
STATUTORY INSTRUMENTS

1995 No. 3183

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

Power for a court or industrial tribunal to declare right to equal treatment for members and employer's duty to provide additional resources

6. Where a claim to which regulation 3 applies relates to the terms on which members of the scheme are treated, section 2 of the Equal Pay Act shall have effect as if the following subsections were added after subsection (5A) (as inserted by regulation 4)—

“(6B) Where a court or industrial tribunal finds that there has been a breach of an equal treatment rule which relates to the terms on which members of a scheme are treated—

- (a) the court or tribunal may declare that a member has a right to equal treatment in respect of such a period as it may specify provided that the period does not begin before 17th May 1990, and
- (b) if the court or tribunal declares that a member has a right to equal treatment in relation to a period falling before the date of the declaration, the employer shall provide any such resources to the scheme as are specified in subsection (7B) below.

(7B) The resources referred to in subsection (6B)(b) above are such additional resources, if any, as may be necessary for the scheme to secure to the member, without contribution or further contribution by the member or by other members of the scheme, the same accrued rights in respect of the period falling before the date of the declaration as if that member had been treated equally in respect of that period.”.