



Equality Act 2010

2010 CHAPTER 15

PART 9 **E+W+S**

ENFORCEMENT

CHAPTER 3 **E+W+S**

EMPLOYMENT TRIBUNALS

126 Remedies: occupational pension schemes **E+W+S**

- (1) This section applies if an employment tribunal finds that there has been a contravention of a provision referred to in section 120(1) in relation to—
 - (a) the terms on which persons become members of an occupational pension scheme, or
 - (b) the terms on which members of an occupational pension scheme are treated.
- (2) In addition to anything which may be done by the tribunal under section 124 the tribunal may also by order declare—
 - (a) if the complaint relates to the terms on which persons become members of a scheme, that the complainant has a right to be admitted to the scheme;
 - (b) if the complaint relates to the terms on which members of the scheme are treated, that the complainant has a right to membership of the scheme without discrimination.
- (3) The tribunal may not make an order under subsection (2)(b) of section 124 unless—
 - (a) the compensation is for injured feelings, or
 - (b) the order is made by virtue of subsection (7) of that section.
- (4) An order under subsection (2)—
 - (a) may make provision as to the terms on which or the capacity in which the claimant is to enjoy the admission or membership;
 - (b) may have effect in relation to a period before the order is made.

Changes to legislation: Equality Act 2010, Section 126 is up to date with all changes known to be in force on or before 24 April 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) [View outstanding changes](#)

Commencement Information

- II** S. 126 wholly in force; s. 126 not in force at Royal Assent see s. 216; s. 126 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)

Changes to legislation:

Equality Act 2010, Section 126 is up to date with all changes known to be in force on or before 24 April 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 40A inserted by [2023 c. 51 s. 1](#)
- s. 120(9) inserted by [2023 c. 51 s. 2\(b\)](#)
- s. 124A inserted by [2023 c. 51 s. 3](#)