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Age Discrimination (Goods, Facilities and Services) Bill Paper

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This Bill Paper, including a Review of Costs, has been prepared to inform consideration of the Age Discrimination (Goods, Facilities and Services) Bill. It highlights potential areas for consideration by Members.

This information is provided to Members of the Legislative Assembly (MLAs) in support of their duties, and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as professional legal advice, or as a substitute for it.

Key Points

The Bill would introduce protections against age discrimination in goods, facilities and services, and by associations. The lack of such protected has been identified as a significant gap in equality law in Northern Ireland. [1] The Bill is based upon a mixture of provisions from other Northern Irish equality legislation, and legislation in Great Britain.

The protections against discrimination in goods, facilities and services provided to the public in Part 3 would only apply to those aged over-16.

This paper highlights a number of potential scrutiny points. These can be broadly grouped into four themes:

- **The scope of protection**, particularly in relation to any age thresholds, and protections in public functions, schools and premises;
- **What differential age treatment should be allowed**, including the extent to which direct age discrimination should be justifiable and any exceptions;
- **Enforcement provisions, and the powers and duties for the Equality Commission for Northern Ireland**; and
- **The commencement timeline**, particularly if significant exceptions are to be made through secondary legislation.

Across the Bill, Members may wish to consider the extent to which the Bill should align with other equality law in Northern Ireland, and/ or to other jurisdictions.

In terms of potential costs, the available evidence suggests that implementation of the Bill could result in additional expenditure for departments, public authorities and ECNI. However, the overall cost remains uncertain, and no robust estimate is currently available.

[1] NI Assembly Research and Information Service, Comparative study of equality legislation in the United Kingdom and Ireland (2024), pp. 22-24

Executive Summary

This Bill Paper is intended to support the Northern Ireland Assembly's scrutiny of the Age Discrimination (Goods, Facilities and Services) Bill, introduced on 30th June 2026 by Claire Sugden MLA (the Bill sponsor).

Unlike other equality characteristics, there is no protection against age discrimination outside of employment and further and higher education in Northern Ireland. There are such protections in Great Britain and the Republic of Ireland, although largely only for those aged over-18.

The Bill's provisions are primarily drawn from a combination of other Northern Irish anti-discrimination law, and Great Britain's Equality Act 2010, to provide protections against direct and indirect discrimination, harassment and victimisation in relation to the provision of goods, facilities and services to the public, and by private clubs. It would also provide new powers and duties to the Equality Commission for Northern Ireland (ECNI).

This Executive Summary provides a summary of the main scrutiny points arising from the Bill. It should be noted that more specific and additional scrutiny issues are identified in the full paper, which Members may also wish to consider. The paper also includes comparisons with other Northern Irish equality law and neighbouring jurisdictions.

Alongside policy considerations, the Paper also includes a Review of Costs section, produced by RaISe-PFSU, which examines the potential 'public purse' implications of the Bill, if it was enacted and implemented as introduced.

Parts 1 and 2: Key definitions and prohibited conduct

These clauses set out key definitions, including in relation to age, and prohibited conduct, including direct and indirect discrimination, harassment and victimisation. Discrimination could be justified where it is a proportionate means of achieving a legitimate aim. The Bill would also make instructing and pressuring another person to discriminate unlawful, and sets out that both employers/ principals and employees/ agents can be liable for discrimination.

Members may wish to consider to what extent direct age discrimination should be justifiable; whether discrimination against those associated with someone of a certain age should be covered; and whether specific provisions on discriminatory advertisements, discriminatory practices, and relationships that have ended should be included.

Members may also wish to note that victimisation is not framed as a form of discrimination, unlike other Northern Irish equality law, and that therefore there may be a need to refer to it explicitly more frequently throughout the Bill.

Part 3: Discrimination in the provision of goods, facilities and services

This Part only applies to those who are at least 16 years old. It provides protection against discrimination, harassment and victimisation in relation to services provided to the public.

Members may wish to consider the rationale for setting the age threshold at 16, whether protection should extend to those under 16 or instead apply only from age 18, and what additional exceptions or consequential provisions might be required if the threshold were changed. Members may also wish to consider whether the intended scope of protection in relation to public functions, schools and premises is sufficiently clear and whether specific provision is required for any of these areas.

Part 4: Exceptions and Associations

This Part provides a range of exceptions from Part 3, including to allow positive action to address disparities between particular age groups. The statutory authority exception would also ensure that following other laws is not unlawful (e.g. not selling alcohol to under-18s). There are also provisions relating to the extent of the legislation, which may impact on travel insurance, and exceptions

in relation to having lodgers in your own shared home and caring for someone else in your home.

Part 4 also allows for future exceptions to be added by regulations, which may include financial services, health and social care, age-based concessions, safeguarding and sports, but could cover wider areas. There are a range of requirements any such exceptions would have to meet, including that any excepted treatment is proportionate. In relation to any exceptions for financial services and the assessment of risk, there is a requirement to have regard to a number of issues, including the need to preserve access to products, and avoiding a blanket exemption.

However, clause 46 would enable TEO to bring other regulations to allow exemptions, without placing similar restrictions on their scope.

This Part also provides protection against discrimination (although not explicitly harassment nor victimisation), in relation to associations and private members clubs, unless the main object of the association is to enable the benefits of membership to be enjoyed by those of a particular age. There is no provision limiting protections to those of a particular age in relation to associations, which would suggest there is protection for all ages against discrimination by associations.

> Members may wish to consider the scope of the included exceptions, whether regulations are the most effective vehicle for other exceptions, and what parameters should apply to any future exceptions.
>
> Members may also wish to consider the impact of the provisions on the extent of the legislation, and whether the provisions on associations should extend to all ages.

Parts 5-7: Functions of ECNI, enforcement, and validity of contracts

Part 5 would give ECNI a range of powers and duties, largely, although not exactly, aligning with powers under other Northern Irish equality legislation. This

includes duties to work towards the elimination of discrimination and to promote equality of access to services, and powers to undertake research, grant financial assistance to other organisations, issue Codes of Practice, and to conduct formal investigations.

Part 6 allows for enforcement procedures through the County Courts, in relation to goods, facilities and services. ECNI would be able to provide assistance to individuals taking claims. ECNI would also have specific enforcement powers, including through non-discrimination notices, undertakings, and to bring cases involving instructions or pressure to discriminate to court.

Part 7 would make discriminatory terms in contracts unenforceable.

> Members may wish to consider whether those discriminated against by associations should be able to bring claims, what safeguards are in place for those subject to investigations or enforcement action, particularly in relation to unintentional indirect discrimination, and how the Commission would operationalise these powers and duties.

Parts 8-9: Guidance and regulations, and supplementary provisions

TEO would be required to issue guidance on the legislation within a year of Royal Assent. The legislation must also be reviewed within three years of Royal Assent, and at least once every five years afterwards.

As above, the Department can by regulation add exceptions or otherwise make unlawful actions lawful by amending Part 3. Any regulations are subject to draft affirmative procedure. This is potentially a broad power to remove protections, and to introduce exceptions.

Part 5, which relates to most of ECNI's powers and duties, would come into operation the day after Royal Assent is granted. The remainder of the Bill would come into effect a year after Royal Assent, including Departmental powers to introduce secondary legislation. This may result in a period where age-GFS discrimination is outlawed and only exceptions included within any final Act

would be in force. In the absence of exceptions relevant to their sectors, service providers would have to justify any differential treatment.

> Members may wish to consider whether it is appropriate for legislation to be required to be reviewed on an ongoing basis, whether the scope of the regulation making power, including the requirement for draft affirmative procedure is appropriate, and the suitability of the commencement timetable. It may also be helpful to consider how any statutory Departmental guidance would sit alongside any guidance or Codes of Practice from ECNI.

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1 Background and context

The Bill was introduced on 30th June 2026, and passed Second Stage without division on 20th October 2026.[2]

Northern Ireland does not have single harmonised equality legislation. Instead, legislation has developed piecemeal over fifty years, with significant inconsistencies between protected groups. The areas of equal opportunities and discrimination are transferred matters under the Northern Ireland Act 1998.

The Employment Equality (Age) Regulations (Northern Ireland) 2006 ('EEA Regs') prohibit discrimination against people due to their age in respect of employment and occupation, further and higher education and vocational training. However, unlike other protected characteristics, there are no equality law protections against age discrimination in relation to other fields, such as retail, healthcare, or banking. This is commonly known as age-Goods, Facilities and Services (age-GFS) legislation. There may be some limited circumstances where human rights law may provide protection.

The lack of such legislation has been identified as a major gap, compared both to other equality grounds in Northern Ireland, and to other jurisdictions.[3] The most significant debate has been whether age-GFS legislation should include children and young people. People of all ages already have protections under other equality legislation, such as in relation to race, sex, and disability.

1.1 Key events

Over the last 15 years, there has been significant work relevant to progressing age-GFS legislation in Northern Ireland:

[2] Northern Ireland Assembly, Official Report (Hansard) 20/10/2026, Vol 200, No 4, pp. 10-29, 40-55

[3] NI Assembly Research and Information Service, Comparative study of equality legislation in the United Kingdom and Ireland (2024), pp. 22-24

- The Programme for Government 2011-15 included a commitment to introduce age-GFS protections.[4]
- During this PfG period, the Equality Commission, the Northern Ireland Commissioner for Children and Young People (NICCY), and Commissioner for Older People in Northern Ireland (COPNI) worked on the issue, including publishing position papers.[5] [6]
- A Private Member's Motion was passed in the NI Assembly in 2013 calling for the introduction of age-GFS legislation for all-ages, although there was an unsuccessful amendment to limit it to those over-18.[7]
- The Office of the First and Deputy First Minister (OFMdFM) held a consultation in 2015 which proposed extending protections to those aged 16 and over.[8] The detail of these proposals is discussed below, alongside an examination of this Bill's contents. The results of this 2015 consultation have not been published.
- In December 2015, NICCY complained to ECNI that OFMdFM breached their Equality Scheme commitments by failing to properly consult with children and young people. ECNI upheld the complaint in 2017, and recommended that TEO conduct a consultation specific to the needs of children and young people.[9]
- The 2020 New Decade, New Approach Deal stated that '*An Age, Goods and Facilities and Services Bill should also be brought forward by the*

[4] Northern Ireland Executive, Programme for Government 2011-15, p.10

[5] Northern Ireland Commissioner for Children and Young People, GFS Background Information (accessed 23/07/2026)

[6] Commissioner for Older People in Northern Ireland, Response: Consultation on Addressing Age Discrimination in Goods, Facilities, and Services (2025), p. 1

[7] NI Assembly, Official Report (Hansard): 11th March 2013

[8] Office of the First and Deputy First Minister, Proposals To Extend Age Discrimination Legislation (Age Goods, Facilities And Services): Consultation Document

[9] Equality Commission for Northern Ireland, Paragraph 10 Investigation – Final Investigation Report, Office of the First and deputy First Minister (now The Executive Office) complaint by Northern Ireland's Commissioner for Children and Young People (2017)

Executive as basis for ensuring that no one is discriminated against because of their age'.[10]

- TEO undertook a review of the Race Relations (Northern Ireland) Order 1997 ('the RRO'), including a consultation in 2023.[11] There were 37 formal responses, as well as 9 consultation events which were attended by over 120 people.[12] Many of the issues considered in the consultation are relevant for age-GFS legislation, and are referred to below. Although a Race Equality Bill was in the Executive's Legislation Programme 2025-26, as of October 2026, it has not been introduced.[13]
- The NI Assembly's Older People's Parliament has repeatedly called for age-GFS legislation.[14]

Potential scrutiny points

Members may wish to consider asking TEO for further information on:

- the previous consultation held on age-GFS legislation, including any analysis conducted;
- any outputs following the Equality Commission's investigation; and
- any more recent work conducted on age-GFS legislation

[10] UK Government and Irish Government, New Decade, New Approach (2020)

[11] The Executive Office, Consultation on the Review of the Race Relations (NI) Order 1997 (2023)

[12] The Executive Office, Review of the Current Race Relations (NI) Order 1997 Consultation Response Report, p. 5

[13] The Executive Office, Written Ministerial Statement: The Executive Legislation Programme 2025-2026 (03/10/2025)

[14] Pensioners' Parliament 2021, Official Report: 17/09/2021, p. 16; Report on the Older People's Parliament, 12/10/2024, p. 5; RalSe attendance at Older People's Parliament 15/10/2026 (Report to be produced).

1.2 Development of this Bill

The Bill Sponsor held a consultation on a Private Member's Bill to prohibit unjustified age-GFS discrimination from 24 March 2025 to 20 June 2025.[15]

The consultation received 68 responses, including 19 detailed written submissions, and the remainder submitted via the main online consultation form. Responses were received from statutory Commissions, the Law Society, trade unions, and representatives from the older people's and children's sectors.

There were limited consultation responses from organisations who are primarily service providers.[16] However, the EFM outlines that there was direct engagement with private sector service providers, including representatives from the Northern Ireland Hotels Federation, the Association of British Insurers and Property Mark.[17]

The Bill Sponsor also reported that she engaged with TEO and Ministers, as well as the Northern Ireland Human Rights Commission (NIHRC).[18]

The consultation summary report outlines that there was 'overwhelming support' for the Bill, with only one respondent opposing. Key issues raised in responses to the consultation are considered in the Bill analysis below.

2 Key concepts in equality law

The Bill uses a number of concepts found in existing equality law. This section briefly explains the key terms used throughout the paper. The way in which these concepts would operate under the Bill, including any differences from

[15] Claire Sugden MLA, Consultation Summary: Age Discrimination Bill (2025)

[16] As cited immediately above, p. 18

[17] Age Discrimination (Goods, Facilities and Services) Bill: Explanatory and Financial Memorandum, p. 3.

[18] Claire Sugden MLA, Consultation Summary: Age Discrimination Bill (2025), p. 4

existing Northern Ireland equality legislation and legislation in other jurisdictions, is considered in the analysis of the relevant clauses.

The most important types of unlawful actions in equality law are:

- **Direct discrimination**: This usually covers situations where someone is treated less favourably due to their own protected characteristic e.g. a gym does not admit anyone aged over 60.
  Under some legislation, direct discrimination is framed to allow protection to also include where someone is treated less favourably because they are assumed to have a particular characteristic or are associated with someone with that characteristic e.g. if the same gym doesn't admit someone who is 40 because he is trying to enter with someone aged over 60.

- **Indirect discrimination**: Where a 'provision, criterion or practice' applies to everyone, but would unjustifiably put people with a particular characteristic at a disadvantage e.g. if a gym has a fitness test that everyone who wants to join has to be able to do 30 press-ups, older people may disproportionately find this difficult to achieve.

- **'Same disadvantage' indirect discrimination**: This protects someone, who doesn't share the protected characteristic, where there is indirect discrimination and the person suffers the same disadvantage as the protected group. In the above example, this might be a younger person who is unable to do 30 press-ups and is not allowed in the gym.
- **Harassment**: A person is protected against another person harassing them where, on the ground of a protected characteristic, that person engages in unwanted conduct which violates their dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. This could cover offensive ageist comments.
- **Victimisation**: This is where a person is subjected to a detriment because they have carried out (or might carry out) a protected act, such as bringing a discrimination case, or providing evidence in someone else's case. Under most equality law in Northern Ireland, victimisation is

framed as a form of discrimination, and is therefore usually not explicitly mentioned through the statute.

Objective justification allows differential treatment where it is a proportionate means of achieving a legitimate aim. Across most equality grounds, only indirect discrimination can be justified. However, for age discrimination in employment in Northern Ireland and for all age discrimination in Great Britain, direct discrimination can also be justified.

Across equality law, it is recognised that there should be exceptions, where treating groups differently should be allowed. For instance, this may allow positive action that meets the needs of particular groups, or to allow existing laws to take precedence.

Many of these concepts are common across Northern Irish, British and Irish equality legislation. However, the wording varies across different statutes and jurisdictions, although often has substantively the same meaning.

Potential scrutiny point

When considering the text of the Bill, Members may wish to consider whether they wish to align with other Northern Irish law, or with more recent legislation from elsewhere, such as the Equality Act 2010 in Great Britain.

3 Evidence of age discrimination

A range of organisations have put forward evidence they consider points to age-GFS discrimination.

It is difficult to accurately assess the level of age discrimination in Northern Ireland. COPNI have highlighted that people sometimes do not recognise when they are a victim of age discrimination, due to the long-standing nature of

societal rules, norms, and practices.[19] It is also the case that in some situations, it would come down to whether such discrimination could be justified.

As noted in OFMdFM's 2015 draft Equality Impact Assessment (EqIA), much of the research that exists in relation to age discrimination in Northern Ireland is based on case studies and small sample sizes.[20] OFMdFM considered that, whilst this is useful in illustrating the experiences and perceptions of older people, it does not provide any clear indication of the prevalence of age discrimination.

In 2023-24, ECNI received at least 32 enquiries from individuals seeking advice about age-GFS discrimination, despite the absence of legal protections.[21] This was out of a total of 2,803 enquiries that year. These enquiries covered a range of areas including health and social care, housing and retail services.

Although it did not include Northern Ireland, the 2023 Eurobarometer Report on Discrimination in the EU found that 45% of respondents from across the 27 Member States said discrimination was widespread on the basis of age.[22] 6% of respondents personally felt discriminated against because of their perceived young or old age, higher than any other protected characteristic.[23]

3.1 Older People

Both the UK Government Equalities Office[24] and OFMdFM[25] have recognised that there is evidence that age discrimination against older people can exist, in

[19] Commissioner for Older People in Northern Ireland, Response: Consultation on Addressing Age Discrimination in Goods, Facilities, and Services (2025), p. 3

[20] Office of First Minister and deputy First Minister, Consultation on proposals to extend Age Discrimination Legislation (Age Goods, Facilities and Services) (2015) p. 95

[21] Equality Commission for Northern Ireland, Response: Addressing Age Discrimination in Goods, Facilities and Services (2025), p. 4.

[22] European Commission, Discrimination in the EU: Age Factsheet, Special Eurobarometer 535 (2023)

[23] European Commission, Discrimination in the EU Report, Special Eurobarometer 535 (2023), p. 107

[24] Government Equalities Office, Ending age discrimination in the provision of services: Impact Assessment (2012) p. 6

[25] Office of First Minister and deputy First Minister, Consultation on proposals to extend Age Discrimination Legislation (Age Goods, Facilities and Services) (2015) p. 19.

areas such as health and social care, financial services, retail services and accommodation services. OFMdFM pointed towards examples such as:

- Some insurers using age as a proxy for risk and excluding people from accessing financial services purely on the basis of age;
- Some retailers assuming that older people are incapable of signing a contract without a younger person present to explain the details; and
- Some older people being denied access to particular medical treatments or interventions on the basis of age

ECNI has referred to research undertaken in 2008 and 2014, which highlighted examples of direct and indirect age discrimination in financial services, health and social care, and other services, such as retail.[26]

COPNI received 21 enquiries relating to GFS discrimination between 2013 and 2024.[27] Reasons for enquiries relate to access to state support (8 reports), access to services (5), health and social care provision (4), insurance (2), housing (1), and elections (1).

