

# EQUALITY ACT 2010

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 9: Enforcement**

#### *Chapter 4: Equality of terms*

#### *Section 127: Jurisdiction*

##### **Effect**

413. This section sets out the types of cases relating to equality of terms which employment tribunals have jurisdiction to hear. Tribunals may hear and decide claims (including those referred to them by courts) involving equality in the rules of occupational pension schemes and claims relating to an equality clause, including claims relating to pregnancy and maternity equality.
414. A responsible person (as defined in section 80, such as an employer, or a pension scheme trustee or manager) can also ask a tribunal for a declaration of each party's rights in relation to a dispute or claim about an equality clause or rule.
415. Members of the armed forces must bring a complaint under service complaints procedures before they can bring a claim to a tribunal.
416. This section does not alter any jurisdiction the courts or the sheriff have in relation to an equality clause or rule.

##### **Background**

417. This section is designed to replicate the effect of provisions in previous legislation.

##### **Example**

- An employment tribunal can hear claims brought by an employee, office-holder or member of the armed forces in relation to a breach of an equality clause and in relation to breach of an equality rule concerning a pension scheme.