



Statutory Document No. 113/97

THE PENSION SCHEMES ACT 1995
THE PENSION SCHEMES LEGISLATION (APPLICATION)
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. (1) This Order may be cited as the Pension Schemes Legislation (Application) Order 1997 and, subject to section 1(4) of the Pension Schemes Act 1995, shall come into force as provided in paragraph (2)

(2) This Article and Articles 2 and 3 shall come into force forthwith and each provision of the applied legislation, as modified, shall come into force on 1st May 1997.

Interpretation

2. (1) In this Order "the applied legislation" means the Occupational Pension Schemes (Equal Access to Membership) Amendment Regulations 1995(b).

(2) Unless the context otherwise requires -

- (a) any reference in any of the applied legislation to any provision in an instrument of a legislative character which is not itself a provision of any of the applied legislation shall be construed as if the provision so referred to had been in force in the Island from the date on which that instrument of a legislative character had effect in Great Britain;
- (b) reference in any legislation applied by this Order to any provision of any such legislation or of any other legislation applied to the Island by an order under section 1 of the Social Security Act 1982(c), or under section 1 of the Pension Schemes Act 1995, shall be construed as a reference to that legislation as it has effect in the Island.

(a) 1995 c.11; (b) SI 1995/1215; (c) 1982 c. 9.

Price: £0.40

Application to the Island of the applied legislation

3. The applied legislation, as modified and shown in the Schedule to this Order, shall apply to the Island as part of the law of the Island.

SCHEDULE

This Schedule sets out the text of the Occupational Pension Schemes (Equal Access to Membership) Amendment Regulations 1995 (S.I.1995/1215) with such exceptions, adaptations and modifications made where necessary

Note: Modifications subject to which the legislation is applied to the Island are in bold italic type.

STATUTORY INSTRUMENTS

1995 No. 1215

PENSIONS

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

Citation, commencement and interpretation

1. (1) These Regulations may be cited as the Occupational Pension Schemes (Equal Access to Membership) Amendment Regulations 1995, and shall come into force on 31st May **1997**.

(2) In these Regulations "the principal Regulations" means the Occupational Pension Schemes (Equal Access to Membership) Regulations 1976(a).

Revocation of regulation 4 of the principal Regulations

2. Regulation 4 of the principal Regulations (upper age limit for membership) is hereby revoked.

Insertion of regulation 5A in the principal Regulations

3. ***Omitted.***

(a) S.I. 1976/142.

Amendment of regulation 10 of the principal Regulations

4. *Omitted.*

Amendment of regulation 12 of the principal Regulations

5. *Omitted.*

Amendment of regulation 13 of the principal Regulations

6. In regulation 13 of the principal Regulations (employer's duty to provide additional resources when scheme is modified) -

(a) in paragraph (3), after the words "above are", there shall be inserted the words ", subject to paragraph (4) below,";

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

"(4) Where the equal access requirements apply by virtue of the provision referred to in paragraph (5) below, the additional resources to be provided by the employer in accordance with paragraph (3) above 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 *1st May 1997*, whichever is the later.

(5) The provision referred to in paragraph (4) above is the words in section 118(1) of the Act from "and on terms" onwards (which extend the equal access requirements with effect from 1st May 1997".

Made 17th March 1997

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

EXPLANATORY NOTE

(This note is not part of the Order)

1. Section 1 of the Pension Schemes Act 1995 enables the Department by Order to apply to the Island, as part of the law of the Island and incorporating the exceptions, adaptations and modifications, any legislation to which the Act applies.
2. Inter alia, the Act applies to the Pension Schemes Act 1993 (of Parliament) and any statutory instruments made or having effect as if made under that Act.
3. This Order applies to the Island the legislation referred to in Article 2(1) of the Order, the provisions of which, as applied, are summarised in the following paragraphs.
4. The Occupational Pension Schemes (Equal Access to Membership) Amendment Regulations 1995 (S.I.1995/1215)

These Regulations modify the equal access requirements in section 118 of the Pension Schemes Act 1993 and make related amendments to the Occupational Pension Schemes (Equal Access to Membership) Regulations 1976 ("the principal Regulations").

Regulation 2 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 6 amends regulation 13 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 (inserted by regulation 3 of these Regulations) applies, to relate to periods of membership after the coming into force of these Regulations.