

# EQUALITY ACT 2010

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 16: General and Miscellaneous**

#### *Schedule 9: Work: exceptions*

#### **Part 2: Exceptions relating to age**

#### **Retirement: paragraph 8**

#### **Applicants at or approaching retirement age: paragraph 9**

#### Background

816. **Paragraph 9** preserves the exception previously provided for at regulation 7(4) of the 2006 Regulations.
817. The rationale for this exclusion from the requirement not to discriminate flows from the rationale for paragraph 8 (exception for retirement). There is little point in requiring an employer not to discriminate at the point of receiving an application from a prospective employee when, if he or she were to employ the person, that person could be retired (without it amounting to discrimination to do so) within six months of their appointment.
818. The appointment provisions are also being reviewed during 2010. It is intended that any changes resulting from the review will be implemented in 2011.