



# Equality Act 2010

## 2010 CHAPTER 15

### PART 9

#### ENFORCEMENT

### CHAPTER 4

#### EQUALITY OF TERMS

#### **134 Remedies in claims for arrears brought by pensioner members**

- (1) This section applies to proceedings before a court or employment tribunal on a complaint by a pensioner member of an occupational pension scheme relating to a breach of an equality clause or rule with respect to a term on which the member is treated.
- (2) If the court or tribunal finds that there has been a breach referred to in subsection (1), it may—
  - (a) make a declaration as to the rights of the complainant and the respondent in relation to the matters to which the proceedings relate;
  - (b) order an award by way of arrears of benefits or damages or of any other amount in relation to the complainant.
- (3) The court or tribunal must not order an award under subsection (2)(b) in respect of a time before the arrears day.
- (4) If the court or tribunal orders an award under subsection (2)(b), the employer must provide such resources to the scheme as are necessary to secure for the complainant (without contribution or further contribution by the complainant or other members) the amount of the award.
- (5) In relation to proceedings in England and Wales, the arrears day is, in a case mentioned in the first column of the table, the day mentioned in the second column.

*Status: Point in time view as at 19/06/2012.*

*Changes to legislation: Equality Act 2010, Section 134 is up to date with all changes known to be in force on or before 18 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)*

<i>Case</i>	<i>Arrears day</i>
A standard case	The day falling 6 years before the day on which the proceedings were commenced.
A concealment case or an incapacity case (or a case which is both).	The day on which the breach first occurred.

- (6) In relation to proceedings in Scotland, the arrears day is the first day of—
- (a) the period of 5 years ending with the day on which the proceedings were commenced, or
  - (b) if the case involves a relevant incapacity, or a relevant fraud or error, [<sup>F1</sup>the period determined in accordance with section 135(6) and (7)].

#### **Textual Amendments**

- F1** Words in s. 134(6)(b) substituted (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), arts. 1(2), **6**

#### **Commencement Information**

- II** [S. 134](#) wholly in force; [s. 134](#) not in force at Royal Assent see [s. 216](#); [s. 134](#) 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 19/06/2012.

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