



# Equality Act 2010

## 2010 CHAPTER 15

### PART 10 **E+W+S**

#### CONTRACTS, ETC.

##### *Collective agreements and rules of undertakings*

#### **146 Declaration in respect of void term, etc. **E+W+S****

- (1) A qualifying person (P) may make a complaint to an employment tribunal that a term is void, or that a rule is unenforceable, as a result of section 145.
- (2) But subsection (1) applies only if—
  - (a) the term or rule may in the future have effect in relation to P, and
  - (b) where the complaint alleges that the term or rule provides for treatment of a description prohibited by this Act, P may in the future be subjected to treatment that would (if P were subjected to it in present circumstances) be of that description.
- (3) If the tribunal finds that the complaint is well-founded, it must make an order declaring that the term is void or the rule is unenforceable.
- (4) An order under this section may include provision in respect of a period before the making of the order.
- (5) In the case of a complaint about a term of a collective agreement, where the term is one made by or on behalf of a person of a description specified in the first column of the table, a qualifying person is a person of a description specified in the second column.

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| <i>Description of person who made collective agreement</i> | <i>Qualifying person</i> |
|--|--------------------------|
|--|--------------------------|

Employer

A person who is, or is seeking to be, an employee of that employer

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*Changes to legislation: Equality Act 2010, Section 146 is up to date with all changes known to be in force on or before 24 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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|---|---|
| Organisation of employers                 | A person who is, or is seeking to be, an employee of an employer who is a member of that organisation                   |
| Association of organisations of employers | A person who is, or is seeking to be, an employee of an employer who is a member of an organisation in that association |

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- (6) In the case of a complaint about a rule of an undertaking, where the rule is one made by or on behalf of a person of a description specified in the first column of the table, a qualifying person is a person of a description specified in the second column.

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| <i>Description of person who made rule of undertaking</i> | <i>Qualifying person</i>  |
|---|---|
| Employer  | A person who is, or is seeking to be, an employee of that employer  |
| Trade organisation or qualifications body                 | A person who is, or is seeking to be, a member of the organisation or body<br><br>A person upon whom the body has conferred a relevant qualification<br><br>A person seeking conferment by the body of a relevant qualification |

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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](#)