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STATUTORY INSTRUMENTS

2006 No. 1031

EMPLOYMENT AND TRAINING

AGE DISCRIMINATION

The Employment Equality (Age) Regulations 2006

Made - - - - *3rd April 2006*

Coming into force *1st October 2006*

THE EMPLOYMENT EQUALITY (AGE) REGULATIONS 2006

PART 1

GENERAL

1. Citation, commencement and extent
2. Interpretation
3. Discrimination on grounds of age
4. Discrimination by way of victimisation
5. Instructions to discriminate
6. Harassment on grounds of age

PART 2

DISCRIMINATION IN EMPLOYMENT AND VOCATIONAL TRAINING

7. Applicants and employees
8. Exception for genuine occupational requirement etc
9. Contract workers
10. Meaning of employment and contract work at establishment in Great Britain
11. Pension schemes
12. Office-holders etc
13. Police
14. Serious Organised Crime Agency
15. Barristers
16. Advocates
17. Partnerships
18. Trade organisations
19. Qualifications bodies
20. The provision of vocational training

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21. Employment agencies, careers guidance etc
22. Assisting persons to obtain employment etc
23. Institutions of further and higher education
24. Relationships which have come to an end

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25. Liability of employers and principals
26. Aiding unlawful acts

PART 4

GENERAL EXCEPTIONS FROM PARTS 2 AND 3

27. Exception for statutory authority
28. Exception for national security
29. Exceptions for positive action
30. Exception for retirement
31. Exception for the national minimum wage
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33. Exception for provision of enhanced redundancy payments to employees
34. Exception for provision of life assurance cover to retired workers

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35. Restriction of proceedings for breach of Regulations
36. Jurisdiction of employment tribunals
37. Burden of proof: employment tribunals
38. Remedies on complaints in employment tribunals
39. Jurisdiction of county and sheriff courts
40. Burden of proof: county and sheriff courts
41. Help for persons in obtaining information etc
42. Period within which proceedings to be brought

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SUPPLEMENTAL

43. Validity of contracts, collective agreements and rules of undertakings
 44. Application to the Crown etc
 45. Application to House of Commons staff
 46. Application to House of Lords staff
 47. Duty to consider working beyond retirement
 48. Duty to consider working beyond retirement - transitional provisions
 49. Amendments, transitionals, repeals and revocations
- Signature

SCHEDULE 1 — Norwegian part of the Frigg Gas Field

1. The part of the Norwegian sector of the Continental Shelf...
2. In this Schedule, the “Dividing Line” means the dividing line...

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SCHEDULE 2 — Pension schemes

Part 1 — Pension schemes - general

1. Interpretation
2. Non-discrimination rule
3. Exception for rules, practices, actions and decisions relating to occupational pension schemes
- 3A Length of service exemptions
4. Exception for rules, practices, actions and decisions relating to contributions by employers to personal pension schemes
- 4A Unlawfulness of rules, practices, actions or decisions relating to Part 2 or Part 3 of Schedule 2
5. Procedure in employment tribunals
6. Remedies in employment tribunals

Part 2 — Excepted rules, practices, actions and decisions relating to occupational pension schemes

7. Admission to schemes
8. The use of age criteria in actuarial calculations
9. Contributions
10. Contributions under money purchase arrangements
11. Contributions under defined benefits arrangements
- 11A Any limitation on employer contributions in respect of a member...
12. Age related rules, practices, actions and decisions relating to benefit
13. (1) A minimum age for any active or prospective members...
- 13A Paragraph 13 shall continue to apply to any member who...
- 13B (1) A minimum age for any member of a scheme...
14. An early retirement pivot age or a late retirement pivot...
15. (1) A minimum age for any member of a scheme...
- 15A (1) The calculation of any death benefit payable in respect...
16. (1) Any rule, practice, action or decision where—
17. The actuarial reduction of any pension payable from a scheme...
18. In relation to pensioner members who have retired from a...
19. Other rules, practices, actions and decisions relating to benefit
- 19A (1) Any differences in— (a) the fraction of pensionable pay...
- 19B Where paragraph 19A applies, different rates of member or employer...
20. Any difference in the amount of any age related benefit...
21. (1) Any limitation on the amount of any age related...
22. Any rule, practice, action or decision where any age related...
23. When determining a member's pensionable pay by reference to which...
- 23A Any difference in the amount of age related benefit or...
24. Any limitation on the amount of any age related benefit...
25. Closure of schemes
- 25A Closure of sections of schemes
26. Other rules, practices, actions and decisions
27. Any difference in the rate of increase of pensions in...
28. Any difference in the rate of increase of pensions in...
29. The application of an age limit for transfer of the...
30. Registered pension schemes

Part 3 — Excepted rules, practices, actions and decisions relating to contributions by employers to personal pension schemes

31. Contributions by employers
32. Any difference in the rate of contributions by an employer...
33. Any limitation on any contributions by an employer, to a...
34. A minimum age for commencement of payment of contributions by...

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35. Different minimum ages for commencement of payment of contributions by...
36. Equal rates of contributions by an employer to a personal...

SCHEDULE 3 —

SCHEDULE 4 —

SCHEDULE 5 — Validity of contracts, collective agreements and rules of undertakings

Part 1 — Validity and revision of contracts

1. (1) A term of a contract is void where—
2. (1) Paragraph 1(3) does not apply— (a) to a contract...
3. (1) On the application of a person interested in a...
Part 2 — Collective agreements and rules of undertakings
4. (1) This Part of this Schedule applies to—
5. A person to whom this paragraph applies may present a...
6. In the case of a complaint about—
7. In the case of a complaint about a rule made...
8. (1) When an employment tribunal finds that a complaint presented...
9. The avoidance by virtue of paragraph 4(2) of any term...
10. In this Schedule “collective agreement” means any agreement relating to...

