

## 1995 No. 183

## PENSIONS

**The Occupational Pension Schemes (Equal Access to Membership) (Amendment) Regulations (Northern Ireland) 1995**

*Made* . . . . . 4th May 1995

*Coming into operation* . . . . . 31st May 1995

The Department of Health and Social Services for Northern Ireland, being a department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to equal pay for men and women and to equal treatment for men and women in matters of employment, self employment and vocational training, in exercise of the powers conferred on it by that section and sections 114(4) and 149(3) of the Pension Schemes (Northern Ireland) Act 1993(c) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

*Citation, commencement and interpretation*

1.—(1) These Regulations may be cited as the Occupational Pension Schemes (Equal Access to Membership) (Amendment) Regulations (Northern Ireland) 1995 and shall come into operation on 31st May 1995.

(2) In these Regulations “the principal Regulations” means the Occupational Pension Schemes (Equal Access to Membership) Regulations (Northern Ireland) 1976(d).

(3) The Interpretation Act (Northern Ireland) 1954(e) shall apply to these Regulations as it applies to a Measure of the Assembly.

*Insertion of regulation 5A into the principal Regulations*

2. After regulation 5 of the principal Regulations there shall be inserted the following regulation—

*“Extension of equal access requirements*

**5A.** Section 114 of the Act is modified by adding after “member” in subsection (1) the words “and on terms which do not otherwise discriminate between them, either directly or indirectly”.”.

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(a) S.I. 1993/2661

(b) 1972 c. 68

(c) 1993 c. 49

(d) S.R. 1976 No. 238; relevant amending regulations are S.R. 1994 No. 300

(e) 1954 c. 33 (N.I.)

*Amendment of regulation 10 of the principal Regulations*

3. In regulation 10(1)(b) of the principal Regulations (modification, in relation to the equal access requirements, of the provisions of the Equal Pay Act as to equality clauses) the words “(subject to regulation 4)” are omitted.

*Amendment of regulation 12 of the principal Regulations*

4. In regulation 12 of the principal Regulations (power for court or industrial tribunal to declare right to admission to scheme, and employer’s duty to provide additional resources)—

(a) in paragraph (3) after “paragraph (2) are” there shall be inserted “, subject to paragraph (4),”;

(b) after paragraph (3) there shall be added the following paragraph—

“(4) Where the equal access requirements apply by virtue of regulation 5A, the additional resources to be provided by the employer in accordance with paragraph (3) are such additional resources as are necessary to secure for the employee prospective entitlement to benefit arising from past service as if he had been a member of the scheme since the deemed entry date or 31st May 1995, whichever is the later.”.

*Amendment of regulation 13 of the principal Regulations*

5. In regulation 13 of the principal Regulations (employer’s duty to provide additional resources when scheme is modified)—

(a) in paragraph (3) after “paragraph (2) are” there shall be inserted “, subject to paragraph (4),”;

(b) after paragraph (3) there shall be added the following paragraph—

“(4) Where the equal access requirements apply by virtue of regulation 5A, the additional resources to be provided by the employer in accordance with paragraph (3) are such additional resources as are necessary to secure for the employee prospective entitlement to benefit arising from past service as if he had been a member of the scheme since the date determined in accordance with that paragraph or 31st May 1995, whichever is the later.”.

*Revocation*

6. Regulation 4 of the principal Regulations is hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 4th May 1995.

(L.S.)

W. G. Purdy

Assistant Secretary

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations extend the equal access requirements in section 114 of the Pension Schemes (Northern Ireland) Act 1993 and make related amendments to the Occupational Pension Schemes (Equal Access to Membership) Regulations (Northern Ireland) 1976 ("the principal Regulations") in order to implement requirements of Article 119 of the Treaty establishing the European Economic Community.

Regulation 2 inserts regulation 5A into the principal Regulations which provides for the extension of the equal access requirements.

Regulations 4 and 5 amend regulations 12 and 13 respectively of the principal Regulations by providing for the additional resources to be provided by employers, in cases to which regulation 5A of the principal Regulations applies, to relate to periods of membership after the coming into operation of these Regulations.

Regulation 6 revokes regulation 4 of the principal Regulations which makes provision for the fixing of different maximum age limits for membership in the case of schemes with different normal pension ages for men and women. Regulation 3 makes a consequential amendment to regulation 10 of the principal Regulations.