



# Equality Act 2010

## 2010 CHAPTER 15

### PART 9

#### ENFORCEMENT

### CHAPTER 4

#### EQUALITY OF TERMS

#### **132 Remedies in non-pensions cases**

- (1) This section applies to proceedings before a court or employment tribunal on a complaint relating to a breach of an equality clause, other than a breach with respect to membership of or rights under an occupational pension scheme.
- (2) If the court or tribunal finds that there has been a breach of the equality clause, it may—
  - (a) make a declaration as to the rights of the parties in relation to the matters to which the proceedings relate;
  - (b) order an award by way of arrears of pay or damages in relation to the complainant.
- (3) The court or tribunal may not order a payment under subsection (2)(b) in respect of a time before the arrears day.
- (4) In relation to proceedings in England and Wales, the arrears day is, in a case mentioned in the first column of the table, the day mentioned in the second column.

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<i>Case</i>	<i>Arrears day</i>
A standard case	The day falling 6 years before the day on which the proceedings were instituted.

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**Changes to legislation:** Equality Act 2010, Section 132 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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A concealment case or an incapacity case (or a case which is both). The day on which the breach first occurred.

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- (5) In relation to proceedings in Scotland, the arrears day is the first day of—
- (a) the period of 5 years ending with the day on which the proceedings were commenced, or
  - (b) if the case involves a relevant incapacity, or a relevant fraud or error, [<sup>F1</sup>the period determined in accordance with section 135(6) and (7)].

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**Textual Amendments**

- F1** Words in s. 132(5)(b) substituted (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), [6](#)
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**Commencement Information**

- II** [S. 132](#) wholly in force; [s. 132](#) not in force at Royal Assent see [s. 216](#); [s. 132](#) 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](#))

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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](#)