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## EXPLANATORY NOTE

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

These Regulations amend the Sex Discrimination (Northern Ireland) Order 1976 (“the 1976 Order”) to reflect a change to European Union law consequent on the ruling by the Court of Justice of the European Union in Case C-236/09 of 1<sup>st</sup> March 2011 (Association Belge des Consommateurs Test-Achats ASBL and Others v Council). In that case, the Court ruled that Article 5(2) of Council Directive [2004/113/EC](#) of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services (“the Gender Directive”) is invalid with effect from 21<sup>st</sup> December 2012. Article 5(2) provides that Member States may permit proportionate differences in individuals' premiums and benefits where the use of sex is a determining factor in the assessment of risk based on relevant and accurate actuarial and statistical data.

Regulation 2 amends Article 46 of the 1976 Order (insurance etc) to remove the exception which specified the circumstances under which insurance companies may charge different premiums or offer different benefits to men and women in relation to areas with which Article 30 of the 1976 Order is concerned (discrimination in the provision of goods, facilities or services).

Regulation 3 provides that notwithstanding the amendments made to Article 46 of the 1976 Order by regulation 2, Article 46 continues to apply to a contract concluded before 21<sup>st</sup> December 2012. Regulation 4 requires the Office of the First Minister and deputy First Minister to review the operation and effect of these Regulations and publish a report within five years after they come into operation and within every five years after that. Following a review, it will fall to the Office of the First Minister and deputy First Minister to consider whether these Regulations should remain as they are, or be revoked or be amended.

A Regulatory Impact Assessment of the effect that these Regulations will have on the costs of business in Northern Ireland and a Transposition Note showing how the European Court of Justice ruling has been implemented here have been placed in the Library of the Northern Ireland Assembly. Copies may be obtained from Equality and Good Relations Division, Office of the First Minister and deputy First Minister, Room E.3.19A, Castle Buildings, Stormont Belfast, BT4 3SR.

**Changes to legislation:**

There are currently no known outstanding effects for the The Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2012.