



# Equality Act 2010

## 2010 CHAPTER 15

### PART 9

#### ENFORCEMENT

#### CHAPTER 4

#### EQUALITY OF TERMS

#### **130 Section 129: supplementary**

- (1) This section applies for the purposes of section 129.
- (2) A standard case is a case which is not—
  - (a) a stable work case,
  - (b) a concealment case,
  - (c) an incapacity case, or
  - (d) a concealment case and an incapacity case.
- (3) A stable work case is a case where the proceedings relate to a period during which there was a stable working relationship between the worker and the responsible person (including any time after the terms of work had expired).
- (4) A concealment case in proceedings relating to an equality clause is a case where—
  - (a) the responsible person deliberately concealed a qualifying fact from the worker, and
  - (b) the worker did not discover (or could not with reasonable diligence have discovered) the qualifying fact until after the relevant day.
- (5) A concealment case in proceedings relating to an equality rule is a case where—
  - (a) the employer or the trustees or managers of the occupational pension scheme in question deliberately concealed a qualifying fact from the member, and

*Status: Point in time view as at 31/12/2010.*

*Changes to legislation: Equality Act 2010, Section 130 is up to date with all changes known to be in force on or before 22 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)*

- (b) the member did not discover (or could not with reasonable diligence have discovered) the qualifying fact until after the relevant day.
- (6) A qualifying fact for the purposes of subsection (4) or (5) is a fact—
  - (a) which is relevant to the complaint, and
  - (b) without knowledge of which the worker or member could not reasonably have been expected to bring the proceedings.
- (7) An incapacity case in proceedings relating to an equality clause with respect to terms of work other than terms of service in the armed forces is a case where the worker had an incapacity during the period of 6 months beginning with the later of—
  - (a) the relevant day, or
  - (b) the day on which the worker discovered (or could with reasonable diligence have discovered) the qualifying fact deliberately concealed from the worker by the responsible person.
- (8) An incapacity case in proceedings relating to an equality clause with respect to terms of service in the armed forces is a case where the worker had an incapacity during the period of 9 months beginning with the later of—
  - (a) the last day of the period of service during which the complaint arose, or
  - (b) the day on which the worker discovered (or could with reasonable diligence have discovered) the qualifying fact deliberately concealed from the worker by the responsible person.
- (9) An incapacity case in proceedings relating to an equality rule is a case where the member of the occupational pension scheme in question had an incapacity during the period of 6 months beginning with the later of—
  - (a) the relevant day, or
  - (b) the day on which the member discovered (or could with reasonable diligence have discovered) the qualifying fact deliberately concealed from the member by the employer or the trustees or managers of the scheme.
- (10) The relevant day for the purposes of this section is—
  - (a) the last day of the employment or appointment, or
  - (b) the day on which the stable working relationship between the worker and the responsible person ended.

#### **Commencement Information**

**II** S. 130 wholly in force; s. 130 not in force at Royal Assent see s. 216; s. 130 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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