STATUTORY RULES OF NORTHERN IRELAND

2011 No. 168

EQUALITY

The Employment Equality (Repeal of Retirement Age Provisions) Regulations (Northern Ireland) 2011

Made - - - -	*24th March 2011*
Coming into operation	*6th April 2011*

The Office of the First Minister and deputy First Minister, being a Department designated for the purposes of section 2(2) of the European Communities Act 1972(**1**), in relation to discrimination(**2**), in exercise of the powers conferred by section 2(2) of the that Act hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Employment Equality (Repeal of Retirement Age Provisions) Regulations (Northern Ireland) 2011 and shall come into operation on 6th April 2011.

(2) The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendments to the Employment Equality (Age) Regulations (Northern Ireland) 2006

2.—(1) The Employment Equality (Age) Regulations (Northern Ireland) 2006(**4**) are amended in accordance with paragraphs (2) to (7).

(2) In regulation 7 (applicants and employees), omit paragraphs (4), (5) and (8).

(3) Regulation 32 (exception for retirement) is revoked.

(4) For regulation 36 (exception for provision of life assurance cover to retired workers), substitute—

"**Insurance etc.**

36.—(1) Nothing in Part 2 or 3 shall render it unlawful for an employer to make arrangements for, or afford access to, the provision of insurance or a related financial service

(**1**) 1972 c.68.
(**2**) See the European Communities (Designation) (No. 3) Order 2002 (S.I. 2002/1819).
(**3**) 1954 c.33 (N.I.).
(**4**) S.R. 2006 No. 261; to which there are amendments not relevant to these Regulations.

to or in respect of an employee for a period ending when the employee attains whichever is the greater of—

(a) the age of 65, and

(b) the state pensionable age.

(2) Nothing in Part 2 or 3 shall render it unlawful for an employer to make arrangements for, or afford access to, the provision of insurance or a related financial service to or in respect of only such employees as have not attained whichever is the greater of—

(a) the age of 65, and

(b) the state pensionable age.

(3) Paragraphs (1) and (2) apply only where the insurance or related financial service is, or is to be, provided to the employer's employees or a class of those employees—

(a) in pursuance of an arrangement between the employer and another person, or

(b) where the employer's business includes the provision of insurance or financial services of the description in question, by the employer.

(4) The state pensionable age is the pensionable age determined in accordance with the rules in paragraph 1 of Schedule 2 to the Pensions (Northern Ireland) Order 1995(**5**).".

(5) Regulation 51 (duty to consider working beyond retirement) is revoked.

(6) Schedule 5 (duty to consider working beyond retirement) is revoked.

(7) In Schedule 7, omit sub-paragraphs (3) to (5), (7) and (9) of paragraph 3.

Amendments to the Employment Rights (Northern Ireland) Order 1996

3.—(1) The Employment Rights (Northern Ireland) Order 1996(**6**) is amended in accordance with paragraphs (2) to (7).

(2) In Article 130(**7**) (fairness of dismissals: general)—

(a) omit paragraphs (2)(ba), (2A) and (3A), and

(b) in paragraph (4), for "In any other case where" substitute "Where".

(3) Omit Articles 130ZA to 130ZH (retirement dismissals)(**8**).

(4) In Article 137 (redundancy), omit paragraph (7I)(**9**).

(5) In Article 140(3) (qualifying period of employment), omit sub-paragraph (q) as inserted by the Employment Equality (Age) Regulations (Northern Ireland) 2006(**10**).

(6) In Article 146(5)(a) (remedies for unfair dismissal: orders for compensation), omit "130ZG or"(**11**).

(7) In Article 154(1A)(a) (basic award in certain cases), omit "130ZG or"(**12**).

(**5**) S.I. 1995/3213 (N.I. 22); paragraph 1 of Schedule 2 was amended by paragraph 28 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 (c.14 (N.I.)); paragraph 8 of Schedule 3 to the Welfare Reform Act (Northern Ireland) 2007 (c.2 (N.I.)); and paragraph 4 of Schedule 3 to the Pensions Act (Northern Ireland) 2008 (c.1 (N.I.)).
(**6**) S.I. 1996/1919 (N.I. 16).
(**7**) Relevant amendments to Article 130 have been made by paragraph 3(3) of Part 1 of Schedule 7 to S.R. 2006 No. 261.
(**8**) Articles 130ZA to 130ZH inserted by paragraph 3(4) of Part 1 to Schedule 7 to S.R. 2006 No. 261.
(**9**) Paragraph (7I) inserted by paragraph 3(2)(a) of S.R. 2007 No. 225.
(**10**) Sub-paragraph (q) inserted by paragraph 3(5)(b) of Part 1 of Schedule 7 to S.R. 2006 No. 261.
(**11**) Paragraph (5) inserted by Article 23(3) of the Employment (Northern Ireland) Order 2003 (S.I. 2003/2902 (N.I. 15)), and amended by paragraph 3(7) of Part 1 of Schedule 7 to S.R. 2006 No. 261.
(**12**) Paragraph (1A) inserted by Article 23(5) of the Employment (Northern Ireland) Order 2003 (S.I. 2003/2902 (N.I. 15)) and amended by paragraph 3(9) of Part 1 of Schedule 7 to S.R. 2006 No. 261.