Northern Ireland Assembly

Age Discrimination (Goods, Facilities and Services) Legislation

Briefing to the Committee for the Executive Office

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Introduction

The Age Discrimination (Goods, Facilities and Services) Bill seeks to address a longstanding gap in Northern Ireland's equality legislation by introducing statutory protection against unjustified age discrimination in the provision of goods, facilities and services. While protections have existed in employment since 2006, individuals in Northern Ireland remain without equivalent general protection when accessing everyday services.

The need for this legislation has been consistently raised with me by older people and their representative organisations since my election to the Assembly in 2014. These concerns have also been a recurring issue within the All-Party Group on Ageing and Older People, which I established to provide a forum for engagement between MLAs, older people and the organisations representing them. The Equality Commission for Northern Ireland, the Commissioner for Older People for Northern Ireland and the Northern Ireland Human Rights Commission have also long identified this legislative gap and called for reform.

The case for legislation is particularly relevant in the context of Northern Ireland's ageing population. NISRA projections indicate that the number of people aged 65 and over is expected to exceed the number of children aged under 16 by 2027. With increasing demands on healthcare, financial services and other essential services, it is important that individuals have meaningful legal protection against unjustified age discrimination. The Bill seeks to provide that protection while preserving legitimate and proportionate age-based distinctions.

Background.

The need for legislation was recognised in the Programme for Government 2011–2015. In 2015, the then First Minister, Peter Robinson, and deputy First Minister, Martin McGuinness, brought forward proposals to prohibit age discrimination in goods, facilities and services for those aged 16 and over. While there was broad support for the principle of legislation, disagreement over its scope, particularly the exclusion of children under 16 and associated safeguarding considerations, meant that the proposals did not progress.

More than a decade later, Northern Ireland remains without equivalent general protection, despite its introduction in Great Britain and the Republic of Ireland. During that period, the increasing digitisation of services, changes in financial and healthcare provision, and an ageing population have further highlighted the importance of addressing age-related barriers. The legislative gap is therefore longstanding, but its practical implications have become increasingly relevant.

In September 2024, the Executive Office confirmed that it had no plans to bring forward legislation in this area. In the absence of an Executive proposal, I proceeded with a Private Member's Bill to address an issue which has remained unresolved despite previous commitments to reform.

Evidence and the requirement for legislation.

The case for legislation is supported by substantial evidence of the impact of age discrimination on health, independence and social participation. Research by Swift et al. (2017) and the World Health Organization's *Global Report on Ageism* (2021) demonstrates that ageism extends beyond individual prejudice and can become embedded in the design and delivery of services, contributing to poorer outcomes and social exclusion.

The Commissioner for Older People for Northern Ireland's *Are You Ageist?* report (2024) found that almost half of older respondents reported experiencing ageism in public or private services. Examples included barriers to financial products, assumptions about digital capability and reliance on family members to access services. These findings reflect concerns raised through my constituency work and the All-Party Group on Ageing and Older People.

The increasing digitisation of essential services has brought these issues into sharper focus. The Assembly Committee for Finance's 2025 banking inquiry highlighted the continued importance of cash and face-to-face provision, particularly for older people and rural communities. While digital exclusion does not necessarily constitute unlawful age discrimination, it illustrates how changes in service delivery can create disproportionate barriers.

The consequences of this legislative gap are clear. As the Equality Commission for Northern Ireland reaffirmed in its 2025 consultation response, individuals can challenge discrimination in accessing services on grounds such as race, sex and disability, but not age. The Northern Ireland Human Rights Commission's 2025 Annual Statement likewise identifies the continuing absence of protection. This is not simply an inconsistency in legislation; it leaves individuals without an effective means of challenging unjustified age discrimination and allows potentially discriminatory practices to remain beyond the reach of equality law. The Bill seeks to end that disparity by establishing clear, enforceable rights and corresponding responsibilities for service providers.

Legislative Approaches in Other Jurisdictions

Northern Ireland remains the only jurisdiction across the United Kingdom and Ireland without general statutory protection against age discrimination in goods, facilities and services. In Great Britain, protections for adults aged 18 and over came into force in October 2012 under the Equality Act 2010, supported by specific exceptions, including for concessions and financial services. In the Republic of Ireland, the Equal Status Act 2000 provides protection for adults aged 18 and over, also subject to statutory exceptions.

These frameworks have informed the approach taken within the Bill. They demonstrate how statutory protection can be combined with provisions allowing legitimate age-based distinctions, including where services are targeted at particular age groups or decisions are supported by appropriate evidence. They also highlight the importance of clearly defined exceptions so that individuals and service providers understand their respective rights and responsibilities.

The Bill seeks to build on these approaches by extending protection to people aged 16 and over, while retaining objective justification and proportionate exceptions. In particular, it does not provide for a blanket financial-services exemption, reflecting the importance of ensuring that age-based decisions are appropriately evidenced and justified.

