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## EXPLANATORY NOTE

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

This Order is made under section 197 of the Equality Act 2010 (c.15) (“the Act”) and will come into force on the same day as the provisions of Part 3 of and Schedules 3 and 16 to the Act are commenced in respect of the protected characteristic of age. Part 3 provides for the prohibition of discrimination, harassment and victimisation in respect of the provision of services (including for these purposes the provision of goods and facilities). The Order provides exceptions to the application of the prohibition in Part 3 in relation to discrimination because of age in respect of a number of areas. It also provides exceptions in relation to discrimination because of age in respect of associations (sections 101 and 102 of the Act) and age-banded sporting activity (section 195 of the Act).

Article 2 inserts paragraphs into Part 4 of Schedule 3 to provide for an exception in respect of age discrimination in relation to things done by Ministers or those acting in accordance with authorisation under functions relating to immigration.

Article 3 inserts a paragraph into Part 5 of Schedule 3, to create an exception for things done in connection with the provision of a financial service. But this is subject to a proviso that, where the financial service provider conducts an assessment of risk for the purposes of providing the service, that assessment of risk must, so far as it involves a consideration of their customer’s age, be done by reference to information which is relevant to the assessment of the risk and from a source on which it reasonable to rely. Under paragraph (3), “financial services” includes all activities that are regulated as financial services.

Articles 4 to 7 insert paragraphs into Part 7 of Schedule 3 to provide for exceptions from age discrimination for:

- concessions and preferential treatment (such as discounts) offered by traders and service providers by reference to age (paragraph 30A);

- the provision of pre-arranged holidays to groups of people limited by reference to age (paragraph 30B);

- schemes operated by those selling or providing goods or services that are subject to age limits created by or under legislation, such as alcohol, tobacco or entry to a cinema in respect of particular films (paragraph 30C); and

- those operating residential mobile home parks in respect of limiting occupation of mobile homes on the site to persons who have attained a particular age (paragraph 30D).

Article 8 inserts into Schedule 16 (associations: exceptions) an exception, broadly equivalent to that in article 4 in respect of concessions, in relation to various forms of special treatment by associations by reference to age.

Article 9 inserts into section 195 of the Act further subsections providing for there to be an exception from age discrimination in respect of things done in relation to the participation of persons in age-banded activities to which access is restricted by reference to age or age groups. These are defined to include sports, games and other activities and include both physical sports such as football and also more mental or intellectual activities such as bridge or chess.

The instrument has effects on the costs of business, charities or voluntary bodies. A full impact assessment of the effect that this instrument will have on the costs of business, charities and voluntary bodies is available at <http://www.homeoffice.gov.uk/publications/equalities/equality-act->

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

[publications/age-discrimination/impact-assessment](#) and is published along with the Explanatory Memorandum at <http://www.legislation.gov.uk>.