

SCHEDULE 7

Regulation 53(1)

Amendments to legislation and related transitional provisions

Part 1

Primary legislation

The Social Security Contributions and Benefits (Northern Ireland) Act 1992

1.—(1) The Social Security Contributions and Benefits (Northern Ireland) Act 1992(1) shall be amended in accordance with sub-paragraphs (2) to (10).

(2) In section 159(1)(2) (interpretation of Part XI and supplementary provisions)—

- (a) in the definition of “employee” omit paragraph (b) and the word “and” preceding it; and
- (b) for the definition of “employer” substitute the following definition—

““employer”, in relation to an employee and a contract of service of his, means a person who—

- (a) under section 6 above is liable to pay secondary Class 1 contributions in relation to any earnings of the employee under the contract; or
- (b) would be liable to pay such contributions but for—
 - (i) the condition in section 6(1)(b); or
 - (ii) the employee being under the age of 16;”.

(3) In section 167(1)(3) (interpretation of Part XII etc.)—

- (a) in the definition of “employee” omit paragraph (b) and the word “and” preceding it; and
- (b) for the definition of “employer” substitute the following definition—

““employer”, in relation to a woman who is an employee, means a person who—

- (a) under section 6 above is liable to pay secondary Class 1 contributions in relation to any of her earnings; or
- (b) would be liable to pay such contributions but for—
 - (i) the condition in section 6(1)(b); or
 - (ii) the employee being under the age of 16;”.

(4) Sub-paragraph (3) applies in relation to any case where the expected week of confinement begins on or after 14th January 2007.

(5) In section 167ZJ(4) (Part XIIZA: supplementary)—

- (a) in subsection (1), for the definition of “employer” substitute the following definition—

““employer”, in relation to a person who is an employee, means a person who—

- (a) under section 6 above is liable to pay secondary Class 1 contributions in relation to any of the earnings of the person who is an employee; or

(1) [1992 c. 7](#)

(2) The definition of “employee” was amended by paragraph 202 of Schedule 6 to the Income Tax (Earnings and Pensions) Act 2003 (C.I.). The definition of “employer” was amended by paragraph 55 of Schedule 6 to the Social Security (Northern Ireland) Order 1998 (S.I. [1998/1506 \(N.I. 10\)](#))

(3) The definition of “employee” was amended by paragraph 203 of Schedule 6 to the Income Tax (Earnings and Pensions) Act 2003 (C.I.). The definition of “employer” was amended by paragraph 56 of Schedule 6 to the Social Security (Northern Ireland) Order 1998 (S.I. [1998/1506 \(N.I. 10\)](#))

(4) Section 167ZJ was inserted by Article 5 of the Employment (Northern Ireland) Order 2002 (S.I. [2002/2836 \(N.I. 2\)](#))

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

- (b) would be liable to pay such contributions but for—
 - (i) the condition in section 6(1)(b); or
 - (ii) the employee being under the age of 16;” and
- (b) in subsection (2) omit paragraph (b) and the word “and” preceding it.
- (6) Sub-paragraph (5) applies in relation to an entitlement to—
 - (a) statutory paternity pay (birth) in respect of children whose expected week of birth begins on or after 14th January 2007;
 - (b) statutory paternity pay (adoption) in respect of children—
 - (i) matched with a person who is notified of having been matched on or after 1st October 2006; or
 - (ii) placed for adoption on or after 1st October 2006.
- (7) In section 167ZS(5) (Part XIIIZB: supplementary)—
 - (a) in subsection (1), for the definition of “employer” substitute the following definition—
 - ““employer”, in relation to a person who is an employee, means a person who—
 - (a) under section 6 above is liable to pay secondary Class 1 contributions in relation to any of the earnings of the person who is an employee; or
 - (b) would be liable to pay such contributions but for—
 - (i) the condition in section 6(1)(b); or
 - (ii) the employee being under the age of 16;” and
 - (b) in subsection (2) omit paragraph (b) and the word “and” preceding it.
 - (8) Sub-paragraph (7) applies in relation to an entitlement to statutory adoption pay in respect of children—
 - (a) matched with a person who is notified of having been matched on or after 1st October 2006; or
 - (b) placed for adoption on or after 1st October 2006.
 - (9) In Schedule 11 omit paragraph 2(a)(6) (period of entitlement not to arise if at the relevant date the employee is over 65).
 - (10) Sub-paragraph (9) applies in relation to a period of incapacity for work which—
 - (a) begins on or after 1st October 2006, or
 - (b) begins before and continues on or after 1st October 2006.
 - (11) But in a case falling within sub-paragraph (10)(b), sub-paragraph (9) does not affect the application of paragraph 1 of Schedule 11 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992 in relation to the part of the period of incapacity for work that falls before 1st October 2006.

