

*These notes refer to the Equality Act 2006 (c.3)
which received Royal Assent on 16 February 2006*

EQUALITY ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Discrimination on Grounds of Religion or Belief

Section 68: Remedies

238. *Section 68* sets out the remedies available to a county court (the sheriff in Scotland) hearing proceedings as described under section 66:
- The court can, in addition to any remedy in tort, grant any remedy that the High Court (Court of Session in Scotland) can grant in proceedings for judicial review.
 - The court cannot award damages to a claimant (a pursuer in Scotland) in a case of indirect discrimination (see section 45(3)), if the respondent (the defender in Scotland) proves that there was no intention to treat the claimant unfavourably on grounds of religion or belief.
 - The court can award damages, by way of compensation, for injury to feelings.
 - When the court is hearing a case brought in respect of section 52, it cannot grant an injunction unless it is satisfied that to do so will not prejudice any criminal proceedings or a criminal investigation. Similarly, a court must stay or desist proceedings brought in respect of section 52 when there is a risk that criminal proceedings or a criminal investigation could be prejudiced by the case continuing.