



# Equality Act 2010

## 2010 CHAPTER 15

### PART 9

#### ENFORCEMENT

### CHAPTER 5

#### MISCELLANEOUS

#### 136 Burden of proof

- (1) This section applies to any proceedings relating to a contravention of this Act.
- (2) If there are facts from which the court could decide, in the absence of any other explanation, that a person (A) contravened the provision concerned, the court must hold that the contravention occurred.
- (3) But subsection (2) does not apply if A shows that A did not contravene the provision.
- (4) The reference to a contravention of this Act includes a reference to a breach of an equality clause or rule.
- (5) This section does not apply to proceedings for an offence under this Act.
- (6) A reference to the court includes a reference to—
  - (a) an employment tribunal;
  - (b) the Asylum and Immigration Tribunal;
  - (c) the Special Immigration Appeals Commission;
  - (d) the First-tier Tribunal;
  - (e) the [<sup>F1</sup>Education Tribunal for Wales];
  - (f) [<sup>F2</sup>the First-tier Tribunal for Scotland Health and Education Chamber] .

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**Changes to legislation:** Equality Act 2010, Section 136 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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### Textual Amendments

- F1** Words in s. 136(6)(e) substituted (E.W.) (1.9.2021) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), **Sch. 1 para. 19(3)**; S.I. 2021/373, art. 8(j)(xxxiii)
- F2** Words in s. 136(6)(f) substituted (S.) (12.1.2018) by [The First-tier Tribunal for Scotland \(Transfer of Functions of the Additional Support Needs Tribunals for Scotland\) Regulations 2018 \(S.S.I. 2018/4\)](#), reg. 1(1), **sch. 2 para. 4(3)**

### Commencement Information

- I1** S. 136 wholly in force; s. 136 not in force at Royal Assent see s. 216; s. 136(1)-(5)(6)(a)-(e) in force at 1.10.2010 by [S.I. 2010/2317](#), **art. 2(1)(9)(g)** (with [art. 15](#), and subject to transitional provision in [art. 7](#)); s. 136(6)(f) in force at 18.3.2011 by [S.I. 2010/2317](#), **art. 3(c)** (with [art. 15](#), and subject to transitional provision in [art. 7](#))

**Changes to legislation:**

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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](#)