The Statutory Sick Pay (Northern Ireland) Order 1994

2.—(1) The Statutory Sick Pay (Northern Ireland) Order 1994(7) shall be amended in accordance with this paragraph.

(2) In Article 3(2) (restriction of employers' right of recovery) omit the words after sub-paragraph (b).

(5) Section 167ZS was inserted by Article 6 of the Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2))

(6) Paragraph 2(a) was amended by Article 3(2) of the Statutory Sick Pay (Northern Ireland) Order 1994 (S.I. 1994/766 (N.I. 5))

(7) S.I. 1994/766 (N.I. 5)

The Employment Rights (Northern Ireland) Order 1996

- 3.—(1) The 1996 Order⁽⁸⁾ shall be amended in accordance with sub-paragraphs (2) to (15).
- (2) In Article 7 (period of continuous employment)—
- (a) in sub-paragraph (a) of paragraph (1), for “paragraphs (2) and” substitute “paragraph”; and
 - (b) omit paragraph (2).
- (3) Article 130⁽⁹⁾ (fairness: general) shall be amended as follows—
- (a) in paragraph (2), after sub-paragraph (b) insert—
“*(ba) is retirement of the employee,*”;
 - (b) after paragraph (2) insert—
“*(2A) Paragraphs (1) and (2) are subject to Articles 130ZA to 130ZF.*”;
 - (c) after paragraph (3) insert—
“*(3A) In any case where the employer has fulfilled the requirements of paragraph (1) by showing that the reason (or the principal reason) for the dismissal is retirement of the employee, the question whether the dismissal is fair or unfair shall be determined in accordance with Article 130ZG.*”;
 - (d) in paragraph (4), for “Where” substitute “In any other case where”.
- (4) After Article 130 insert—

“Retirement

No normal retirement age: dismissal before 65

- 130ZA.—(1) This Article applies to the dismissal of an employee if—
- (a) the employee has no normal retirement age, and
 - (b) the operative date of termination falls before the date when the employee reaches the age of 65.
- (2) Retirement of the employee shall not be taken to be the reason (or a reason) for the dismissal.

No normal retirement age: dismissal at or after 65

- 130ZB.—(1) This Article applies to the dismissal of an employee if—
- (a) the employee has no normal retirement age, and
 - (b) the operative date of termination falls on or after the date when the employee reaches the age of 65.
- (2) In a case where—
- (a) the employer has notified the employee in accordance with paragraph 2 of Schedule 5 to the 2006 Regulations, and
 - (b) the contract of employment terminates on the intended date of retirement,
- retirement of the employee shall be taken to be the only reason for dismissal by the employer and any other reason shall be disregarded.

⁽⁸⁾ S.I. 1996/1919 (N.I. 16)

⁽⁹⁾ Article 130 was amended by paragraph 7 of Schedule 4 to, and Schedule 9(2) to, the Employment Relations (Northern Ireland) Order 1999 (S.I. 1999/2790 (N.I.9)) and paragraph 2(4) of Schedule 5 to the Employment (Northern Ireland) Order 2003 (S.I. 2003/2902 (N.I. 15))

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

- (3) In a case where—
 - (a) the employer has notified the employee in accordance with paragraph 2 of Schedule 5 to the 2006 Regulations, but
 - (b) the contract of employment terminates before the intended date of retirement, retirement of the employee shall not be taken to be the reason (or a reason) for dismissal.
- (4) In a case where—
 - (a) the employer has not notified the employee in accordance with paragraph 2 of Schedule 5 to the 2006 Regulations, and
 - (b) there is an intended date of retirement in relation to the dismissal, but
 - (c) the contract of employment terminates before the intended date of retirement, retirement of the employee shall not be taken to be the reason (or a reason) for dismissal.
- (5) In all other cases where the employer has not notified the employee in accordance with paragraph 2 of Schedule 5 to the 2006 Regulations, particular regard shall be had to the matters in Article 130ZF when determining the reason (or principal reason) for dismissal.