COPNI has highlighted that a potential blanket "do not attempt resuscitation" order during the COVID-19 pandemic for older and vulnerable people would be discriminatory, and had this progressed, there would be less grounds to challenge than in Great Britain.[28] They have argued that the pandemic showed the risks that vulnerable people face when competition for health and social care services increase, arguing it is now more urgent than ever to protect against age discrimination.[29] COPNI has also raised issues around securing

[26] Equality Commission for Northern Ireland, Response: Addressing Age Discrimination in Goods, Facilities and Services (2025), pp. 18-19.

[27] Commissioner for Older People in Northern Ireland, Response: Consultation on Addressing Age Discrimination in Goods, Facilities, and Services (2025), p. 3

[28] As cited immediately above, p. 4

[29] Commissioner for Older People in Northern Ireland, At the centre of government planning: The Programme for Government and preparing for an ageing population (2024) pp. 9, 33-35.

property for older people, particularly in relation to finding a guarantor and passing financial assessments.[30]

Both COPNI[31] and AgeNI[32] have raised concerns that older people's concerns are not properly listened to, particularly with reference to healthcare. COPNI has also argued that Departmental EqIA's suggest that government decision-making disproportionately impacts older people.[33]

3.2 Children

The Children's Law Centre has outlined that the main scenarios of age discrimination they witness through their work relates to the negative portrayal of children in the media (resulting in negative cultural perceptions of children), a refusal of entry to public services, problems accessing age appropriate mental health care, not being taken seriously in healthcare or education settings, and maltreatment by the police and the justice system.[34] They have also suggested very young children can face difficulty accessing public transport, and public buildings lacking appropriate changing facilities or access points.

In 2013, NICCY and ECNI highlighted examples of discrimination against children and young people as including: [35]

- The exclusion of children and young people, particularly older children, from access to shops without justification, or refused entry to shops at

[30] Commissioner for Older People in Northern Ireland, The Experience of Older Private Renters in Northern Ireland, pp. 75-77

[31] Commissioner for Older People in Northern Ireland, Are you ageist? Older people's perceptions of ageism in Northern Ireland (2024), pp. 35-38.

[32] AgeNI, Lived Experience: What Matters to Older People (2023), pp. 12, 19.

[33] Commissioner for Older People in Northern Ireland, Response: Consultation on Addressing Age Discrimination in Goods, Facilities, and Services (2025), p. 4

[34] Children's Law Centre, Consultation Response: Age Discrimination in Goods, Facilities and Services (2025), pp. 10-15

[35] Equality Commission for Northern Ireland and Northern Ireland Commissioner for Children and Young People, Protecting children and young people against unlawful age discrimination in the provision of goods and services: Full Report (2013), pp. 42-43

certain times, or have been asked to leave their bags at the door; where such conduct has been solely based on stereotypical and negative views of children and young people.

- The indiscriminate and unjustifiable use of high-pitch Mosquito devices by a number of retailers, so as to exclude children and young people from their premises.
- A disparity of service provision between children and young people and adults. This includes difficulties experienced by children and young people in accessing age–appropriate health and social care services (including mental health services).
- Harassment of children and young people by service providers and public bodies exercising public functions, based on stereotypical negative views of children and young people.
- Difficulties experienced by children and young people when in transition from children to adult health and social care services.

4 Other jurisdictional approaches

Equality law varies across neighbouring jurisdictions. This section provides an overview of the position in Great Britain and the Republic of Ireland, with more detailed analysis of different approaches under the relevant clause analysis below. This is intended to illustrate other legislative choices and does not suggest that the Bill should align with any particular jurisdiction.

4.1.1 Great Britain

Across Great Britain, age-GFS discrimination has been unlawful since October 2012,[36] under the Equality Act 2010 (as amended), which harmonised and consolidated equality legislation there.

[36] UK Government, Ageism no longer acceptable under new legislation (01/10/2012)

Amongst other issues, the Act applies to employment, education, premises, associations, services and functions, and provides protection against direct and indirect discrimination, harassment and victimisation.

However, beyond issues covered by the services provisions, age discrimination in the management, disposal and occupation of premises (e.g. selling or letting property) is not unlawful under the Act. Age discrimination remains lawful in schools and there are a range of exceptions relating to education (although it is prohibited in further and higher education).

Many of Northern Ireland's anti-discrimination laws are very similar to the legislation in Great Britain, particularly the legislation which were in place there before the Equality Act 2010. Although decisions of courts in Great Britain on equality law are not strictly binding on Northern Ireland courts, they may be persuasive, particularly where the relevant statutory provisions are similarly worded.

The Equality and Human Rights Commission (EHRC) is the equality body in Great Britain. Most of its powers derive from the Equality Act 2006 (as amended), including in relation to age-GFS protections.

Like in Northern Ireland, most non-employment discrimination cases are first heard in the County Courts. RaISe has not identified any reported age-GFS judgments in Great Britain. However, the legislation may have helped parties reach settlements.

The Equality Advisory and Support Service (EASS) helpline advises and assists individuals on issues relating to equality and human rights in Great Britain.[37] From July 2024-July 2026, they received 785 calls about age discrimination, of which just over 50%, 395, were not related to employment discrimination.[38] Public sector and local government had the highest volume of contacts, focused

[37] Equality Advisory and Support Service, About Us (2026)

[38] Email correspondence between RaISe and Equality Advisory and Support Service, Aug 2026

heavily on local councils and central government agencies, and direct discrimination issues.

Following an Inquiry on the Rights of Older People, in 2025 the House of Commons Women and Equalities Committee recommended a wholesale review of age discrimination law.[39] It suggested the EHRC be resourced to do so, with a focus on issues including allowing objective justification of direct age discrimination, and the likely impacts of replacing objective justification with specific exceptions, if required. Such a review has not occurred.

4.1.2 Republic of Ireland

In the Republic of Ireland, the Equal Status Act 2000 (as amended) addresses discrimination outside the workplace, including age-GFS discrimination, across protected grounds. The protected ground of age applies only to those over 18, with the exception of car insurance.

Like Great Britain, there is protection against direct and indirect discrimination, harassment and victimisation, in a range of different fields, including goods, facilities and services, accommodation, education, and clubs. There are a number of exceptions.

The Irish Government has held a review into anti-discrimination law, with a General Scheme published for a future Bill in 2024.[40] The most relevant changes proposed are in relation to victimisation, intersectionality and procedural issues in relation to claims, as discussed in the relevant sections below. The Oireachtas Joint Committee on Children and Equality published a report on pre-legislative scrutiny of the General Scheme in October 2025, making a range of recommendations.[41] However, the Bill has not yet been introduced.

[39] Women and Equalities Committee, House of Commons, The Rights of Older People, Third Report of Session 2024–25 HC 414, pp. 39-40

[40] Irish Government, General Scheme: Equality (Miscellaneous Provisions) Bill 2024

[41] Oireachtas Joint Committee on Children and Equality, Report on Pre-Legislative Scrutiny of the General Scheme of the Equality (Miscellaneous Provisions) Bill 2024 (2025)

The majority of discrimination claims in the Republic of Ireland, including most age-GFS claims, are heard by the Workplace Relations Commission (the WRC). One exception is claims relating to discriminatory membership clubs, which are heard in the District Courts.[42] The WRC, and its predecessor the Equality Tribunal, have heard a range of successful[43] and unsuccessful[44] claims in relation to age-GFS discrimination. In 2025, 64 age related complaints were referred to the WRC under the Equal Status Act 2000.[45]

The Irish Human Rights and Equality Commission (IHREC) is the equality body in the Republic of Ireland, with its powers and duties deriving from the Irish Human Rights and Equality Commission Act 2014 (the IHREC Act).

IHREC operate a 'Your Rights' information service, which provides information on equality and human rights law. In 2024, it received 4 472 contacts, 425 of which related to the Equal Status Acts, of which 43 were on the age ground.[46]

4.1.3 Other jurisdictions

There is no protection against age discrimination outside the labour market in EU law.[47] In 2008, the European Commission published a proposal for a directive which would '*implement the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation outside the labour market*.'[48] This is commonly referred to as the 'Horizontal Directive'. However, it has not been progressed.

[42] Equal Status Act (Ireland) 2000, sec 8

[43] For example, Workplace Relation Commission, Ireland, *Shanahan v Laya Healthcare Ltd* DEC-S2016-071; Equality Tribunal, Ireland, *O'Connor v Iarnod Eireann* Dec-S2010-048

[44] For example, Workplace Relation Commission, Ireland, *Reynolds v Bus Eireann*, ADJ-00055143; Equality Tribunal, Ireland, *Martin v Esplanade Hotel* DEC-S2010-034

[45] Workplace Relations Commission, Annual Report 2025, p. 51. This compares with 37 in 2023, and 56 in 2024, suggesting an upwards trend.

[46] Irish Human Rights and Equality Commission, Annual Report 2024, p. 12

[47] E. Dewhurst, Age discrimination law outside the employment field, European network of legal experts in gender equality and non-discrimination, European Commission (2020), p. 8

[48] European Commission, Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (2008), p. 2

Although not required by EU law, many countries across Europe have some form of age-GFS legislation. As of 2020, over 44% of EU Member States had full and explicit protection against direct age-GFS discrimination across all fields, including goods and services, social protection, education, healthcare and housing, with others having partial protection.[49] Only Greece and Poland offer no protection against direct age-GFS discrimination.[50] European Commission research has found that exceptions are common in age discrimination law.[51]

Outside of Europe, other countries, including Canada[52] and Australia[53] also have protections against age-GFS discrimination.

5 Equality and human rights

The EFM outlines that the Member is satisfied that the provisions within the Bill do not discriminate against any of the equality groups and will in fact improve the promotion of equality of opportunity on the ground of age, citing ECNI involvement and support for the Bill.[54] It does not specifically consider the different treatment of those aged under 16, who would fall outside most of the Bill's protections.

The Bill's EFM outlines that the Bill has been considered for compatibility with the Human Rights Act 1998 and the European Convention on Human Rights (ECHR), with particular reference to Article 14 (non-discrimination), and Article 8 (right to respect for private and family life).[55] The Bill Sponsor does not

[49] E. Dewhurst, Age discrimination law outside the employment field, European network of legal experts in gender equality and non-discrimination, European Commission (2020), pp. 12-13

[50] As cited immediately above, pp. 12-13. RaISe cannot find any evidence that Greece or Poland has since introduced age-GFS protections

[51] As cited at footnote 49, p. 15

[52] Canadian Human Rights Act 1985

[53] Age Discrimination Act (Australia) 2004

[54] Age Discrimination (Goods, Facilities and Services) Bill: Explanatory and Financial Memorandum, p.16

[55] Age Discrimination (Goods, Facilities and Services) Bill: Explanatory and Financial Memorandum

consider that the Bill deals with any matter referred to in Article 2(1) of the Windsor Framework.

Although the ECHR does not specifically refer to age,[56] it is considered to be a protected ground under Article 14, which relates to non-discrimination and can be claimed in conjunction with another Convention right. [57] However, age is not necessarily granted the same level of protection as more 'suspect' grounds such as race or sex, and states are generally given a wider margin of appreciation in justifying differences in treatment on grounds of age.[58] The NI Assembly's Legal Service Memorandum of Human Rights on the Bill will provide further information.

Analysis of the Bill

The remainder of this Paper will analyse the Bill clause-by-clause. The Bill contains 50 clauses and two schedules.

Where relevant, in each section, the analysis will:

- Outline and explain the contents of the clause
- Compare with other Northern Ireland equality law
- Summarise available stakeholder views, including OFMdFM proposals from 2015
- Consider the approach in other jurisdictions, particularly Great Britain and the Republic of Ireland

It does not repeat, in full, all the Bill's clauses and should be read in conjunction with the Bill itself.

[56] European Convention on Human Rights

[57] E. Dewhurst, Age discrimination law outside the employment field, European network of legal experts in gender equality and non-discrimination, European Commission (2020), pp. 57-68

[58] As referenced immediately above

For some of the more technical aspects of the Bill, it is difficult to gauge the views of stakeholders, particularly in the absence of a summary from responses to the 2015 consultation.

There is significant variation between Northern Ireland's equality laws, and the paper does not provide a comparison across all equality legislation here. Particular attention has been paid to comparisons with The Employment Equality (Age) Regulations (Northern Ireland) 2006 ('the EEA Regs'), as they relate to age discrimination in employment, and The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006 ('the EA (SO) Regs'), as, like this Bill, they are focused on non-employment issues. There is also reference to TEO's consultation report on reform of the RRO.

There are numerous references to case law and guidance from Great Britain, based on the Equality Act 2010. These may be considered persuasive in Northern Ireland, particularly where the relevant statutory provisions are similarly worded. It is therefore useful to refer to, although where there are uncertainties and differences between the jurisdictions, this has been highlighted.

6 Part 1: Protected Characteristic of Age

> This provides that age is a protected characteristic for the purposes of the Bill. An age group is defined by reference to a particular age or a range of ages e.g. someone aged 55, people in their 30s, people over state pension age etc.
>
> Any reference to age includes assumed age i.e. if a service provider wrongly thinks someone is of a certain age.

Although this clause defines age as a protected characteristic, this Bill would only apply to age, and there is limited reference to 'protected characteristic' elsewhere.

Other Northern Irish equality law

A slightly alternative approach to reference to a protected characteristic is found in the EEA Regulations 2006, which defines age group within the Regulation dealing with discrimination as '*a group of persons defined by reference to age, whether by reference to a particular age or a range of ages'*, and as including 'apparent age'.[59]

In other legislation, such as the EA (SO) Regulations, a definition of the protected ground is found in the interpretation clause.[60] The wording of the discrimination provisions of these regulations allows perceived sexual orientation to be included, as well as protecting those associated with someone of a particular sexual orientation.[61]

Stakeholder views

OFMdFM's 2015 consultation proposed a similar definition of age group, including discrimination because of someone's perceived or apparent age. [62] ECNI has also supported the inclusion of protections due to a person's perceived age.[63]

Other jurisdictions

Much of Clause 1 is based on the Equality Act 2010, which lists a range of protected characteristics, a term which is then used throughout the rest of the Act. Similarly, the Irish legislation has a list of 'discriminatory grounds', including an age ground, defined as people of different ages, but excluding those under 18 in most circumstances.[64]

[59] The Employment Equality (Age) Regulations (Northern Ireland) 2006, reg 3

[60] The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 2

[61] The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 3

[62] Office of First Minister and deputy First Minister, Consultation on proposals to extend Age Discrimination Legislation (Age Goods, Facilities and Services) (2015) p. 24.

[63] Equality Commission for Northern Ireland, Response: Addressing Age Discrimination in Goods, Facilities and Services (2025), p. 17

[64] Equal Status Act (Ireland) 2000, section 3 (2)

As below, direct discrimination in the Equality Act 2010 has to be 'because of a protected characteristic'. Although this wording does not explicitly refer to assumed age, it is broad enough to cover it.[65]

In the Republic of Ireland, there is an explicit provision that direct discrimination includes where a discriminatory ground is 'imputed' to the person concerned, i.e. where someone is discriminated against because of their assumed age.[66]

7 Part 2: Prohibited Conduct

7.1 Clause 2: Discrimination on the ground of age

7.1.1 Direct discrimination

> Clause 2 (1) (a) defines direct discrimination.
>
> For instance, if a shop decides they will not serve anyone over 60, as they consider them to be 'too hard work', this would be direct discrimination.

This clause defines discrimination as including discrimination where someone (A) discriminates against another (B) on the ground of age where '*on the ground of B's age, A treats B less favourably than A treats or would treat others'*. This is commonly known as direct discrimination. This wording means the discrimination has to be linked to B's own age, excluding protections for those discriminated against because they are associated with someone of a particular age.

[65] Equality Act 2010, section 13, Explanatory Notes

[66] Equal Status Act 2000, section 3 (a) (iv)

Direct discrimination requires comparison with how another person in materially similar circumstances is, or would be, treated; this may involve an actual or hypothetical comparator.[67]

Clause 1 (4) clarifies that it doesn't matter whether A is in the same age group as B – i.e. an older service provider can still be found to have discriminated against a customer of the same age, due to age.

Other Northern Irish equality law

This wording is broadly consistent with most other areas of Northern Irish discrimination law, which all provide at least some protection against direct discrimination.[68]

The Bill's approach aligns with the wording of the EEA Regs, including that direct discrimination must be based on B's own age (or their apparent age, as per clause 1).[69] However, the language of some other equality law allows protections for someone who is discriminated against because they are associated with someone of a certain age, as well as perceived age.[70] For instance, the RRO refers to discrimination 'on racial grounds', and would therefore provide protection for a white person who is discriminated against because they have an Asian partner.[71]

Stakeholder views

The Members' consultation report on the Bill does not explicitly refer to direct discrimination, nor associative discrimination. Direct discrimination is the most

[67] Equality and Human Rights Commission, Statutory Code of Practice: Services, public functions and associations (2026), p. 64

[68] For example, The Employment Equality (Age) Regulations (Northern Ireland) 2006, reg 3

[69] The Employment Equality (Age) Regulations (Northern Ireland) 2006, reg 3. However, CJEU case law may mean that these provisions may need to be interpreted more broadly, to include associative discrimination. See *S. Coleman v Attridge Law and Steve Law*, **Case C-303/06**

[70] For example, The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 3

[71] The Race Relations (Northern Ireland) Order 1997, art 3

blatant type of age discrimination, and it is likely generally acknowledged that any legislation would include such provisions.

OFMdFM's 2015 consultation proposed that direct discrimination include those who are treated less favourably because of their association with another person of a particular age. [72] ECNI has also supported the inclusion of this kind of discrimination.[73]

Other jurisdictions

In Great Britain[74] and the Republic of Ireland[75], there are protections against direct age discrimination. In both jurisdictions, people who are discriminated against because they are associated with a person of a certain age have protections.[76] It is not clear how this works in situations where, for example, a person aged over 18 is discriminated against by a service provider because of their association with someone under 18.

Potential scrutiny point

Members may wish to consider whether the Bill should protect people who experience less favourable treatment because of their association with someone of a particular age, and how any such protection would interact with the Bill's age thresholds.

[72] Office of First Minister and deputy First Minister, Consultation on proposals to extend Age Discrimination Legislation (Age Goods, Facilities and Services) (2015) p. 36.

[73] Equality Commission for Northern Ireland, Response: Addressing Age Discrimination in Goods, Facilities and Services (2025), p. 17

[74] Equality Act 2010, secs 5 and 13.

[75] Equal Status Act (Ireland) 2000, sec 3

[76] Equal Status Act (Ireland) 2000, sec 3 (1) (b); Equality and Human Rights Commission, Statutory Code of Practice: Services, public functions and associations (2026), p. 66

7.1.2 Indirect discrimination

> Clause 2 (1) (b) defines indirect discrimination, which is where an apparently neutral practice has a particular disadvantage for an age group.
>
> For instance, if a shop only allows customers who are in employment to pay by instalment, this is likely to be indirectly discriminatory against those above pension age, unless it can be justified.

This provision outlines that discrimination also includes where a person (A) applies to another person (B) a provision, criterion or practice (PCP) which A applies or would apply equally to persons not of the same age group as B, but which puts or would put persons of the same age group as B at a particular disadvantage when compared with other persons, and which puts B at that disadvantage.

