

## SCHEDULE 8

### Amendments to legislation and related transitional provisions

#### Part 2

##### Other legislation

**41.**—(1) The Coal and Other Mines (Locomotives) Regulations 1956<sup>M1</sup>, Schedule 1 to the Coal and Other Mines (Locomotives) Order 1956 is amended in accordance with this paragraph.

(2) In regulation 17(1) (drivers of locomotives) omit the words “and no appointed driver shall operate a locomotive hauling persons in vehicles unless he has attained the age of—

- (a) in the case of a mine of shale, eighteen years;
- (b) in the case of any other mine, twenty-one years“.

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**Marginal Citations**

**M1** [S.I. 1956/1771](#).

**42.**—(1) The Stratified Ironstone, Shale and Fireclay Mines (Explosives) Regulations 1956<sup>M2</sup> are amended in accordance with this paragraph.

(2) In regulation 3 (qualification of shot firers) omit the words “he has attained the age of twenty-one years; and”.

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**Marginal Citations**

**M2** [S.I. 1956/1943](#).

**43.**—(1) The Miscellaneous Mines (Explosives) Regulations 1959<sup>M3</sup> are amended in accordance with this paragraph.

(2) Omit regulation 6(2).

(3) In regulation 8(2) (control of issue of detonators) omit the words “has attained the age of eighteen years and”.

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**Marginal Citations**

**M3** [S.I. 1959/2258](#).

**44.**—(1) The Lynemouth Mine (Diesel Vehicles and Storage Battery Vehicles) Special Regulations 1961<sup>M4</sup> are amended in accordance with this paragraph.

(2) In regulation 15 after the words “Regulations 17” insert “ as amended by the Employment Equality (Age) Regulations 2006 ”.

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**Marginal Citations**

**M4** [S.I.1961/2445](#).

**45.**—(1) The South Crofty Mine (Locomotive) Special Regulations 1965 <sup>M5</sup> are amended in accordance with this paragraph.

(2) In regulation 11(2) omit the words “has attained the age of twenty-one years and”.

**Marginal Citations**

**M5** [S.I. 1965/759](#).

**46.**—(1) The Glebe Mine (Locomotives and Diesel Vehicles) Special Regulations 1967 <sup>M6</sup> are amended in accordance with this paragraph.

(2) In regulation 15(2) omit the words “has attained the age of eighteen years and”.

**Marginal Citations**

**M6** [S.I. 1967/1335](#).

**47.**—(1) The Winsford Rock Salt Mine (Diesel Vehicles and Storage Battery Vehicles) Special Regulations 1971 <sup>M7</sup> are amended in accordance with this paragraph.

(2) In regulation 14(2) omit the words “is under the age of twenty-one years and”.

**Marginal Citations**

**M7** [S.I. 1971/50](#).

**48.**—(1) The Thoresby Mine (Cable Reel Load-Haul-Dump Vehicles) Special Regulations 1978 <sup>M8</sup> are amended in accordance with this paragraph.

(2) In regulation 17 after the words “Regulations 17” insert “ as amended by the Employment Equality (Age) Regulations 2006 ”.

**Marginal Citations**

**M8** [S.I. 1978/119](#).

**49.** The Statutory Sick Pay (General) Regulations 1982 <sup>M9</sup> are amended as follows.

**Marginal Citations**

**M9** [S.I. 1982/894](#); [regulation 17\(2\)](#) was amended by [S.I. 1999/567](#), [regulation 13](#).

**50.**—(1) Regulation 16 (meaning of “employee”) is amended in accordance with this paragraph.

(2) In paragraph (1)—

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- (a) at the beginning insert the words “ Subject to paragraph (1ZA), ”, and
  - (b) omit the words “over the age of 16”.
- (3) After paragraph (1) insert—
- “(1ZA) Any person under the age of 16 who would have been treated as an employed earner or, as the case may be, would have been treated otherwise than as an employed earner by virtue of the Social Security (Categorisation of Earners) Regulations 1978 had he been aged 16 or over, shall be treated as if he is aged 16 or over for the purposes of paragraph (1).”.

**51.**—(1) Regulation 17(2) (meaning of “earnings”) is amended in accordance with this paragraph.

(2) At the end of sub-paragraph (a) insert “ (or would have been so excluded had he not been under the age of 16) ”.

