STATUTORY RULES OF NORTHERN IRELAND

2004 No. 322

SEX DISCRIMINATION

Equal Pay (Questions and Replies) Order (Northern Ireland) 2004

Made - - - -	*4th August 2004*
Coming into operation	*25th August 2004*

The Office of the First Minister and deputy First Minister, in exercise of the powers conferred upon it by section 6B of the Equal Pay Act (Northern Ireland) 1970(**1**), and of every other power enabling it in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Equal Pay (Questions and Replies) Order (Northern Ireland) 2004 and shall come into operation on 25th August 2004.

(2) The Interpretation Act (Northern Ireland) 1954(**2**) shall apply to this Order as it applies to an Act of the Northern Ireland Assembly.

(3) In this Order –

"the Act" means the Equal Pay Act (Northern Ireland) 1970;

"tribunal" means an industrial 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 6B of the Act; and

(b) a respondent may if he so wishes reply to any questions.

(**1**) 1970 c. 32; section 6B was inserted by Article 30 of the Employment (Northern Ireland) Order 2003 (S.I.2003/2902 (N.I. 15))
(**2**) 1954 c. 33 (N.I.)

Period for service of questions

3. The period prescribed for the purposes of subsection (7)(a) of section 6B 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 6B) 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 25th August 2004 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 6B (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 25th August 2004, the period of eight weeks starting on 25th August 2004.

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 Industrial Relations (Northern Ireland) Order 1992(**3**), 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.

(**3**) S.I. 1992 No. 807 (N.I. 5)

Sealed with the Official Seal of the Office of the First Minister and deputy First Minister on 4th August 2004.

C. M. Bunting
A Senior Officer of the Office of the First Minister and deputy First Minister