Unlike same disadvantage indirect discrimination, discussed below, this provision only applies where B is actually put at a disadvantage.

Like direct discrimination, under Clause 1 (4) for the purposes of indirect discrimination it doesn't matter if A is of the same age group as B.

Other Northern Irish equality law

Protections against indirect discrimination are common across most Northern Irish equality law. The wording of this sub-clause aligns with the EEA Regs and the EA (SO) Regs.[77]

However, this sub-clause differs slightly from other grounds – the RRO[78] and SDO[79] includes where the treatment 'would put' B at the disadvantage. This

[77] The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 3; The Employment Equality (Age) Regulations (Northern Ireland) 2006, reg 3

[78] The Race Relations (Northern Ireland) Order 1997, art 3 (1A) (b)

[79] Sex Discrimination (Northern Ireland) Order 1976, art 3A (2) (c)

means that where a person is deterred from doing something, such as taking up an offer of service, because a policy which would be applied would result in his or her disadvantage, this may also be indirect discrimination.[80]

Stakeholder views

The Bill Sponsor's consultation summary on the Bill does not consider indirect discrimination.[81]

OFMdFM's 2015 consultation proposed the inclusion of indirect discrimination, but using the slightly wider version, to include those who would be put at a disadvantage.[82] ECNI has also supported the inclusion of the wider framing of indirect discrimination.[83]

Other jurisdictions

This provision largely aligns with Great Britain, although the Equality Act 2010 uses the wider phrasing of indirect discrimination, so as to include where it would put B at a disadvantage.[84] EHRC guidance suggests that this would allow challenges to provisions, criteria or practices which have not yet been applied, but which would have a discriminatory effect if they were.[85] However, for a claim of indirect discrimination to succeed, the individual must show that they would experience a disadvantage if the provision, criterion or practice was applied to them – it is not enough for an individual to establish they are a member of the relevant group.

In the Republic of Ireland, indirect discrimination is defined as where an apparently neutral provision would put a person in one of the discriminatory

[80] Equality Act 2010 - Explanatory Notes, sec. 19.

[81] Claire Sugden MLA, Consultation Summary: Age Discrimination Bill (2025)

[82] Office of First Minister and deputy First Minister, Consultation on proposals to extend Age Discrimination Legislation (Age Goods, Facilities and Services) (2015) p. 37.

[83] Equality Commission for Northern Ireland, Response: Addressing Age Discrimination in Goods, Facilities and Services (2025), p. 19

[84] Equality Act 2010, sec 19

[85] Equality and Human Rights Commission, Statutory Code of Practice: Services, public functions and associations (2026), pp. 84, 93.

grounds at a particular disadvantage compared with other persons, unless the provision is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.[86]

> **Potential scrutiny point**
>
> Members may wish to consider whether indirect discrimination should include situations where a person would be put at a disadvantage.

7.1.3 Indirect discrimination: same disadvantage

> Clause 2(1) (c) applies where indirect discrimination is occurring against an age group, but a person who is not of that particular age group faces substantively the same disadvantage.
>
> To continue the example above of the shop allowing payments by instalments only if you are employed, which is likely indirectly discriminatory against older people, a working age person who faces substantively the same disadvantage because they are unemployed may be able to claim 'same disadvantage' indirect discrimination.

This type of discrimination was identified by the Court of Justice of the European Union, in a 2015 case known as *CHEZ*.[87] The concept may be easier to illustrate using other equality grounds. For example, it is generally recognised that women are currently more likely to be responsible for childcare. If a service is only offered on weekday evenings, and fewer women can attend, due to childcare issues, this could amount to indirect sex discrimination, unless it could

[86] Equal Status Act (Ireland) 2000, sec 3

[87] *C-83/14 CHEZ Razpredelenie Bulgaria AD v Komisia za zashtita ot diskriminatsia* (*CHEZ*). For further analysis, see Dee Masters and Olivia-Faith Dobbie, Indirect discrimination by association: An end to the confusion (at last), Cloisters Blog (2023)

be justified. Under this approach, a man who also has childcare duties and cannot use the service may be able to make a claim for 'same disadvantage' indirect sex discrimination.

Unlike the provision for indirect discrimination at clause 2 (1) (b), 'same disadvantage' indirect discrimination within this Bill does include situations where a person 'would be put' at a disadvantage.

Other Northern Irish equality law

No other Northern Irish equality statute includes an explicit provision for 'same disadvantage' indirect discrimination.

The potential relevance of the *CHEZ* case to other Northern Ireland equality legislation has not been tested by the Northern Ireland courts or tribunals. In any event, there is no equivalent EU directive underpinning age-GFS discrimination.

Other jurisdictions

Clause 2 (1) (c) is based on section 19A of the Equality Act 2010, which was inserted in 2023 to retain the effects of the *CHEZ* case in Great Britain following Brexit.[88] Section 19A is not limited to the areas previously underpinned by EU law, and therefore applies to age-GFS legislation.

The Irish legislation has not explicitly incorporated the *CHEZ* decision in statute, and there has not been relevant case law.[89] As age-GFS provisions are beyond the scope of EU law, there is not clear protection against this form of discrimination in relation to age-GFS in the Republic of Ireland.

7.1.4 Justification

[88] The Equality Act 2010 (Amendment) Regulations 2023 - Explanatory Memorandum, p. 8

[89] Judy Walsh, Ireland: Country report non-discrimination, European network of legal experts in gender equality and non-discrimination, European Commission (2026) pp. 23-24

> Clause 2 (2) allows service providers to justify discrimination, where this is a proportionate means of achieving a legitimate aim.

This provision allows that, for example, a shop owner does not discriminate against a customer if the owner can show that their treatment of the customer is a proportionate means of achieving a legitimate aim. This is known as objective justification.

The sub-clause only refers to the service provider's treatment, and doesn't refer to provision, criterion or practices.

Justification provisions would sit alongside any exceptions in the Bill, or subsequent regulations. Often, although not always, discrimination does not need to be justified where there is an exception in place.

Across equality law, indirect discrimination, including 'same disadvantage' indirect discrimination where relevant, can be objectively justified where it is a proportionate means of achieving a legitimate aim.

The EHRC guidance on the equivalent legislation in Great Britain has set out that '*case law has established that to be legitimate, the aim of the provision, criterion or practice should be legal, should not be discriminatory in itself and it must represent a real, objective consideration. Although reasonable business needs and economic efficiency may be legitimate aims, a service provider, person exercising a public function or association solely aiming to reduce costs cannot expect to satisfy the test. For example, they cannot simply argue that to discriminate is cheaper than not to discriminate'.* They include examples such as ensuring that services and benefits are targeted at those who most need them, and ensuring the health and safety of those using a service, provided risks are clearly specified.

As well as having a legitimate aim, the objective justification test requires that the means of achieving the aim are proportionate, balancing the aim and the discriminatory effect. The EHRC exemplifies a flying club, with the aim of providing safe lessons, imposing an upper-age limit of 59, despite having dual

control machines and instructors in attendance. This is unlikely to be justifiable direct discrimination, as the blanket ban on people aged over 59 is likely not proportionate with the aim of maintaining safety. [90]

The EHRC have summarised the four-stage test for proportionality as:[91]

- The aim must be sufficiently important to justify limiting a protected right.
- The measure must be rationally connected to the aim being pursued. This means its implementation can reasonably be expected to contribute towards the achievement of that aim.
- The means chosen must be no more than necessary to accomplish the aim. The court will consider whether a less intrusive measure could have been used without unacceptably compromising the achievement of the aim.
- The impact of the rights infringement must be proportionate to the likely benefit of the measure.

Direct age discrimination can also be justified in NI employment equality law, and in the Equality Act 2010. This is unlike other equality grounds, where direct discrimination cannot be justified.

In relation to direct age discrimination in employment, the Supreme Court has found that the legitimate aims should count as '*legitimate objectives of a public interest nature'*, and be '*consistent with the social policy aims of the state'*.[92] The relevant protections were based on EU law on employment equality prior to Brexit. There is no equivalent EU law on age-GFS discrimination.

Under the Equality Act 2010, the EHRC's guidance is that the same approach applies to justifying direct age-GFS discrimination, and aims must be socially positive, or in the public interest, to be legitimate.[93] Although reasonable

[90] Equality and Human Rights Commission, Statutory Code of Practice: Services, public functions and associations (2026), pp. 73-74

[91] As cited immediately above, p. 96

[92] Seldon (Appellant) v Clarkson Wright and Jakes (A Partnership) [2012] UKSC 16

[93] As cited at footnote 90, p. 72

business needs and economic efficiency may be legitimate aims, there would need to be wider social factors too if they are to be justified. They suggest aims which are likely to be legitimate include enabling people of particular age groups to socialise together, ensuring health and safety, and preventing fraud. In evidence to the House of Commons Women and Equalities Committee, the EHRC have also highlighted that, in relation to age discrimination in employment, there remains an ongoing lack of clarity from the courts on the extent to which cost – and reasons directly related to cost – can be a legitimate aim justifying direct discrimination.[94]

It may be that, if a narrow approach is taken to justifying direct discrimination, exceptions from the legislation will be more important, to prevent unwanted consequences.

Other Northern Ireland equality law

As above, the ability to justify indirect discrimination is common across other equality legislation.[95]

The EEA Regs also allow direct age discrimination to be justified in employment.[96] However, usually, across other grounds, direct discrimination cannot be justified.

The EEA Regs refer both to the service provider's '*treatment or, as the case may be, provision, criterion or practice'*, unlike this sub-clause which refers only to treatment.[97]

Stakeholder views

The consultation summary for the Bill primarily refers to exceptions, rather than justifying direct and indirect discrimination. However, it does outline that

[94] Equality and Human Rights Commission, Written evidence to Women and Equalities Committee Inquiry on the Rights of Older Persons (2023), p.4

[95] The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 3; The Employment Equality (Age) Regulations (Northern Ireland) 2006, reg 3

[96] The Employment Equality (Age) Regulations (Northern Ireland) 2006, reg 3 (1)

[97] The Employment Equality (Age) Regulations (Northern Ireland) 2006, reg 3

feedback suggested that exceptions should be minimal, clearly defined, and based on social or public interest justification, not administrative convenience or budget.[98]

OFMdFM's consultation set out that '*there are some circumstances in which it is justifiable or beneficial to treat people differently because of their age'*.[99] They proposed including an objective justification test of a 'proportionate means of achieving a legitimate aim' for both direct and indirect discrimination. The consultation document did not consider whether there were potentially different requirements in relation to a legitimate aim for direct and indirect discrimination.

ECNI has argued that legislation should explicitly state that direct age discrimination can only be justified where a social policy objective is being pursued; and the measures adopted to achieve that social policy objective are proportionate.[100] They define a social policy objective as a policy of a 'public interest nature'; as opposed to a purely private aim of a service provider. They consider it would be illogical to adopt a different approach to that adopted by the Supreme Court in the field of employment. They also recommended that only the test for justification in respect of direct age discrimination in the provision of goods and services is limited in this manner.

Alongside this recommendation, the Commission has called for a range of exceptions in the legislation, which are not included in this Bill, as discussed below. The Children's Law Centre has made similar arguments to ECNI. [101]

Other jurisdictions

As above, under the Equality Act 2010, both direct and indirect age discrimination can be justified, although there has been a lack of case law.

[98] Claire Sugden MLA, Consultation Summary: Age Discrimination Bill (2025), p. 7

[99] Office of First Minister and deputy First Minister, Consultation on proposals to extend Age Discrimination Legislation (Age Goods, Facilities and Services) (2015) p. 42.

[100] Equality Commission for Northern Ireland, Response: Addressing Age Discrimination in Goods, Facilities and Services (2025), pp. 18-19

[101] Children's Law Centre, Consultation Response: Age Discrimination in Goods, Facilities and Services (2025), p. 17

The Women and Equalities Committee's Inquiry on the Rights of Older People raised concerns about allowing objective justification of direct age discrimination, suggesting it contributes to a perception that age discrimination is less serious and harmful than other forms of discrimination.[102]

In the Republic of Ireland, indirect discrimination can be objectively justified where there is a legitimate aim and the means of achieving that aim are appropriate and necessary.[103] Direct age discrimination cannot be justified under the Equal Status Acts.[104]

In the majority of EU countries, justification tests in relation to direct age-GFS discrimination reflect provisions in relation to such discrimination in the labour market i.e. direct discrimination can be justified by reference to a legitimate aim and as long as such an aim is reasonable and necessary.[105]

Potential scrutiny points

Members may wish to consider:

- the extent to which direct discrimination should be justifiable; and
- whether this clause should also refer to provisions, criteria and practices, similarly to the EEA Regs.

Members may wish to seek clarification from the Bill Sponsor on the intended application of clause 2(2) to direct and indirect discrimination and, if necessary, legal advice on the effect of the provision as drafted.

[102] Women and Equalities Committee, House of Commons, The Rights of Older People, Third Report of Session 2024–25 HC 414, pp. 39-40

[103] Equal Status Act (Ireland) 2000, sec 3

[104] Email correspondence between RaISe and IHREC officials, August 2026

[105] E. Dewhurst Age discrimination law outside the employment field, European network of legal experts in gender equality and non-discrimination, European Commission (2020), pp. 124

7.2 Clause 3: Harassment on the ground of age

> Clause 3 sets out that someone (A) harasses another person (B) where, on the ground of age, A engages in unwanted conduct which has the purpose or effect of violating B's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for B.
>
> In deciding whether the conduct has had this effect, B's perception, other circumstances of the case, and whether it was reasonable for the conduct to have that effect, must be taken into account.

The conduct does not have to relate to the service user's own age, if it relates to age and that it has either the purpose or the effect set out above.[106] For instance, if a young carer of a group of older people was upset by ageist jokes by supermarket employees whenever he helps the group do their shopping, he may be able to make a complaint about harassment related to age.

Other Northern Ireland equality law

There is protection against harassment across most of Northern Ireland's equality laws.[107]

The wording of clause 3 (1) is largely similar to the equivalent provisions in the EEA Regs[108] and the EA (SO) Regs[109].

[106] Equality and Human Rights Commission, Technical Guidance on Age Discrimination Services, Public Functions, Associations (2016), pp. 30-31

[107] For further information, see Equality Commission for Northern Ireland, Disability law reform (accessed 10/07/2026)

[108] The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 3 (3) and (4)

[109] The Employment Equality (Age) Regulations (Northern Ireland) 2006, reg 6

Although phrased slightly differently, both the EEA Regs and the EA (SO) Regs refer to considering the perception of B, the other circumstances, and reasonableness, in relation to whether the conduct constitutes harassment.

Stakeholder views

OFMdFM's consultation included proposals for harassment, in line with those in the Bill.[110] They also considered that there is never any justification for allowing someone to be harassed because of their age. They proposed that none of their proposed exceptions should cover harassment and that it should not be possible to allow harassment by objective justification or positive action under any circumstances.

ECNI were supportive of including harassment provisions, suggesting it should be phrased as 'related to' age in line with Great Britain.[111]

Other jurisdictions

Largely, this clause is in line with the equality law in Great Britain. However, the Equality Act 2010 has slightly different wording in relation to harassment, defining it as 'unwanted conduct related to' a protected characteristic, as opposed to being 'on the ground of' age.

In the Republic of Ireland, there are protections against harassment, defined as any form of unwanted conduct related to any of the discriminatory grounds, which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.[112]

[110] Office of First Minister and deputy First Minister, Consultation on proposals to extend Age Discrimination Legislation (Age Goods, Facilities and Services) (2015) pp. 38-39

[111] Equality Commission for Northern Ireland, Response: Addressing Age Discrimination in Goods, Facilities and Services (2025), p. 20.

[112] Equal Status Acts 2000, sec 11

7.3 Clause 4: Victimisation on the ground of age

> This provision outlines that a person (A) victimises an individual (B) if A subjects B to a detriment because B does a protected act, or A believes that B has done, or may do, a protected act. The protected acts relate to making complaints or bringing cases under other provisions in the Bill.
>
> For example, an older man sues a pub owner for harassment on the basis that she makes persistent derogatory remarks about his age. It would be victimisation for the pub owner to bar him from the pub altogether because he has brought a claim.[113]

Victimisation provisions are intended to protect those who use their rights under anti-discrimination law, or help others to do so.[114]

The protections would not apply where someone is acting in bad faith, such as maliciously giving a false allegation. However, they would apply if someone, in good faith, does a protected act, but makes a mistake, or takes part in unsuccessful proceedings.

This clause only applies where the person subjected to a detriment is an individual, or group of individuals, rather than a legal person. For example, incorporated charities would not have protection. By contrast, legal persons could make a claim for discrimination.

Other Northern Irish equality law

Although the EFM suggests clause 4 is based on the EEA Regs, it aligns more closely to the Equality Act 2010, compared to other Northern Irish law provisions on victimisation.

[113] For a similar example, see Equality and Human Rights Commission, Statutory Code of Practice: Services, public functions and associations, p. 158

[114] Equality and Human Rights Commission, Statutory Code of Practice: Services, public functions and associations (2026), p. 157

In other Northern Irish equality law, victimisation is framed as a form of discrimination, and requires a comparator.[115] The person must show that they have been treated less favourably than someone else would have been.

Unlike in this Bill, other equality law here does not require that the person subjected to detriment must be an individual.

Stakeholders' views

The Bill's consultation summary does not specifically refer to victimisation.

OFMdFM's 2015 proposals would have required the victim to compare their treatment with how someone else is or would be treated.[116] This would have aligned with other Northern Irish equality law.

However, ECNI had called for removal of the requirement for a comparator.[117]

TEO, in their 2022 consultation on reforms to the RRO, had proposed amending victimisation provisions to better align with Great Britain, including by removing the requirement for a comparator and ensuring protections only applied in relation to individuals.[118] Whilst a majority supported removing the comparator, there was more of a split in relation to removing protections from legal persons. A majority in favour were in favour of protecting only individuals from victimisation, but a majority of written responses were against, including ECNI.[119]

[115] The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 4; and The Employment Equality (Age) Regulations (Northern Ireland) 2006, reg 4

[116] Office of First Minister and deputy First Minister, Consultation on proposals to extend Age Discrimination Legislation (Age Goods, Facilities and Services) (2015) pp. 39-40.

[117] Equality Commission for Northern Ireland, Response: Addressing Age Discrimination in Goods, Facilities and Services (2025), pp. 18-19.

[118] The Executive Office, Review of the Current Race Relations (NI) Order 1997 Consultation Response Report, pp. 22-23

[119] Equality Commission for Northern Ireland, Consultation Response: The Executive Office: Consultation on the Review of the Race Relations (NI) Order 1997 (2023) p. 12

Other jurisdictions

As above, the Bill would align with section 27 of the Equality Act 2010.

