

**General Scheme of
Equal Status (Amendment) Bill**

October 2012

ARRANGEMENT OF HEADS

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Head 1 Short title and commencement

Provide that:

- (1). This Act may be cited as the Equal Status (Amendment) Act 2012.
- (2). This Act shall come into operation on enactment.

Head 2 Amendment of section 5 of the Equal Status Act 2000

(1). Section 5 of the Equal Status Act 2000 is amended, in subsection (2) by substituting for paragraph (da) the following -

“(da) differences in the treatment of persons on the gender ground, or in any other circumstances to which the Gender Goods and Services Directive is relevant, related to the assessment of risk in respect of classes of insurance to which this paragraph applies pursuant to subsection (3) where the treatment—

(i) is effected by reference to—

(I) actuarial or statistical data obtained from a source on which it is reasonable to rely, or

(II) other relevant underwriting or commercial factors,

and

(ii) is reasonable having regard to the data or other relevant factors,

and

(iii) in respect of the classes of insurance pursuant to subsection (3), paragraphs (a) and (b), the contract is concluded before 21 December 2012,”

(2). by the insertion of the following after subsection (5) –

“(6). Subsection (5) ceases to have effect in relation to 2012 and subsequent years.”

and

(3). by the insertion of the following after subsection (5) –

“(7). A mid-term adjustment to a motor insurance contract is not a new contract for the purpose of this section”.

Head 3 Amendment of section 14 of the Equal Status Act 2000

(1). Section 14 of the Equal Status Act 2000 is amended by substitution of the following text:-

Substitute “**14.**— (1) Nothing in this Act shall be construed as prohibiting—“

For “**14.**— Nothing in this Act shall be construed as prohibiting—“,

and

(2) Section 14, subsection (1) of the Equal Status Act 2000 is amended by insertion of the following text after paragraph (b) –

“or

- (c) the collection, storage and use of gender status or gender-related information by insurance providers which is bona fide intended for the following purposes-
 - (i) reserving and internal pricing,
 - (ii) reinsurance pricing, and
 - (iii) life and health underwriting.”

Head 4 Amendment of section 41 of the Equal Status Act 2000

(1). Section 41 of the Equal Status Act 2000 is amended by deletion of subsection (2A).