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**Changes to legislation:** Equality Act 2010, Cross Heading: Benefits dependent on marital status, etc. is up to date with all changes known to be in force on or before 10 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 9

#### WORK: EXCEPTIONS

#### PART 3

#### OTHER EXCEPTIONS

##### *Benefits dependent on marital status, etc.*

- 18 (1) A person does not contravene this Part of this Act, so far as relating to sexual orientation, by doing anything which prevents or restricts a person who is not <sup>[F1]</sup>within sub-paragraph (1A)] from having access to a benefit, facility or service—
- (a) the right to which accrued before 5 December 2005 (the day on which section 1 of the Civil Partnership Act 2004 came into force), or
  - (b) which is payable in respect of periods of service before that date.
- <sup>[F2]</sup>(1A) A person is within this sub-paragraph if the person is—
- (a) a man who is married to a woman, or
  - (b) a woman who is married to a man, or
  - (c) married to a person of the same sex in a relevant gender change case.
- (1B) The reference in sub-paragraph (1A)(c) to a relevant gender change case is a reference to a case where—
- (a) the married couple were of the opposite sex at the time of their marriage, and
  - (b) a full gender recognition certificate has been issued to one of the couple under the Gender Recognition Act 2004.]
- <sup>[F3]</sup>(1C) Sub-paragraph (1) does not apply in relation to access to a benefit payable under an occupational pension scheme to the surviving spouse or surviving civil partner of a deceased member or deceased pension credit member of the scheme.]
- (2) A person does not contravene this Part of this Act, so far as relating to sexual orientation, by providing married persons and civil partners (to the exclusion of all other persons) with access to a benefit, facility or service.

#### Textual Amendments

- F1** Words in [Sch. 9 para. 18\(1\)](#) substituted (13.3.2014 for specified purposes) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\)](#), [Sch. 4 para. 17\(2\)](#); S.I. 2014/93, art. 3(j)(iii)
- F2** [Sch. 9 para. 18\(1A\)\(1B\)](#) inserted (13.3.2014 for specified purposes) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\)](#), [Sch. 4 para. 17\(3\)](#); S.I. 2014/93, art. 3(j)(iii)

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**F3** Sch. 9 para. 18(1C) inserted (coming into force in accordance with reg. 1(b) of the amending S.I.) by The Pensions Act 2004 and the Equality Act 2010 (Amendment) (Equal Treatment by Occupational Pension Schemes) Regulations 2023 (S.I. 2023/1308), **reg. 4**

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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](#)