
DRAFT STATUTORY INSTRUMENTS

2014 No.

**The Pensions Act 2011(Transitional, Consequential
and Supplementary Provisions) Regulations 2014**

PART 16

Equality

Modification of the Occupational Pension Schemes (Equal Treatment) Regulations 1995

75.—(1) Regulation 15 of the Occupational Pension Schemes (Equal Treatment) Regulations 1995 (exceptions to the equal treatment rule: use of actuarial factors which differ for men and women)(1) has effect in relation to periods before 1st October 2010 as if—

(a) for paragraph (2)(c) there were substituted—

“(c) a pension derived from money purchase benefits within the meaning of section 181(1) of the Pension Schemes Act 1993;”.

(2) Where the conditions specified in paragraph (3) are satisfied, regulation 15 of those Regulations has effect as if after paragraph (2)(c) there were inserted—

“(ca) a pension derived from cash balance benefits within the meaning of regulation 2 of the Pensions Act 2011 (Transitional, Consequential and Supplementary Provisions) Regulations 2014;”.

(3) The conditions specified in this paragraph are that before 1st October 2010 the trustees or managers of the scheme—

(a) treated cash balance benefits as if they were money purchase benefits; and

(b) applied different actuarial factors for men and for women in determining the rate of a pension derived from those benefits.

Retrospective modification of the Equality Act 2010 (Sex Equality Rule) (Exceptions) Regulations 2010

76.—(1) Regulation 4(2)(c) (exceptions to the sex equality rule: use of actuarial factors which differ for men and women) of the Equality Act 2010 (Sex Equality Rule) (Exceptions) Regulations 2010(2) (“the Sex Equality Exceptions Regulations”) has effect as if the amendments made by regulation 77(a) of these Regulations (Amendment of the Equality Act 2010 (Sex Equality Rule) (Exceptions) Regulations 2010) came into force on 1st October 2010.

(2) Where the conditions specified in paragraph (3) are satisfied, regulation 4 of the Sex Equality Exceptions Regulations has effect as if the amendments made by regulation 77(b) of these Regulations came into force on 1st October 2010.

(1) [S.I. 1995/3183](#). These regulations were revoked by section 211(2) and Part 2 of Schedule 7 to the Equality Act 2010 (c. 15) with effect from 1st October 2010.

(2) [S.I. 2010/2132](#).

- (3) The conditions specified in this paragraph are that on or after 1st October 2010 and before the appointed day the trustees or managers of an occupational pension scheme —
- (a) treated benefits specified in regulation 75(3)(a) as if they were money purchase benefits; and
 - (b) applied different actuarial factors for men and for women in determining the rate of a pension derived from those benefits.

Amendment of the Equality Act 2010 (Sex Equality Rule) (Exceptions) Regulations 2010

77. Regulation 4 of the Sex Equality Exceptions Regulations is amended as follows—
- (a) in paragraph (2)(c), before “money purchase benefits” insert “a pension which is derived from”; and
 - (b) after paragraph (2)(c) insert—
 - “(ca) a pension which is derived from cash balance benefits within the meaning of regulation 2 of the Pensions Act 2011 (Transitional, Consequential and Supplementary Provisions) Regulations 2014;”.