
STATUTORY RULES OF NORTHERN IRELAND

2011 No. 168

The Employment Equality (Repeal of Retirement Age Provisions) Regulations (Northern Ireland) 2011

Transitional provisions

4.—(1) The provisions mentioned in paragraph (2) continue to have effect in relation to the employment of a person as if regulations 2 and 3 had not been made where—

- (a) notification in respect of that employment has been given under paragraph 2 or 4 of Schedule 5 to the Employment Equality (Age) Regulations (Northern Ireland) 2006 before the date on which these Regulations came into operation, and
- (b) that person has attained the age limit or will attain it before 1st October 2011.

(2) The provisions are—

- (a) Articles 130(2)(ba), (2A) and (3A), 130ZA to 130ZD, 130ZF to 130ZH, 137(7I), 146(5)(a) and 154(1A)(a) of the Employment Rights (Northern Ireland) Order 1996,
- (b) Article 140(3)(q) (as inserted by the Employment Equality (Age) Regulations (Northern Ireland) 2006) of the Employment Rights (Northern Ireland) Order 1996,
- (c) Schedule 5 to the Employment Equality (Age) Regulations (Northern Ireland) 2006, and
- (d) regulation 32 of those Regulations.

(3) The age limit is whichever is the greater of—

- (a) the age of 65, and
- (b) the normal retirement age in the case of the employment concerned.

(4) Despite this regulation—

- (a) an employer may not issue a notification under paragraph 2 or 4 of Schedule 5 to the Employment Equality (Age) Regulations (Northern Ireland) 2006 on or after 6th April 2011 in respect of the employment of a person to which this regulation applies, and
- (b) an employee may not make a request under paragraph 5 of Schedule 5 to the Employment Equality (Age) Regulations (Northern Ireland) 2006 on or after 5th January 2012 in respect of the employment to which this regulation applies.

(5) In this regulation, “normal retirement age” has the meaning given in Article 130ZH of the Employment Rights (Northern Ireland) Order 1996.

(6) This regulation does not apply to the employment of a person if Article 130ZE of the Employment Rights (Northern Ireland) Order 1996 would (but for regulation 3(3)) apply to a dismissal from that employment.