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STATUTORY INSTRUMENTS

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**1996 No. 1919**

**The Employment Rights (Northern Ireland) Order 1996**

PART XI

UNFAIR DISMISSAL

CHAPTER I

RIGHT NOT TO BE UNFAIRLY DISMISSED

*Exclusion of right*

**Upper age limit**

**141.**—(1) Article 126 does not apply to the dismissal of an employee if on or before the effective date of termination he has attained—

(a) in a case where—

(i) in the undertaking in which the employee was employed there was a normal retiring age for an employee holding the position held by the employee, and

(ii) the age was the same whether the employee holding that position was a man or a woman,

that normal retiring age, and

(b) in any other case, the age of sixty-five.

(2) Paragraph (1) does not apply if—

*Sub#para. (a) rep. by 1999 NI 9*

[<sup>F1</sup>(aa) paragraph (1) of Article 130B (read with paragraph (2) of that Article) applies,]

[<sup>F1</sup>(b) paragraph (1) of Article 131 (read with any regulations made under that Article) applies,]

(c) paragraph (1) of Article 132 (read with paragraphs (2) and (3) of that Article) applies,

[<sup>F2</sup>(cc) Article 132A applies,]

(d) Article 133 applies,

(e) Article 134 applies,

[<sup>F3</sup>(ee) Article 134A applies,]

(f) paragraph (1) of Article 135 (read with paragraphs (2) and (3) of that Article) applies,

[<sup>F4</sup>(ff) paragraph (1) of Article 135A (read with paragraph (2) of that Article) applies,]

[<sup>F5F6</sup>(fg) paragraph (1) of Article 135B (read with paragraph (2) of that Article) applies,]

[<sup>F1</sup>(fh) Article 135C applies,]

(g) Article 136 applies, or

(h) Article 137 applies<sup>F7</sup>. . .

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**Status:** Point in time view as at 01/01/2006. This version of this provision has been superseded.  
**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Employment Rights (Northern Ireland) Order 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

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- [<sup>F8</sup>(j) Article 144A applies<sup>F9</sup>. . . ]
- [<sup>F7</sup>(k) paragraph (3) or (6) of regulation 28 of the Transnational Information and Consultation of Employees Regulations 1999 (read with paragraphs (4) and (7) of that regulation) applies,<sup>F10</sup>. . . ]
- [<sup>F9</sup>(l) paragraph (1) of regulation 7 of the Part-time Workers (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2000 applies.<sup>F11</sup>. . . ]
- [<sup>F10</sup>(m) paragraph (1) of regulation 6 of the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2002 applies.<sup>F12</sup>. . . ]
- [<sup>F11</sup>(n) paragraph (3) or (6) of regulation 42 of the European Public Limited-Liability Company Regulations (Northern Ireland) 2004 applies.[<sup>F12</sup> or]]
- [<sup>F12</sup>(o) paragraph (3) or (6) of regulation 30 of the Information and Consultation of Employees Regulations (Northern Ireland) 2005 (read with paragraphs (4) and (7) of that regulation) applies.]

<b>F1</b>	<a href="#">2004 NI 19</a>
<b>F2</b>	<a href="#">SR 1998/386</a>
<b>F3</b>	<a href="#">1998 NI 17</a>
<b>F4</b>	<a href="#">1998 c. 39</a>
<b>F5</b>	<a href="#">1999 c. 10</a>
<b>F6</b>	<a href="#">Art. 141(2)(fg) insertion continued (1.9.2002 for certain purposes, otherwise prosp.) by <a href="#">Tax Credits Act 2002 (c. 21)</a>, s. 27, <a href="#">Sch. 1 para. 4(4)</a>; S.I. 2002/1727, <a href="#">art. 2</a></a>
<b>F7</b>	<a href="#">SI 1999/3323</a>
<b>F8</b>	<a href="#">1999 NI 9</a>
<b>F9</b>	<a href="#">SR 2000/219</a>
<b>F10</b>	<a href="#">SR 2002/298</a>
<b>F11</b>	<a href="#">SR 2004/417</a>
<b>F12</b>	<a href="#">SR 2005/47</a>

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