

*Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W+S - England, Wales and Scotland extent N.I. - Northern Ireland extent*

*Changes to legislation: There are currently no known outstanding effects for the Disability Discrimination Act 1995, Section 4J. (See end of Document for details)*



# Disability Discrimination Act 1995

## 1995 CHAPTER 50

### PART II

[<sup>F1</sup>THE EMPLOYMENT FIELD][<sup>F2</sup> AND DISTRICT  
COUNCILS][<sup>F3</sup> AND MEMBERS OF LOCALLY-ELECTABLE AUTHORITIES]

<sup>F4</sup>[<sup>F5</sup>Occupational pension schemes]

[<sup>F6</sup>4J Occupational pension schemes: remedies **E+W+S**

<sup>F7</sup>.....]

#### Extent Information

**E1** This version of this provision extended to England, Wales and Scotland only; a separate version exists for Northern Ireland only .

#### Textual Amendments

**F6** Ss. 4G-4K and cross-heading inserted (E.W.S.) (1.12.2003 for certain purposes, otherwise 1.10.2004) by [The Disability Discrimination Act 1995 \(Pensions\) Regulations 2003 \(S.I. 2003/2770\)](#), **regs. 1(2)(3)**{3}

**F7** Act repealed (E.W.S.) (1.10.2010 (except for the repeal of ss. 49A-49D) and 5.4.2011 in so far as not already in force) by [Equality Act 2010 \(c. 15\)](#), 216(3), Sch. 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279](#), **Sch. 2**) (with ss. 6(4), 205, and with amendments and savings in the said [S.I. 2010/2279](#), **art. 16**); [S.I. 2010/2317](#), **art. 2(15)(f)** (with arts. 4-25, Schs. 1-16); [S.I. 2011/1066](#), **art. 2(h)**

[<sup>F4</sup>4J Occupational pension schemes: remedies **N.I.**

(1) This section applies where –

(a) under section 17A a relevant disabled person presents to an industrial tribunal a complaint that –

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- (i) the trustees or managers of an occupational pension scheme have acted in relation to him in a way which is unlawful under this Part; or
  - (ii) an employer has so acted in relation to him;
  - (b) the complaint relates to –
    - (i) the terms on which persons become members of an occupational pension scheme, or
    - (ii) the terms on which members of the scheme are treated;
  - (c) the disabled person is not a pensioner member of the scheme; and
  - (d) the tribunal finds that the complaint is well-founded.
- (2) The tribunal may, without prejudice to the generality of its power under section 17A(2)
- (a) make a declaration that the complainant has a right –
    - (a) (where subsection (1)(b)(i) applies) to be admitted to the scheme in question; or
    - (b) (where subsection (1)(b)(ii) applies) to membership of the scheme without discrimination.
  - (3) A declaration under subsection (2) –
    - (a) may be made in respect of such period as the declaration may specify (but may not be made in respect of any period before the coming into operation of this section);
    - (b) may make such provision as the tribunal considers appropriate as to the terms upon which, or the capacity in which, the disabled person is to enjoy such admission or membership.
  - (4) The tribunal may not award the disabled person any compensation under section 17A(2)(b) (whether in relation to arrears of benefits or otherwise) other than –
    - (a) compensation for injury to feelings;
    - (b) compensation pursuant to section 17A(5).]

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**Extent Information**

**E2** This section extends to Northern Ireland only; a separate s. 4J for England, Wales and Scotland only repealed (1.10.2010).

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