

Revised draft Employment Equality (Repeal of Retirement Age Provisions) Regulations 2011.

The Government appears to have listened to concerns expressed by employment lawyers that the draft regulations put before parliament contained an anomaly and has published a revised draft.

The new version corrects the apparent error in Reg. 5(b) of the original draft of 16th February and makes it clear that the transitional arrangements will apply whether or not an employee's 65th birthday is before or after 6th April 2011, provided that it is before 1st October 2011.

The BIS release says, "... we have taken the opportunity to address some concerns about the extent to which the DRA can continue to apply to individuals after 30 September 2011. The original draft Regulations are absolutely clear that no one who reaches retirement age after 30 September can be retired using the DRA. However, the transitional arrangements do provide flexibility so that a notification of retirement of between six and twelve months can be given before 6 April 2011, and an extension of up to six months agreed through the right to request procedure. The amending Regulations clarify that the latest possible retirement date that can be set using the DRA procedure in this way is 5 October 2012".

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