STATUTORY RULES OF NORTHERN IRELAND

# 2006 No. 395

# AGE DISCRIMINATION

## The Employment Equality (Age) (Amendment) Regulations (Northern Ireland) 2006

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| *Made - - - -* | *28th September 2006* |
| *Coming into operation -* | *30th September 2006* |

The Office of the First Minister and deputy First Minister, being a Department designated for the purposes of section 2(2) of the European Communities Act 1972(**a**) in relation to discrimination (**b**), in exercise of the powers conferred by section 2(2) of that Act makes the following Regulations:

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Employment Equality (Age) (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 30th September 2006.

(2) The Interpretation Act (Northern Ireland) 1954(**c**) shall apply to these Regulations as it applies to an Act of the Assembly.

**Amendment of the Employment Equality (Age) Regulations (Northern Ireland) 2006**

**2.**—(1) The Employment Equality (Age) Regulations (Northern Ireland) 2006(**d**) shall be amended in accordance with paragraphs (2) to (7).

(2) For regulation 1 (citation and commencement) there shall be substituted—

"**Citation and commencement**

**1.** These Regulations may be cited as the Employment Equality (Age) Regulations (Northern Ireland) 2006 and shall come into operation—

(a) for the purposes of this regulation, regulation 2 (interpretation) and regulations 37, 38 and 39 (functions of the Equality Commission), on 14th June 2006;

(b) for the purposes of regulation 7 (applicants and employees) and regulation 25 (relationships which have come to an end), in so far as either regulation relates to arrangements for—

(i) the payment of pension contributions;

(ii) admission to a pension scheme; and

(iii) the provision of any benefits relating to pensions;

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(**a**) 1972 c.68
(**b**) See the European Communities (Designation) (No. 3) Order 2002 (S.I. 2002/1819)
(**c**) 1954 c.33 (N.I.)
(**d**) S.R. 2006 No. 261

on 1st December 2006;

(c) for the purposes of regulation 12 (pension schemes) and Schedule 1 (pension schemes), on 1st December 2006; and

(d) for all other purposes on 1st October 2006.".

(3) In regulation 12(1) (pension schemes) for "1st October 2006" there shall be substituted "1st December 2006".

(4) In regulations 25(3), 41(3) and 44(5), for "1st October 2006" there shall be substituted "the date on which the act of discrimination or harassment became unlawful by virtue of these Regulations".

(5) In regulation 51 (duty to consider working beyond retirement) for "employer" there shall be substituted "employee".

(6) In Schedule 1 (pension schemes), in paragraphs 2(4)(a), 6(3)(a) and 13 for "1st October 2006" there shall be substituted "1st December 2006".

(7) In Schedule 4 (validity of contracts, collective agreements and rules of undertaking)—

(a) in paragraph 1, for sub-paragraph (4) there shall be substituted the following sub-paragraph—

"(4) Sub-paragraphs (1), (2) and (3) shall apply whether the contract was entered into before or after the date on which any term of the contract became unlawful by virtue of these Regulations, but in the case of a contract made before the date on which a term became unlawful, those sub-paragraphs do not apply to that term in relation to any period before that date.";

(b) in paragraph 3(2) for "(but after 1st October 2006)" there shall be substituted "(but after the date on which the inclusion of any term which is the subject of the order becomes unlawful by virtue of these Regulations)";

(c) in paragraph 4, for sub-paragraph (3) there shall be substituted the following sub-paragraph—

"(3) Sub-paragraph (2) shall apply whether the agreement was entered into, or the rule made, before or after the date on which any term of the agreement or rule became unlawful by virtue of these Regulations; but in the case of an agreement entered into, or a rule made, before the date on which a term, or rule, became unlawful, that sub-paragraph does not apply to that term or rule in relation to any period before that date."; and

(d) in paragraph 8(2) for "(but after 1st October 2006)" there shall be substituted "(but after the date on which the inclusion of the term or rule became unlawful by virtue of these Regulations)".

Sealed with the Official Seal of the Office of the First Minister and deputy First Minister on 28th September 2006.

L.S.

*Gerry Mulligan*
A senior officer of the
Office of the First Minister and deputy First Minister

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Employment Equality (Age) Regulations (Northern Ireland) 2006 (S.R. 2006 No. 261) ("the Age Regulations") which implement the Council Directive 2000/78/EC of 27th November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000, p.16).

These Regulations postpone until 1st December 2006 the date on which certain provisions of the Age Regulations shall come into operation. These provisions are: regulation 7 (applicants and employees) and regulation 25 (relationships which have come to an end) (but only in so far as they relate to the payment of contributions to a pension scheme, admission to a pension scheme and arrangements which relate to the provision of benefits from a pension scheme), regulation 12 (pension schemes) and Schedule 1 (pension schemes). Consequential amendments have also been made to the Age Regulations to reflect this. An amendment has also been made to regulation 51 of the Age Regulations to correct a drafting error.

A Regulatory Impact Assessment of the effect that these Regulations will have on business costs was included in the Regulatory Impact Assessment that accompanied the Age Regulations. Copies have been placed in the Library of the Northern Ireland Assembly. Copies may be obtained from Equality, Rights and Social Need Division, Office of the First Minister and deputy First Minister, Room E3.18, Castle Buildings, Stormont, Belfast, BT4 3SR.

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