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**Changes to legislation:** Equality Act 2010, Part 2 is up to date with all changes known to be in force on or before 02 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULES

### SCHEDULE 7

#### EQUALITY OF TERMS: EXCEPTIONS

#### PART 2

#### OCCUPATIONAL PENSION SCHEMES

##### *Preliminary*

- 3 (1) A sex equality rule does not have effect in relation to a difference as between men and women in the effect of a relevant matter if the difference is permitted by or by virtue of this Part of this Schedule.
- (2) “Relevant matter” has the meaning given in section 67.

##### *State retirement pensions*

- 4 (1) This paragraph applies where a man and a woman are eligible, in such circumstances as may be prescribed, to receive different amounts by way of pension.
- (2) The difference is permitted if, in prescribed circumstances, it is attributable only to differences between men and women in the retirement benefits to which, in prescribed circumstances, the man and woman are or would be entitled.
- (3) “Retirement benefits” are benefits under sections 43 to 55 of the Social Security Contributions and Benefits Act 1992 (state retirement pensions)<sup>F1</sup> or sections 2 to 12 of the Pensions Act 2014 (state pension)].

#### **Textual Amendments**

- F1** Words in Sch. 7 para. 4(3) inserted (6.4.2016 art. 1(2)) by [The Pensions Act 2014 \(Consequential and Supplementary Amendments\) Order 2016 \(S.I. 2016/224\)](#), **art. 8**

#### **Commencement Information**

- II** Sch. 7 para. 4 wholly in force; para. 4 not in force at Royal Assent see s. 216; para. 4 in force for certain purposes at 6.7.2010 by [S.I. 2010/1736](#), **art. 2**, Sch.; Sch. 7 in force at 1.10.2010 in so far as not already in force by [S.I. 2010/2317](#), **art. 2(1)(5)(g)** (with [art. 15](#))

##### *Actuarial factors*

- 5 (1) A difference as between men and women is permitted if it consists of applying to the calculation of the employer's contributions to an occupational pension scheme actuarial factors which—
- (a) differ for men and women, and

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(b) are of such description as may be prescribed.

- (2) A difference as between men and women is permitted if it consists of applying to the determination of benefits of such description as may be prescribed actuarial factors which differ for men and women.

**Commencement Information**

- I2** Sch. 7 para. 5 wholly in force; para. 5 not in force at Royal Assent see s. 216; para. 5 in force for certain purposes at 6.7.2010 by S.I. 2010/1736, art. 2, Sch.; Sch. 7 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, art. 2(1)(5)(g) (with art. 15)

*Power to amend*

- 6 (1) Regulations may amend this Part of this Schedule so as to add, vary or omit provision about cases where a difference as between men and women in the effect of a relevant matter is permitted.
- (2) The regulations may make provision about pensionable service before the date on which they come into force (but not about pensionable service before 17 May 1990).

**Commencement Information**

- I3** Sch. 7 para. 6 wholly in force; para. 6 not in force at Royal Assent see s. 216; para. 6 in force for certain purposes at 6.7.2010 by S.I. 2010/1736, art. 2, Sch.; Sch. 7 in force at 1.10.2010 in so far as not already in force by S.I. 2010/2317, art. 2(1)(5)(g) (with art. 15)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 40A inserted by [2023 c. 51 s. 1](#)
- s. 120(9) inserted by [2023 c. 51 s. 2\(b\)](#)
- s. 124A inserted by [2023 c. 51 s. 3](#)