Normal retirement age: dismissal before retirement age

- 130ZC.—(1) This Article applies to the dismissal of an employee if—
- (a) the employee has a normal retirement age, and
 - (b) the operative date of termination falls before the date when the employee reaches the normal retirement age.
- (2) Retirement of the employee shall not be taken to be the reason (or a reason) for the dismissal.

Normal retirement age 65 or higher: dismissal at or after retirement age

- 130ZD.—(1) This Article applies to the dismissal of an employee if—
- (a) the employee has a normal retirement age,
 - (b) the normal retirement age is 65 or higher, and
 - (c) the operative date of termination falls on or after the date when the employee reaches the normal retirement age.
- (2) In a case where—
- (a) the employer has notified the employee in accordance with paragraph 2 of Schedule 5 to the 2006 Regulations, and
 - (b) the contract of employment terminates on the intended date of retirement, retirement of the employee shall be taken to be the only reason for the dismissal by the employer and any other reason shall be disregarded.
- (3) In a case where—
- (a) the employer has notified the employee in accordance with paragraph 2 of Schedule 5 to the 2006 Regulations, but
 - (b) the contract of employment terminates before the intended date of retirement, retirement of the employee shall not be taken to be the reason (or a reason) for dismissal.
- (4) In a case where—
- (a) the employer has not notified the employee in accordance with paragraph 2 of Schedule 5 to the 2006 Regulations, and

(b) there is an intended date of retirement in relation to the dismissal, but
(c) the contract of employment terminates before the intended date of retirement,
retirement of the employee shall not be taken to be the reason (or a reason) for dismissal.

(5) In all other cases where the employer has not notified the employee in accordance with paragraph 2 of Schedule 5 to the 2006 Regulations, particular regard shall be had to the matters in Article 130ZF when determining the reason (or principal reason) for dismissal.

Normal retirement age below 65: dismissal at or after retirement age

130ZE.—(1) This Article applies to the dismissal of an employee if—

- (a) the employee has a normal retirement age,
- (b) the normal retirement age is below 65, and
- (c) the operative date of termination falls on or after the date when the employee reaches the normal retirement age.

(2) If it is unlawful discrimination under the 2006 Regulations for the employee to have that normal retirement age, retirement of the employee shall not be taken to be the reason (or a reason) for dismissal.

(3) Paragraphs (4) to (7) apply if it is not unlawful discrimination under the 2006 Regulations for the employee to have that normal retirement age.

(4) In a case where—

- (a) the employer has notified the employee in accordance with paragraph 2 of Schedule 5 to the 2006 Regulations, and
- (b) the contract of employment terminates on the intended date of retirement,

retirement of the employee shall be taken to be the only reason for dismissal by the employer and any other reason shall be disregarded.

(5) In a case where—

- (a) the employer has notified the employee in accordance with paragraph 2 of Schedule 5 to the 2006 Regulations, but
- (b) the contract of employment terminates before the intended date of retirement,

retirement of the employee shall not be taken to be the reason (or a reason) for dismissal.

(6) In a case where—

- (a) the employer has not notified the employee in accordance with paragraph 2 of Schedule 5 to the 2006 Regulations, and
- (b) there is an intended date of retirement in relation to the dismissal, but
- (c) the contract of employment terminates before the intended date of retirement,

retirement of the employee shall not be taken to be the reason (or a reason) for dismissal.

(7) In all other cases where the employer has not notified the employee in accordance with paragraph 2 of Schedule 5 to the 2006 Regulations, particular regard shall be had to the matters in Article 130ZF when determining the reason (or principal reason) for dismissal.

