



# Equality Act 2010

## 2010 CHAPTER 15

### PART 9

#### ENFORCEMENT

### CHAPTER 2

#### CIVIL COURTS

#### 119 Remedies

- (1) This section applies if [<sup>F1</sup>the county court] or the sheriff finds that there has been a contravention of a provision referred to in section 114(1).
- (2) The county court has power to grant any remedy which could be granted by the High Court—
  - (a) in proceedings in tort;
  - (b) on a claim for judicial review.
- (3) The sheriff has power to make any order which could be made by the Court of Session—
  - (a) in proceedings for reparation;
  - (b) on a petition for judicial review.
- (4) An award of damages may include compensation for injured feelings (whether or not it includes compensation on any other basis).
- (5) Subsection (6) applies if the county court or sheriff—
  - (a) finds that a contravention of a provision referred to in section 114(1) is established by virtue of section 19 [<sup>F2</sup>or 19A], but
  - (b) is satisfied that the provision, criterion or practice was not applied with the intention of discriminating against the claimant or pursuer.

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**Status:** Point in time view as at 01/01/2024.

**Changes to legislation:** Equality Act 2010, Section 119 is up to date with all changes known to be in force on or before 22 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)

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- (6) The county court or sheriff must not make an award of damages unless it first considers whether to make any other disposal.
- (7) The county court or sheriff must not grant a remedy other than an award of damages or the making of a declaration unless satisfied that no criminal matter would be prejudiced by doing so.

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#### Textual Amendments

- F1** Words in s. 119(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); [S.I. 2014/954](#), [art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), [arts. 3-11](#))
- F2** Words in s. 119(5)(a) inserted (1.1.2024) by [The Equality Act 2010 \(Amendment\) Regulations 2023 \(S.I. 2023/1425\)](#), regs. 1(2), [3\(5\)](#)

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#### Commencement Information

- I1** S. 119 wholly in force; s. 119 not in force at Royal Assent see s. 216; s. 119 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](#))

**Status:**

Point in time view as at 01/01/2024.

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