(3) At the end of sub-paragraph (b) insert “ (or where such a payment or amount would have been so excluded and in consequence he would not have been entitled to statutory sick pay had he not been under the age of 16) ”.

**52.** The Statutory Maternity Pay (General) Regulations 1986 <sup>M10</sup> are amended as follows.

**Marginal Citations**

**M10** [S.I. 1986/1960](#).

**53.**—(1) Regulation 17 (meaning of “employee”) is amended in accordance with this paragraph.

(2) In paragraph (1)—

- (a) at the beginning insert the words “ Subject to paragraph (1A), ”, and
- (b) omit the words “over the age of 16”.

(3) After paragraph (1) insert—

“(1A) Any woman under the age of 16 who would have been treated as an employed earner or, as the case may be, would have been treated otherwise than as an employed earner by virtue of the Social Security (Categorisation of Earners) Regulations 1978 had she been aged 16 or over, shall be treated as if she is aged 16 or over for the purposes of paragraph (1).”.

**54.**—(1) Regulation 20(2) <sup>M11</sup> (Meaning of “earnings”) is amended in accordance with this paragraph.

(2) At the end of sub-paragraph (a) insert “ (or would have been so excluded had she not been under the age of 16) ”.

(3) At the end of sub-paragraph (b) insert “ (or where such a payment or amount would have been so excluded and in consequence she would not have been entitled to statutory maternity pay had she not been under the age of 16) ”.

(4) This paragraph applies in relation to any case where the expected week of confinement begins on or after 14<sup>th</sup> January 2007.

**Marginal Citations**

**M11** [Regulation 20\(2\)](#) was amended by [S.I. 1999/567](#), [regulation 12](#).

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**55.**—(1) The Coal and Other Safety-Lamp Mines (Explosives) Regulations 1993<sup>M12</sup> are amended in accordance with this paragraph.

(2) In regulation 4(4) (appointment of shotfirers and trainee shotfirers) omit the words “he is at least 21 years of age and”.

**Marginal Citations**

**M12** [S.I. 1993/208](#).

**56.**—(1) The Employment Tribunals (Interest on Awards In Discrimination Cases) Regulations 1996<sup>M13</sup> are amended in accordance with this paragraph.

(2) In sub-paragraph (b) of the definition of “an award under the relevant legislation” in regulation 1(2) (interpretation)—

(a) after “regulation 30(1)(b) of the Employment Equality (Sexual Orientation) Regulations 2003” omit “or”; and

(b) after “regulation 30(1)(b) of the Employment Equality (Religion or Belief) Regulations 2003” insert—

“or regulation 38(1)(b) of the Employment Equality (Age) Regulations 2006”.

**Marginal Citations**

**M13** [S.I. 1996/2803](#); [regulation 1\(2\)](#) was amended by [S.I. 2003/1661](#), [regulation 1\(1\)](#), and [S.I. 2003/1660](#), [regulation 1\(1\)](#).

**57.**—(1) The Employment Protection (Continuity of Employment) Regulations 1996<sup>M14</sup> are amended in accordance with this paragraph.

(2) In regulation 2 (application)—

(a) omit the word “or” at the end of paragraph (e); and

(b) after paragraph (f) insert—

“, or

(g) a decision taken arising out of the use of the statutory duty to consider procedure contained in Schedule 6 to the Employment Equality (Age) Regulations 2006.”.

**Marginal Citations**

**M14** [S.I. 1996/3147](#); [regulation 2\(c\)](#) was inserted by [S.I. 2001/1188](#), [regulation 1\(1\)](#), and [regulation 2\(f\)](#) was amended by [S.I. 2004/752](#), [regulation 17\(e\)](#).

**58.**—(1) The National Minimum Wage Regulations 1999<sup>M15</sup> are amended in accordance with this paragraph.

(2) Omit regulation 12(2)(a).

(3) Omit paragraphs (2) to (6) of regulation 13.

(4) In regulation 13(7) for the words “Paragraphs (1) and (2) do” substitute “Paragraph (1) does”.

(5) In relation to any case where, before the commencement date, a worker within the meaning of regulation 12(2) has attained the age of 26, sub-paragraph (2) does not apply.

