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STATUTORY INSTRUMENTS

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**2019 No. 879**

**EQUALITY  
PENSIONS**

**The Equality Act (Age Exceptions for  
Pension Schemes) (Amendment) Order 2019**

<i>Made</i>	- - - -	<i>17th April 2019</i>
<i>Laid before Parliament</i>		<i>24th April 2019</i>
<i>Coming into force</i>	- -	<i>15th May 2019</i>

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by sections 61(8) and 207(4) of the Equality Act 2010<sup>(1)</sup>.

In accordance with section 61(9) of the Equality Act 2010, the Secretary of State has consulted such persons as the Secretary of State considers appropriate.

**Citation and commencement**

1. This Order may be cited as the Equality Act (Age Exceptions for Pension Schemes) (Amendment) Order 2019 and comes into force on 15th May 2019.

**Amendments to the Equality Act (Age Exceptions for Pension Schemes) Order 2010**

2.—(1) The Equality Act (Age Exceptions for Pension Schemes) Order 2010<sup>(2)</sup> is amended in accordance with this article.

(2) In Schedule 1 (occupational pension schemes: excepted rules, practices, actions and decisions) in paragraph 14(1)(a)<sup>(3)</sup> for “65” substitute “that member’s state pension age”<sup>(4)</sup>.

(3) In Schedule 1 in paragraph 14(2) in the definition of “relevant state retirement pension rate” for the words “paragraph 2(5) of Schedule 28 to the Finance Act” substitute “regulation 4(3)(b) (pensions bridging: pensionable age on or after 6th April 2016) of the Registered Pension Schemes (Bridging Pensions) and Appointed Day Regulations 2016<sup>(5)</sup>”.

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(1) [2010 c.15](#).

(2) [S.I. 2010/2133](#).

(3) Schedule 1 paragraph 14 was amended by [S.I. 2015/1985](#).

(4) State pension age is defined at paragraph 14(2) of Schedule 1.

(5) [S.I. 2016/1005](#).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Signed by authority of the Secretary of State for Work and Pensions

17th April 2019

*Will Quince*  
Parliamentary Under -Secretary of State,  
Department for Work and Pensions

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Equality Act (Age Exceptions for Pension Schemes) Order 2010 ([S.I. 2010/2133](#)) (“the 2010 Order”).

Article 2(2) amends an exception in the 2010 Order relating to an occupational pension scheme’s age related equality obligations under the Equality Act [2010 \(c.15\)](#). The effect of the amendment is to update the age related exception so that occupational pension schemes can continue to reduce a pensioner member’s pension benefits by an amount not exceeding the relevant state retirement pension rate with effect from any time between age 60 and the date they reach their state pension age.

Article 2(3) amends the definition of “relevant state retirement pension rate”. The term was defined in accordance with the meaning given in paragraph 2(5) of Schedule 28 to the Finance Act [2004 \(c.12\)](#). Paragraph 2(5) was repealed by section 20(1) of the Finance Act [2016 \(c.24\)](#). The term was re-defined in the Registered Pension Schemes (Bridging Pensions) and Appointed Day Regulations 2016 ([S.I. 2016/1005](#)) (“the 2016 Regulations”). Article 2(3) updates the definition in the 2010 Order so it refers to the relevant part of the definition in the 2016 Regulations.

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is published with the Explanatory Memorandum alongside this instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).