



# 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  - (b) the complaint has not been withdrawn.

[<sup>F1</sup>(2) Where the complaint is dealt with by a person or panel appointed by the Defence Council by virtue of section 340C(1)(a) of the 2006 Act, it is to be treated for the purposes of subsection (1)(b) as withdrawn if—

- (a) the period allowed in accordance with service complaints regulations for bringing an appeal against the person's or panel's decision expires,<sup>F2</sup>...

[<sup>F3</sup>(aa) there are grounds (of which the complainant is aware) on which the complainant is entitled to bring such an appeal, and]

- (b) either—
  - (i) the complainant does not apply to the Service Complaints Ombudsman for a review by virtue of section [<sup>F4</sup>340D(6)(a)] of the 2006 Act (review of decision that appeal brought out of time cannot proceed), or
  - (ii) the complainant does apply for such a review and the Ombudsman decides that an appeal against the person's or panel's decision cannot be proceeded with.]

<sup>F5</sup>(3) .....

*Status: Point in time view as at 01/11/2022.*

*Changes to legislation: Equality Act 2010, Section 121 is up to date with all changes known to be in force on or before 02 June 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)*

<sup>F5</sup>(4) .....

(5) The making of a complaint to an employment tribunal in reliance on subsection (1) does not affect the continuation of [<sup>F6</sup> the procedures set out in service complaints regulations. ]

[<sup>F7</sup>(6) In this section—

“the 2006 Act” means the Armed Forces Act 2006;

“service complaints regulations” means regulations made under section 340B(1) of the 2006 Act.]

#### Textual Amendments

- F1** S. 121(2) substituted (1.1.2016) by [Armed Forces \(Service Complaints and Financial Assistance\) Act 2015 \(c. 19\), s. 7\(1\), Sch. para. 13\(2\)](#); S.I. 2015/1957, reg. 2 (with savings and transitional provisions in S.I. 2015/1969)
- F2** Word in s. 121(2)(a) omitted (1.5.2022 for specified purposes, 15.6.2022 in so far as not already in force) by virtue of [Armed Forces Act 2021 \(c. 35\), s. 24\(1\), Sch. 3 para. 8\(a\)](#); S.I. 2022/471, reg. 2(d); S.I. 2022/625, reg. 2
- F3** S. 121(2)(aa) inserted (1.5.2022 for specified purposes, 15.6.2022 in so far as not already in force) by [Armed Forces Act 2021 \(c. 35\), s. 24\(1\), Sch. 3 para. 8\(b\)](#); S.I. 2022/471, reg. 2(d); S.I. 2022/625, reg. 2
- F4** Word in s. 121(2)(b)(i) substituted (1.5.2022 for specified purposes, 15.6.2022 in so far as not already in force) by [Armed Forces Act 2021 \(c. 35\), s. 24\(1\), Sch. 3 para. 8\(c\)](#); S.I. 2022/471, reg. 2(d); S.I. 2022/625, reg. 2
- F5** S. 121(3)(4) omitted (1.1.2016) by virtue of [Armed Forces \(Service Complaints and Financial Assistance\) Act 2015 \(c. 19\), s. 7\(1\), Sch. para. 13\(3\)](#); S.I. 2015/1957, reg. 2 (with savings and transitional provisions in S.I. 2015/1969)
- F6** Words in s. 121(5) substituted (1.1.2016) by [Armed Forces \(Service Complaints and Financial Assistance\) Act 2015 \(c. 19\), s. 7\(1\), Sch. para. 13\(4\)](#); S.I. 2015/1957, reg. 2 (with savings and transitional provisions in S.I. 2015/1969)
- F7** S. 121(6) inserted (1.1.2016) by [Armed Forces \(Service Complaints and Financial Assistance\) Act 2015 \(c. 19\), s. 7\(1\), Sch. para. 13\(5\)](#); S.I. 2015/1957, reg. 2 (with savings and transitional provisions in S.I. 2015/1969)

#### Commencement Information

- I1** 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)

**Status:**

Point in time view as at 01/11/2022.

**Changes to legislation:**

Equality Act 2010, Section 121 is up to date with all changes known to be in force on or before 02 June 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.