STATUTORY RULES OF NORTHERN IRELAND

2007 No. 225

AGE DISCRIMINATION

The Employment Equality (Age) (Consequential Amendments) Regulations (Northern Ireland) 2007

Made - - - -	*29th March 2007*
Coming into operation	*6th April 2007*

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

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Employment Equality (Age) (Consequential Amendments) Regulations (Northern Ireland) 2007 and shall come into operation on 6th April 2007.

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

Amendment of the Social Security Contributions and Benefits (Northern Ireland) Act 1992

2.—(1) The Social Security Contributions and Benefits (Northern Ireland) Act 1992(**4**) is amended as follows.

(2) Before paragraph 6 of Schedule 11 (circumstances in which periods of entitlement to statutory sick pay do not arise) insert—

> "**5A.**—(1) Paragraph 2(d)(i) above does not apply if, at the relevant date, the employee is over pensionable age and is not entitled to incapacity benefit.
>
> (2) Paragraph 2(d)(i) above ceases to apply if, at any time after the relevant date, the employee is over pensionable age and is not entitled to incapacity benefit.
>
> (3) In this paragraph "pensionable age" has the meaning given by the rules in paragraph 1 of Schedule 2 to the Pensions (Northern Ireland) Order 1995.".

(**1**) *See* Schedule 2 to the European Communities (Designation) (No.3) Order 2002 (S.I. 2002/1819)
(**2**) 1972 c.68
(**3**) 1954 c.33 (N.I.)
(**4**) 1992 c.7; paragraph 2(d) of Schedule 11 was substituted by paragraph 42(2) of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I.12)). Paragraph 5 was repealed by Schedule 2 to that Order

Amendment of the Employment Rights (Northern Ireland) Order 1996

3.—(1) The Employment Rights (Northern Ireland) Order 1996(**5**) is amended as follows.

(2) In Article 137 (redundancy)—

(a) re-number the second paragraph (7G) as paragraph (7H);

(b) after paragraph (7H), insert—

"(7I) This paragraph applies if the reason (or, if more than one, the principal reason) for which the employee was selected for dismissal was that he—

(a) exercised or sought to exercise his right to be accompanied in accordance with paragraph 9 of Schedule 5 to the Employment Equality (Age) Regulations (Northern Ireland) 2006, or

(b) accompanied or sought to accompany an employee pursuant to a request under that paragraph.".

Amendment of the Statutory Sick Pay (General) Regulations (Northern Ireland) 1982

4.—(1) The Statutory Sick Pay (General) Regulations (Northern Ireland) 1982(**6**) are amended as follows.

(2) In regulation 3 (period of entitlement ending or not arising) after paragraph (2A)(**7**) insert—

"(2B) Paragraph (2A) shall not apply, in the case of an employee who was entitled to incapacity benefit, where paragraph 2(d)(i) of Schedule 11 to the Contributions and Benefits Act ceases to have effect by virtue of paragraph 5A of that Schedule.".

(3) In regulation 16 (meaning of "employee"), for paragraph (1ZA)(**8**) substitute—

4.—"(1ZA) Paragraph (1) shall have effect in relation to a person who—

(a) is under the age of 16; and

(b) would or, as the case may be, would not have been treated as an employed earner by virtue of the Social Security (Categorisation of Earners) Regulations (Northern Ireland) 1978 had he been over that age,

as it has effect in relation to a person who is or, as the case may be, is not so treated.".

Amendment of the Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987

5.—(1) The Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987(**9**) are amended as follows.

(2) In regulation 17 (meaning of "employee"), for paragraph (1A)(**10**), substitute—

5.—"(1A) Paragraph (1) shall have effect in relation to a woman who—

(a) is under the age of 16; and

(b) would or, as the case may be, would not have been treated as an employed earner by virtue of the Social Security (Categorisation of Earners) Regulations (Northern Ireland) 1978 had she been over that age,

as it has effect in relation to a woman who is or, as the case may be, is not so treated.".

(**5**) S.I. 1996/1919 (N.I.16); Article 137 (7G) was inserted by paragraph 6(2)(b) of the Schedule to S.R. 2006 No. 48. Article 137 (7H) was inserted by paragraph 11(1)(b) of Schedule 3 to S.I. 2006/2059 (which in error referred to it as "(7G)")

(**6**) S.R. 1982 No. 263; relevant amending Regulations are S.R. 1998 No. 324 and S.R. 2006 No. 261

(**7**) Paragraph (2A) of regulation 3 was inserted by regulation 6 of S.R. 1998 No. 324

(**8**) Paragraph (1ZA) of regulation 16 was inserted by paragraph 8(2)(b) of Schedule 7 to S.R. 2006 No. 261

(**9**) S.R. 1987 No. 30; relevant amending Regulations are S.R. 2006 No. 261

(**10**) Paragraph (1A) of regulation 17 was inserted by paragraph 9(2)(b) of Schedule 7 to S.R. 2006 No. 261