



Equality Act 2010

2010 CHAPTER 15

PART 10

CONTRACTS, ETC.

Contracts and other agreements

142 Unenforceable terms

- (1) A term of a contract is unenforceable against a person in so far as it constitutes, promotes or provides for treatment of that or another person that is of a description prohibited by this Act.
- (2) A relevant non-contractual term is unenforceable against a person in so far as it constitutes, promotes or provides for treatment of that or another person that is of a description prohibited by this Act, in so far as this Act relates to disability.
- (3) A relevant non-contractual term is a term which—
 - (a) is a term of an agreement that is not a contract, and
 - (b) relates to the provision of an employment service within section 56(2)(a) to (e) or to the provision under a group insurance arrangement of facilities by way of insurance.
- (4) A reference in subsection (1) or (2) to treatment of a description prohibited by this Act does not include—
 - (a) a reference to the inclusion of a term in a contract referred to in section 70(2)(a) or 76(2), or
 - (b) a reference to the failure to include a term in a contract as referred to in section 70(2)(b).
- (5) Subsection (4) does not affect the application of section 148(2) to this section.

Status: This is the original version (as it was originally enacted).

143 Removal or modification of unenforceable terms

- (1) A county court or the sheriff may, on an application by a person who has an interest in a contract or other agreement which includes a term that is unenforceable as a result of section 142, make an order for the term to be removed or modified.
- (2) An order under this section must not be made unless every person who would be affected by it—
 - (a) has been given notice of the application (except where notice is dispensed with in accordance with rules of court), and
 - (b) has been afforded an opportunity to make representations to the county court or sheriff.
- (3) An order under this section may include provision in respect of a period before the making of the order.

144 Contracting out

- (1) A term of a contract is unenforceable by a person in whose favour it would operate in so far as it purports to exclude or limit a provision of or made under this Act.
- (2) A relevant non-contractual term (as defined by section 142) is unenforceable by a person in whose favour it would operate in so far as it purports to exclude or limit a provision of or made under this Act, in so far as the provision relates to disability.
- (3) This section does not apply to a contract which settles a claim within section 114.
- (4) This section does not apply to a contract which settles a complaint within section 120 if the contract—
 - (a) is made with the assistance of a conciliation officer, or
 - (b) is a qualifying compromise contract.
- (5) A contract within subsection (4) includes a contract which settles a complaint relating to a breach of an equality clause or rule or of a non-discrimination rule.
- (6) A contract within subsection (4) includes an agreement by the parties to a dispute to submit the dispute to arbitration if—
 - (a) the dispute is covered by a scheme having effect by virtue of an order under section 212A of the Trade Union and Labour Relations (Consolidation) Act 1992, and
 - (b) the agreement is to submit the dispute to arbitration in accordance with the scheme.