In the Republic of Ireland, the list of discriminatory grounds in the Equal Status Act 2000 includes 'the victimisation ground'.[120] Therefore, like existing Northern Irish equality law, victimisation is framed as a form of discrimination, and requires comparison with other people. However, the Irish Government has proposed amending this, to remove the requirement for a comparator and treat it more like victimisation in the Equality Act 2010, and indeed, Irish employment equality law.[121]

Potential scrutiny points

Members may wish to consider:

- Whether there is a need to refer to victimisation more frequently throughout the Bill, given that it is not a form of discrimination in this Bill;
- The rationale for aligning this provision with the Equality Act 2010, rather than other Northern Irish equality law; and
- Whether all legal persons should have protection from victimisation

7.4 Clauses 5 and 6: Instructions and pressure to discriminate

Clause 5 sets out that it is unlawful for a person who has authority over another person, or in accordance with whose wishes that other person is accustomed to act, to instruct that person to do any act which is unlawful by virtue of Part 2, or

[120] Equal Status Act (Ireland) 2000, sec 3 (2) (j)

[121] Irish Government, General Scheme: Equality (Miscellaneous Provisions) Bill 2024, p. 22

procure or attempt to procure the doing by that person of any such act.

It also sets out that it is discrimination to treat a person less favourably because that person has not carried out, or complained about, such an instruction.

Clause 6 would make it unlawful to induce, or attempt to induce, a person to do any act which contravenes Part 2 of the Bill.

Under clause 38, clauses 5 and 6 are enforceable by the Commission.

This would cover situations where for example, a manager in a bar told an employee not to serve anyone over 50. This would be unlawful even if no one was actually refused service.

Clause 5 (1) refers to an act being unlawful, and would be enforceable by the Commission, whilst clause 5 (2) refers to discrimination, allowing victims to bring cases. Clauses 29 and 38 also relate to enforcement of these provisions and are discussed below.

For the purposes of clause 6, an attempted inducement falls within this provision even if it is not made directly to the person in question, provided it is made in such a way that that person is likely to hear of it.

Clause 5 (1) and clause 6 refer to contraventions of Part 2 of the Bill. However, the substantive unlawful acts in the Bill are mostly found in clause 10 (in Part 3), and clause 19 (in Part 4).

Other Northern Ireland equality law

Clause 5 (1) and clause 6 align with equivalent provisions in most Northern Ireland equality legislation.[122] On the face of these other statutes, these

[122] For instance, The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, regs 21-22; The Race Relations (Northern Ireland) Order 1997, sec 30-31

provisions are enforceable by the Commission, in provisions equivalent to clause 38.[123]

However, as outlined by ECNI,[124] case law has found that proceedings can be brought by those who have been instructed or pressured to commit unlawful acts under direct discrimination provisions, such as where a person is dismissed for refusing to carry out a racially discriminatory instruction issued by their employer.[125] This is because in this legislation direct discrimination is based on, for example, racial grounds more generally, rather than on a particular person's race.

Conversely, direct age discrimination in the EEA, like this Bill, has to be on the ground of the victim's age. The EEA Regs[126] explicitly enable such instructions to be understood as discrimination, and allow individuals to take cases.

Clause 5 (2) is based on the EEA Regs, but the EEA Regs do not have an exact equivalent of clause 5 (1), nor clause 6.

Stakeholder views

The Bill's consultation summary did not refer to instructions to discriminate.

OFMdFM's 2015 proposals included banning giving instructions or pressurising someone to commit an act of unlawful discrimination.[127] ECNI was supportive of instructions to discriminate being included, but did not go into details of how this should be framed.[128]

[123] For instance, The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 43

[124] Equality Commission for Northern Ireland, Consultation Response: The Executive Office: Consultation on the Review of the Race Relations (NI) Order 1997 (2023), p. 61

[125] *Showboat Entertainment Centre Ltd v Owens* [1984] IRLR 7

[126] The Employment Equality (Age) Regulations (Northern Ireland) 2006, reg 5

[127] Office of First Minister and deputy First Minister, Consultation on proposals to extend Age Discrimination Legislation (Age Goods, Facilities and Services) (2015) pp. 39-40.

[128] Equality Commission for Northern Ireland, Response: Addressing Age Discrimination in Goods, Facilities and Services (2025), p. 21

In relation to TEO's consultation on reform of the RRO, the Commission recommended that racial equality law should widen the circumstances in which it prohibits a person from influencing another to discriminate against a third person, to ensure that 'causing or attempting to cause' discrimination is prohibited, and clarify that indirect influence is expressly prohibited.[129]

ECNI also recommended both that it be able to enforce cases of instruction to discriminate, but also to clarify on the face of the RRO that individuals can take cases if they have suffered detriment from someone instructing or pressurising another to racially discriminate.[130]

In TEO's consultation on reform to the RRO, all but one of the responses agreed with proposals to clarify that it is illegal to directly or indirectly induce someone to discriminate or harass another person, which would be in line with clause 6 (2).[131]

Other jurisdictions

In Great Britain, the equivalent provision[132] prevents a person (A) instructing, causing or directly or indirectly inducing a person (B), to do something against C, which would be a contravention of another provision in the Equality Act 2010, including age-GFS discrimination. It clarifies that proceedings can be brought by B or C if they are subjected to detriment as a result of A's conduct, or by the Commission. The section only applies where the person giving the instruction is in a relationship with the recipient of the instruction in which discrimination, harassment or victimisation is prohibited.

[129] Equality Commission for Northern Ireland, Consultation Response: The Executive Office: Consultation on the Review of the Race Relations (NI) Order 1997 (2023), pp. 59-60

[130] As cited immediately above, pp. 61, 69-70

[131] The Executive Office, Review of the Current Race Relations (NI) Order 1997 Consultation Response Report (2024) p. 55

[132] Equality Act 2010, sec 111

The relevant Irish provision makes procuring or attempting to procure another person to engage in prohibited conduct an offence under the Act, which can be brought and prosecuted by the WRC or IHREC.[133]

Potential scrutiny points

Members may wish to consider:

- Asking the Bill Sponsor to clarify whether the references to Part 2 in clauses 5(1) and 6 are intended, given that the substantive prohibitions on discrimination, harassment and victimisation are principally contained elsewhere in the Bill; and
- Whether both the Commission and individuals should be able to take cases in relation to instructions to discriminate, while also considering clauses 29 and 38 below.

7.5 Clauses 7 and 8: Liability of employers and principals, aiding unlawful acts, and liability of employees and agents

Under these provisions, anything done by a person in the course of their employment is treated as also done by the employer, and anything done by an agent for a principal with the authority of the principal is treated as also done by the principal.

A person who knowingly aids another to commit an unlawful act is treated as doing an unlawful act of the like description.

An employee or agent who does something treated as having been done by their employer or principal contravenes the Bill if

[133] Equal Status Act (Ireland) 2000, secs 13, 43-44

that act amounts to a contravention by the employer or principal.

Clause 7 would make employers and principals liable for acts of discrimination, harassment and victimisation carried out by their employees in the course of employment or by their agents acting under their authority. It does not matter whether the employer or principal knows about or approves of those acts.

However, employers who can show that they took all reasonable steps to prevent their employees from acting unlawfully will not be held liable.

Employers and principals cannot be held liable for any criminal offences under this Bill.

Clause 8 makes it unlawful for a person to help someone carry out an act which he or she knows is unlawful.

It also makes an employee personally liable for unlawful acts committed in the course of employment where, because of clause 7, the employer is also liable - or would be but for the defence of having taken all reasonable steps to prevent the employee from doing the relevant thing. An agent would be personally liable under this section for any unlawful acts committed under a principal's authority. It is not necessary to show that the employee or agent knew that the act was unlawful.

A person does not breach this clause if they reasonably rely on a statement by their employer or principal that the act is not a contravention of the Bill. However, this would not cover situations where another person has made such a statement, leading to a person aiding an unlawful act – e.g a landlord.

A person who knowingly or recklessly makes such a statement which is false or misleading in a material respect commits an offence, punishable on summary conviction by a fine not exceeding level 5 on the standard scale (£5000).

As below, clause 8 combines two separate clauses in the Equality Act 2010.

Other Northern Ireland equality law

Other Northern Irish law has equivalent provisions,[134] although these do not specify that the statement that doing something is not a contravention of the legislation has to come from an employer or principal.

Stakeholder views

In line with the clause, OFMdFM's 2015 consultation proposed that both an employer and an employee should be liable for any discriminatory acts committed by the employee, unless the employer can show that they took reasonable steps to stop the employee from committing an act of unlawful discrimination.[135] Likewise, a person who has given another person authority to act as his or her agent should be equally liable for any discriminatory acts committed by the agent. They also proposed including a provision on aiding unlawful acts, although there were limited details.[136]

Other jurisdictions

In Great Britain, there are three separate sections on liability of employers and principals, liability of employees and agents, and aiding contraventions.[137]

The section on aiding contraventions is not limited to employees/ employers and agents/ principals. It also includes clarification that, for the purposes of enforcement, breaches of the prohibition on aiding contraventions are dealt with under the same procedures in the Act as the contraventions themselves.

In the Republic of Ireland, the equivalent provision provides that:[138]

[134] For example, The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, regs 23-24

[135] Office of First Minister and deputy First Minister, Consultation on proposals to extend Age Discrimination Legislation (Age Goods, Facilities and Services) (2015) p. 48

[136] As cited immediately above, p. 40

[137] Equality Act 2010, secs 109-110, 112

[138] Equal Status Act (Ireland) 2000, sec 42

- Anything done by a person in the course of their employment shall be treated as done also by that person's employer, whether or not it was done with the employer's knowledge or approval
- Anything done by a person as agent for another person, with the authority (whether express or implied and whether precedent or subsequent) of that other person shall be treated as done also by that other person

There is a similar 'reasonable steps' defence for employers.

Potential scrutiny points

Members may wish to consider whether clarification is needed to ensure that the provisions on aiding unlawful acts also apply to those who are not in an employer-employee or principal-agent relationship.

7.6 Issues not addressed in the Bill

7.6.1 Discriminatory advertisements and discriminatory practices

Across many other areas of equality law in Northern Ireland,[139] and in the Republic of Ireland,[140] there are explicit prohibitions against discriminatory advertisements in equality law. This could include, for example, a nightclub advertising that it only welcomes people under 40, for no justifiable reason. Other areas of equality law in Northern Ireland also prohibit discriminatory practices, which is where there would be indirect discrimination, but there is not an individual victim of the practice in question.[141]

[139] For example, The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 20; The Race Relations (Northern Ireland) Order 1997, art 29.

[140] Equal Status Act (Ireland) 2000, sec 12

[141] For example, see The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 19; and The Race Relations (Northern Ireland) Order 1997 art 28. For further explanation, see Equality Commission for Northern Ireland Eliminating Sexual Orientation Discrimination in Northern Ireland: A Guide on the Provision of Goods, Facilities, Services, and Premises (2008) pp. 23-27.

Under other Northern Irish equality law, provisions in relation to discriminatory advertisements and discriminatory practices can be enforced by ECNI applying to the County Court for an injunction that the relevant action be stopped.[142] This allows such unlawful actions to be addressed, even where there is not a named victim.

However, there are no such explicit provisions within the Bill. It may be arguable that other provisions in the Bill could cover such scenarios, but it may be clearer to explicitly include such provisions.

The Equality Act 2010 did not include explicit provisions in relation to discriminatory advertisements nor discriminatory practices that were in previous British equality law. However, the EHRC Code of Practice sets out that advertising an intention to discriminate would be direct discrimination.[143] The EHRC also has a broad power to apply to the County Court where it thinks a person is likely to commit an unlawful act, which may capture instances of discriminatory practices.[144]

7.6.2 Relationships which have come to an end

The Bill does not have a specific provision relating to relationships which have come to an end, either in relation to goods, facilities and services, nor associations. Such provisions would cover situations such as a builder making abusive and hostile remarks to a previous customer because of her age, after their business relationship has ended.[145]

[142] For example, The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 43.

[143] Equality and Human Rights Commission, Statutory Code of Practice: Services, public functions and associations (2026), p. 76

[144] Equality Act 2006, sec 24

[145] For a similar example, see Equality and Human Rights Commission, Statutory Code of Practice: Services, public functions and associations (2026), p. 43

There are similar explicit provisions in other Northern Irish equality law[146] and Great Britain,[147] but not in the Republic of Ireland.

Potential scrutiny point

Members may wish to consider whether there should be specific provisions on discriminatory advertisements, discriminatory practices, and/ or relationships which have come to an end within the Bill.

8 Part 3: Discrimination in the Provision of Goods, Facilities and Services

8.1 Clause 9: Application of this Part

Clause 9 sets out that Part 3 does not apply to the protected characteristic of age, so far as relating to persons who have not attained the age of 16. This age threshold therefore applies to discrimination in relation to goods, facilities and services.

This clause means that the majority of protections against age discrimination in the Bill do not apply to people aged under 16.

Professor Brice Dickson has outlined that 'Only people aged 18 or over can make totally valid contracts. In general a contract made by a person who is under 18…is enforceable *by* that person…but not *against* that person'.[148]

[146] For example, The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 18; The Employment Equality (Age) Regulations (Northern Ireland) 2006 reg 25

[147] Equality Act 2010, sec 108

[148] B Dickson, Law in Northern Ireland: Third Edition (2018), p. 309.

Other Northern Irish legislation

The EEA Regs do not include a similar provision creating an age threshold. However, given that they relate to employment, they are less likely to impact on people under the age of 16.

Stakeholder views

There has been significant debate as to whether children should be protected against age-GFS discrimination. Prior to its introduction, ECNI, NIHRC, NICCY, COPNI and the wider children's sector have called for the legislation to include all ages.

This clause would align with the OFMdFM proposals in 2015, with an age threshold of 16.[149] The 2015 consultation document did not put forward a rationale for why the age of 16 was selected, but suggested it was a first step to ensuring legislation was brought forward, and was a significant improvement on the positions in Great Britain and the Republic of Ireland.

The draft EqIA undertaken for OFMdFM's 2015 consultation outlined that the proposed legislation would have the most significant impact on older people, who are the age group most likely to experience age discrimination. [150] It noted that disabled people and women may also benefit from legislation, as the prevalence of disability increases with age, and there are more older women.[151]

It also found that there may be a particular adverse impact on children and young people aged under 16 who experience other forms of discrimination, or who are considered to be in '*vulnerable groups, such as young mothers or parents, children who are lesbian, gay or bisexual, children who are transgender, children who belong to ethnic minority groups, young carers, and*

[149] Office of First Minister and deputy First Minister, Consultation on proposals to extend Age Discrimination Legislation (Age Goods, Facilities and Services) (2015) pp. 23-24.

[150] Office of First Minister and deputy First Minister, Consultation on proposals to extend Age Discrimination Legislation (Age Goods, Facilities and Services) (2015) pp. 95-101

[151] As cited immediately above, pp. 101-102, 104

looked after children' who may not be able to access particular services that they require due to age.

In their response to the Bill's consultation, ECNI argued that[152]:

- there are no legally compelling reasons for limiting the scope of the legislation to adults;
- there is compelling evidence that children and young people are subjected to less favourable treatment on the grounds of age when accessing goods and services;
- excluding children and young people from the scope of the legislation would be a breach of the general principle of equal treatment and accordingly would itself amount to discrimination;
- including all-ages would be consistent with the equality duty under Section 75 of the Northern Ireland Act for public authorities[153];
- there is the opportunity to adopt a 'model of best practice approach' that is designed to safeguard and promote children's rights, in line with the approach that has already been adopted in other countries.

In addition, NICCY[154] have argued that providing protection for all children and young people is also in line with commitments in the NI Executive's 'Children and Young People's Strategy, 2020-2030', which states that 'children and young people are not treated unfairly due to their age'.[155]

The Children's Law Centre has raised concerns that if children are not legally recognised as a group protected from discrimination, the incentive for government and service providers to consider their needs in planning and

[152] Equality Commission for Northern Ireland, Response: Addressing Age Discrimination in Goods, Facilities and Services (2025), p. 17

[153] For more information, see Equality Commission for Northern Ireland, Section 75 and equality schemes (accessed 01/09/2026)

[154] Northern Ireland Commissioner for Children and Young People, Response to consultation – Age Goods Facilities and Services Bill (2025), p. 6

[155] NI Executive, Children and Young People's Strategy, 2020-2030 (2021) p.90

funding decisions is reduced.[156] In particular, they are concerned that funding for children's services will be diverted.

COPNI[157] and the Women's Policy Group[158] have also been supportive of the inclusion of all ages.

The UK has ratified the UN Convention on the Rights of the Child. In 2023, the UN Committee on the Rights of the Child recommended in their Concluding Observations on the UK that the State Party '*take legislative and other measures to ensure the protection of all children below 18 years of age from discrimination on the grounds of their age, particularly in England and Northern Ireland'*.[159]

The NIHRC's position reflects this call, recommending protections for those under 18, alongside consultation with children, including the NI Youth Assembly, and representative organisations.[160]

However, there have been concerns raised about the inclusion of children and young people. The Assembly debate in 2013[161] was focused on this issue, with opponents of the inclusion of under-18s:

- Highlighting that such protections are not in place in Great Britain, nor the Republic of Ireland;
- Raising concern about unintended consequences, such as the removal of age-based services or concessions, and the impact on retailers who

[156] Children's Law Centre, Consultation Response: Age Discrimination in Goods, Facilities and Services (2025), p. 9

[157] Commissioner for Older People in Northern Ireland, Response: Consultation on Addressing Age Discrimination in Goods, Facilities, and Services (2025)

[158] Women's Policy Group, Response to Consultation on Addressing Age Discrimination in Goods, Facilities and Services (2025), p. 4

[159] UN Committee on the Rights of the Child, Concluding Observations on the Sixth and Seven Periodic Report of the UK of Great Britain and NI CRC/C/GBR/CO/6-7 (2023) 2 June 2023, para 19

[160] Northern Ireland Human Rights Commission, Annual Statement 2025, pp. 75-77

[161] NI Assembly, Official Report (Hansard): 11th March 2013

may want to have specific policies for school children, such as leaving bags at the door;

- Questioning the impact on parents, including whether there would be an impact on the need to seek parental consent;
- Pointing to potential costs, including in relation to insurance; and
- Flagging the potential need for numerous complex and comprehensive exception clauses

ECNI and NICCY responded to these concerns in 2013,[162] primarily by pointing to the ability to justify discrimination, which they consider would include parental consent issues, and for exceptions to be developed. They argued that the legislation would cover service providers, and that parents, acting in a personal and private capacity, could not be subject to litigation by their children.

The Children's Law Centre have argued that the inclusion of exceptions in anti-discrimination laws is a common practice, and therefore does not believe that legislation would be unworkable simply because there would be exceptions, provided they are drafted clearly and carefully.[163]

Other jurisdictions

Clause 9 is based on a similar provision in the Equality Act 2010, although its age limit is 18.[164]

In the Republic of Ireland, treating a person who has not attained the age of 18 years less favourably or more favourably than another is not age discrimination, apart from in relation to the provision of motor vehicle insurance to licensed drivers under that age.[165] IHREC have recommended reform so as to include

[162] Equality Commission for Northern Ireland and Northern Ireland Commissioner for Children and Young People, Protecting children and young people against unlawful age discrimination in the provision of goods and services: Full Report (2013), pp. 69-77

[163] Children's Law Centre, Consultation Response: Age Discrimination in Goods, Facilities and Services (2025), p. 17

[164] Equality Act 2010, sec 28 (1) (a)

[165] Equal Status Act (Ireland) 2000, sec 3

children,[166] a view that was shared in 'many submissions' to the Irish Government's review of equality legislation.[167] The Oireachtas Joint Committee on Children and Equality has recommended that consideration is given to allowing children to avail of age discrimination protections.[168]

ECNI has highlighted that other countries do have protection against age discrimination for all ages, including Belgium, Finland, Sweden, Spain, Canada and Australia.[169]

Potential scrutiny points

Members may wish to consider:

- The rationale for setting the age threshold at 16;
- Whether protection should extend to those under 16 or alternatively apply only from age 18;
- What additional exceptions or consequential provisions might be required if the age threshold were changed; and
- The interaction between the Bill's protections and the law governing contractual capacity for those under 18. It may be helpful to receive specific legal advice on this issue.