SCHEDULE 6 — Duty to consider working beyond retirement

1. Interpretation
2. Duty of employer to inform employee
3. (1) This paragraph applies if the employer has notified the...
4. Continuing duty to inform employee
5. Statutory right to request not to retire
6. An employer's duty to consider a request
7. Meeting to consider request
8. Appeals
9. Right to be accompanied
10. Dismissal before request considered
11. Complaint to employment tribunal: failure to comply with paragraph 2
12. Complaint to employment tribunal: denial of right to be accompanied
13. Detriment and dismissal

SCHEDULE 7 — Duty to consider working beyond retirement - transitional provisions

1. In paragraphs 2 to 6— (a) “the expiry date” means...
2. (1) This paragraph applies in a case where—
3. (1) This paragraph applies in a case where the employer...
4. (1) This paragraph applies in a case where—
5. (1) This paragraph applies in a case where—
6. In every case to which paragraph 2, 3, 4 or...

SCHEDULE 8 — Amendments to legislation and related transitional provisions

Part 1 — Primary legislation

1. The Mines and Quarries Act 1954
2. (1) In section 42(1) (charge of winding and rope haulage...
3. The Parliamentary Commissioner Act 1967
4. (1) Section 1 (appointment and tenure of office) is amended...

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5. (1) Section 3A (appointment of acting Commissioner) is amended in...
6. The amendments made to the Parliamentary Commissioner Act 1967 apply...
7. The Pilotage Act 1987
8. The Social Security Contributions and Benefits Act 1992
9. (1) Section 163(1) (interpretation of Part 11 and supplementary provisions)...
10. (1) Section 171(1) (interpretation of Part 12 and supplementary provisions)...
11. (1) Section 171ZJ (Part 12ZA: supplementary) is amended in accordance...
12. (1) Section 171ZS (Part 12ZB: supplementary) is amended in accordance...
13. (1) In Schedule 11 omit paragraph 2(a) (period of entitlement...
14. The Health Service Commissioners Act 1993
15. (1) Schedule 1 (the English Commissioner) is amended in accordance...
16. The amendments made to the Health Service Commissioners Act 1993...
17. The Statutory Sick Pay Act 1994
18. The Employment Tribunals Act 1996
19. (1) Section 18(1) (conciliation) is amended in accordance with this...
20. (1) Section 21(1) (jurisdiction of Appeal Tribunal) is amended in...
21. The Employment Rights Act 1996
22. (1) Section 98 (fairness of dismissal: general) is amended as...
23. After section 98 insert— Retirement No normal retirement age: dismissal...
24. In section 108 (qualifying period of employment) in subsection (3)...
25. Omit section 109 (upper age limit on unfair dismissal right)...
26. (1) Section 112 (remedies for unfair dismissal: orders and compensation)...
27. (1) Section 119 (basic award) is amended as follows.
28. (1) Section 120 (basic award: minimum in certain cases) is...
29. In section 126(1) (acts which are both unfair dismissal and...
30. Section 156(upper age limit) is repealed.
31. Section 158 (pension rights) is repealed.
32. (1) Section 162 (amount of a redundancy payment) is amended...
33. In relation to any case where the date that is...
34. (1) Section 209 (powers to amend Act) is amended as...
35. (1) Section 211 (period of continuous employment) is amended in...
36. The Employment Act 2002
37. The Equality Act 2006
38. (1) Section 14(1)(codes of practice) is amended in accordance with...
39. (1) Section 27(1) (conciliation) is amended in accordance with this...
40. (1) Section 33(1) (equality and human rights enactments) is amended...
Part 2 — Other legislation
41. (1) The Coal and Other Mines (Locomotives) Regulations 1956 ,...
42. (1) The Stratified Ironstone, Shale and Fireclay Mines (Explosives) Regulations...
43. (1) The Miscellaneous Mines (Explosives) Regulations 1959 are amended in...
44. (1) The Lynemouth Mine (Diesel Vehicles and Storage Battery Vehicles)...
45. (1) The South Crofty Mine (Locomotive) Special Regulations 1965 are...
46. (1) The Glebe Mine (Locomotives and Diesel Vehicles) Special Regulations...
47. (1) The Winsford Rock Salt Mine (Diesel Vehicles and Storage...
48. (1) The Thoresby Mine (Cable Reel Load-Haul-Dump Vehicles) Special Regulations...
49. The Statutory Sick Pay (General) Regulations 1982 are amended as...

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50. (1) Regulation 16 (meaning of “employee”) is amended in accordance...
51. (1) Regulation 17(2) (meaning of “earnings”) is amended in accordance...
52. The Statutory Maternity Pay (General) Regulations 1986 are amended as...
53. (1) Regulation 17 (meaning of “employee”) is amended in accordance...
54. (1) Regulation 20(2) (Meaning of “earnings”) is amended in accordance...
55. (1) The Coal and Other Safety-Lamp Mines (Explosives) Regulations 1993...
56. (1) The Employment Tribunals (Interest on Awards In Discrimination Cases)...
57. (1) The Employment Protection (Continuity of Employment) Regulations 1996 are...
58. (1) The National Minimum Wage Regulations 1999 are amended in...
59. The Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations...
60. (1) Regulation 32 (Treatment of persons as employees) is amended...
61. (1) Regulation 39(2) (Meaning of “earnings”) is amended in accordance...
62. (1) Schedule 1A (occupational pension schemes) to the Employment Equality...
63. (1) Schedule 1A (occupational pension schemes) to the Employment Equality...
64. (1) The Employment Act 2002 (Dispute Resolution) Regulations 2004 are...

SCHEDULE 9 — Repeals and revocations

Explanatory Note

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