Reason for dismissal: particular matters

130ZF.—(1) These are the matters to which particular regard is to be had in accordance with Article 130ZB(5), 130ZD(5) or 130ZE(7)—

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

- (a) whether or not the employer has notified the employee in accordance with paragraph 4 of Schedule 5 to the 2006 Regulations,
- (b) if the employer has notified the employee in accordance with that paragraph, how long before the notified retirement date the notification was given,
- (c) whether or not the employer has followed, or sought to follow, the procedures in paragraph 7 of Schedule 5 to the 2006 Regulations.

(2) In paragraph (1)(b), “notified retirement date” means the date notified to the employee in accordance with paragraph 4 of Schedule 5 to the 2006 Regulations as the date on which the employer intends to retire the employee.

Retirement dismissals: fairness

130ZG.—(1) This Article applies if the reason (or principal reason) for a dismissal is retirement of the employee.

(2) The employee shall be regarded as unfairly dismissed if, and only if, there has been a failure on the part of the employer to comply with an obligation imposed on him by any of the following provisions of Schedule 5 to the 2006 Regulations—

- (a) paragraph 4 (notification of retirement, if not already given under paragraph 2),
- (b) paragraphs 6 and 7 (duty to consider employee’s request not to be retired),
- (c) paragraph 8 (duty to consider appeal against decision to refuse request not to be retired).

Interpretation

130ZH. In Articles 130ZA to 130ZG—

“the 2006 Regulations” means the Employment Equality (Age) Regulations (Northern Ireland) 2006;

“intended date of retirement” means the date which, by virtue of paragraph 1(2) of Schedule 5 to the 2006 Regulations, is the intended date of retirement in relation to a particular dismissal;

“normal retirement age”, in relation to an employee, means the age at which employees in the employer’s undertaking who hold, or have held, the same kind of position as the employee are normally required to retire;

“operative date of termination” means—

- (a) where the employer terminates the employee’s contract of employment by notice, the date on which the notice expires, or
- (b) where the employer terminates the contract of employment without notice, the date on which the termination takes effect.

Dismissals”.

(5) In Article 140 (qualifying period of employment), in paragraph (3) (cases where no qualifying period of employment is required)—

- (a) at the end of sub-paragraph (o)(10) omit “or”; and
- (b) after sub-paragraph (p)(11) insert—

(10) Sub-paragraph (o) was inserted by regulation 31(2)(b) of S.R. 2005 No. 47

(11) Sub-paragraph (p) was inserted by paragraph 6(3)(b) of the Schedule to S.R. 2006 No. 48

“or

(q) head (a) or (b) of paragraph 13(5) of Schedule 5 to the Employment Equality (Age) Regulations (Northern Ireland) 2006 applies.”.

(6) Omit Article 141 (upper age limit).

(7) In Article 146(5)(a)(12) (the remedies: orders and compensation), after “Article” insert “130ZG or”.

(8) In Article 153 (basic award) omit paragraphs (4) and (5).

(9) In Article 154(1A)(a)(13) (basic award: minimum in certain cases), after “Article” insert “130ZG or”.

(10) In Article 160(1)(14) (acts which are both unfair dismissal and discrimination), for sub-paragraph (b) substitute—

“(b) any one or more of the following—

(i) the Sex Discrimination (Northern Ireland) Order 1976;

(ii) the Disability Discrimination Act 1995;

(iii) the Race Relations (Northern Ireland) Order 1997;

(iv) the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003;

(v) the Employment Equality (Age) Regulations (Northern Ireland) 2006.”.

(11) Omit Article 191 (upper age limit).

(12) Omit Article 193 (pension rights).

(13) In Article 197 (amount of a redundancy payment)—

(a) omit paragraphs (4), (5) and (8); and

(b) in paragraph (6), for “Paragraphs (1) to (5)” substitute “Paragraphs (1) to (3)”.

(14) In relation to any case where the date that is the relevant date by virtue of Article 188 of the 1996 Order falls before 1st October 2006, sub-paragraphs (11) to (13) do not apply.

(15) In Article 250(2) (powers to amend Order) omit “141(1)”.

