
STATUTORY INSTRUMENTS

2012 No. 2466

The Equality Act 2010 (Age Exceptions) Order 2012

Immigration

2. In Part 4 of Schedule 3 to the Act (Immigration), before paragraph 16 insert—

“Age

15A.—(1) This paragraph applies in relation to age discrimination.

(2) Section 29 does not apply to anything done by a relevant person in the exercise of functions exercisable by virtue of a relevant enactment.

(3) A relevant person is —

- (a) a Minister of the Crown acting personally, or
- (b) a person acting in accordance with a relevant authorisation.

(4) A relevant authorisation is a requirement imposed or express authorisation given—

- (a) with respect to a particular case or class of case, by a Minister of the Crown acting personally;
- (b) with respect to a particular class of case, by a relevant enactment or by an instrument made under or by virtue of a relevant enactment.

(5) The relevant enactments are—

- (a) the Immigration Acts,
- (b) the Special Immigration Appeals Commission Act 1997⁽¹⁾,
- (c) a provision made under section 2(2) of the European Communities Act 1972⁽²⁾ which relates to immigration or asylum, and
- (d) a provision of EU law which relates to immigration or asylum.

(6) The reference in sub-paragraph (5)(a) to the Immigration Acts does not include a reference to—

- (a) sections 28A to 28K of the Immigration Act 1971⁽³⁾ (powers of arrest, entry and search, etc.), or
- (b) section 14 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004⁽⁴⁾ (power of arrest).”

(1) 1997 c.68.

(2) 1972 c.68. Section 2(2) was amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).

(3) 1971 c.77. Sections 28A to 28K were inserted by section 128 of the Immigration and Asylum Act 1999 (c.33).

(4) 2004 c.19. Section 14 has been the subject of amendments which are not relevant to this Order.