



# Equality Act 2010

## 2010 CHAPTER 15

### PART 9

#### ENFORCEMENT

### CHAPTER 3

#### EMPLOYMENT TRIBUNALS

#### 121 Armed forces cases

- (1) Section 120(1) does not apply to a complaint relating to an act done when the complainant was serving as a member of the armed forces unless—
  - (a) the complainant has made a service complaint about the matter, and
  - (b) the complaint has not been withdrawn.
- (2) If the complaint is made under the service complaint procedures, it is to be treated for the purposes of subsection (1)(b) as withdrawn if—
  - (a) neither the officer to whom it is made nor a superior officer refers it to the Defence Council, and
  - (b) the complainant does not apply for it to be referred to the Defence Council.
- (3) If the complaint is made under the old service redress procedures, it is to be treated for the purposes of subsection (1)(b) as withdrawn if the complainant does not submit it to the Defence Council under those procedures.
- (4) The reference in subsection (3) to the old service redress procedures is a reference to the procedures (other than those relating to the making of a report on a complaint to Her Majesty) referred to in—
  - (a) section 180 of the Army Act 1955,
  - (b) section 180 of the Air Force Act 1955, or
  - (c) section 130 of the Naval Discipline Act 1957.

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*Status: Point in time view as at 09/07/2015. This version of this provision has been superseded.*

*Changes to legislation: Equality Act 2010, Section 121 is up to date with all changes known to be in force on or before 30 May 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. (See end of Document for details)*

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- (5) The making of a complaint to an employment tribunal in reliance on subsection (1) does not affect the continuation of the service complaint procedures or (as the case may be) the old service redress procedures.

**Commencement Information**

- II** S. 121 wholly in force; s. 121 not in force at Royal Assent see s. 216; s. 121 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)

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