Consultation and engagement

The public consultation ran from 24 March to 20 June 2025 and received 68 responses from individuals, statutory bodies and representative organisations. There was strong support for legislation, with many respondents highlighting the absence of legal protection against age discrimination and expressing a clear preference for protection across all ages.

A recurring concern was digital exclusion, particularly the increasing reliance on online banking, financial products and public services. Respondents highlighted the difficulties older people face when essential services move online and face-to-face or alternative methods of access are reduced. Concerns were also raised about age restrictions in financial services, healthcare and other everyday services.

Consultation responses and wider engagement included contributions from the Equality Commission for Northern Ireland, the Commissioner for Older People for Northern Ireland, Age NI and the Northern Ireland Commissioner for Children and Young People (NICCY), all of whom supported legislative reform. The Equality Commission emphasised the need for clear exceptions and effective enforcement, while NICCY advocated protection for children under 16. The Northern Ireland Human Rights Commission has also identified the absence of protection as a continuing gap in equality law.

The legislation is likely to have particular relevance for financial services and insurance providers, healthcare, public services and other essential services where age can influence access, eligibility or risk assessment. In developing the Bill, I engaged with the Association of British Insurers, the Northern Ireland Hotels Federation and Propertymark. Their contributions highlighted the need for proportionate exceptions, clear guidance and consistency with existing regulation. The insurance sector also raised concerns about possible increases in costs or reduced product availability if legitimate risk-based decisions were unnecessarily restricted. These considerations informed the approach taken to exceptions, while maintaining the Bill's central purpose of preventing unjustified discrimination.

The consultation demonstrated strong support for protection across all ages. However, extending the legislation to children under 16 would raise additional questions concerning safeguarding, parental responsibility and existing statutory duties, broadening the scope of the Bill considerably. I therefore brought forward legislation protecting those aged 16 and over, consistent with the threshold previously proposed by the Executive in 2015, while recognising that extending protection to younger children remains an important matter for consideration.

The Bill and its legislative approach

The Bill introduces enforceable protection against age discrimination in goods, facilities and services for people aged 16 and over. It would make it unlawful to refuse access to services, impose less favourable terms or otherwise disadvantage someone because of their age, unless permitted under the legislation. These protections would apply to public, private and voluntary service providers, as well as certain associations and private members' clubs.

The Bill prohibits direct and indirect discrimination, harassment and victimisation. Direct discrimination involves less favourable treatment because of age, while indirect discrimination can arise where a policy applying to everyone disproportionately disadvantages a particular age group without sufficient justification. The Bill also protects individuals from age-related harassment and unfair treatment for making a complaint or exercising their rights.

These protections are particularly relevant to digital exclusion. As essential services increasingly move online, requirements to access services exclusively through digital platforms may disadvantage older people. Where such arrangements amount to unjustified indirect age discrimination, the Bill would provide a legal means of challenging them. It would not prohibit digital service delivery, but would require discriminatory practices to be justified.

The Bill recognises that not every age-based distinction is discriminatory and therefore provides for objective justification, positive action and statutory exceptions. The intention is to preserve beneficial age-based measures, such as concessionary schemes and targeted services, while ensuring that

exceptions cannot be used to justify arbitrary exclusion or discriminatory treatment. While the central protections are established in primary legislation, further exceptions may be developed through regulations. This approach is intended to allow detailed, sector-specific provisions to be informed by consultation and adapted where necessary, subject to the applicable Assembly scrutiny procedures. Clause 15 places specific conditions on financial-services exceptions and prevents a blanket exemption from being introduced through regulations.

The Bill provides for civil proceedings in the county court, including damages for injury to feelings, and gives the Equality Commission for Northern Ireland additional responsibilities relating to enforcement, investigation and the promotion of age equality. The Commission is aware of these proposed functions and advised during consultation that appropriate additional funding would be required to fulfil them. The Executive Office will also have responsibilities for guidance, regulations and implementation.

Under clause 49, the provisions relating to the Equality Commission commence the day after Royal Assent, with the remaining provisions taking effect after 12 months. Clause 44 requires the Department to issue guidance before the substantive protections commence, following consultation with the Equality Commission and other appropriate stakeholders. This implementation period is intended to allow time for the necessary preparations.

The financial assessment accompanying the Bill anticipates that implementation costs will be manageable, reflecting the use of existing equality and enforcement structures rather than the establishment of new bodies. Costs are expected to arise principally from guidance, awareness-raising, training and compliance. The precise resource requirements, including those arising from the Equality Commission's additional responsibilities, will need to be considered as implementation arrangements are developed.

Conclusion

The absence of age discrimination protection in goods, facilities and services has been recognised for many years. Previous Executive commitments, evidence from statutory commissioners and the responses to my consultation all demonstrate that this is an issue which requires legislative attention.

The Bill is intended to provide a practical and enforceable response to that gap, while recognising that age can legitimately be relevant to the provision of certain services.

I believe Northern Ireland should have a framework which allows unjustified age discrimination to be challenged, while providing appropriate certainty for individuals and service providers alike.

The Committee's scrutiny will be important in ensuring that the legislation strikes that balance and can be implemented effectively.