



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.

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

Status: This is the original version (as it was originally enacted).

<i>Case</i>	<i>Arrears day</i>
A concealment case or an incapacity case (or a case which is both).	The day on which the breach first occurred.

- (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, the period of 20 years ending with that day.