



# Equality Act 2010

## 2010 CHAPTER 15

### PART 9

#### ENFORCEMENT

### CHAPTER 2

#### CIVIL COURTS

#### 118 Time limits

(1) [<sup>F1</sup>Subject to [<sup>F2</sup>[<sup>F3</sup>section] 140AA]] proceedings on a claim within section 114 may not be brought after the end of—

- (a) the period of 6 months starting with the date of the act to which the claim relates, or
- (b) such other period as the county court or sheriff thinks just and equitable.

(2) If subsection (3) <sup>F4</sup>... applies, subsection (1)(a) has effect as if for “6 months” there were substituted “9 months”.

(3) This subsection applies if—

- (a) the claim relates to the act of a qualifying institution, and
- (b) a complaint relating to the act is referred under the student complaints scheme before the end of the period of 6 months starting with the date of the act.

<sup>F5</sup>(4) .....

(5) If it has been decided under the immigration provisions that the act of an immigration authority in taking a relevant decision is a contravention of Part 3 (services and public functions), subsection (1) has effect as if for paragraph (a) there were substituted—

- “(a) the period of 6 months starting with the day after the expiry of the period during which, as a result of section 114(2), proceedings could not be brought in reliance on section 114(1)(a);”.

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**Changes to legislation:** Equality Act 2010, Section 118 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (6) For the purposes of this section—
- (a) conduct extending over a period is to be treated as done at the end of the period;
  - (b) failure to do something is to be treated as occurring when the person in question decided on it.
- (7) In the absence of evidence to the contrary, a person (P) is to be taken to decide on failure to do something—
- (a) when P does an act inconsistent with doing it, or
  - (b) if P does no inconsistent act, on the expiry of the period in which P might reasonably have been expected to do it.
- (8) In this section—
- “immigration authority”, “immigration provisions” and “relevant decision” each have the meaning given in section 115;
- “qualifying institution” has the meaning given in section 11 of the Higher Education Act 2004<sup>F6</sup>, and includes an institution which is treated as continuing to be a qualifying institution for the purposes of Part 2 of that Act (see section 20A(2) of that Act)];
- “the student complaints scheme” means a scheme for the review of qualifying complaints (within the meaning of section 12 of that Act) that is provided by the designated operator (within the meaning of section 13(5)(b) of that Act).

#### Textual Amendments

- F1** Words in s. 118(1) inserted (20.5.2011 with application as mentioned in regs. 3, 4 of the amending S.I.) by [The Cross-Border Mediation \(EU Directive\) Regulations 2011 \(S.I. 2011/1133\)](#), **reg. 55**
- F2** Words in s. 118(1) substituted (9.7.2015) by [The Alternative Dispute Resolution for Consumer Disputes \(Amendment\) Regulations 2015 \(S.I. 2015/1392\)](#), regs. 1(2), **7(2)** (with reg. 1(3))
- F3** Word in s. 118(1) substituted (31.12.2020) by [The Cross-Border Mediation \(EU Directive\) \(EU Exit\) Regulations 2019 \(S.I. 2019/469\)](#), reg. 1(1), **Sch. 1 para. 17(2)** (with reg. 5) (as amended by S.I. 2020/1493, regs. 1(1), 4(5)(6)); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in s. 118(2) omitted (25.6.2013) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 64(13)(a)**, 103(2)
- F5** S. 118(4) omitted (25.6.2013) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 64(13)(b)**, 103(2)
- F6** Words in s. 118(8) inserted (1.4.2018) by [Higher Education and Research Act 2017 \(c. 29\)](#), **ss. 89(6)**, 124(5); S.I. 2018/241, reg. 2(1)

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

- C1** S. 118(6) applied (1.10.2010) by [S.I. 2010/2317](#), **art. 4(3)** (with art. 15)

#### Commencement Information

- I1** S. 118 wholly in force; s. 118 not in force at Royal Assent see s. 216; s. 118 in force at 1.10.2010 by [S.I. 2010/2317](#), **art. 2(1)(9)(f)** (with art. 15, and subject to transitional provision in art. 7)

**Changes to legislation:**

Equality Act 2010, Section 118 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 40A inserted by [2023 c. 51 s. 1](#)
- s. 120(9) inserted by [2023 c. 51 s. 2\(b\)](#)
- s. 124A inserted by [2023 c. 51 s. 3](#)