[166] Irish Human Rights and Equality Commission, Ireland and the Rights of the Child Submission to the Committee on the Rights of the Child on Ireland's combined fifth and sixth periodic reports (2022), p. 23.

[167] Government of Ireland, The Equality Acts Review: Summary of the submissions received to the 2021 Public Consultation on the Review of the Equality Acts (2023), pp. 17-18

[168] Oireachtas Joint Committee on Children and Equality, Report on Pre-Legislative Scrutiny of the General Scheme of the Equality (Miscellaneous Provisions) Bill 2024 (2025), p. 13

[169] Equality Commission for Northern Ireland, Response: Addressing Age Discrimination in Goods, Facilities and Services (2025), p. 10

8.2 Clause 10: Provision of services, etc.

Clause 10 sets out that a service provider, providing a service to the public or a section of the public, cannot discriminate against or victimise a person, including in relation to:

- not providing or terminating the service
- the terms on which the service is provided
- subjecting the person to another detriment

Service providers also cannot harass a person requiring the service, or a person to whom the service provider provides the service.

The clause lists examples of services, as well as acts which are not to be treated as services.

Unlike other Northern Irish equality law and the Equality Act 2010, this clause does not provide protections against discrimination in public functions which are not services, such as certain policing and licensing functions.

This clause covers services provided to the public or a section of the public, whether or not it is for payment. The Bill gives a non-exhaustive list of examples of services.

The Bill also lists some actions which are not to be treated as services, and where there is not protection against age discrimination, including judicial functions, proceedings in the Northern Ireland Assembly, and acts of approving statutory provisions.

Clause 10 applies to services provided to the public, including services provided by public authorities. Some public authority activities may be public functions rather than services, for example certain policing, licensing or planning

functions. [170] The Bill does not expressly prohibit age discrimination in public functions that do not involve providing a service.

Other Northern Irish equality law

The EA (SO) Regs includes similar provisions to clause 10 (1) – (6), although there is slightly different wording, including to reflect that the Regulations frame victimisation as discrimination.[171] The EA (SO) Regs also do not have a catch-all 'subjecting B to any other detriment' provision.

The EA (SO) Regs do include protections in relation to public functions in the areas of social security, healthcare, social protection and social advantage, which do not fall into the 'service' provisions.[172] This is based on the RRO. TEO have consulted on amending the RRO, so as to cover all public authorities – this was supported in every response received.[173]

The EA (SO) Regs include a range of exceptions from the public functions provision, including[174]:

- either House of Parliament;
- a person exercising functions in connection with proceedings in Parliament;
- the Assembly;
- a person exercising functions in connection with proceedings in the Assembly;
- the Security Service;
- the Secret Intelligence Service;
- the Government Communications Headquarters;

[170] Equality Act 2010 - Explanatory Notes, sec 31

[171] The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 5

[172] The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 12

[173] The Executive Office, Review of the Current Race Relations (NI) Order 1997 Consultation Response Report, p. 48

[174] The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 12

- any unit or part of a unit of any of the naval, military or air forces of the Crown which is for the time being required by the Secretary of State to assist the Government Communications Headquarters in carrying out its functions;
- any judicial act, whether done by a court, tribunal or other person[175];
- any act done on the instructions, or on behalf, of a person acting in a judicial capacity;
- any act of, or relating to, making, confirming or approving any statutory provision;
- any act of, or relating to, making or approving arrangements or imposing requirements or conditions, of a kind covered by the statutory authority exception (see clause 13)

Stakeholder views

This clause covers the majority of issues that the Bill seeks to prohibit. The Bill's consultation summary reports broad consensus that unjustified age discrimination in goods, facilities, and services should be prohibited in Northern Ireland law.[176] The consultation report did not consider a specific provision on public functions. In relation to exceptions, it stated that these should be minimal, clearly defined, and based on social or public interest justification, not administrative convenience or budget.[177]

OFMdFM's consultation set out that they intended to define 'goods, facilities and services' and 'service-provider', in line with other equality legislation.[178] It also proposed to cover public functions, such as the decisions of Ministers and

[175] The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 13

[176] Claire Sugden MLA, Consultation Summary: Age Discrimination Bill (2025), p. 5

[177] As cited immediately above, p. 7.

[178] Office of First Minister and deputy First Minister, Consultation on proposals to extend Age Discrimination Legislation (Age Goods, Facilities and Services) (2015) pp. 25, 27

policing functions, which do not fall under 'goods, facilities and services', such as public libraries.[179]

ECNI has been supportive of including a prohibition on age discrimination in goods, facilities and services, consistent with the approach under other equality legislation.[180] They have also called for public functions to be covered by the legislation, with any exemptions narrowly defined and justifiable.[181]

The Children's Law Centre were supportive of including public bodies exercising public functions within 'all-ages' legislation.[182]

Other jurisdictions

Clause 10 (1) - (8) of the Bill largely reflect the Equality Act 2010.[183]

The Equality Act 2010 also includes a specific provision that *'A person must not, in the exercise of a public function that is not the provision of a service to the public or a section of the public, do anything that constitutes discrimination, harassment or victimisation'*.[184]

There are a number of different exceptions to the services and public functions provisions in the Equality Act 2010. Some of these are discussed in more detail below, in relation to clause 14, but the most relevant to this clause include exempting[185]:

- a function of Parliament;
- preparing, making or considering legislation in various different bodies, including primary and secondary legislation;

[179] As cited immediately above, pp. 28-29

[180] Equality Commission for Northern Ireland, Response: Addressing Age Discrimination in Goods, Facilities and Services (2025), p. 11.

[181] As cited immediately above, pp. 11-13

[182] Children's Law Centre, Consultation Response: Age Discrimination in Goods, Facilities and Services (2025), p. 16

[183] Equality Act 2010, secs 29, 31

[184] Equality Act 2010, sec 29 (6)

[185] Equality Act 2010, sch 3

- a judicial function and anything done on behalf of, or on the instructions of, a person exercising a judicial function;
- a decision not to commence or continue criminal proceedings and anything done for the purpose of reaching, or in pursuance of, a decision not to commence or continue criminal proceedings;
- anything done for the purpose of ensuring the combat effectiveness of the armed forces;
- the Security Service;
- the Secret Intelligence Service;
- the Government Communications Headquarters;
- a part of the armed forces which is, in accordance with a requirement of the Secretary of State, assisting the Government Communications Headquarters;
- local authority functions in relation to education; and
- provision of a content service (i.e. television, radio and online-broadcasting and distribution)

Professor Dickson, in his paper on race equality law for the Equality Commission, raised concerns that some of the exemptions in the Equality Act 2010 may be unjustifiably broad.[186]

In the Republic of Ireland, there is a prohibition on discriminating '*in disposing of goods to the public generally or a section of the public or in providing a service, whether the disposal or provision is for consideration or otherwise and whether the service provided can be availed of only by a section of the public'*.[187] As below, section 14 (1) (a) of the Equal Status Act 2000, is a wide-ranging exemption which presents particular challenges in practice by excluding a broad

[186] Equality Commission for Northern Ireland, Consultation Response: The Executive Office: Consultation on the Review of the Race Relations (NI) Order 1997 (2023) p. 53

[187] Equal Status Act (Ireland) 2000, sec 5

swathe of activity, including activity by public bodies, from the scope of Irish equality legislation in the field of goods and services.[188]

IHREC has outlined that clarity is needed as to which public functions do, and do not, fall within the current definition of services.[189] It has recommended that the Equal Status Act 2000 be amended to expressly include public functions within the definition of services, with any exceptions being necessary, proportionate and justifiable.

Potential scrutiny points

Members may wish to consider:

- Whether the Bill should include specific protection against age discrimination in the exercise of public functions which are not services and, if so, what exceptions may be appropriate; and
- Whether it would be appropriate to include any other exceptions within this clause.

8.3 Issues not included in the Bill

Clause 10 includes "facilities for education" and "accommodation in a hotel, boarding house or other similar establishment" as examples of services. However, it is not clear that this would cover school activities or other access to premises, where these do not constitute services provided to the public or a section of the public.

Other Northern Ireland equality legislation contains specific provisions on education in schools, and premises.

[188] Irish Human Rights and Equality Commission, Second Submission on the Review of the Equality Acts (2023), p. 44

[189] Irish Human Rights and Equality Commission, Submission on the Review of the Equality Acts (2021) pp. 51-52

8.3.1 Education in schools

Age discrimination in further and higher education is already prohibited in Northern Ireland by the EEA Regs.[190] However, there is currently no equality law protection against age discrimination in schools.

The Bill does not currently include a specific provision on education, apart from as an example of 'facilities for education' in clause 10. Therefore, the Bill does not clearly provide protection from age discrimination by schools which do not fall within goods, facilities or services provided to the public or a section of the public. In other legislation, equivalent provisions include issues such as admission criteria, and affording benefits to pupils.

It should be noted that, even if there was such protection, there is significant legislation relating to age and education in schools, including compulsory school age. The statutory authority exception at clause 13 would mean that other legislation 'trumps' age discrimination.[191] Likewise, schools would be able to justify any discrimination, under clause 2 (2), and make use of positive action provisions, under clause 12.

Other Northern Irish equality legislation

Most other equality legislation in Northern Ireland includes express provisions on education, beyond the standard 'GFS' provision.[192]

Stakeholder views

The Bill's consultation report did not address views on whether education in schools should be included.

In their 2015 consultation, OFMdFM were noncommittal on including education in age-GFS legislation, outlining that they had commenced work on assessing

[190] The Employment Equality (Age) Regulations (Northern Ireland) 2006, reg 24

[191] The Education and Libraries (Northern Ireland) Order 1986, art 46

[192] For example, The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 9-11

the impact and any unintended consequences of extending anti-discrimination legislation to education.[193]

NICCY, the Children's Law Centre and ECNI have recommended that education and educational facilities are included.[194] [195] [196]

Other jurisdictions

In Great Britain, the equivalent provisions on education in schools explicitly do not apply to age.[197] There are also provisions to exempt age discrimination in the curriculum, admission, transport and the establishment, alteration or closure of schools from the equivalent of clause 10.[198]

In the Republic of Ireland, there is no such exception, and the provisions protecting against discrimination by educational establishments apply to age.[199]

An analysis of age discrimination law across the EU found no 'key cases' on education, suggesting that cases are not often brought.[200]

8.3.2 **Premises**

[193] Office of First Minister and deputy First Minister, Consultation on proposals to extend Age Discrimination Legislation (Age Goods, Facilities and Services) (2015) pp. 34-35

[194] Northern Ireland Commissioner for Children and Young People, Response to consultation – Age Goods Facilities and Services Bill (2025), p. 7

[195] Children's Law Centre, Consultation Response: Age Discrimination in Goods, Facilities and Services (2025), p. 16

[196] Equality Commission for Northern Ireland, Response: Addressing Age Discrimination in Goods, Facilities and Services (2025), pp. 14-16

[197] Equality Act 2010, sec 84

[198] Equality Act 2010, sch 3, para 9

[199] Equal Status Act (Ireland) 2000, sec 7. There is an exception for universities or other third-level institutions providing different treatment in the allocation of places to mature students

[200] E. Dewhurst Age discrimination law outside the employment field, European network of legal experts in gender equality and non-discrimination, European Commission (2020), p. 105

Similarly, the Bill does not include a specific provision on premises, beyond services to the public covered by clause 10 and an exception in clause 16 for small dwellings. This would cover issues such as[201]:

- the terms on which the disposal of premises is offered;
- refusing an application for the sale or letting of premises;
- the treatment of those on a list requiring housing;
- in relation to the management of premises, the access to any benefit or facilities, eviction or subjection to any other detriment; and
- withholding any licence or consent that may be required for the disposal of premises.

Such protections would include the Housing Executive, housing associations, hostels, private landlords, estate agents, property developers, managing agents and owner-occupiers.[202]

Other Northern Irish equality legislation

Other equality legislation in Northern Ireland includes express protections against discrimination relating to premises, beyond the standard 'GFS' provision.[203] This would include discrimination when selling or letting property, or how someone managing a property provides benefits such as leisure facilities in an apartment block. There are generally some exceptions to these provisions, aligned with clause 16 of this Bill.

Stakeholder views

The Bill's consultation report did not address views on whether there should be a specific provision on premises.

[201] Equality Commission for Northern Ireland Eliminating Sexual Orientation Discrimination in Northern Ireland: A Guide on the Provision of Goods, Facilities, Services, and Premises (2008) pp. 23-27

[202] As cited immediately above, p.23

[203] The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 6

In their 2015 consultation, OFMdFM proposed including protections against discrimination in relation to premises.[204] They also proposed exceptions to the premises protections, aligned with other equality law to allow concessions, and clause 16.[205]

The Children's Law Centre were supportive of including the letting and management of housing accommodation provided by both the private and social housing sectors, within 'all-ages' legislation.[206]

COPNI have called for specific provisions relating to housing and property management and a duty to make reasonable adjustments in age discrimination legislation.[207]

Other jurisdictions

The relevant provisions dealing with premises in Great Britain do not apply to age.[208]

In the Republic of Ireland, the protections on accommodation apply to disposing of any estate, terminating a tenancy, providing accommodation, or any accommodation related services or amenities or ceasing to provide accommodation.[209] Unlike equivalent provisions in Northern Ireland and Great Britain, they only apply where the premises or accommodation is available to the public or a section of the public.

There are exceptions to the Irish accommodation protections,[210] including:

[204] Office of First Minister and deputy First Minister, Consultation on proposals to extend Age Discrimination Legislation (Age Goods, Facilities and Services) (2015) pp. 34-35

[205] As cited immediately above, pp. 49-50

[206] Children's Law Centre, Consultation Response: Age Discrimination in Goods, Facilities and Services (2025), p. 16

[207] Commissioner for Older People in Northern Ireland, The Experience of Older Private Renters in Northern Ireland, pp. 75-77

[208] Equality Act 2010, sec 32

[209] Equal Status Act (Ireland) 2000, sec 6

[210] Irish Human Rights and Equality Commission, The Equal Status Acts 2000-2018 A guide to your rights if you are discriminated against in accessing goods or services (2020),pp. 26-27

- for Housing authorities and the Minister for Justice in the provision of housing accommodation;
- to reserve any premises or accommodation for the use of persons in a particular category of persons, including for nursing homes and retirement homes;
- where the treatment is required by law regulating the provision of accommodation;
- the disposal of property by will or by gift; and
- situations where a person is renting a room in their home (other than a separate and self contained part) in circumstances where the provision of the accommodation affects the person's private or family life or that of any other person residing in the home.

Potential scrutiny points

Members may wish to consider:

- Whether the Bill should provide protection against discrimination in schools and premises, where these are not services to the public, and what exceptions may be appropriate; and
- If not, whether an express provision outlining that education and premises are not covered would be helpful for clarity.

9 Part 4: Exceptions from Part 3

9.1 Clause 11: Extent of Part 3

Clause 11 sets out the territorial application of clause 10. In general, clause 10 would not apply to goods, facilities or services outside Northern Ireland, although clause 11 makes specific provision for certain travel and transport services.

Clause 10 would not apply to financial facilities, including insurance, where they are for a purpose to be carried out or in connection with risks wholly or mainly arising outside Northern Ireland. This may have implications for travel insurance.

Clauses 11 (1) – (3) refer specifically to clause 10, and therefore does not include clause 19, which provides protections against discrimination by associations and private members clubs.

Under this provision, clause 10, which provides protection against GFS discrimination, does not apply to goods, facilities or services outside Northern Ireland, apart from:

- the provision of facilities for travel outside Northern Ireland where the refusal or omission occurs in Northern Ireland or on a ship, aircraft or hovercraft;
- any ship registered at a port of registry in Northern Ireland;
- any aircraft or hovercraft registered in the United Kingdom and operated by a person who has their principal place of business, or is ordinarily resident, in Northern Ireland

For the purposes of the above, it does not matter if the ship, aircraft or hovercraft is outside Northern Ireland.

This clause does not render unlawful any act done in or over a country outside the United Kingdom for the purpose of complying with the laws of that country.

Legal Services may be able to advise Members on any issues relating to territorial extent and the competence of the NI Assembly.

Other Northern Irish equality law

This clause largely aligns with provisions in other equality legislation on the extent of protections in goods facilities and services.[211] However, in other legislation these provisions only cover discrimination in goods, facilities and services and not harassment.

Stakeholder views

This issue was not considered in this Bill's consultation report, nor OFMdFM's 2015 consultation.

Other jurisdictions

The Equality Act 2010 allows for future secondary legislation on how GFS protections apply to ships and hovercraft,[212] but these have not been made.

The Equality Act 2010 does not include an equivalent provision to clause 11 (1) (b), relating to financial services to be carried out or in connection with risks arising elsewhere. There had been a similar clause in the Race Relations Act 1976,[213] but it wasn't replicated in the Equality Act 2010.

The EHRC Code of Practice suggests that generally, there is a presumption that Acts of Parliament do not have effect outside of the UK unless there is an explicit provision in the legislation for it to apply outside the UK, or there is an exception, such as it being necessary for the Act to apply outside the UK to give effect to the law as Parliament intended.[214] The EHRC Guidance makes reference to travel insurance in their relevant Code of Practice.[215]

[211] For example, The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 54; The Race Relations (Northern Ireland) Order 1997, art 27

[212] Equality Act 2010, sec 30

[213] Race Relations Act 1976, sec 27 (since repealed)

[214] Equality and Human Rights Commission, Statutory Code of Practice: Services, public functions and associations (2026), p. 45

[215] As cited immediately above, p. 284

The only provision on territorial extent in the Irish legislation outlines that the protections extend to any ship or aircraft registered in the Republic of Ireland that is operated by a person who has a principal place of business or ordinary place of residence in the Republic of Ireland, whether or not the ship or aircraft is outside the state.[216] An act which is done on or in respect of such a ship or aircraft while subject to the jurisdiction of another country, and is required to be done to comply with the law of that country, is not discrimination.

Potential scrutiny point

Members may wish to consider:

- How clause 11 is intended to apply to travel insurance and other financial services relating to risks arising outside Northern Ireland, and whether the territorial limits have any unintended effect on the protection provided by the Bill; and
- Whether the different treatment of clause 19 within the territorial provisions is intentional and what territorial scope is intended for the protections relating to associations.

9.2 Clause 12: Positive Action

This provision allows for positive action, where a service provider reasonably thinks that:

- persons who are of the same age group suffer a disadvantage connected to their age,
- persons who share that age group have needs that are different from the needs of persons who do not share it, or

[216] Equal Status Act (Ireland) 2000, sec 46

- participation in an activity by persons who share that age group is disproportionately low.

