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STATUTORY INSTRUMENTS

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**2005 No. 2467**

**The Employment Equality (Sex  
Discrimination) Regulations 2005**

**Amendments to Equal Pay Act 1970: office holders**

**35.**—(1) The 1970 Act is amended as follows.

(2) In section 1 (requirement of equal treatment for men and women in same employment), after subsection (6), insert—

“(6A) This section applies to—

- (a) the holding of an office or post to which persons are appointed to discharge functions personally under the direction of another person, and in respect of which they are entitled to remuneration, or
- (b) any office or post to which appointments are made by (or on the recommendation of or subject to the approval of) a Minister of the Crown, a government department, the National Assembly for Wales or any part of the Scottish Administration,

as it applies to employment by a private person, and shall so apply as if references to a contract of employment included references to the terms of appointment, and as if references to the employer included references to the person responsible for paying any remuneration that a holder of the office or post is entitled to in respect of the office or post.

(6B) For the purposes of subsection (6A), the holder of an office or post—

- (a) is to be regarded as discharging her functions under the direction of another person if that other person is entitled to direct her as to when and where she discharges those functions;
- (b) is not to be regarded as entitled to remuneration merely because she is entitled to payments—
  - (i) in respect of expenses incurred by her in carrying out the functions of the office or post, or
  - (ii) by way of compensation for the loss of income or benefits she would or might have received from any person had she not been carrying out the functions of the office or post.

(6C) For the purposes of subsection (6A)—

- (a) “office or post” does not include a political office (see section 1A), and
- (b) appointment to an office or post does not include election to an office or post.”.

(3) After section 1 insert—

**“Meaning of “political office” in section 1(6C)(a)**

**1A.** The following are political offices for the purposes of section 1(6C)(a)—

- (a) any office of the House of Commons held by a member of it,

- (b) a life peerage within the meaning of the Life Peerages Act 1958, or any office of the House of Lords held by a member of it,
  - (c) any office mentioned in Schedule 2 (Ministerial offices) to the House of Commons Disqualification Act 1975,
  - (d) the offices of Leader of the Opposition, Chief Opposition Whip or Assistant Opposition Whip within the meaning of the Ministerial and other Salaries Act 1975,
  - (e) any office of the Scottish Parliament held by a member of it,
  - (f) a member of the Scottish Executive within the meaning of section 44 of the Scotland Act 1998, or a junior Scottish Minister within the meaning of section 49 of that Act,
  - (g) any office of the National Assembly for Wales held by a member of it,
  - (h) in England, any office of a county council, a London borough council, a district council or a parish council held by a member of it,
  - (i) in Wales, any office of a county council, a county borough council or a community council held by a member of it,
  - (j) in relation to a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, or a community council established under section 51 of the Local Government (Scotland) Act 1973, any office of such a council held by a member of it,
  - (k) any office of the Greater London Authority held by a member of it,
  - (l) any office of the Common Council of the City of London held by a member of it,
  - (m) any office of the Council of the Isles of Scilly held by a member of it, and
  - (n) any office of a political party.”
- (4) In section 2, after subsection (5), insert—
- “(5A) In this section “employer”, in relation to the holder of an office or post to which section 1 above applies by virtue of subsection (6A) of that section, shall be construed in accordance with that subsection.”
- (5) In section 7A(2)(b), for “subsections (8) to (11)” substitute “subsections (6A) to (11)”.