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*Status: Point in time view as at 01/10/2010.*

*Changes to legislation: Equality Act 2010, Cross Heading: Applicants at or approaching retirement age is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 9

#### WORK: EXCEPTIONS

#### PART 2

#### EXCEPTIONS RELATING TO AGE

##### *Applicants at or approaching retirement age*

- 9 (1) A person does not contravene section 39(1)(a) or (c), so far as relating to age, in a case where the other person—
- (a) has attained the age limit, or would have attained it before the end of six months beginning with the date on which the application for the employment had to be made, and
  - (b) would, if recruited for the employment, be a relevant worker within the meaning of paragraph 8.
- (2) The age limit is whichever is the greater of—
- (a) the age of 65, and
  - (b) the normal retirement age in the case of the employment concerned.
- (3) The reference to the normal retirement age is to be construed in accordance with section 98ZH of the Employment Rights Act 1996.

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