



Equality Act 2010

2010 CHAPTER 15

PART 9

ENFORCEMENT

CHAPTER 3

EMPLOYMENT TRIBUNALS

121 Armed forces cases

- (1) Section 120(1) 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 - (b) the complaint has not been withdrawn.
- (2) If the complaint is made under the service complaint procedures, it is to be treated for the purposes of subsection (1)(b) as withdrawn if—
 - (a) neither the officer to whom it is made nor a superior officer refers it to the Defence Council, and
 - (b) the complainant does not apply for it to be referred to the Defence Council.
- (3) If the complaint is made under the old service redress procedures, it is to be treated for the purposes of subsection (1)(b) as withdrawn if the complainant does not submit it to the Defence Council under those procedures.
- (4) The reference in subsection (3) to the old service redress procedures is a reference to the procedures (other than those relating to the making of a report on a complaint to Her Majesty) referred to in—
 - (a) section 180 of the Army Act 1955,
 - (b) section 180 of the Air Force Act 1955, or
 - (c) section 130 of the Naval Discipline Act 1957.

Status: This is the original version (as it was originally enacted).

- (5) The making of a complaint to an employment tribunal in reliance on subsection (1) does not affect the continuation of the service complaint procedures or (as the case may be) the old service redress procedures.