The service provider can choose to take any action which is a proportionate means of achieving the aim of enabling or encouraging persons who share that age group to overcome or minimise that disadvantage, meeting those needs, or enabling or encouraging persons who share that age group to participate in that activity.

For example, a national judo organisation notes there is a significant drop-off in participation for those aged over 30.[217] They decide to run a six-month publicity campaign which includes a limited number of free judo taster sessions for people aged over 30 to encourage people of this age group to try out judo.

Positive action allows organisations to address disparities between particular age groups and improve their services and engagement with particular groups within the community.[218] Steps taken could include providing additional or bespoke services, separate facilities, accelerated access to services, targeting resources or induction or training opportunities to benefit a particular disadvantaged group.

It is likely that many of the actions taken under this clause would already be permitted, as direct and indirect age discrimination can be justified under clause 2. However, having a specific clause may help provide more certainty to service providers.

Positive action is optional for service providers, and not a requirement, although may help public authorities meet their duties under Section 75 of the Northern

[217] For a similar example, see Equality and Human Rights Commission, Statutory Code of Practice: Services, public functions and associations (2026), p. 174

[218] Equality and Human Rights Commission, Statutory Code of Practice: Services, public functions and associations (2026), p. 170

Ireland Act 1998 to have due regard to the need to promote equality of opportunity between people of different ages.

Future regulations may specify types of positive action that are not allowable under this clause.

Clause 12 does not allow a provider to do anything that is prohibited by another law – e.g. they couldn't break health and safety legislation, and say it was lawful positive action.

There is no explicit age-threshold in relation to clause 12, or part 4 more widely.

Other Northern Irish equality law

The wording of this clause would give a wider scope to positive action than other Northern Irish equality law. For instance, the EA (SO) Regs only allows that '*Nothing in these Regulations shall render unlawful any act done in affording persons of a particular sexual orientation access to goods, facilities or services to meet the specific and justified needs of persons of that group in regard to their education, welfare or any ancillary benefits'*.

Stakeholder views

The Bill's consultation summary report highlighted support for positive action measures, including from ECNI, the Women's Policy Group, AgeNI and others.[219] The Children's Law Centre were also supportive of positive action provisions.[220]

OFMdFM's 2015 consultation proposed positive action measures, aligned with the Equality Act 2010.[221] Likewise, ECNI called for positive action measures in

[219] Claire Sugden MLA, Consultation Summary: Age Discrimination Bill (2025), p. 8.

[220] Children's Law Centre, Consultation Response: Age Discrimination in Goods, Facilities and Services (2025), p. 17

[221] Office of First Minister and deputy First Minister, Consultation on proposals to extend Age Discrimination Legislation (Age Goods, Facilities and Services) (2015) p. 46

the age-GFS in line with the legislation in Great Britain, which has been reflected in the Bill.[222]

TEO's RRO consultation analysis report suggested every response agreed to the suggestion that the scope for positive action be widened to align with the Equality Act 2010.[223]

Other jurisdictions

This clause would align with the Equality Act 2010.[224]

The Irish legislation allows preferential treatment or the taking of positive measures to promote equality of opportunity for persons who:[225]

- are, in relation to other persons, disadvantaged
- have been or are likely to be unable to avail themselves of the same opportunities as those other persons, or cater for the special needs of persons
- because of their circumstances, may require facilities, arrangements, services or assistance not required by persons who do not have those special needs.

Potential scrutiny point

Members may wish to consider asking the Bill Sponsor whether positive action under this provision is intended to be available for people aged under 16, notwithstanding the age threshold applying to the protections in Part 3.

[222] Equality Commission for Northern Ireland, Response: Addressing Age Discrimination in Goods, Facilities and Services (2025) p. 22

[223] The Executive Office, Review of the Current Race Relations (NI) Order 1997 Consultation Response Report, p. 43.

[224] Equality Act 2010, sec 158

[225] Equal Status Act (Ireland) 2000, sec 14 (1) (b)

9.3 Clause 13: Exception for statutory authority

> Clause 13 provides that nothing in clause 10 makes any act of discrimination done in pursuance of any statutory provision; or in order to comply with any condition or requirement imposed by a Minister of the Crown, Northern Ireland Minister or government department by virtue of any statutory provision, unlawful.
>
> This clause means that if someone discriminates in order to follow another law, it is not prohibited. For instance, it is illegal to sell tobacco to someone aged under-18, and therefore discriminating on this basis would be allowed.[226]

This provision covers laws made both before and after this Bill being passed.

Other Northern Irish equality law

Although the EFM suggests that clause 13 is based on regulation 49 of the EA (SO) Regs, the Bill's exception is narrower than under those regulations. The EA (SO) Regs also allow exceptions:[227]

- in pursuance of any arrangements made by or with the approval of, or for the time being approved by, a Minister of the Crown, a Northern Ireland Minister (including the First Minister and deputy First Minister) or government department; or
- in order to comply with any condition imposed by a Minister of the Crown, a Northern Ireland Minister (including the First Minister and deputy First Minister) or government department.

These two exceptions do not necessarily require another law. This may be explained by the fact that the EA (SO) Regs were based on the RRO, which has a wider statutory authority exception than other grounds, to incorporate

[226] Health and Personal Social Services (Northern Ireland) Order 1978, art 3

[227] The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006 reg 49 (2) (c) (d)

arrangements which relate to a person's nationality or place of ordinary residence.[228]

The EEA Regs exempt 'any act done in order to comply with a requirement of any statutory provision'.[229]

Stakeholder views

The consultation report on the Bill set out that organisations like the Children's Law Centre highlighted that statutory age limits on activities such as voting or driving can still be safeguarded under age-GFS legislation.[230]

OFMdFM's 2015 consulted proposed an exception for statutory authority, applying to current and future legislation.[231] They used examples such as age-based state benefits, restrictions on the sale of certain goods such as cigarettes, alcohol and fireworks, concessionary bus passes and driver licensing.

Both ECNI and the Children's Law Centre were supportive of a statutory authority exception, which applies to legislation that pre-dates and post-dates the proposed legislation coming into force.[232] [233]

Other jurisdictions

Under the Equality Act 2010, in relation to age, there is a statutory authority exception only where something is required by another law.[234] This is narrower than the approach in the Bill and for other grounds in the Equality Act 2010, as it

[228] The Race Relations (Northern Ireland) Order 1997, art 40

[229] The Employment Equality (Age) Regulations (Northern Ireland) 2006, reg 28

[230] Claire Sugden MLA, Consultation Summary: Age Discrimination Bill (2025), p. 14

[231] Office of First Minister and deputy First Minister, Consultation on proposals to extend Age Discrimination Legislation (Age Goods, Facilities and Services) (2015) pp. 48-49

[232] Equality Commission for Northern Ireland, Response: Addressing Age Discrimination in Goods, Facilities and Services (2025), p. 23

[233] Children's Law Centre, Consultation Response: Age Discrimination in Goods, Facilities and Services (2025), p. 17

[234] Equality Act 2010, sch 22

does not include a relevant requirement or condition imposed by virtue of an enactment. The EHRC Code of Practice clarifies that if the service provider, person exercising public functions or association could still have complied with an enactment without treating someone in a way that would breach the Act, then the exception would not apply.[235]

In the Republic of Ireland, there is an exception for any action that is required by statutory provision or court order; any act done or measure adopted by the EU; or any international treaty which imposes an obligation on the State. Only actions that are mandatory are covered.[236] Where the measure leaves some discretion, the anti-discrimination provisions do apply.[237] This provision has been criticised, including by IHREC, who have recommended it be repealed.[238] They consider it is too broad, and incompatible with EU law.

Potential scrutiny point

Members may wish to ask the Bill Sponsor to explain the intended scope of the statutory authority exception, including whether it is intended to provide an exemption in circumstances in which age-based differential treatment is not expressly required by legislation.

9.4 Clause 14: Exceptions specified by regulations

Clause 14 is an enabling provision, allowing TEO to make regulations to introduce further exceptions. It provides a list of areas where TEO may wish to make regulations, but also

[235] Equality and Human Rights Commission, Statutory Code of Practice: Services, public functions and associations (2026), p. 238

[236] Equal Status Act (Ireland) 2000, sec 14 (1) (a)

[237] Irish Human Rights and Equality Commission, The Equal Status Acts 2000-2018 A guide to your rights if you are discriminated against in accessing goods or services (2020), p. 41

[238] Irish Human Rights and Equality Commission, Second Submission on the Review of the Equality Acts (2023), pp. 44-46

allows exceptions about any other matter that TEO considers appropriate.

There is a condition that any regulations must require that any excepted treatment is a proportionate means of achieving a legitimate aim, and no more than is necessary to achieve a legitimate aim.

Regulations would be subject to the draft affirmative procedure, and therefore would have to be approved by the Assembly.

Before making the regulations, TEO would have to consult ECNI, and other such persons as they consider appropriate.

As below, clause 46 would also allow TEO to introduce amendments to the Bill to make lawful acts which would otherwise be unlawful, which could include exceptions. However, clause 46 does not include a similar requirement that exceptions be justified.

Clause 14 exemplifies the below as areas where TEO may choose to make exceptions by regulation:

- financial services and insurance;
- health and social care services;
- age-related concessions and benefits;
- safeguarding and welfare; and
- sport and physical recreation.

The regulation-making power is not limited to these areas. TEO could also create exceptions for other matters, subject to the requirements in the clause.

In relation to the requirement that exceptions be proportionate, it is not clear whether the intention is that either:

- TEO would have to show any exception is proportionate at the time they lay the regulations. In this case, it is not clear how TEO could demonstrate such justification; or
- Every time an exception is used, service providers would have to ensure they could justify their actions. In this case, exceptions may largely serve as examples of treatment that would already be proportionate under clause 2(2).

Clause 46 (2) also offers a route for the Department to include exceptions, without the requirement that these exceptions are proportionate.

Under clause 49, the majority of the Bill would come into effect twelve months after the day on which it receives Royal Assent. Therefore, in the absence of any exceptions made through secondary legislation, service providers would have to justify any discrimination under clause 2 (2) of the Bill, which allows discrimination where it can be shown to be a proportionate means of achieving a legitimate aim.

Other Northern Irish equality law

Other Northern Irish equality law includes a range of exceptions, many of which depend on the specific group in question. Sometimes these exceptions have a justification built in e.g. such treatment is only excepted if it is proportionate. For instance, under the EA (SO) Regs, the national security exception only applies if the act is justified by that purpose.[239]

It is common across the legislation here to have an exception for charities, where they are providing benefits only to people from a particular group, if it is in pursuit of a charitable instrument.[240] There are also exceptions in place in relation to sports under both the SDO[241] and RRO,[242] which apply only in

[239] The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 50

[240] The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 26

[241] Sex Discrimination (Northern Ireland) Order 1976, art 45

[242] The Race Relations (Northern Ireland) Order 1997, art 38

particular circumstances e.g. allowing single-sex sports for reasons of safety and fair competition.

Under the EA (SO) Regs, there is an exception relating to sexual orientation discrimination and the activities of religious organisations, where it is necessary to comply with doctrine of the religious organisation; or so as to avoid conflicting with the strongly held religious convictions of a significant number of the religion's followers.[243]

Some other equality law includes exceptions in relation to immigration[244] and national security or protecting public safety or public order where the action is justified[245]. Both immigration and national security are excepted matters.[246]

Stakeholder views

The Bill's consultation report noted concerns raised by ECNI, Age NI, COPNI and others in relation to the need for tightly defined exceptions.[247] The report outlined that the Bill would only permit exceptions where there is a clear and justifiable social or public interest purpose, such as positive action or socially beneficial schemes like free travel for older people.

OFMdFM's 2015 consultation proposed a range of exceptions, beyond those discussed elsewhere in this paper, including:[248]

- **Charities:** The charitable purpose (as defined by the Charities Act (Northern Ireland) 2008) of a particular charity may mean that it limits their benefits to persons of a specific age group, such as a charity established to tackle disadvantage faced by older people.

[243] The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 16

[244] The Race Relations (Northern Ireland) Order 1997, art 20C

[245] For example, The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 50

[246] Northern Ireland Act 1998, sch 2, paras 8, 17

[247] Claire Sugden MLA, Consultation Summary: Age Discrimination Bill (2025), p. 14

[248] Office of First Minister and deputy First Minister, Consultation on proposals to extend Age Discrimination Legislation (Age Goods, Facilities and Services) (2015) pp. 42-87

- **Age-based concessions**: A benefit, linked to the provision of goods, facilities and services, which is offered only to certain groups of people who are linked by a common characteristic, such as age e.g. allowing service providers to charge pensioners or students a cheaper rate for a product.
- **Age-related holidays**: Some tour operators design, market, offer and sell holidays for people who wish to holiday with people of a similar age. For example, there are holidays exclusively for people aged over 50 and holidays aimed at people aged between 18 and 30. In OFMdFM's consultation, they highlighted that such holidays provide opportunities for people to come together and associate with people of a similar age to themselves.
- **Sporting and recreational activities and events**: Age limits and age bands are used in numerous sporting and recreational activities and events, leagues and training sessions, including to enable certain age groups to socialise, to reduce under-representation and to secure fair competition and safety.
- **Residential park homes**: Residential park homes are sites where static caravans are used as permanent places of residence. OFMdFM's consultation reported that they are predominantly used by people aged over 50 and the owners of these sites often stipulate a lower age limit for residents to ensure that the sites retain the character and qualities that appeal to their core market.
- **Age restricted schemes**: Voluntary schemes operated by some retailers to prevent the purchase of age-restricted products, such as alcohol and tobacco, by people below the legal age, such as 'Challenge 25'. In practice, this involves retailer asking for proof of age before supplying an age-restricted product.

- **Immigration**: To allow immigration authorities to treat some people differently because of their age, where this is necessary to give effect to immigration law and policy. Immigration is an excepted matter.

OFMdFM also considered an exception in relation to health and social care, but did not propose including it in the legislation.

Hotels and other similar accommodation were also raised in the Second Stage debate on the Bill as an area where it may be appropriate to allow service providers to treat under-18s differently.[249]

ECNI has been supportive of the inclusion of exceptions in the legislation, including for concessionary services; sporting events; and age-restricted schemes.[250] They have argued any exceptions should be narrowly construed and objectively justifiable.

ECNI has highlighted that there may be value in introducing a mechanism whereby ad hoc exceptions can be made to the principle of equal treatment as new scenarios are encountered.[251] They pointed to Australia, where there is a process by which individuals and organisations can seek "temporary exemptions" by applying to the Australian Human Rights Commission. They emphasised that if such a mechanism was in place here, there would be a need for appropriate resources.

ECNI did not support OFMdFM's 2015 proposals on immigration, age-related holidays, and residential park homes– in their response to the consultation on this Bill, they indicated they would welcome further discussion on these areas.[252]

Both NICCY[253] and COPNI[254] were supportive of an exception for concessions. NICCY also highlighted that exemptions on access to certain

[249] Northern Ireland Assembly, Official Report (Hansard) 20/10/2026, Vol 200, No 4, pp. 45, 49

[250] Equality Commission for Northern Ireland, Response: Addressing Age Discrimination in Goods, Facilities and Services (2025), pp. 21-30.

[251] As cited immediately above, p. 30

[252] Equality Commission for Northern Ireland, Response: Addressing Age Discrimination in Goods, Facilities and Services (2025), p. 22

[253] Northern Ireland Commissioner for Children and Young People, Response to consultation – Age Goods Facilities and Services Bill (2025), p. 8

[254] Commissioner for Older People in Northern Ireland, Response: Consultation on Addressing Age Discrimination in Goods, Facilities, and Services (2025), p. 6

places/venues/websites would also be justified depending on the age of a person due to the potential safeguarding risks involved. [255]

COPNI have highlighted that older people face specific vulnerabilities in a healthcare setting.[256] They argued that in the context of continued service reduction, GFS legislation will be a vital safeguard for older people, playing a role in ending withdrawal or refusal of services due to age. This would seem to be at odds with a possible exception.

Other jurisdictions

Following a specific consultation on age-GFS[257], the Equality Act 2010 allowed for exceptions to be made in relation to age discrimination by secondary legislation[258]. This Order was made in 2012, amending the 2010 Act.[259]

The Equality Act 2010 has a range of exceptions in relation to age-GFS. In addition to those discussed elsewhere in this paper, these include the following general exceptions, which apply across the grounds:

- national security;
- charities;
- television, radio and online broadcasting and distribution;
- services generally provided only for people who share a protected characteristic

There are also specific exceptions relating to age, including: [260]

- concessionary services;

[255] Northern Ireland Commissioner for Children and Young People, Response to consultation – Age Goods Facilities and Services Bill (2025), p. 8

[256] Commissioner for Older People in Northern Ireland, Response: Consultation on Addressing Age Discrimination in Goods, Facilities, and Services (2025), p. 5

[257] Government Equalities Office, UK Government (2010) Equality Bill: Making it work Ending age discrimination in services and public functions

[258] Equality Act 2010, sec 197

[259] The Equality Act 2010 (Age Exceptions) Order 2012

[260] Equality Act 2010, sch 3

- financial services (discussed further below in relation to clause 15);
- age related holidays;
- age restricted services;
- residential mobile homes;
- sport and competitive activities;
- immigration;
- issues relating to education, including the curriculum, admission, transport and the establishment, alteration or closure of schools.

In the Republic of Ireland, there are likewise a range of relevant exceptions, in addition to those discussed elsewhere in the paper, including:[261]

- allowing reasonable age requirements for a person to be an adoptive or foster parent;
- sports;
- drama and entertainment;
- the disposal of goods by will or by gift;
- risk of criminal or disorderly conduct or behaviour, or damage to property in or around the area;
- clinical judgement in connection with a diagnosis of illness or their medical treatment;
- incapacity to enter into a contract;
- allowing a higher age limit to serve alcohol than 18 (e.g. 21);[262]
- a reasonable preferential fee, charge or rate for persons in a specific age group[263]

There is no equivalent regulation making power in the Irish legislation to allow exceptions to be made by secondary legislation for age-GFS protections.

[261] Irish Human Rights and Equality Commission, The Equal Status Acts 2000-2018 A guide to your rights if you are discriminated against in accessing goods or services (2020)

[262] Equal Status Act (Ireland) 2000, sec 15 (4)

[263] Equal Status Act (Ireland) 2000, sec 16 (1)

Potential scrutiny point

Members may wish to consider:

- Any advice from the Examiner of Statutory Rules;
- How the proportionality requirements in clause 14(3) are intended to operate, including whether proportionality is to be assessed when an exception is created, when it is relied upon in an individual case, or both;
- Whether secondary legislation is the most appropriate vehicle to make exceptions to the legislation, or whether any others should be included within the Bill;
- Whether the scope of the power to create exceptions by regulations is sufficiently defined, including whether it is appropriate for the power to extend beyond the areas expressly identified in clause 14;
- How TEO considers any excepted matters, such as immigration and national security, should be addressed;
- How clauses 14 and 46 work together;
- How this clause aligns with the commencement timetable; and
- Whether it would also be appropriate to name any other statutory consultees, such as COPNI or NICCY.

