



Number 41 of 2012

EQUAL STATUS (AMENDMENT) ACT 2012

ARRANGEMENT OF SECTIONS

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[No. 41.] *Equal Status (Amendment) Act 2012.* [2012.]

ACTS REFERRED TO

Central Bank Act 1942	1942, No. 22
Central Bank Reform Act 2010	2010, No. 23
Civil Law (Miscellaneous Provisions) Act 2008	2008, No. 14
Equal Status Act 2000	2000, No. 8
Equality Act 2004	2004, No. 24



Number 41 of 2012

EQUAL STATUS (AMENDMENT) ACT 2012

AN ACT TO AMEND THE EQUAL STATUS ACT 2000; AND
TO PROVIDE FOR RELATED MATTERS.

[20th December, 2012]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act—

Definitions.

“Act of 2004” means the Equality Act 2004;

“Principal Act” means the Equal Status Act 2000.

2.—Section 5 (as amended by section 76 of the Civil Law (Miscellaneous Provisions) Act 2008) of the Principal Act is amended—

Amendment of
section 5 of
Principal Act.

(a) in subsection (2)—

(i) by the substitution of “Subject to subsections (4) and (4A), subsection (1) shall not apply in respect of—” for “Subject to subsection (4), subsection (1) does not apply in respect of—”, and

(ii) by the substitution of the following paragraph for paragraph (da):

“(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,

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

(iii) is effected, in the case of a class of insurance specified in paragraph (a) or (b) of subsection (3), pursuant to a contract which is concluded before 21 December 2012,”

(b) by the insertion of the following subsection after subsection (4):

“(4A) (a) With effect on and after 21 December 2012, nothing in subsection (2) shall be construed to permit 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 contracts of insurance of the classes of insurance specified in paragraph (a) or (b) of subsection (3) where such contracts are concluded on or after that date.

(b) For the avoidance of doubt, nothing in paragraph (a) shall be construed as applying to a contract of a class of insurance specified in subsection (3)(a) where the contract concerned is concluded before 21 December 2012 and expires before 21 December 2013, irrespective of whether any adjustment to the insurance cover provided under that contract or any related adjustment to premium is made to the contract concerned during its term and, accordingly, subsection (2)(da) shall continue to apply to that contract during its term.”

and

(c) by the insertion of the following subsections after subsection (5):

“(6) The obligations imposed on the Central Bank of Ireland (within the meaning of the Central Bank Act 1942 (as amended by the Central Bank Reform Act 2010)) by virtue of subsection (5), in so far as those obligations relate to the compilation of data referred to in that subsection, shall cease to have effect on and after 21 December 2012.

(7) Nothing in subsection (6) shall be construed to affect the obligations imposed on the Central Bank of Ireland by virtue of subsection (5), to continue to maintain and publish data referred to in that subsection compiled before 21 December 2012.”

[2012.] *Equal Status (Amendment) Act 2012.* [No. 41.]

3.—Section 14 (as amended by section 52 of the Act of 2004) of the Principal Act is amended, in subsection (1)—

Amendment of section 14 of Principal Act.

- (a) in paragraph (aa)(ii), by the substitution of “where the action arises from an action referred to in subparagraph (i),” for “where the action arises from an action referred to in subparagraph (i), or”,
- (b) in paragraph (b)(ii), by the substitution of “who do not have those special needs, or” for “who do not have those special needs.”, and
- (c) by the insertion of the following paragraph after paragraph (b):

“(c) the use of gender status or the collection, storage or use of gender-related information by insurance providers that is *bona fide* intended for any or all of the following purposes:

- (i) reserving and internal pricing;
- (ii) reinsurance pricing;
- (iii) marketing and advertising;
- (iv) life and health underwriting.”.

4.—Section 24 (as amended by section 58 of the Act of 2004) of the Principal Act is amended, in subsection (6)(b), by the substitution of “42 days” for “28 days”.

Amendment of section 24 of Principal Act.

5.—Section 41 of the Principal Act is amended by the deletion of subsection (2A) (inserted by section 76 of the Act of 2004).

Amendment of section 41 of Principal Act.

6.—(1) This Act may be cited as the Equal Status (Amendment) Act 2012.

Short title, collective citation and construction.

(2) The Equal Status Acts 2000 to 2011 and this Act may be cited together as the Equal Status Acts 2000 to 2012 and shall be construed together as one.