
STATUTORY INSTRUMENTS

2003 No. 722

The Equal Pay (Questions and Replies) Order 2003

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Equal Pay (Questions and Replies) Order 2003 and shall come into force on 6th April 2003.

(2) In this Order—

“the Act” means the Equal Pay Act 1970;

“tribunal” means an employment tribunal.

Forms for questions and replies

2. The forms set out in Schedules 1 and 2 to this Order or forms to the like effect are, respectively, hereby prescribed as forms by which—

- (a) a complainant may question a respondent as mentioned in subsection (2)(a) of section 7B of the Act; and
- (b) a respondent may if he so wishes reply to any questions.

Period for service of questions

3. The period prescribed for the purposes of subsection (7)(a) of section 7B of the Act (period within which questions must be duly served in order to be admissible in proceedings before a tribunal under subsection (3) or (5) of section 7B) shall be—

- (a) where a question was served before a complaint or reference had been presented or made to a tribunal, the period starting on 6th April 2003 and ending on the day before a complaint is presented to a tribunal; or
- (b) where a question was served at or after the time when a complaint or reference had been presented or made to a tribunal—
 - (i) the period of twenty-one days beginning with the day on which the complaint or reference was presented or made; or
 - (ii) any longer period that the tribunal may on application allow.

Period for service of reply

4. The period prescribed for the purpose of subsections (4)(a) and (6)(a) of section 7B (power of the tribunal to draw inferences from an employer’s failure to reply to a question within such period) shall be—

- (a) except where sub-paragraph (b) applies, the period of eight weeks starting on the day that a question was duly served; or
- (b) where a question was asked before 6th April 2003, the period of eight weeks starting on 6th April 2003.

Manner of service of questions and replies

5. Questions or, as the case may be, replies may be duly served—
- (a) where the person to be served is the respondent, by delivering the question to him, or by sending it by post to him at his usual or last known residence or place of business; or
 - (b) where the person to be served is the complainant, by delivering the reply to her, or sending it by post to her at her address for reply as stated by her in the document containing the questions or, if no address is so stated, at her usual or last known residence; or
 - (c) where the person to be served is a body corporate or is a trade union or employers' association within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992⁽¹⁾, by delivering it to the secretary or clerk of the body, union or association at its registered or principal office or by sending it by post to the secretary or clerk at that office; or
 - (d) where the person to be served is acting by a solicitor, by delivering it at, or by sending it by post to, the solicitor's address for service.

13th March 2003

Patricia Hewitt,
Secretary of State for Trade and Industry

⁽¹⁾ 1992 c. 52.