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*Status: Point in time view as at 01/10/2010. This version of this provision has been superseded.*

*Changes to legislation: Equality Act 2010, Paragraph 22 is up to date with all changes known to be in force on or before 23 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)*

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## SCHEDULES

### SCHEDULE 3

#### SERVICES AND PUBLIC FUNCTIONS: EXCEPTIONS

##### PART 5

#### INSURANCE, ETC.

##### *Sex, gender reassignment, pregnancy and maternity*

- 22 (1) It is not a contravention of section 29, so far as relating to relevant discrimination, to do anything in relation to an annuity, life insurance policy, accident insurance policy or similar matter involving the assessment of risk if—
- (a) that thing is done by reference to actuarial or other data from a source on which it is reasonable to rely, and
  - (b) it is reasonable to do that thing.
- (2) In the case of a contract of insurance, or a contract for related financial services, entered into before 6 April 2008, sub-paragraph (1) applies only in relation to differences in premiums and benefits that are applicable to a person under the contract.
- (3) In the case of a contract of insurance, or a contract for related financial services, entered into on or after 6 April 2008, sub-paragraph (1) applies only in relation to differences in premiums and benefits if—
- (a) the use of sex as a factor in the assessment of risk is based on relevant and accurate actuarial and statistical data,
  - (b) the data are compiled, published (whether in full or in summary form) and regularly updated in accordance with guidance issued by the Treasury,
  - (c) the differences are proportionate having regard to the data, and
  - (d) the differences do not result from costs related to pregnancy or to a woman's having given birth in the period of 26 weeks ending on the day on which the thing in question is done.
- (4) “Relevant discrimination” is—
- (a) gender reassignment discrimination;
  - (b) pregnancy and maternity discrimination;
  - (c) sex discrimination.
- (5) For the purposes of the application of sub-paragraph (3) to gender reassignment discrimination by virtue of section 13, that section has effect as if in subsection (1), after “others” there were inserted “ of B's sex ”.

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- (6) In the application of sub-paragraph (3) to a contract entered into before 22 December 2008, paragraph (d) is to be ignored.

**Commencement Information**

- II** Sch. 3 wholly in force at 1.10.2012; Sch. 3 not in force at Royal assent see s. 216; Sch. 3 in force at 1.10.2010 for certain purposes by S.I. 2010/2317, art. 2(3); Sch. 3 in force so far as not already in force at 1.10.2012 by S.I. 2012/1569, art. 2(d)

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