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STATUTORY INSTRUMENTS

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**2008 No. 573**

**EMPLOYMENT AND TRAINING**

**AGE DISCRIMINATION**

**The Employment Equality (Age) Regulations  
2006 (Amendment) Regulations 2008**

<i>Made</i>	- - - -	<i>2nd March 2008</i>
<i>Laid before Parliament</i>		<i>6th March 2008</i>
<i>Coming into force</i>	- -	<i>6th April 2008</i>

The Secretary of State, who is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972<sup>(1)</sup> in relation to discrimination<sup>(2)</sup>, in exercise of the powers conferred on him by section 2(2) makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Employment Equality (Age) Regulations 2006 (Amendment) Regulations 2008 and shall come into force on 6th April 2008.

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

2. The Employment Equality (Age) Regulations 2006<sup>(3)</sup> are amended in accordance with regulations 3 to 5.

**Amendment of regulation 32 (Exception for provision of certain benefits based on length of service)**

3. In regulation 32 (Exception for provision of certain benefits based on length of service)—
- (a) at the end of paragraph (5)(a) omit “or”;
  - (b) after paragraph 5(b) add “or, (c) in any case to which sub-paragraph (a) or (b) does not apply, that period is treated as a period of employment with A by or under an enactment pursuant to which his employment was transferred to A.”;

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<sup>(1)</sup> 1972 c.68.

<sup>(2)</sup> See the European Communities (Designation) (No.3) Order 2002 (S.I. 2002/1819).

<sup>(3)</sup> S.I. 2006/1031.

- (c) in paragraph (7) after “work for A;” insert ““enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”.

**Amendment of regulation 41 (Help for persons obtaining information etc)**

4. In regulation 41 (Help for persons obtaining information etc) for paragraph (4)(a) substitute—
- “(a) where it was served before a complaint had been presented to a tribunal, if it was so served—
- (i) within the period of three months beginning when the act complained of was done; or
  - (ii) where regulation 42(1A) applies, within the extended period;”.

**Amendment of regulation 42 (Period within which proceedings to be brought)**

5. In regulation 42 (Period within which proceedings are to be brought) after paragraph (1) insert —
- “(1A) Where the period within which a complaint must be presented in accordance with paragraph (1) is extended by regulation 15 of the Employment Act 2002 (Dispute Resolution) Regulations 2004(4), the period within which the complaint must be presented shall be the extended period rather than the period in paragraph (1).”.

*Pat McFadden*  
Minister of State for Employment Relations and  
Postal Affairs  
Department for Business, Enterprise &  
Regulatory Reform

2nd March 2008

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## EXPLANATORY NOTE

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

These Regulations, which are made under section 2(2) of the European Communities Act 1972 (c.68), are the fifth set of regulations which implement (in Great Britain) Council Directive 2000/78/EC of 27th November 2000 establishing a general framework for equal treatment in employment (OJL 303, 2.12.2000, p.16) so far as it relates to discrimination on grounds of age. The Regulations amend the Employment Equality (Age) Regulations 2006 (SI 2006/1031). Regulation 3 takes account of statutory transfer schemes in relation to the exception for provision of certain benefits based on length of service. Regulations 4 and 5 respectively amend the provision that an employee may serve a questionnaire on his employer, and the provision which stipulates the period in which proceedings are to be brought, to take account of the Employment Act 2002 (Dispute Resolution) Regulations 2004.