

**2006 No. 2408**

**EMPLOYMENT AND TRAINING**

**AGE DISCRIMINATION**

**The Employment Equality (Age) (Amendment) Regulations  
2006**

<i>Made</i> - - - -	<i>6th September 2006</i>
<i>Laid before Parliament</i>	<i>8th September 2006</i>
<i>Coming into force</i> - -	<i>30th September 2006</i>

The Secretary of State, being a Minister designated<sup>(a)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(b)</sup> in relation to discrimination, makes the following Regulations in exercise of the powers conferred by section 2(2) of that Act.

**Citation and commencement**

1. These Regulations may be cited as the Employment Equality (Age) (Amendment) Regulations 2006 and shall come into force on 30th September 2006.

**Amendment of Employment Equality (Age) Regulations 2006**

2.—(1) The Employment Equality (Age) Regulations 2006<sup>(c)</sup> (citation and commencement) shall be amended as follows.

(2) In regulation 1(1) for “on 1st October 2006” substitute—

“—

- (a) subject to sub-paragraphs (b) and (c), on 1st October 2006;
- (b) for the purposes of regulation 7 (Applicants and Employees) and regulation 24 (Relationships which have come to an end), in so far as either regulation relates to arrangements for—
  - (i) the payment of pension contributions;
  - (ii) admission to a pension scheme; and
  - (iii) the provision of any benefits relating to pensions, on 1st December 2006, and
- (c) for the purposes of regulation 11 (Pension Schemes) and Schedule 2 (Pension Schemes), on 1st December 2006”.

(3) In regulation 11(1) for “these Regulations” substitute “this Regulation”.

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<sup>(a)</sup> See the European Communities (Designation) (No. 3) Order 2002 (S.I. 2002/1819).  
<sup>(b)</sup> 1972 c.68.  
<sup>(c)</sup> S.I. 2006/1031.

- (4) In regulation 24(3), 36(3) and 39(5)—
- (a) for “the coming into force of these Regulations” in the first place where it occurs substitute “the date on which the act of discrimination or harassment became unlawful by virtue of these Regulations”; and
  - (b) for “the coming into force of these Regulations” in the second place where it occurs substitute “that date”.
- (5) In Schedule 2—
- (a) in paragraph 2(4)(a) and 6(3)(a) for “the coming into force of these Regulations” substitute “1st December 2006”;
  - (b) in paragraph 13 for “the date on which these Regulations come into force” substitute “1st December 2006”.
- (6) In Schedule 5—
- (a) for paragraph 1(4) substitute—

“(4) Sub-paragraphs (1), (2) and (3) shall apply whether the contract was entered into before or after the date on which any term of the contract became unlawful by virtue of these Regulations, but in the case of a contract made before the date on which a term became unlawful, those sub-paragraphs do not apply to that term in relation to any period before that date.”;
  - (b) in paragraph 3(2) for “the coming into force of these Regulations” substitute “the date on which the inclusion of any term which is the subject of the order becomes unlawful by virtue of these Regulations”;
  - (c) for paragraph 4(3) substitute—

“(3) Sub-paragraph (2) shall apply whether the agreement was entered into, or the rule made, before or after the date on which any term of the agreement or rule became unlawful by virtue of these Regulations; but in the case of an agreement entered into, or a rule made, before the date on which a term, or rule, became unlawful, that sub-paragraph does not apply to that term or rule in relation to any period before that date.”;
  - (d) in paragraph 8(2) for “the coming into force of these Regulations” substitute “the date on which the inclusion of the term or rule became unlawful by virtue of these Regulations”.

Signed by authority of the Secretary of State for Work and Pensions.

6th September 2006

*Philip A Hunt*  
Parliamentary Under Secretary of State,  
Department for Work and Pensions

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Employment Equality (Age) Regulations 2006 (S.I. 2006/1031) (“Age Regulations”) which implement the Council Directive 2000/78/EC of 27th November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000, p.16).

These Regulations postpone until 1st December 2006 the date on which certain provisions of the Age Regulations shall come into force. These provisions are: regulation 7 (Applicants and Employees) and regulation 24 (Relationships which have come to an end) (but only in so far as they relate to the payment of contributions to a pension scheme, admission to a pension scheme and arrangements which relate to the provision of benefits from a pension scheme), regulation 11 (Pension Schemes) and Schedule 2 (Pension Schemes). Consequential amendments have also been made to the Age Regulations to reflect this.

A full Regulatory Impact Assessment report of the effect these Regulations will have on the costs to business, charities or the voluntary sector was included in the Regulatory Impact Assessment that accompanied the Age Regulations. Copies have been placed in the libraries of both Houses of Parliament. Copies may be obtained from the Department for Work and Pensions, Better Regulation Unit, Level 4, Adelphi, 1-11 John Adam Street, London WC2N 6HT.

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