The Industrial Tribunals (Northern Ireland) Order 1996

4. Article 20(1)(a) of the Industrial Tribunals (Northern Ireland) Order 1996(15) (cases where conciliation provisions apply) shall be amended as follows—

(a) at the end of head (iv), omit “or”, and

(b) after head (v), insert—

“or

(vi) regulation 41 of the Employment Equality (Age) Regulations (Northern Ireland) 2006.”.

(12) Paragraph (5) was inserted by Article 23(3) of the Employment (Northern Ireland) Order 2003 (S.I. 2003/2902 (N.I. 15))

(13) Paragraph 154(1A) was inserted by Article 23(5) of the Employment (Northern Ireland) Order 2003 (S.I. 2003/2902 (N.I. 15))

(14) Article 160(1)(b) was substituted by Article 15(3) of the Employment Rights (Dispute Resolution) (Northern Ireland) Order 1998 (S.I. 1998/1265 (N.I. 8)), and has been amended since, but the amendments are not relevant for the purposes of these Regulations

(15) S.I.1996/1921 (N.I. 18); Article 20(1)(a)(iv) was inserted by paragraph 10 of Schedule 2 to the Race Relations (Northern Ireland) Order 1997 (S.I. 1997/869 (N.I. 6)) and Article 20(1)(a)(v) was inserted by paragraph 1 of Schedule 5 to S.R. 2003 No. 497

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

The Fair Employment and Treatment (Northern Ireland) Order 1998

5.—(1) The Fair Employment and Treatment (Northern Ireland) Order 1998⁽¹⁶⁾ shall be amended in accordance with sub-paragraphs (2) to (4).

(2) In Article 85(1) (procedure for matters within jurisdiction of industrial tribunal)—

(a) in sub-paragraph (a), after head (v)⁽¹⁷⁾ insert—

“(vi) a person has committed an act of discrimination or harassment against the complainant which is unlawful by virtue of any provision of Part 2 or 3 of the Employment Equality (Age) Regulations (Northern Ireland) 2006; or”; and

(b) in sub-paragraph (b)⁽¹⁸⁾ after “(Northern Ireland) 2003” insert “or the Employment Equality (Age) Regulations (Northern Ireland) 2006”.

(3) In Article 85(3)(b), after head (iv)⁽¹⁹⁾, insert—

“(v) regulation 41(4) of the Employment Equality (Age) Regulations (Northern Ireland) 2006.”.

(4) In Schedule 2A⁽²⁰⁾—

(a) in paragraph 1(1)—

(i) in the definition of “active member”, “deferred member”, “managers”, “pensioner member” and “trustees or managers”, omit the words “as at 10th December 2003”; and

(ii) in the definition of “occupational pension scheme”, omit the words “as at 10th December 2003”; and

(b) in paragraph 1(2), omit the words “as at 10th December 2003”.

The Employment (Northern Ireland) Order 2003

6. In the Employment (Northern Ireland) Order 2003⁽²¹⁾ at the end of each of the following Schedules—

(a) Schedule 2 (tribunal jurisdictions to which Article 17 applies);

(b) Schedule 3 (tribunal jurisdictions to which Article 19 applies); and

(c) Schedule 4 (tribunal jurisdictions to which Article 27 applies),

insert—

“Regulation 41 of the Employment Equality (Age) Regulations (Northern Ireland) 2006 (discrimination in the employment field)”.

PART 2

Subordinate legislation

The Riding Establishments Regulations (Northern Ireland) 1980

7. In regulation 4 of the Riding Establishments Regulations (Northern Ireland) 1980⁽²²⁾ (management and supervision requirements), for paragraph (1) substitute—

⁽¹⁶⁾ [S.I.1998/3162 \(N.I. 21\)](#)

⁽¹⁷⁾ Head (v) was inserted by paragraph 3 of Schedule 5 to [S.R. 2003 No. 497](#)

⁽¹⁸⁾ Sub-paragraph (b) was amended by paragraph 3 of Schedule 5 to [S.R. 2003 No. 497](#)

⁽¹⁹⁾ Head (iv) was inserted by paragraph 3 of Schedule 5 to [S.R. 2003 No. 497](#)

⁽²⁰⁾ Schedule 2A was inserted by regulation 18(4) of [S.R. 2003 No. 520](#)

⁽²¹⁾ [S.I. 2003/2902 \(N.I. 15\)](#)

⁽²²⁾ [S.R. 1980 No. 121](#)

“(1) A riding establishment shall be managed and supervised by a licence holder or a person who to the satisfaction of the Department is qualified or experienced in the management of horses and has not been convicted of any offence for which a penalty is provided under the Act.”.