9.5 Clause 15: Financial services

Clause 15 makes specific provision in relation to any exception made under clause 14 in relation to financial services. If such regulations are made, TEO would have to have regard to:

- the principle that differential treatment on grounds of age must be related to the assessment of risk where the treatment is effected by reference to actuarial or statistical data obtained from a source on which it is reasonable to rely, or other relevant underwriting or commercial factors. It would also have to be reasonable having regard to the data or other relevant factors;
- the need to preserve access to financial products and services for persons of all ages within the scope of this Act
- the desirability of consistency with provisions in force in other parts of the United Kingdom.

Any regulations cannot be a blanket exemption for financial services, and must be conditional and evidence-based.

The regulations would also need to be a proportionate means of achieving a legitimate aim and no more than is necessary to achieve that aim, in line with clause 14 (3).

Financial services are defined widely.

Regulations under clause 15 would also be subject to the draft affirmative procedure.

As above, clause 46 (2) would seemingly offer another route for TEO to make exceptions in relation to financial services, without the limitations set out in clause 15. Likewise, clause 11 (1) (b) may have implications for travel insurance.

It is not clear whether clause 15 (1) (a) is seeking to limit any exception to situations where there are relevant data or other factors that it is reasonable to have regard to.

As discussed further below, there are differences between equivalent exceptions in the Irish and British legislation. Clause 15(1) (a) seemingly

reflects the relevant exception in the Irish legislation. However, clause 15 (1) (c) refers to the desirability of consistency with provisions in force in other parts of the United Kingdom.

Clause 15 (4) defines financial services as including:

- banking and savings;
- credit and lending;
- insurance and assurance;
- pensions and annuities;
- investment services;
- payment services; and
- any other financial product or service

Financial services, including insurance, is a reserved matter under the Northern Ireland Act 1998.[264]

Other Northern Irish equality law

Generally, there are not blanket exceptions in other Northern Irish equality law in relation to financial services.

Under disability equality law in Northern Ireland, there is an exception allowing less favourable treatment in insurance where it is based upon information (for example, actuarial or statistical data or a medical report) which is relevant to the assessment of the risk to be insured and is from a source on which it is reasonable to rely; and is reasonable having regard to the information relied upon and any other relevant factors.[265]

For contracts entered into before 21 December 2012, the SDO does not prohibit sex, gender reassignment and pregnancy and maternity discrimination.[266]

[264] Northern Ireland Act 1998, sch 3, para 23.

[265] The Disability Discrimination (Service Providers and Public Authorities Carrying Out Functions) Regulations (Northern Ireland) 2007, reg 4

[266] For more information, see Office of the First Minister and deputy First Minister, The Sex Discrimination Order 1976 (Amendment) Regulations (NI) 2012 SR No 462 To implement an ECJ

Stakeholder views

OFMdFM's proposals in 2015 included a financial services exception mirroring the Equality Act 2010.[267] They pointed to the fact that financial services are regulated on a UK wide basis, and argued there was insufficient justification for financial services to be included. They indicated concern that any deviation from the position in Great Britain would cause practical problems in implementation and an uncertain position for financial service providers and customers in Northern Ireland.

The Bill's EFM outlines that engagement with providers in relation to insurance highlighted the potential risk that additional or unclear regulatory requirements could affect market participation. Concerns were raised that, if not carefully framed, this could lead to reduced provision or increased premiums, which the EFM indicated reinforced the importance of proportionate drafting and a balanced implementation approach. [268]

ECNI, in their response to the Bill's consultation, felt careful consideration should be given to an exception relating to financial services in relation to products where there is a risk-based assessment.[269] They considered that the burden should be on financial service providers to demonstrate that age is a relevant factor in the assessment of risk and that any difference in treatment is proportionate. They suggested any use of age by financial service providers should be based on relevant information which is from a source from which it is reasonable to rely.

ECNI have pointed to a 2014 report it commissioned, which gave examples where older people had experienced unfair practices due to their age when

ruling that insurance benefits and premiums should be gender-neutral: Final Regulatory Impact Assessment (2012)

[267] Office of First Minister and deputy First Minister, Consultation on proposals to extend Age Discrimination Legislation (Age Goods, Facilities and Services) (2015) pp. 67-78

[268] Age Discrimination (Goods, Facilities and Services) Bill: Explanatory and Financial Memorandum, p. 3.

[269] Equality Commission for Northern Ireland, Response: Addressing Age Discrimination in Goods, Facilities and Services (2025) pp. 25-28

accessing financial services.[270] This included people refused insurance completely because they reached a certain age, which in one instance resulted in the older person being unable to continue in employment because he was refused motor insurance, and older people refused access to a credit card due to their age.

The Commission argued the approach in Great Britain is unjustifiably wide, due to the lack of protection against discrimination by financial services where there is no assessment of risk, and the fact that there is no proportionately requirement. It argued that, if an exception is included in the legislation, it should not apply to harassment or victimisation, as there should be no circumstances in which law should permit financial service providers to harass or victimise a customer due to their age. They suggested that any exception should also be subject to statutory review.

COPNI have argued that decisions made in relation to financial services should not be made based on age as a lone indicator.[271] They noted that, while there is a temptation to develop the legislation based on Great Britain, assessing trends internationally and adopting and incorporating similar processes into Northern Ireland's draft legislation could place Northern Ireland as a world leader in GFS protection for older people.

The Children's Law Centre were supportive of including protection against discrimination in financial services within 'all-ages' legislation.[272]

In relation to the proposed Horizontal Directive at EU level, a paper by the European network of legal experts in gender equality and non-discrimination for the European Commission recommended that proportionate differences in treatment on the grounds of age should not constitute discrimination if age is a determining factor in the assessment of risk for the service in question and this

[270] Equality Commission for Northern Ireland, Response: Addressing Age Discrimination in Goods, Facilities and Services (2025) pp. 27-28

[271] Commissioner for Older People in Northern Ireland, Response: Consultation on Addressing Age Discrimination in Goods, Facilities, and Services (2025), p. 6

[272] Children's Law Centre, Consultation Response: Age Discrimination in Goods, Facilities and Services (2025), p. 16

assessment is based on actuarial principles and relevant and reliable statistical data.[273]

Other jurisdictions

The Equality Act 2010 includes an exception for age discrimination, in relation to anything in connection with providing a financial service.[274] Where there is an assessment of risk involving a consideration of a person's age for the purposes of providing the financial service, it must be by reference to information which is relevant to the assessment of risk and from a source on which it is reasonable to rely.[275] This exception does not include a requirement that the treatment is proportionate. This exception does not permit harassment or victimisation.[276] There is also a specific exception for insurance policies which came into existence before the protections in the Equality Act 2010 came into force.[277]

The UK Government, the Association of British Insurers (ABI) and the British Insurance Brokers' Association (BIBA) have a voluntary agreement in place that applies when service providers refuse travel and motor insurance to an individual because their age falls above the upper age limit for the product.[278] The agreement obliges service providers to:

- refer the individual to another company that can help, or
- direct the individual to a signposting system, which should be able to identify more suitable service providers

Ahead of introducing the exceptions, the Coalition UK Government consulted on this proposal, attracting a wide range of different views; organisations in the

[273] E. Dewhurst Age discrimination law outside the employment field, European network of legal experts in gender equality and non-discrimination, European Commission (2020), pp. 124

[274] Equality Act 2010, sch 3, para 20A (1)

[275] Equality Act 2010, sch 3, para 20A (2)

[276] Equality and Human Rights Commission, Statutory Code of Practice: Services, public functions and associations (2026), pp. 87-91, 285

[277] Equality Act 2010, sch 3 para 23

[278] Equality and Human Rights Commission, Statutory Code of Practice: Services, public functions and associations (2026), p 285

financial services sector were generally satisfied, whilst equality organisations were opposed on principle or considered it too wide. [279] The Government reached the view that there was insufficient justification for significant legislative intervention in relation to financial services, noting that market practices such as age banding and age limits should continue as they were beneficial to consumers.

For insurance services arranged by an employer, under the Equality Act 2010, the employer is responsible for ensuring that the provision of benefits under group schemes complies with the requirements of employment equality protections, but the insurer or pension provider is not responsible for ensuring that the provision of benefits complies with the goods, facilities and services provisions.[280]

In 2023 evidence to the Women and Equalities Committee, the EHRC outlined that there may be a case for reviewing how these exemptions are working in practice and whether they remain necessary. [281]

In the Republic of Ireland,[282] different treatment on any of the grounds, except for the gender ground, in relation to the provision of annuities, pensions, insurance policies or any other matters related to the assessment of risk, is permitted if the difference in treatment is effected by reference to:

- actuarial or statistical data, or other relevant underwriting or commercial factors; and
- is reasonable having regard to the data, or other relevant factors.

[279] Government Equalities Office, UK Government, Equality Act 2010: Banning age discrimination in services, public functions and associations Government response to the consultation on exceptions (2012), pp. 15-22

[280] Equality Act 2010, sch 3, para 20; Equality Act 2010 - Explanatory Notes

[281] Equality and Human Rights Commission, Written evidence to Women and Equalities Committee Inquiry on the Rights of Older Persons (2023), p.4

[282] Equal Status Act (Ireland) 2000, sec 5 (2) (da)

There have been successful cases brought in relation to age discrimination in financial services in the Republic of Ireland.[283]

The research for the European Commission found that this was likely the most contentious area in relation to exceptions. [284] A range of approaches have been taken across the EU, from countries where there are exemptions for insurance and banking services based on risk calculations and no protection against differential treatment based on age (e.g. in Slovenia), through to tests requiring both objective justification and that specific actuarial evidence must be provided to support differential treatment, e.g. in Belgium.

Potential scrutiny points

Members may wish to consider:

- The likely scope of any exception to financial services;
- Asking for clarity on the intended effect of clause 15(1)(a), including whether financial services exceptions are intended to be limited to differential treatment supported by relevant and reliable evidence concerning risk;
- The outworkings of paying regard both to the principles of the Irish legislation, and being consistent with the legislation in the rest of the UK, and the requirement under clause 14 of any exceptions being proportionate;
- Asking how TEO would be expected to balance the different considerations in clause 15(1), and clause 14, particularly where requirements in relation to proportionality and

[283] For example, Workplace Relation Commission, Ireland, *Shanahan v Laya Healthcare Ltd* DEC-S2016-071; Workplace Relation Commission, Ireland, *McGuire v Core Credit Union*, ADJ-00036583

[284] E. Dewhurst Age discrimination law outside the employment field, European network of legal experts in gender equality and non-discrimination, European Commission (2020), pp. 88-91, 113, 117-120

reasonableness may lead to a different outcome from arrangements applying elsewhere in the UK;

- Whether clause 46 could be used to create a financial services exception without satisfying the specific requirements in clauses 14 and 15 and, if so, whether this is intended;
- Any need for specific provision for insurance policies which are already in place, and/ or financial services arranged by an employer; and
- Seeking clarification from Legal Services on the implications of financial services and insurance being reserved matters for the scope and operation of clauses 14/ 15 and any regulations made under these clauses.

9.6 Clause 16: Small dwellings exception

This creates an exception for 'small premises'. It applies where a person engaging in the conduct in question, or a relative of that person, lives in another part of the premises and the premises include facilities shared with other people who are not part of their household.

However, other equality law normally includes a specific provision on premises, as well as the provision on goods, facilities and services. There is no specific prohibition on age discrimination in premises in this Bill. Therefore, this exception may only be applicable to premises as they relate to service providers e.g. where there is a service which is being provided to the public or a section of the public.

This exception would allow people to choose who they live with in their own homes e.g. the exception could permit a person letting part of their own home,

while sharing facilities such as a kitchen or bathroom, to choose a lodger on the basis of age.

It refers only to discrimination, and therefore does not explicitly exempt harassment or victimisation.

The Equality Commission has set out guidance on the equivalent provision in the EA(SO) Regs.[285] To apply, the person with the power to dispose of the premises (or whose licence or consent is required for the disposal) referred to as the 'relevant occupier' (this includes a near relative) must:

- reside on the premises;
- intend to continue to reside on the premises; and
- be sharing accommodation on the premises with other people who are not members of the relevant occupier's household (such as a bathroom or kitchen)

For the purposes of the legislation, 'a near relative' of the relevant occupier means a person's spouse (i.e. husband or wife), civil partner, parent, child, grandparent, grandchild, or brother or sister (whether of full or half blood or by affinity).

The shared accommodation must not be storage accommodation or a means of access.

The premises must be 'small premises', as defined in clause 16 (3)-(4).

Other Northern Irish equality law

Other Northern Irish equality law, including the EA (SO) Regs[286] and the RRO,[287] have similar exceptions. These exceptions apply both to the relevant

[285] Equality Commission for Northern Ireland, Eliminating Sexual Orientation Discrimination in Northern Ireland: A Guide on the Provision of Goods, Facilities, Services, and Premises (2008) pp. 28-30

[286] The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 7

[287] The Race Relations (Northern Ireland) Order 1997, art 23

services provision, but also the specific premises provisions, the latter of which is not included in this Bill.

Stakeholder views

As above, in their 2015 consultation, OFMdFM proposed including premises within their age-GFS legislation.[288] OFMdFM proposed this provision would not apply where owner-occupiers were disposing of their property on a private basis e.g. selling or transferring residential or commercial premises to a younger sibling or eldest child. It would apply if they were selling the property through an estate agent.[289]

OFMdFM also proposed a similar small dwellings exception to this clause.[290]

Other jurisdictions

Part 4 of the Equality Act 2010 covers premises, including a similar exception, but this part does not apply to age. Therefore, age discrimination against people in the disposal of premises is legal, where it is not a service to the public. A 2010 UK Labour Government paper refers to '*the government policy of not wanting to intervene with the arrangements people make regarding their accommodation'*.[291] Part 4 applies to the other protected characteristics, apart from marriage and civil partnership.

In the Republic of Ireland, there are specific protections against discrimination in relation to accommodation, available to the public generally, or a section of the public. There are a number of exceptions, including situations where a person is renting a room in their home (other than a separate and self contained part) in

[288] Office of First Minister and deputy First Minister, Consultation on proposals to extend Age Discrimination Legislation (Age Goods, Facilities and Services) (2015), pp. 33-34

[289] As cited immediately above, pp. 50-51

[290] Office of First Minister and deputy First Minister, Consultation on proposals to extend Age Discrimination Legislation (Age Goods, Facilities and Services) (2015), p. 51.

[291] Government Equalities Office, Equality Bill: Making it work Ending age discrimination in services and public functions Policy Statement (2010) p. 58

circumstances where the provision of the accommodation affects the person's private or family life or that of any other person residing in the home.[292]

Potential scrutiny points

Members may wish to consider:

- How clause 16 is intended to operate given that the Bill does not contain a specific prohibition on age discrimination in relation to premises;
- Whether the intended scope of age discrimination protection in relation to premises should be made clearer on the face of the Bill; and
- Whether the exception is intentionally limited to discrimination rather than also extending to harassment and victimisation.

9.7 Clause 17-18: Other exceptions

Clause 17 allows an exception from section 10, so as not to prohibit anything done by a person who takes into their home, and treats as members of their family, children, elderly persons, or persons requiring a special degree of care and attention.

This exemption includes discrimination, harassment and victimisation.

Clause 18 provides an exception for discrimination or harassment made unlawful by the EEA Regs.

[292] Irish Human Rights and Equality Commission, The Equal Status Acts 2000-2018 A guide to your rights if you are discriminated against in accessing goods or services (2020), pp. 25-27

These provisions mean that the legislation does not apply to people who provide care, including foster care, in their own home.

They also mean that where treatment constitutes unlawful discrimination or harassment under the EEA Regs, it should be dealt with under that law, rather than this Bill. Victimisation is treated as a form of discrimination under the EEA Regs, so if there is victimisation under the EEA Regs, that would still be covered by those provisions.

Other Northern Irish equality law

The EA(SO) Regs and the RRO include exceptions in relation to care in the home, but these only apply in relation to a service provider discriminating (including in relation to victimisation).[293] Therefore, those exceptions do not explicitly cover harassment.

Clause 18 is based on the EA(SO) Regs.[294] Both the employment and non-employment sexual orientation regulations treat victimisation as a form of discrimination, so likewise only refer to discrimination and harassment.

Stakeholder views

The Bill's consultation report does not consider these issues.

OFMdFM's 2015 consultation proposed including an exception to ensure that people who provide health care, foster care or other similar forms of care in their own home should be protected from complaints of discrimination, harassment or victimisation in the provision of services while providing that care.[295] ECNI had recommended that any exception should not cover

[293] E.g. The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 8 (2); The Race Relations (Northern Ireland) Order 1997, art 24 (2)

[294] The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 8 (1)

[295] Office of First Minister and deputy First Minister, Consultation on proposals to extend Age Discrimination Legislation (Age Goods, Facilities and Services) (2015) p. 52

harassment or victimisation, pointing out that if such care was to occur in, for example, an older person's home, there would be protections.[296]

Other jurisdictions

The Equality Act 2010 includes a similar exception to clause 17, covering discrimination, harassment and victimisation.[297] Although the Equal Status Act 2000 does not have an exactly corresponding exemption, it does allow difference in treatment where the goods or service could reasonably be regarded as being suitable only to the needs of certain persons[298], which may be relevant to this situation.

The Equality Act 2010 specifies that Part 3 on services and public functions, does not apply to discrimination, harassment or victimisation that is prohibited by Part 4 (premises), 5 (work) or 6 (education), or that would be so prohibited but for an express exception.[299]

Potential scrutiny points

Members may wish to consider whether age-related harassment and victimisation should be included within care in the home exception.

9.8 Clause 19: Associations and private members clubs

Clause 19 provides protection against discrimination by associations towards a potential or existing member or associate.

[296] Equality Commission for Northern Ireland, Response: Addressing Age Discrimination in Goods, Facilities and Services (2025), pp. 24-25

[297] Equality Act 2010, sch 3, para 15

[298] Irish Human Rights and Equality Commission, The Equal Status Acts 2000-2018 A guide to your rights if you are discriminated against in accessing goods or services (2020), p. 23

[299] Equality Act 2010, sec 28

It would seemingly apply to all ages, and does not explicitly cover harassment or victimisation.

There is an exception for any private club where the main object of that club is to enable the benefits of membership to be enjoyed by persons of a particular age.

As discussed further below in relation to Part 6, the enforcement procedures, including in relation to bringing a claim to County Court, do not include clause 19.

Unlike the goods, facilities and services protections in Part 3, clause 19 does not specify a minimum age. It therefore appears that its protection against discrimination by associations would extend to people aged under 16.

This clause covers an association of persons, whether incorporated or not, if:

- it has 25 or more members;
- admission to membership is regulated by its constitution (written or unwritten); and
- it is so conducted that members do not constitute a section of the general public.

It does not matter if the association's activities are carried out for profit or not. Examples may include sports clubs, political clubs and working men's clubs. Any services offered to the general public would be covered by clause 10 e.g. a golf club that has a bar that serves the public.[300]

Private clubs must operate a policy of membership selection genuinely based on personal criteria. This could include applicants for membership being required to make a personal application, or being sponsored or nominated by

[300] Equality Commission for Northern Ireland, Eliminating Sexual Orientation Discrimination in Northern Ireland: A Guide on the Provision of Goods, Facilities, Services, and Premises (2008) p. 50

other members on their good character and undergoing some form of selection process, such as voting by existing members. [301]

Trade organisations, such as trade unions or professional organisations are covered by the EEA Regs.[302]

It is unlawful for such an association to discriminate against a non-member in the terms on which it is prepared to admit them to membership, or by refusing to accept their application. It is also unlawful to discriminate against a member or associate in the way it affords access to benefits, by depriving them of membership, varying terms, or subjecting them to any other detriment.

