



Disability Discrimination Act 1995

1995 CHAPTER 50

PART II

EMPLOYMENT

[^{F1}Office-holders

VALID FROM 03/07/2003

[^{F1}4C Office-holders: introductory

- (1) Subject to subsection (5), sections 4D and 4E apply to an office or post if—
 - (a) no relevant provision of this Part applies in relation to an appointment to the office or post; and
 - (b) one or more of the conditions specified in subsection (3) is satisfied.
- (2) The following are relevant provisions of this Part for the purposes of subsection (1) (a): section 4, section 4B, section 6A, section 7A, section 7C and section 14C.
- (3) The conditions specified in this subsection are that—
 - (a) the office or post is one to which persons are appointed to discharge functions personally under the direction of another person, and in respect of which they are entitled to remuneration;
 - (b) the office or post is one to which appointments are made by a Minister of the Crown, a government department, the National Assembly for Wales or any part of the Scottish Administration;
 - (c) the office or post is one to which appointments are made on the recommendation of, or subject to the approval of, a person referred to in paragraph (b).
- (4) For the purposes of subsection (3)(a) the holder of an office or post—

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

- (a) is to be regarded as discharging his functions under the direction of another person if that other person is entitled to direct him as to when and where he discharges those functions;
 - (b) is not to be regarded as entitled to remuneration merely because he is entitled to payments—
 - (i) in respect of expenses incurred by him in carrying out the functions of the office or post, or
 - (ii) by way of compensation for the loss of income or benefits he would or might have received from any person had he not been carrying out the functions of the office or post.
- (5) Sections 4D and 4E do not apply to—
- (a) any office of the House of Commons held by a member of it,
 - (b) a life peerage within the meaning of the Life Peerages Act 1958 ^{F2}, or any office of the House of Lords held by a member of it,
 - (c) any office mentioned in Schedule 2 (Ministerial offices) to the House of Commons Disqualification Act 1975 ^{F3},
 - (d) the offices of Leader of the Opposition, Chief Opposition Whip or Assistant Opposition Whip within the meaning of the Ministerial and other Salaries Act 1975 ^{F4},
 - (e) any office of the Scottish Parliament held by a member of it,
 - (f) a member of the Scottish Executive within the meaning of section 44 of the Scotland Act 1998 ^{F5}, or a junior Scottish Minister within the meaning of section 49 of that Act,
 - (g) any office of the National Assembly for Wales held by a member of it,
 - (h) in England, any office of a county council, a London borough council, a district council or a parish council held by a member of it,
 - (i) in Wales, any office of a county council, a county borough council or a community council held by a member of it,
 - (j) in relation to a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ^{F6} or a community council established under section 51 of the Local Government (Scotland) Act 1973 ^{F7}, any office of such a council held by a member of it,
 - (k) any office of the Greater London Authority held by a member of it,
 - (l) any office of the Common Council of the City of London held by a member of it,
 - (m) any office of the Council of the Isles of Scilly held by a member of it, or
 - (n) any office of a political party.]

Extent Information

- E1** This section extends to England, Wales and Scotland only until 1.10.2010; a separate s. 4C exists for Northern Ireland only from 21.2.2004.

Textual Amendments

- F1** [Ss. 4-4F](#) and cross-headings substituted for ss. 4-6 and preceding cross-heading (E.W.S.) (3.7.2003 for certain purposes and 1.10.2004 otherwise) by [The Disability Discrimination Act 1995 \(Amendment\) Regulations 2003 \(S.I. 2003/1673\)](#), regs. 1(2)(3), **5(1)**
- F2** 1958 c. 21.

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- F3** 1975 c. 24. Schedule 2 was amended by S.I. 2002/794, article 5(2), **Schedule 2** and by the Scotland Act 1998 sections 48(6), 125, Schedule 9 and section 87(1).
- F4** 1975 c. 27.
- F5** 1998 c. 46.
- F6** 1994 c. 39.
- F7** 1973 c. 65, amended by the Local Government etc. (Scotland) Act 1994 (c. 39), section 180(2), **Schedule 14**, paragraph 1.

Modifications etc. (not altering text)

- C1** Ss. 4-6 modified (E.) (1.9.2003) by The Education (Modification of Enactments Relating to Employment) (England) Order 2003 (S.I. 2003/1964), **art. 3**. Sch.

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