
DRAFT STATUTORY INSTRUMENTS

2011 No.

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

Transitional provisions

5.—(1) Despite regulations 2 to 4, the provisions mentioned in paragraph (2) continue to have effect in relation to the employment of a person if—

- (a) notification in respect of that employment has been given under paragraph 2 or 4 of Schedule 6 to the Employment Equality (Age) Regulations 2006 before the date of the commencement of these Regulations, and
- (b) that person has attained the age limit or will attain it before 1st October 2011.

(2) The provisions are—

- (a) sections 98(2)(ba), (2A) and (3A), 98ZA to 98ZD, 98ZF to 98ZH, 105(7IA), 108(3)(n), 112(5) and (6) and 120(1A) and (1B) of the Employment Rights Act 1996,
- (b) Schedule 6 to the Employment Equality (Age) Regulations 2006, and
- (c) paragraph 8 of Schedule 9 to the Equality Act 2010.

(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 6 to the Employment Equality (Age) Regulations 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 6 to the Employment Equality (Age) Regulations 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 section 98ZH of the Employment Rights Act 1996.

(6) This regulation does not apply to the employment of a person if section 98ZE of the Employment Rights Act 1996 would (but for regulation 3(3)) apply to a dismissal from that employment.