



# Equality Act 2010

## 2010 CHAPTER 15

### PART 9

#### ENFORCEMENT

### CHAPTER 4

#### EQUALITY OF TERMS

#### **133 Remedies in pensions cases**

- (1) This section applies to proceedings before a court or employment tribunal on a complaint relating to—
  - (a) a breach of an equality rule, or
  - (b) a breach of an equality clause 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 as referred to in subsection (1)—
  - (a) it may make a declaration as to the rights of the parties in relation to the matters to which the proceedings relate;
  - (b) it must not order arrears of benefits or damages or any other amount to be paid to the complainant.
- (3) Subsection (2)(b) does not apply if the proceedings are proceedings to which section 134 applies.
- (4) If the breach relates to a term on which persons become members of the scheme, the court or tribunal may declare that the complainant is entitled to be admitted to the scheme with effect from a specified date.
- (5) A date specified for the purposes of subsection (4) must not be before 8 April 1976.

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*Status: This is the original version (as it was originally enacted).*

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- (6) If the breach relates to a term on which members of the scheme are treated, the court or tribunal may declare that the complainant is, in respect of a specified period, entitled to secure the rights that would have accrued if the breach had not occurred.
- (7) A period specified for the purposes of subsection (6) must not begin before 17 May 1990.
- (8) If the court or tribunal makes a declaration under subsection (6), the employer must provide such resources to the scheme as are necessary to secure for the complainant (without contribution or further contribution by the complainant or other members) the rights referred to in that subsection.