
STATUTORY INSTRUMENTS

2023 No. 1308

**The Pensions Act 2004 and the Equality Act
2010 (Amendment) (Equal Treatment by
Occupational Pension Schemes) Regulations 2023**

Amendment of the Pensions Act 2004

- 2.—(1) Section 171 (equal treatment) of the Pensions Act 2004⁽¹⁾ is amended as follows.
- (2) In subsection (1), for “This section” substitute “Subsection (2)”.
- (3) After subsection (4) insert—
- “(4A) Subsection (4B) applies where a person has been in pensionable service under an occupational pension scheme (regardless of whether subsection (2) also applies in that person’s case).
- (4B) If, apart from this subsection, any of the payment functions so far as it relates (directly or indirectly) to that pensionable service is or becomes, by virtue of the application of the guaranteed minimum pension provisions, less favourable to that person than it would be if that person were of the opposite sex, that function has effect with such modifications as are necessary to ensure that the provision is not less favourable.”.
- (4) In subsection (6), before the definition of “payment function” insert—
- ““guaranteed minimum pension provisions” means so much of the Pension Schemes Act 1993⁽²⁾ and of any other enactment as relates to guaranteed minimum pensions (within the meaning of that Act);”.

(1) 2004 c. 35.

(2) 1993 c. 48.