The Statutory Sick Pay (General) Regulations (Northern Ireland) 1982

8.—(1) The Statutory Sick Pay (General) Regulations (Northern Ireland) 1982⁽²³⁾ shall be amended in accordance with sub-paragraphs (2) and (3).

(2) In regulation 16 (meaning of “employee”)—

(a) in paragraph (1)—

(i) at the beginning insert the words “Subject to paragraph (1ZA),”; and

(ii) omit the words “over the age of 16”; and

(b) after paragraph (1) insert—

“(1ZA) Any person under the age of 16 who would have been treated as an employed earner or, as the case may be, would have been treated otherwise than as an employed earner by virtue of the Social Security (Categorisation of Earners) Regulations (Northern Ireland) 1978 had he been aged 16 or over, shall be treated as if he is aged 16 or over for the purposes of paragraph (1).”.

(3) In regulation 17(2) (meaning of “earnings”)—

(a) at the end of sub-paragraph (a), insert “(or would have been so excluded had he not been under the age of 16)”; and

(b) at the end of sub-paragraph (b), insert “(or where such a payment or amount would have been so excluded and in consequence he would not have been entitled to statutory sick pay had he not been under the age of 16)”.

The Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987

9.—(1) The Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987⁽²⁴⁾ shall be amended in accordance with sub-paragraphs (2) to (4).

(2) In regulation 17 (meaning of “employee”)—

(a) in paragraph (1)—

(i) at the beginning insert the words “Subject to paragraph (1A),”; and

(ii) omit the words “over the age of 16”; and

(b) after paragraph (1) insert—

“(1A) Any woman under the age of 16 who would have been treated as an employed earner or, as the case may be, would have been treated otherwise than as an employed earner by virtue of the Social Security (Categorisation of Earners) Regulations (Northern Ireland) 1978 had she been aged 16 or over, shall be treated as if she is aged 16 or over for the purposes of paragraph (1).”.

(3) In regulation 20(2) (meaning of “earnings”)—

(a) at the end of sub-paragraph (a) insert “(or would have been so excluded had she not been under the age of 16)”; and

⁽²³⁾ S.R. 1982 No. 263; relevant amending Regulations are S.R. 1983 No. 54 and S.R. 1999 No. 117

⁽²⁴⁾ S.R. 1987 No. 30; relevant amending Regulations are S.R. 1999 No. 117

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

- (b) at the end of sub-paragraph (b) insert “(or where such a payment or amount would have been so excluded and in consequence she would not have been entitled to statutory maternity pay had she not been under the age of 16)”.

(4) Sub-paragraph (3) applies in relation to any case where the expected week of confinement begins on or after 14th January 2007.

The Employment Protection (Continuity of Employment) Regulations (Northern Ireland) 1996

10. Regulation 3 of the Employment Protection (Continuity of Employment) Regulations (Northern Ireland) 1996(25) shall be amended as follows—

- (a) at the end of paragraph (d) omit “or”; and
- (b) after paragraph (e), add—
 - “or
 - (f) a decision taken arising out of the use of the statutory duty to consider procedure contained in Schedule 5 to the Employment Equality (Age) Regulations (Northern Ireland) 2006.”.

The Petshops Regulations (Northern Ireland) 2000

11. In the Schedule to the Petshops Regulations (Northern Ireland) 2000(26) (conditions for keeping petshops)—

- (a) omit paragraph 2; and
- (b) for paragraph 3, substitute—
 - “3. The petshop shall be managed only by or left in the sole charge of a person who, to the satisfaction of the Department, has either sufficient experience or suitable training and qualifications to provide a reasonable level of care and supervision in respect of the number and range of species which are permitted to be kept within that petshop.”.

The Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations (Northern Ireland) 2002

12.—(1) The Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations (Northern Ireland) 2002(27) shall be amended in accordance with sub-paragraphs (2) and (3).

- (2) In regulation 32 (treatment of persons as employees)—
 - (a) in paragraph (1)—
 - (i) at the beginning insert the words “Subject to paragraph (1A),”; and
 - (ii) omit the words “over the age of 16”; and
 - (b) after paragraph (1) insert—
 - “(1A) Any person under the age of 16 who would have been treated as an employed earner or, as the case may be, would have been treated otherwise than as an employed earner by virtue of the Social Security (Categorisation of Earners) Regulations (Northern Ireland) 1978 had he been aged 16 or over, shall be treated as if he is aged 16 or over for the purposes of paragraph (1).”.
- (3) In regulation 39(2) (meaning of “earnings”)—

(25) [S.R. 1996 No. 604](#); regulation 3(e) was inserted by regulation 17(c) of [S.R. 2004 No. 521](#)

(26) [S.R. 2000 No. 405](#)

(27) [S.R. 2002 No. 378](#)

- (a) at the end of sub-paragraph (a), insert “(or would have been so excluded had he not been under the age of 16)”; and
- (b) at the end of sub-paragraph (b), insert “(or where such a payment or amount would have been so excluded and in consequence he would not have been entitled to statutory paternity pay or, as the case may be, statutory adoption pay had he not been under the age of 16)”.

The Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003

13.—(1) Schedule 1 to the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003⁽²⁸⁾ shall be amended in accordance with sub-paragraphs (2) and (3).

(2) In paragraph 1(1)—

- (a) in the definition of “active member”, “deferred member”, “managers”, “pensioner member” and “trustees or managers”, omit the words “as at 2nd December 2003”; and
- (b) in the definition of “occupational pension scheme”, omit the words “as at 2nd December 2003”.

(3) In paragraph 1(2), omit the words “as at 2nd December 2003”.

The Employment (Northern Ireland) Order 2003 (Dispute Resolution) Regulations (Northern Ireland) 2004

14.—(1) The Employment (Northern Ireland) Order 2003 (Dispute Resolution) Regulations (Northern Ireland) 2004⁽²⁹⁾ shall be amended in accordance with sub-paragraphs (2) to (4).

(2) In regulation 4(1) (dismissals to which the dismissal and disciplinary procedures do not apply)

- (a) at the end of sub-paragraph (f) omit “or”; and
- (b) after sub-paragraph (g) add—
 - “,or
 - (h) the reason (or if more than one, the principal reason) for the dismissal is retirement of the employee (to be determined in accordance with Articles 130ZA to 130ZH of the 1996 Order).”.

(3) In regulation 7(3) (circumstances in which parties are treated as complying with the grievance procedures) at the end add—

“regulation 41 of the Employment Equality (Age) Regulations (Northern Ireland) 2006”.

(4) In regulation 14(2) (questions to obtain information not to constitute statement of grievance) at the end add—

“regulation 46 of the Employment Equality (Age) Regulations (Northern Ireland) 2006”.

The Industrial Tribunals (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2005

15.—(1) The Industrial Tribunals (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2005⁽³⁰⁾ shall be amended in accordance with sub-paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation), immediately after the definition of “the Sexual Orientation Regulations” there shall be inserted the following definition—

⁽²⁸⁾ S.R. 2003 No. 497

⁽²⁹⁾ S.R. 2004 No. 521

⁽³⁰⁾ S.R. 2005 No. 150

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

““the Age Regulations” means the Employment Equality (Age) Regulations (Northern Ireland) 2006;”

(3) Rule 22 of Schedule 1 (fixed period for conciliation) shall be amended as follows—

(a) at the end of paragraph (1)(e) omit “and”; and

(b) after paragraph (1)(f), add—

“and

(g) the Age Regulations, regulation 41.”.

(4) In rule 60(9) of Schedule 1 (notices, etc.) for “or the Sexual Orientation Regulations” there shall be substituted “, the Sexual Orientation Regulations or the Age Regulations”.