

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 2A

#### OCCUPATIONAL PENSION SCHEMES

<b>F1</b> SR 2003/520
-----------------------

#### *Remedies in the Tribunal*

- 7.—(1) This paragraph applies where—
- (a) under Article 38 a member or prospective member of an occupational pension scheme (“the complainant”) presents to the Tribunal a complaint against the trustees or managers of the scheme or an employer;
  - (b) the complainant is not a pensioner member of the scheme;
  - (c) the complaint relates to the terms on which persons become members of the scheme, or the terms on which members of the scheme are treated; and
  - (d) the Tribunal finds the complaint to be well-founded.
- (2) Where this paragraph applies, the Tribunal may, without prejudice to the generality of its power under Article 39(1)(a), make an order declaring that the complainant has a right—
- (a) where the complaint relates to the terms on which persons become members of the scheme, to be admitted to the scheme;
  - (b) where the complaint relates to the terms on which members of the scheme are treated, to membership of the scheme without discrimination.
- (3) An order under sub-paragraph (2)—
- (a) may be made in respect of such period as is specified in the order (but may not be made in respect of any time before 10th December 2003);
  - (b) may make such provision as the Tribunal considers appropriate as to the terms on which, or the capacity in which, the complainant is to enjoy such admission or membership.
- (4) Where this paragraph applies, the Tribunal may not make an order for compensation under Article 39(1)(b), whether in relation to arrears of benefits or otherwise, except—
- (a) for injury to feelings;
  - (b) by virtue of Article 39(5).]

**Changes to legislation:**

There are currently no known outstanding effects for the The Fair Employment and Treatment (Northern Ireland) Order 1998, Cross Heading: Remedies in the Tribunal.