

SCHEDULES

SCHEDULE 3

SERVICES AND PUBLIC FUNCTIONS: EXCEPTIONS

PART 5

INSURANCE, ETC.

Services arranged by employer

- 20 (1) Section 29 does not apply to the provision of a relevant financial service if the provision is in pursuance of arrangements made by an employer for the service-provider to provide the service to the employer's employees, and other persons, as a consequence of the employment.
- (2) "Relevant financial service" means—
- (a) insurance or a related financial service, or
 - (b) a service relating to membership of or benefits under a personal pension scheme (within the meaning given by section 1 of the Pension Schemes Act 1993).

Disability

- 21 (1) It is not a contravention of section 29, so far as relating to disability discrimination, to do anything in connection with insurance business if—
- (a) that thing is done by reference to information that is both relevant to the assessment of the risk to be insured and from a source on which it is reasonable to rely, and
 - (b) it is reasonable to do that thing.
- (2) "Insurance business" means business which consists of effecting or carrying out contracts of insurance; and that definition is to be read with—
- (a) section 22 of the Financial Services and Markets Act 2000,
 - (b) any relevant order under that Act, and
 - (c) Schedule 2 to that Act.

Sex, gender reassignment, pregnancy and maternity

- 22 (1) It is not a contravention of section 29, so far as relating to relevant discrimination, to do anything in relation to an annuity, life insurance policy, accident insurance policy or similar matter involving the assessment of risk if—
- (a) that thing is done by reference to actuarial or other data from a source on which it is reasonable to rely, and
 - (b) it is reasonable to do that thing.

Status: This is the original version (as it was originally enacted).

- (2) In the case of a contract of insurance, or a contract for related financial services, entered into before 6 April 2008, sub-paragraph (1) applies only in relation to differences in premiums and benefits that are applicable to a person under the contract.
- (3) In the case of a contract of insurance, or a contract for related financial services, entered into on or after 6 April 2008, sub-paragraph (1) applies only in relation to differences in premiums and benefits if—
 - (a) the use of sex as a factor in the assessment of risk is based on relevant and accurate actuarial and statistical data,
 - (b) the data are compiled, published (whether in full or in summary form) and regularly updated in accordance with guidance issued by the Treasury,
 - (c) the differences are proportionate having regard to the data, and
 - (d) the differences do not result from costs related to pregnancy or to a woman's having given birth in the period of 26 weeks ending on the day on which the thing in question is done.
- (4) “Relevant discrimination” is—
 - (a) gender reassignment discrimination;
 - (b) pregnancy and maternity discrimination;
 - (c) sex discrimination.
- (5) For the purposes of the application of sub-paragraph (3) to gender reassignment discrimination by virtue of section 13, that section has effect as if in subsection (1), after “others” there were inserted “of B's sex”.
- (6) In the application of sub-paragraph (3) to a contract entered into before 22 December 2008, paragraph (d) is to be ignored.

Existing insurance policies

- 23 (1) It is not a contravention of section 29, so far as relating to relevant discrimination, to do anything in connection with insurance business in relation to an existing insurance policy.
- (2) “Relevant discrimination” is—
 - (a) age discrimination;
 - (b) disability discrimination;
 - (c) gender reassignment discrimination;
 - (d) pregnancy and maternity discrimination;
 - (e) race discrimination;
 - (f) religious or belief-related discrimination;
 - (g) sex discrimination;
 - (h) sexual orientation discrimination.
- (3) An existing insurance policy is a policy of insurance entered into before the date on which this paragraph comes into force.
- (4) Sub-paragraph (1) does not apply where an existing insurance policy was renewed, or the terms of such a policy were reviewed, on or after the date on which this paragraph comes into force.

- (5) A review of an existing insurance policy which was part of, or incidental to, a general reassessment by the service-provider of the pricing structure for a group of policies is not a review for the purposes of sub-paragraph (4).
- (6) “Insurance business” has the meaning given in paragraph 21.