



Equality Act 2010

2010 CHAPTER 15

PART 5

WORK

CHAPTER 3

EQUALITY OF TERMS

Sex equality

67 Sex equality rule

- (1) If an occupational pension scheme does not include a sex equality rule, it is to be treated as including one.
- (2) A sex equality rule is a provision that has the following effect—
 - (a) if a relevant term is less favourable to A than it is to B, the term is modified so as not to be less favourable;
 - (b) if a term confers a relevant discretion capable of being exercised in a way that would be less favourable to A than to B, the term is modified so as to prevent the exercise of the discretion in that way.
- (3) A term is relevant if it is—
 - (a) a term on which persons become members of the scheme, or
 - (b) a term on which members of the scheme are treated.
- (4) A discretion is relevant if its exercise in relation to the scheme is capable of affecting—
 - (a) the way in which persons become members of the scheme, or
 - (b) the way in which members of the scheme are treated.

Status: This is the original version (as it was originally enacted).

- (5) The reference in subsection (3)(b) to a term on which members of a scheme are treated includes a reference to the term as it has effect for the benefit of dependants of members.
- (6) The reference in subsection (4)(b) to the way in which members of a scheme are treated includes a reference to the way in which they are treated as the scheme has effect for the benefit of dependants of members.
- (7) If the effect of a relevant matter on persons of the same sex differs according to their family, marital or civil partnership status, a comparison for the purposes of this section of the effect of that matter on persons of the opposite sex must be with persons who have the same status.
- (8) A relevant matter is—
 - (a) a relevant term;
 - (b) a term conferring a relevant discretion;
 - (c) the exercise of a relevant discretion in relation to an occupational pension scheme.
- (9) This section, so far as relating to the terms on which persons become members of an occupational pension scheme, does not have effect in relation to pensionable service before 8 April 1976.
- (10) This section, so far as relating to the terms on which members of an occupational pension scheme are treated, does not have effect in relation to pensionable service before 17 May 1990.