



# Equality Act 2010

## 2010 CHAPTER 15

### PART 9

#### ENFORCEMENT

### CHAPTER 5

#### MISCELLANEOUS

#### **140 Conduct giving rise to separate proceedings**

- (1) This section applies in relation to conduct which has given rise to two or more separate proceedings under this Act, with at least one being for a contravention of section 111 (instructing, causing or inducing contraventions).
- (2) A court may transfer proceedings to an employment tribunal.
- (3) An employment tribunal may transfer proceedings to a court.
- (4) A court or employment tribunal is to be taken for the purposes of this Part to have jurisdiction to determine a claim or complaint transferred to it under this section; accordingly—
  - (a) a reference to a claim within section 114(1) includes a reference to a claim transferred to a court under this section, and
  - (b) a reference to a complaint within section 120(1) includes a reference to a complaint transferred to an employment tribunal under this section.
- (5) A court or employment tribunal may not make a decision that is inconsistent with an earlier decision in proceedings arising out of the conduct.
- (6) “Court” means—
  - (a) in relation to proceedings in England and Wales, [<sup>F1</sup>the county court];
  - (b) in relation to proceedings in Scotland, the sheriff.

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**Status:** Point in time view as at 01/01/2018.

**Changes to legislation:** Equality Act 2010, Section 140 is up to date with all changes known to be in force on or before 25 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. 140(6) 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)

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#### Commencement Information

- I1** S. 140 wholly in force; s. 140 not in force at Royal Assent see s. 216; s. 140 in force at 1.10.2010 by [S.I. 2010/2317, art. 2\(1\)\(9\)\(j\)](#) (with [art. 15](#), and subject to transitional provision in [art. 7](#))

**Status:**

Point in time view as at 01/01/2018.

**Changes to legislation:**

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