**Marginal Citations**

**M15** S.I. 1999/584; regulation 13 has been amended, but the amendments are not relevant for the purposes of these Regulations.

**59.** The Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002 <sup>M16</sup> are amended as follows.

**Marginal Citations**

**M16** S.I. 2002/2822.

**60.**—(1) Regulation 32 (Treatment of persons as employees) is amended in accordance with this paragraph.

(2) In paragraph (1)—

- (a) at the beginning insert the words “ Subject to paragraph (1A), ”, and
- (b) omit the words “over the age of 16”.

(3) After paragraph (1) insert—

“(1A) Any person under the age of 16 who would have been treated as an employed earner or, as the case may be, would have been treated otherwise than as an employed earner by virtue of the Social Security (Categorisation of Earners) Regulations 1978 had he been aged 16 or over, shall be treated as if he is aged 16 or over for the purposes of paragraph (1).”.

**61.**—(1) Regulation 39(2) (Meaning of “earnings”) is amended in accordance with this paragraph.

(2) At the end of sub-paragraph (a) insert “ (or would have been so excluded had he not been under the age of 16) ”.

(3) At the end of sub-paragraph (b) insert “ (or where such a payment or amount would have been so excluded and in consequence he would not have been entitled to statutory paternity pay or, as the case may be, statutory adoption pay had he not been under the age of 16) ”.

**62.**—(1) Schedule 1A (occupational pension schemes) to the Employment Equality (Religion or Belief) Regulations 2003 <sup>M17</sup> is amended in accordance with this paragraph.

(2) In paragraph 1(1)—

- (a) in the definition of “active member”, “deferred member”, “managers”, “pensioner member” and “trustees or managers”, omit the words “as at the date of the coming into force of these Regulations”, and
- (b) in the definition of “occupational pension scheme” omit the words “as at the date of the coming into force of these Regulations”.

(3) In paragraph 1(2) omit the words “as at the date of the coming into force of these Regulations”.

**Marginal Citations**

**M17** S.I. 2003/1660; Schedule 1A was inserted by S.I. 2003/2828, regulation 3.

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**63.**—(1) Schedule 1A (occupational pension schemes) to the Employment Equality (Sexual Orientation) Regulations 2003 <sup>M18</sup> is amended in accordance with this paragraph.

(2) In paragraph 1(1)—

- (a) in the definition of “active member”, “deferred member”, “managers”, “pensioner member” and “trustees or managers”, omit the words “as at the date of the coming into force of these Regulations”, and
- (b) in the definition of “occupational pension scheme” omit the words “as at the date of the coming into force of these Regulations”.

(3) In paragraph 1(2) omit the words “as at the date of the coming into force of these Regulations”.

**Marginal Citations**

**M18** S.I. 2003/1661; Schedule 1A was inserted by S.I. 2003/2827, regulation 3.

**64.**—(1) The Employment Act 2002 (Dispute Resolution) Regulations 2004 <sup>M19</sup> are amended in accordance with this paragraph.

(2) In regulation 4(1) (dismissals to which the dismissal and disciplinary procedures do not apply)

- (a) omit the word “or” at the end of sub-paragraph (f); and
- (b) after sub-paragraph (g) insert —

“, or

- (h) the reason (or, if more than one, the principal reason) for the dismissal is retirement of the employee (to be determined in accordance with section 98ZA to 98ZF of the 1996 Act <sup>M20</sup>)”.

**Marginal Citations**

**M19** S.I. 2004/752.

**M20** Sections 98ZA to 98ZF are inserted by regulation 49 of, and paragraph 23 of Schedule 8 to, these Regulations.

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**Changes and effects yet to be applied to :**

- Regulations revoked (except Schs. 6, 8) by [2010 c. 15 Sch. 27 Pt. 2](#) (Regulations revoked except Schs. 6, 8)

**Commencement Orders yet to be applied to the The Employment Equality (Age) Regulations 2006**

Commencement Orders bringing legislation that affects this Instrument into force:

- [S.I. 2010/2317 art. 2\(15\)\(f\)](#) commences ([2010 c. 15](#))
- [S.I. 2011/1066 art. 2\(h\)](#) commences ([2010 c. 15](#))