
STATUTORY INSTRUMENTS

1995 No. 3183

**The Occupational Pension Schemes
(Equal Treatment) Regulations 1995**

Power for a court or industrial tribunal to declare right to admission to scheme and employer's duty to provide additional resources for breach of term in contract of employment in relation to access claims

10. Where a claim to which regulation 9 applies relates to the terms on which persons become members of the scheme, section 2 of the Equal Pay Act shall have effect as if the following subsections were added after subsection (5) (as modified by regulation 9)—

“(6D) Where a court or industrial tribunal finds that there has been a breach of an equality clause which relates to the terms on which persons become members of the scheme—

- (a) the court or tribunal may declare that a person has a right to be admitted to the scheme in question with effect from such date (“the deemed entry date”) as it may specify provided that such date may not be earlier than two years before the institution of the proceedings in which the order was made, and
- (b) when the court or tribunal so declares and the deemed entry date is earlier than the date of the declaration, the employer shall provide any such resources to the scheme as are specified in subsection (7D) below.

(7D) The resources referred to in subsection (6D)(b) above are such additional resources, if any, as may be necessary for the scheme to secure to the person, without contribution or further contribution by the person or by other members of the scheme, the same accrued rights in respect of the period to which the declaration by the court or tribunal relates as if that person had been a member of the scheme since—

- (a) in a case to which subsection (8D) below applies, the deemed entry date;
- (b) in any other case, whichever is the later of the deemed entry date and 31st May 1995.

(8D) This subsection applies to a case where the court or tribunal finds there has been a breach of an equality clause which relates to terms concerning the age or length of service needed for becoming a member of the scheme.”(1).

(1) See footnote to regulation 5.