



Equality Act 2010

2010 CHAPTER 15

PART 9

ENFORCEMENT

CHAPTER 4

EQUALITY OF TERMS

128 References by court to tribunal, etc.

- (1) If it appears to a court in which proceedings are pending that a claim or counter-claim relating to an equality clause or rule could more conveniently be determined by an employment tribunal, the court may strike out the claim or counter-claim.
- (2) If in proceedings before a court a question arises about an equality clause or rule, the court may (whether or not on an application by a party to the proceedings)—
 - (a) refer the question, or direct that it be referred by a party to the proceedings, to an employment tribunal for determination, and
 - (b) stay or sist the proceedings in the meantime.

Commencement Information

- II** [S. 128](#) wholly in force; [s. 128](#) not in force at Royal Assent see [s. 216](#); [s. 128](#) in force at 1.10.2010 by [S.I. 2010/2317](#), [art. 2\(1\)\(9\)\(f\)](#) (with [art. 15](#), and subject to transitional provision in [art. 7](#))

Changes to legislation:

Equality Act 2010, Section 128 is up to date with all changes known to be in force on or before 10 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.

[View outstanding changes](#)

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](#)