



# Equality Act 2010

## 2010 CHAPTER 15

### PART 9

#### ENFORCEMENT

### CHAPTER 3

#### EMPLOYMENT TRIBUNALS

#### 123 Time limits

- (1) [<sup>F1</sup>Subject to [<sup>F2</sup>sections 140A and 140B]] proceedings on a complaint within section 120 may not be brought after the end of—
  - (a) the period of 3 months starting with the date of the act to which the complaint relates, or
  - (b) such other period as the employment tribunal thinks just and equitable.
- (2) Proceedings may not be brought in reliance on section 121(1) after the end of—
  - (a) the period of 6 months starting with the date of the act to which the proceedings relate, or
  - (b) such other period as the employment tribunal thinks just and equitable.
- (3) For the purposes of this section—
  - (a) conduct extending over a period is to be treated as done at the end of the period;
  - (b) failure to do something is to be treated as occurring when the person in question decided on it.
- (4) In the absence of evidence to the contrary, a person (P) is to be taken to decide on failure to do something—
  - (a) when P does an act inconsistent with doing it, or
  - (b) if P does no inconsistent act, on the expiry of the period in which P might reasonably have been expected to do it.

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*Status: Point in time view as at 28/01/2016. This version of this provision has been superseded.*

*Changes to legislation: Equality Act 2010, Section 123 is up to date with all changes known to be in force on or before 28 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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#### **Textual Amendments**

- F1** Words in s. 123(1) inserted (20.5.2011 with application as mentioned in regs. 3, 4 of the amending S.I.) by [The Cross-Border Mediation \(EU Directive\) Regulations 2011 \(S.I. 2011/1133\)](#), [reg. 56](#)
- F2** Words in s. 123(1) substituted (6.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 2 para. 43](#); S.I. 2014/253, art. 3(g)
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#### **Commencement Information**

- I1** S. 123 wholly in force; s. 123 not in force at Royal Assent see s. 216; s. 123 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:**

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**Changes to legislation:**

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