment by way of arrears of pay or damages in respect of a time earlier than two years before the date on which her complaint under the service redress procedures was made.
- (10) Section 2A above shall apply in relation to a complaint in respect of the claim as it applies to a complaint presented to an [F<sup>2</sup>employment tribunal] under section 2(1) above.
- (11) Regulations under subsection (6) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (12) In this section—
- “armed forces” means the naval, military or air forces of the Crown; and
- “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>M2</sup>Army Act 1955, section 180 of the <sup>M3</sup>Air Force Act 1955 and section 130 of the <sup>M4</sup>Naval Discipline Act 1957.”]

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**Textual Amendments**

- F1** S. 24 repealed (E.W.S.) (1.10.2010) by 2010 c. 15, Sch. 27 Pt. 1 (as substituted by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 2](#) (see S.I. 2010/2317, art. 2))
- F2** Words in s. 24(3)(5)(6)(7)(8)(10) substituted (E.W.S.) (1.8.1998) by 1998 c. 8, [s. 1\(2\)\(a\)](#) (with s. 16(2)); S.I. 1998/1658, art. 2(1), [Sch. 1](#)

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**Marginal Citations**

- M1** 1970 c. 41.
- M2** 1955 c. 18.
- M3** 1955 c. 19.
- M4** 1957 c. 53.

**Changes to legislation:**

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