



Equality Act 2010

2010 CHAPTER 15

PART 9

ENFORCEMENT

CHAPTER 4

EQUALITY OF TERMS

134 Remedies in claims for arrears brought by pensioner members

- (1) This section applies to proceedings before a court or employment tribunal on a complaint by a pensioner member of an occupational pension scheme relating to a breach of an equality clause or rule with respect to a term on which the member is treated.
- (2) If the court or tribunal finds that there has been a breach referred to in subsection (1), it may—
 - (a) make a declaration as to the rights of the complainant and the respondent in relation to the matters to which the proceedings relate;
 - (b) order an award by way of arrears of benefits or damages or of any other amount in relation to the complainant.
- (3) The court or tribunal must not order an award under subsection (2)(b) in respect of a time before the arrears day.
- (4) If the court or tribunal orders an award under subsection (2)(b), 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 amount of the award.
- (5) 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.

Status: This is the original version (as it was originally enacted).

<i>Case</i>	<i>Arrears day</i>
A standard case	The day falling 6 years before the day on which the proceedings were commenced.
A concealment case or an incapacity case (or a case which is both).	The day on which the breach first occurred.

- (6) 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.