

## SCHEDULE 7

### Duty to consider working beyond retirement - transitional provisions

**3.—**(1) This paragraph applies in a case where the employer has given notice of dismissal to the employee before the commencement date and—

- (a) the expiry date falls before 1st April 2007, but
- (b) the period of notice given is shorter than the minimum period of notice required by paragraph 2(1)(a) or the employer has not complied with paragraph 2(1)(c).

(2) Where this paragraph applies—

- (a) the duty to notify in accordance with paragraph 2 of Schedule 6 does not apply;
- (b) the duty to notify in accordance with paragraph 4 of Schedule 6 applies as if—
  - (i) the employer had failed to notify in accordance with paragraph 2 of that Schedule; and
  - (ii) the duty was one to notify at any time before the expiry date;
- (c) a request shall be treated as being a request made under paragraph 5 of Schedule 6 if it satisfies the requirements of sub-paragraphs (2) and (3) of that paragraph and is made—
  - (i) before any notification given in accordance with paragraph 4 of Schedule 6; or
  - (ii) after such notification and—
    - (aa) where practicable, at least four weeks before the expiry date; or
    - (bb) where that is not practicable, as soon as reasonably practicable (whether before or after the expiry date) after the employer notified the employee of his right to make a request, but not more than four weeks after the expiry date.