

# EQUALITY ACT 2010

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 9: Enforcement**

#### *Chapter 2: Civil courts*

#### *Section 119: Remedies*

#### **Effect**

389. This section gives powers to county and sheriff courts hearing claims under the Act to grant any remedy that the High Court or Court of Session in Scotland can grant in proceedings in tort or in a claim for judicial review. The main remedies available are damages (including compensation for injuries to feelings), an injunction and a declaration. In cases based on indirect discrimination, if the respondent proves that he or she did not intend to treat the claimant unfavourably then the award of damages cannot be considered until a court has looked at the other remedies available to it.
390. A court cannot grant some remedies, such as an injunction, if doing so would prejudice a criminal investigation or proceedings.

#### **Background**

391. This provision is designed to replicate the effect of provisions in the previous legislation.