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DRAFT STATUTORY INSTRUMENTS

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**2023 No.**

**The Occupational Pension Schemes (Amendment)  
(Equal Treatment) (Northern Ireland) Regulations 2023**

**Amendment of the Equal Pay Act (Northern Ireland) 1970**

2.—(1) The Equal Pay Act (Northern Ireland) 1970(1) is amended as follows.

(2) After section 1A(2) (meaning of “political office” in section 1(7C)(a)) insert—

**“Equal treatment in respect of pensions**

**1B.**—(1) An equality clause does not operate in relation to terms relating to a person’s membership of, or rights under, an occupational pension scheme, being terms in relation to which, by reason only of any provision made by or under Articles 62 to 64 of the Pensions (Northern Ireland) Order 1995(3) (equal treatment), an equal treatment rule would not operate if the terms were included in the scheme.

(2) Subsection (3) applies where a person (“A”) is or has been in pensionable service under an occupational pension scheme (regardless of whether section 1 also applies).

(3) If the terms of A’s service do not (by whatever means) include an equality clause, they are to be treated as including one.

(4) For the purposes of subsection (3), an equality clause has the effect that if, by virtue of the application of the guaranteed minimum pension provisions, any term of A’s service that relates to membership of or rights under the scheme concerned is less favourable to A than it would be if A were of the opposite sex, the term, in so far as an equal treatment rule would have effect in relation to it, is modified so as not to be less favourable.

(5) The provisions of this Act apply in relation to an equality clause having effect under subsection (3) as they apply in relation to an equality clause having effect under section 1(1).

(6) In this section—

“equal treatment rule” has the meaning given by Article 62 of the Pensions (Northern Ireland) Order 1995;

“guaranteed minimum pension provisions” means so much of the Pension Schemes (Northern Ireland) Act 1993(4) and of any other statutory provision as relates to guaranteed minimum pensions (within the meaning of that Act);

“occupational pension scheme” has the meaning given by section 1 of the Pension Schemes (Northern Ireland) Act 1993;

“pensionable service” has the meaning given by Article 121(1) of the Pensions (Northern Ireland) Order 1995;

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(1) 1970 c. 32 (N.I.). Subsections (1B) and (1C) of section 6 were substituted for subsections (1A) and (2) by [S.I. 1995/3213](#) (N.I. 22).  
(2) Section 1A was inserted by [S.R. 2005 No. 426](#).  
(3) [S.I. 1995/3213](#) (N.I. 22).  
(4) 1993 c. 49.

“statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954<sup>(5)</sup>.”.

- (3) In section 6 (exclusion from ss.1 to 5 of pensions etc.)—
- (a) for the heading substitute “Exclusions from sections 1 to 5”;
  - (b) omit subsections (1B) and (1C).

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(5) 1954 c. 33 (N.I.).