SCHEDULES

SCHEDULE 5

EMPLOYMENT-RELATED SCHEMES FOR PENSIONS OR OTHER BENEFITS: EQUAL TREATMENT FOR MEN AND WOMEN

PART 1

COMPLIANCE BY SCHEMES

Modification of schemes by the Occupational Pensions Board

4.—(1) On an application made to them in respect of an employment-related benefit scheme, other than a public service scheme, by persons competent to make such an application, the Occupational Pensions Board ("the Board") may make an order modifying, or authorising the modification of, the scheme, for the purpose—

(a) of making provision implementing the principle of equal treatment otherwise than as provided by sub-paragraph (1) of paragraph 3; or

(b) of reflecting in the rules of the scheme any changes consequential upon the operation of that sub-paragraph.

(2) In relation to any employment-related benefit scheme, the persons competent to make an application to the Board under this paragraph are—

(a) the trustees or managers of the scheme;

(b) any person other than the trustees or managers who has power to alter the rules of the scheme;

(c) any person who is an employer of persons in service in an employment to which the scheme applies; and

(d) such other persons as regulations may specify, in relation to any category of schemes into which the scheme falls, as being proper persons to make an application for the purposes of this paragraph in respect of a scheme of that category.

(3) The Board shall not entertain an application for an order by them under this paragraph unless they are satisfied that the modification of the scheme in question—

(a) cannot be achieved otherwise than by means of such an order; or

(b) can only be achieved in accordance with a procedure which is liable to be unduly complex or protracted, or involves the obtaining of consents which cannot be obtained, or can only be obtained with undue delay or difficulty.

(4) Subject to sub-paragraph (3), the Board may on an application under this paragraph make (with the consent of the applicants) an order under sub-paragraph (1) and may exercise their powers under this paragraph from time to time; and the extent of their powers under this paragraph is not limited, in relation to any purposes for which they are exercisable, to the minimum necessary to achieve those purposes.

(5) An order of the Board under sub-paragraph (1) authorising the modification of a scheme shall be framed so as to confer the power of modification on such persons as the Board think proper (including persons who were not parties to the application made to the Board) and shall include such directions as the Board think appropriate indicating the modifications which they consider to be desirable.