



Equality Act 2010

2010 CHAPTER 15

PART 9

ENFORCEMENT

CHAPTER 4

EQUALITY OF TERMS

130 Section 129: supplementary

- (1) This section applies for the purposes of section 129.
- (2) A standard case is a case which is not—
 - (a) a stable work case,
 - (b) a concealment case,
 - (c) an incapacity case, or
 - (d) a concealment case and an incapacity case.
- (3) A stable work case is a case where the proceedings relate to a period during which there was a stable working relationship between the worker and the responsible person (including any time after the terms of work had expired).
- (4) A concealment case in proceedings relating to an equality clause is a case where—
 - (a) the responsible person deliberately concealed a qualifying fact from the worker, and
 - (b) the worker did not discover (or could not with reasonable diligence have discovered) the qualifying fact until after the relevant day.
- (5) A concealment case in proceedings relating to an equality rule is a case where—
 - (a) the employer or the trustees or managers of the occupational pension scheme in question deliberately concealed a qualifying fact from the member, and

Status: This is the original version (as it was originally enacted).

- (b) the member did not discover (or could not with reasonable diligence have discovered) the qualifying fact until after the relevant day.
- (6) A qualifying fact for the purposes of subsection (4) or (5) is a fact—
 - (a) which is relevant to the complaint, and
 - (b) without knowledge of which the worker or member could not reasonably have been expected to bring the proceedings.
- (7) An incapacity case in proceedings relating to an equality clause with respect to terms of work other than terms of service in the armed forces is a case where the worker had an incapacity during the period of 6 months beginning with the later of—
 - (a) the relevant day, or
 - (b) the day on which the worker discovered (or could with reasonable diligence have discovered) the qualifying fact deliberately concealed from the worker by the responsible person.
- (8) An incapacity case in proceedings relating to an equality clause with respect to terms of service in the armed forces is a case where the worker had an incapacity during the period of 9 months beginning with the later of—
 - (a) the last day of the period of service during which the complaint arose, or
 - (b) the day on which the worker discovered (or could with reasonable diligence have discovered) the qualifying fact deliberately concealed from the worker by the responsible person.
- (9) An incapacity case in proceedings relating to an equality rule is a case where the member of the occupational pension scheme in question had an incapacity during the period of 6 months beginning with the later of—
 - (a) the relevant day, or
 - (b) the day on which the member discovered (or could with reasonable diligence have discovered) the qualifying fact deliberately concealed from the member by the employer or the trustees or managers of the scheme.
- (10) The relevant day for the purposes of this section is—
 - (a) the last day of the employment or appointment, or
 - (b) the day on which the stable working relationship between the worker and the responsible person ended.