



Statutory Document No. 112/97

THE PENSION SCHEMES ACT 1995

THE PENSION SCHEMES ACT 1993 (APPLICATION)  
(AMENDMENT) ORDER 1997

*Approved by Tynwald 15th April 1997*

*Coming into operation in accordance with Article 1*

In exercise of the powers conferred on the Department of Health and Social Security by section 1 of the Pension Schemes Act 1995(a), and of all other enabling powers the following Order is hereby made:-

*Citation and commencement*

1. This Order may be cited as the Pension Schemes Act 1993 (Application) (Amendment) Order 1997 and, subject to section 1(4) of the Pension Schemes Act 1995, shall come into force on 1st May 1997.

*Amendment of the principal Order*

2. (1) The Schedule to the Pension Schemes Act 1993 (Application) Order 1995(b) shall be amended as follows.

(2) For subsection (1) of section 118 (equal access requirements) substitute -

"(1) Subject to section 153(3), the equal access requirements in relation to an occupational pension scheme are that membership of the scheme is open to both men and women on terms which are the same as to age and length of service needed for becoming a member and on terms which do not otherwise discriminate between them, either directly or indirectly."

(3) After subsection (5) of section 124 insert -

"(6) The Department shall not make any payment under this section unless an application under subsection (1) is made before the end of the period of 12 months beginning with the date on which the employer became insolvent."

---

Made 17th March 1997

Mrs C M Christian BSc M.L.C.  
Minister for Health and Social Security

---

(a) 1995 c.11; (b) S.D. 531/95.

Price: £0.20

## EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes two amendments to the Pension Schemes Act 1993 (Application) Order 1995 so as to modify the Pension Schemes Act 1993 (of Parliament) in its application to the Isle of Man.

The effect of the modification made by article 2(1) is to prohibit an occupational pension scheme discriminating in any way between men and women (and not only in relation to age and length of service required to qualify for membership). The modification follows an amendment of section 118(1) (as it applies in Great Britain) made by regulation 5A of the Occupational Pension Schemes (Equal Access to Membership) Regulations 1976 (S.I. 1976/142) as amended by S.I. 1995/1215).

Article 2(3) inserts a new subsection (6) into section 124 of the Pension Schemes Act 1993. This subsection provides for a time limit of 12 months for claims to the Department where the employer has become insolvent and there remains unpaid relevant contributions falling to be paid by him in respect of an occupational or personal pension scheme.