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## STATUTORY INSTRUMENTS

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# 2006 No. 1031

## The Employment Equality (Age) Regulations 2006

### PART 1

#### GENERAL

##### Interpretation

2.—(1) In these Regulations, references to discrimination are to any discrimination falling within regulation 3 (discrimination on grounds of age), regulation 4 (discrimination by way of victimisation) or regulation 5 (instructions to discriminate) and related expressions shall be construed accordingly, and references to harassment shall be construed in accordance with regulation 6 (harassment on grounds of age).

(2) In these Regulations—

“1996 Act” means the Employment Rights Act 1996 <sup>M1</sup>;

“act” includes a deliberate omission;

“benefit”, except in regulation 11 and Schedule 2 (pension schemes), includes facilities and services;

“commencement date” means 1st October 2006;

“Crown employment” means —

- (a) service for purposes of a Minister of the Crown or government department, other than service of a person holding a statutory office; or
- (b) service on behalf of the Crown for purposes of a person holding a statutory office or purposes of a statutory body;

“detriment” does not include harassment within the meaning of regulation 6;

“employment” means employment under a contract of service or of apprenticeship or a contract personally to do any work, and related expressions (such as “employee” and “employer”) shall be construed accordingly, but this definition does not apply in relation to regulation 30 (exception for retirement) or to Schedules 2, 6, 7 and 8;

“Great Britain” includes such of the territorial waters of the United Kingdom as are adjacent to Great Britain;

“Minister of the Crown” includes the Treasury and the Defence Council;

“proprietor”, in relation to a school, has the meaning given by section 579 of the Education Act 1996 <sup>M2</sup>;

“relevant member of the House of Commons staff” means any person who was appointed by the House of Commons Commission or who is a member of the Speaker's personal staff;

“relevant member of the House of Lords staff” means any person who is employed under a contract of employment with the Corporate Officer of the House of Lords;

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“school”, in England and Wales, has the meaning given by section 4 of the Education Act 1996<sup>M3</sup>, and, in Scotland, has the meaning given by section 135(1) of the Education (Scotland) Act 1980<sup>M4</sup>, and references to a school are to an institution in so far as it is engaged in the provision of education under those sections;

“service for purposes of a Minister of the Crown or government department” does not include service in any office mentioned in Schedule 2 (Ministerial offices) to the House of Commons Disqualification Act 1975<sup>M5</sup>;

“statutory body” means a body set up by or in pursuance of an enactment, and “statutory office” means an office so set up; and

“worker” in relation to regulations 32 and 34 and to Schedule 2, means, as the case may be—

- (a) an employee;
- (b) a person holding an office or post to which regulation 12 (office-holders etc) applies;
- (c) a person holding the office of constable;
- (d) a partner within the meaning of regulation 17 (partnerships);
- (e) a member of a limited liability partnership within the meaning of that regulation;
- (f) a person in Crown employment;
- (g) a relevant member of the House of Commons staff;
- (h) a relevant member of the House of Lords staff.

(3) In these Regulations references to “employer”, in their application to a person at any time seeking to employ another, include a person who has no employees at that time.

#### Marginal Citations

**M1** 1996 c. 18.

**M2** 1996 c. 56; section 579 has been amended on a number of occasions. The relevant amendments for the purposes of these Regulations were those made by section 140(1) of, and paragraph 183(a)(iii) of Schedule 30 to, the [School Standards and Framework Act 1998 \(c. 31\)](#) and regulation 3 of [S.I. 2003/2045](#).

**M3** Section 4 was amended by section 51 of the [Education Act 1997 \(c. 44\)](#) and Part 3 of Schedule 22 to the [Education Act 2002 \(c. 32\)](#).

**M4** 1980 c. 44.

**M5** 1975 c. 24; Schedule 2 was amended by the [Scotland Act 1998 \(c. 46\)](#), [sections 48\(6\)](#) and 87(1) and Schedule 9, and by [S.I. 2002/794](#).

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