



# Equality Act 2010

## 2010 CHAPTER 15

### PART 9

#### ENFORCEMENT

#### CHAPTER 4

#### EQUALITY OF TERMS

#### 127 Jurisdiction

- (1) An employment tribunal has, subject to subsection (6), jurisdiction to determine a complaint relating to a breach of an equality clause or rule.
- (2) The jurisdiction conferred by subsection (1) includes jurisdiction to determine a complaint arising out of a breach of an equality clause or rule; and a reference in this Chapter to a complaint relating to such a breach is to be read accordingly.
- (3) An employment tribunal also has jurisdiction to determine an application by a responsible person for a declaration as to the rights of that person and a worker in relation to a dispute about the effect of an equality clause or rule.
- (4) An employment tribunal also has jurisdiction to determine an application by the trustees or managers of an occupational pension scheme for a declaration as to their rights and those of a member in relation to a dispute about the effect of an equality rule.
- (5) An employment tribunal also has jurisdiction to determine a question that—
  - (a) relates to an equality clause or rule, and
  - (b) is referred to the tribunal by virtue of section 128(2).
- (6) This section 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  - (b) the complaint has not been withdrawn.

*Status: Point in time view as at 19/03/2020.*

*Changes to legislation: Equality Act 2010, Section 127 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)*

- (7) [<sup>F1</sup>Subsections (2) to (6) ] of section 121 apply for the purposes of subsection (6) of this section as they apply for the purposes of subsection (1) of that section.
- (8) In proceedings before an employment tribunal on a complaint relating to a breach of an equality rule, the employer—
- (a) is to be treated as a party, and
  - (b) is accordingly entitled to appear and be heard.
- (9) Nothing in this section affects such jurisdiction as the High Court, [<sup>F2</sup>the county court], the Court of Session or the sheriff has in relation to an equality clause or rule.

#### Textual Amendments

- F1** Words in s. 127(7) substituted (1.1.2016) by [Armed Forces \(Service Complaints and Financial Assistance\) Act 2015 \(c. 19\), s. 7\(1\), Sch. para. 14](#); S.I. 2015/1957, reg. 2 (with savings and transitional provisions in S.I. 2015/1969)
- F2** Words in s. 127(9) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 52](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

#### Commencement Information

- I1** S. 127 wholly in force; s. 127 not in force at Royal Assent see s. 216; s. 127 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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