An individual is an associate of a private club if, not being a member of it, they have under the constitution some or all of the rights enjoyed by members (or would have apart from the provision in the constitution which authorises the refusal of those rights). Associates can be referred to as partners.[303]

Benefits could include, for example, parking facilities, hire of club facilities for private functions, or promotional opportunities.[304]

To decide whether a club/ association falls into the exception, where the main purpose is to enable the benefits of membership to be enjoyed by people of a particular age, regard must be had to:

- the essential character of the association; and
- the relevant circumstances, such as the extent to which the affairs of the association are so conducted that the persons primarily enjoying the benefits of membership are of a particular age group

This means that clubs and associations that have been established to meet the needs of people of particular ages are allowed to restrict membership, and the

[301] Equality Commission for Northern Ireland, Eliminating Sexual Orientation Discrimination in Northern Ireland: A Guide on the Provision of Goods, Facilities, Services, and Premises (2008), p. 51

[302] The Employment Equality (Age) Regulations (Northern Ireland) 2006, reg 19

[303] As cited at footnote 301, p. 54

[304] As cited at footnote 301, p. 54

benefits, facilities and services they provide to members. Examples of these organisations include health networks, mutual support groups, and sports/social clubs for particular age groups.[305]

The Bill does not specifically refer to guests of associations e.g. if a member of a 'working-man's' club brings a friend as a guest.

Other Northern Irish equality law

There are equivalent provisions in other Northern Irish equality law, including the EA(SO) Regs[306] and the RRO[307]. TEO's consultation on the RRO indicated that their legal advice viewed it as arguable that guests of associations are covered under the RRO, but that in the absence of case law the position cannot be confirmed definitely.[308]

By way of contrast, the equivalent provision in the DDA specifically refers to guests.[309]

Stakeholder views

The Bill's consultation summary does not refer to clubs/ associations.

OFMdFM proposed that their legislation would cover clubs/ associations discriminating, harassing or victimising members, associates, persons seeking to become members or guests on grounds of age.[310] Their proposal included a specific exception to allow private clubs and associations to restrict membership on grounds of age.[311] They also proposed an exception to specifically allows

[305] Equality Commission for Northern Ireland, Eliminating Sexual Orientation Discrimination in Northern Ireland: A Guide on the Provision of Goods, Facilities, Services, and Premises (2008, pp. 55-56

[306] The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 17

[307] The Race Relations (Northern Ireland) Order 1997, art 25

[308] The Executive Office, Review of the Current Race Relations (NI) Order 1997 Consultation Response Report, p. 50

[309] Disability Discrimination Act 1995, secs 21F, 21J

[310] Office of First Minister and deputy First Minister, Consultation on proposals to extend Age Discrimination Legislation (Age Goods, Facilities and Services) (2015) pp. 30-31

[311] As cited immediately above, pp. 86-87

clubs to offer age-based concessions. They stated the exceptions would not apply to harassment or victimisation.

These proposals were broadly supported by ECNI, although they argued that any exception relating to concessions should have to have clear social policy objectives.[312].

TEO proposed ensuring the racial equality legislation explicitly protected guests, which was supported by all respondents [313]

The Children's Law Centre were supportive of including private clubs within 'all-ages' legislation.[314]

Other jurisdictions

The Equality Act 2010 includes provisions protecting non-members, members, and associates from discrimination, as well as explicit provisions on harassment and victimisation.[315] There is a specific provision providing protection for guests, unlike this Bill.[316] There are exceptions allowing the restriction of membership and being a guest to persons who share a protected characteristic[317] and concessions on admission for people of a particular age group or people who have been members for a certain number of years[318].

The Equality Act 2010 also has an exception for registered political parties acting in accordance with proportionate selection arrangements to reduce

[312] Equality Commission for Northern Ireland, Eliminating Sexual Orientation Discrimination in Northern Ireland: A Guide on the Provision of Goods, Facilities, Services, and Premises (2008) pp. 13, 29-30

[313] The Executive Office, Review of the Current Race Relations (NI) Order 1997 Consultation Response Report, p. 50

[314] Children's Law Centre, Consultation Response: Age Discrimination in Goods, Facilities and Services (2025), p. 16

[315] Equality Act 2010, sec 101

[316] Equality Act 2010, sec 102

[317] Although this exception does not apply to political parties

[318] Equality Act 2010, sch 16

inequality in the party's representatives.[319] TEO have indicated that, in relation to race, this is an excepted matter.[320]

In the Republic of Ireland, clubs with no license to sell alcohol are covered by the Equal Status Act 2000 if they provide goods and services to the public or, to a section of the public, and not just to members. In this situation, the usual exceptions apply.

For those clubs which are licensed to sell alcohol to members, discrimination is not banned out right, but clubs can be found to be discriminating, which may impact on their license.[321]

Potential scrutiny points

Members may wish to consider:

- Asking the Bill Sponsor to clarify whether clause 19 is intentionally intended to protect people of all ages, including those under 16, and the rationale for taking a different approach from Part 3;
- Whether there should be explicit protections for guests; and
- Whether any additional exceptions are required in relation to associations, including for age-based concessions.

Members may also wish to seek advice on how this clause would apply to political parties, particularly given the Assembly's legislative competence.

[319] Equality Act 2010 sec 104

[320] The Executive Office, Review of the Current Race Relations (NI) Order 1997 Consultation Response Report, p. 91

[321] Irish Human Rights and Equality Commission, The Equal Status Acts 2000-2018: A guide to your rights if you are discriminated against in accessing goods or services, pp. 35-37

10 Part 5: Functions of the Equality Commission for Northern Ireland

When comparing this part with other jurisdictions, it may be helpful to note that EHRC and IHREC are both multi-mandate bodies with other functions, primarily in relation to human rights. The powers and duties of the EHRC are primarily set out in the Equality Act 2006, whilst the equivalent legislation in the Republic of Ireland is the Irish Human Rights and Equality Commission Act 2014. This paper focuses on those provisions most relevant to age-GFS equality law.

10.1 Clauses 20-21: General duties of ECNI, and related research, education and assistance

Clause 20 sets out that the duties of ECNI are:

- working towards the elimination of discrimination on the ground of age in the provision of services;
- promoting equality of access to services between persons of differing age groups; and
- keeping under review the working of this Bill and, when it is so required the Department or otherwise thinks it necessary, draw up and submit to the Department's proposals for Regulations under this Act

Clause 21 enables ECNI to undertake or assist research and educational activities which appear necessary or expedient for the purposes of its general duty, as set out in clause 20. ECNI may make charges for educational or other facilities or services, and may give financial or other assistance to organisations concerned with the promotion of equality of opportunity between persons of different ages, with the permission of TEO and the Department of Finance.

The duties and powers in these clauses would seem to apply to all ages, and not be solely limited to those aged 16 and over. The wording of clause 20(1)(c) appears unclear, particularly the phrase 'draw up and submit to the Department's proposals for Regulations under this Act'.

Under clause 20 (1) (c), the Commission is empowered to submit proposals for regulations under the Act, as opposed to amendments to the Act itself.

Other Northern Irish equality law

Although the EFM outlines that clause 20 is based on the EA (SO) Regs, the equivalent provision is wider. Under the EA (SO) Regs, the general duty of ECNI is to:

- '*work towards the elimination of discrimination and harassment'* – this is not just limited to discrimination in the provision of services
- '*promote equality of opportunity between persons of differing sexual orientations*' – this Bill refers to promoting equality of access to services
- '*to keep under review the working of these Regulations and, when it is so required by the Department or otherwise thinks it necessary, draw up and submit to the Department proposals for amending these Regulations'*

The approach in the EA(SO) Regs is more aligned with other equality legislation.[322]

Clause 21 (1) – (2) is aligned with other equality legislation.[323]

However, in relation to clause 21 (3)-(4), the Commission only has grant-making powers under the EA (SO) Regs and the RRO. The Commission is not aware of any grants being awarded since at least 2006.[324]

[322] For example, The Employment Equality (Age) Regulations (Northern Ireland) 2006, reg 37; The Race Relations (Northern Ireland) Order 1997, art 42; Sex Discrimination (Northern Ireland) Order 1976, art 54

[323] For example, The Employment Equality (Age) Regulations (Northern Ireland) 2006, reg 38; Sex Discrimination (Northern Ireland) Order 1976, art 55

[324] Email correspondence between ECNI official and RaISe, August 2026

Stakeholder views

The Bill consultation report does not outline proposals in relation to any powers and duties for ECNI.

OFMdFM's 2015 consultation document did not go into detail in relation to ECNI's powers. It did state that ECNI '*have the same duties and powers in relation to any future age discrimination legislation as it currently has in relation to other equality legislation relating to sex, disability, race, sexual orientation and religious belief and political opinion*'.[325] However, this does not allow for some of the subtle differences that exist between ECNI's powers under the different equality legislation.

In its response to the Bill consultation, ECNI recommended[326] that it have general duties under the legislation:

- to work towards the elimination of discrimination and harassment;
- to promote equality of opportunity between persons of differing age groups; and
- to keep under review the working of the legislation and, when considered necessary, draw up and submit to TEO proposals for amending the legislation.

It is also recommended that it have powers to undertake research and educational activities.

Over 90% of responses to TEO's consultation on RRO reform supported the Commission having the power to give funding.[327]

[325] Office of First Minister and deputy First Minister, Consultation on proposals to extend Age Discrimination Legislation (Age Goods, Facilities and Services) (2015) p. 90

[326] Equality Commission for Northern Ireland, Response: Addressing Age Discrimination in Goods, Facilities and Services (2025), p. 31

[327] The Executive Office, Review of the Current Race Relations (NI) Order 1997 Consultation Response Report, p. 56

Other jurisdictions

The EHRC has a range of duties and powers, many of which overlap with the clauses 20-21 of the Bill.[328] Like other Northern Irish legislation, the EHRC has a duty to promote equality of opportunity, rather than equality of access to services, as in the Bill.

Likewise, IHREC has a range of relevant functions and powers, including similar powers and duties to these clauses. [329] One notable addition is the duty to encourage the development of a culture of respect for equality.

Potential scrutiny points

Members may wish to consider:

- Seeking clarification on the intended wording and effect of the term 'equality of access to services', and the drafting of clause 20(1)(c);
- The scope of the Commission's duties under this Bill, including as they apply to those aged under 16;
- Whether it is appropriate to give the Commission grant-making powers; and
- Asking ECNI how equivalent functions under existing equality legislation have operated in practice and what, if any, additional resources would be required to exercise the functions provided by the Bill.

10.2 Clause 22: Codes of Practice

[328] Equality Act 2006, secs 3, 8, 11, 12, 13, 17

[329] Irish Human Rights and Equality Commission Act (Ireland) 2014, sec 10 (1) (2)

Clause 22 gives the Commission the power to issue Codes of Practice with practical guidance to eliminate unlawful age-GFS discrimination or harassment, and to promote equality of access to services between persons of different age groups.

It requires that the Commission publish a draft of the code, and consider any representations made to it, and modify accordingly. Prior to publishing a draft, it must consult with such organisations or bodies as it considers appropriate.

The code can be revised.

This clause provides an optional power for the Commission to issue a code on how to eliminate discrimination or harassment which is unlawful under this Bill, and/ or to promote the equality of access to services between people of different age groups.

The clause does not specifically refer to victimisation.

It is not clear how any code would relate to the guidance which must be published by the Department under clause 44.

Clause 22 does not appear to provide for departmental approval or Assembly scrutiny of a code, or specify what legal status a code would have in subsequent proceedings. As below, this differs from the approach taken to Codes under some existing Northern Ireland equality legislation.

Other Northern Irish equality law

This clause is largely in line with the EA (SO) Regs[330] and the EEA Regs,[331] although the EA (SO) Regs only make provision for a Code of Practice in relation to housing. The other legislation refers to 'equality of opportunity' in a particular field, rather than equality of access to services.

[330] The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 29

[331] The Employment Equality (Age) Regulations (Northern Ireland) 2006, reg 39

Under other equality grounds, including race[332] and sex,[333] draft codes have to be approved by the relevant Department, then laid before the Northern Ireland Assembly, subject to negative resolution. These codes are admissible in evidence and must be taken into account by Industrial Tribunals/ Courts where relevant.[334]

In practice the Commission has issued a number of Codes of Practice under different legislation.[335] However, it has also issued guidance on equality law, which is not subject to the same requirements as a statutory code, and does not have any formal status in Court.[336]

Stakeholder views

The Bill's consultation analysis does not explicitly refer to Codes of Practice, but does refer to the need for guidance for service providers.[337]

OFMdFM's 2015 proposals included that the Commission would be able to issue a Code of Practice, as it sees fit, to help people to understand how the law would work in practice and to ensure or facilitate compliance with any future age discrimination legislation.[338]

The Commission recommended that it be able to issue Codes of Practice and guidance under age-GFS legislation.[339]

[332] The Race Relations (Northern Ireland) Order 1997, art 45

[333] Sex Discrimination (Northern Ireland) Order 1976, art 56A

[334] The SDO only refers to Industrial Tribunals.

[335] Codes of Practice | Equality Commission NI

[336] For example, Equality Commission for Northern Ireland, Eliminating Sexual Orientation Discrimination in Northern Ireland: A Guide on the Provision of Goods, Facilities, Services, and Premises (2008)

[337] Claire Sugden MLA, Consultation Summary: Age Discrimination Bill (2025), p. 14

[338] Office of First Minister and deputy First Minister, Consultation on proposals to extend Age Discrimination Legislation (Age Goods, Facilities and Services) (2015) p. 90

[339] Equality Commission for Northern Ireland, Response: Addressing Age Discrimination in Goods, Facilities and Services (2025), p. 31

In its response to TEO's consultation on RRO reform, the Law Society highlighted that wider Code of Practice powers in relation to race would be a positive development to help employers, service providers to understand their obligations and encourage the adoption of best practice.[340] In the context of the RRO, under which Codes have to be taken into account by Courts and Tribunals, the Law Society noted that Codes are a useful source for tribunals when adjudicating on a case.

Other jurisdictions

The EHRC can issue Codes of Practice in connection with any matter addressed by the Equality Act 2010, to ensure or facilitate compliance with the Act, or to promote equality of opportunity.[341] The EHRC must consult on a draft, submit the draft to the relevant Secretary of State, who, if they approve it, will lay it before Parliament, to be subject to the negative resolution procedure. Once approved, a Code can be admissible in evidence in criminal or civil proceedings, and must be taken into account by the court or tribunal where relevant. A Code can be revised.

Likewise, IHREC can issue Codes of Practice, including in relation to the elimination of discrimination and the promotion of equality of opportunity.[342]

Potential scrutiny points

Members may wish to consider:

- How any Codes of Practice issued by ECNI would interact with the statutory guidance required from TEO under clause 44, including their respective purposes and status;

[340] The Executive Office, Review of the Current Race Relations (NI) Order 1997 Consultation Response Report (2024) p. 57

[341] Equality Act 2006, secs 14-15

[342] Irish Human Rights and Equality Commission Act (Ireland) 2014, sec 31

- The rationale for referring to equality of access to services, rather than equality of opportunity;
- Whether this clause should make specific reference to victimisation; and
- What approval, Assembly scrutiny and legal status should apply to Codes issued under clause 22, including whether they should be required to be taken into account by courts where relevant.

10.3 Clauses 23-27: ECNI Investigation Powers

Clauses 23-27 allow ECNI to undertake formal investigations in relation to the carrying out of its duties. TEO could also require ECNI to undertake an investigation.

These can be general investigations into a wider issue, or 'named person' investigations, focusing on particular persons or organisations, where ECNI believes an unlawful act may have been committed.

There are requirements in relation to Terms of Reference.

For named person investigations, there are duties to ensure the person is informed and has an opportunity to make representations.

A person who wilfully alters, suppresses, conceals or destroys a required document, or who knowingly or recklessly makes a false statement, is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Following an investigation, ECNI could make recommendations to any person for changes in their policies or procedures with a view to promoting equality, or to the Department for changes in the law or otherwise. ECNI must prepare a report of its findings, which must be published or made available for inspection. If, however, the investigation has been required by the Department, it is the Department that will publish the report.

There are restrictions on the disclosure of information given to ECNI in connection with a formal investigation, contravention of which amounts to an offence, liable on summary conviction to a fine not exceeding level 5 on the standard scale.

ECNI has equivalent powers under much of the other equality legislation. It has not carried out a named person investigation under the other equality legislation, with the exception of an investigation started by its predecessor body, the Equal Opportunities Commission, under the SDO into a newspaper.[343] It has undertaken several general investigations, most recently in 2015 under the SDO, in relation to pregnant women and mothers' treatment at workplaces.[344]

Such investigations are discretionary, unlike the separate regime in relation to complaints about public authorities' compliance with equality schemes where there are statutory duties, as discussed below.

The Department can require ECNI to carry out an investigation, although this has never happened.

The powers under clause 25 for the Commission to obtain information would seemingly exclude unlawful acts which are not covered by clause 10 – e.g. by associations.

[343] Belfast Telegraph Newspapers Ltd, Re Application for Judicial Review [2001] NIQB 43

[344] This investigation report is no longer available on the Commission's website, but ECNI officials have indicated to RaISe it can be provided on request.

Other Northern Irish equality law

These provisions are broadly equivalent to most other Northern Irish equality legislation's investigation powers.[345] However, the EA (SO) Regs give broader powers to obtain information, and includes where the Terms of Reference state that the Commission believes that the person has done or is doing:

- unlawful acts of discrimination or harassment;
- contraventions of the discriminatory practices provision; and
- discriminatory advertisements or instructions, or pressure to commit unlawful acts, and confine the investigation to those acts.

By contrast, the equivalent clause 25 (2) (b) refers only to contraventions of clause 10 of this Bill.

The interpretation section of the EA (SO) Regs clarifies when a non-discrimination notice becomes final.[346]

There are no investigation powers under the EEA or the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003.

However, there is a different approach under the Fair Employment legislation, which focuses on promoting equality of opportunity in workplaces by looking at religious composition and relevant practices.[347] Under this approach, there is not a requirement for a belief that a named person has committed an unlawful act.

There is also a separate procedure for investigations in relation to section 75 of the Northern Ireland Act 1998, where public authorities have not complied with their equality scheme.[348] These types of investigations, which can be initiated by ECNI or through a complaint, make up the majority of the investigations the Commission has undertaken since it has been established. When a complaint is

[345] For example, The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006 regs 30-34

[346] The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 2 (5)

[347] The Fair Employment and Treatment (Northern Ireland) Order 1998, art 11

[348] Northern Ireland Act 1998, sch 9

properly made, ECNI has statutory duties to either investigate it, or provide reasons for not investigating.[349] From 2023-present, the Commission has published five such investigations online.[350]

Stakeholder views

The Bill's consultation did not specifically refer to an investigation procedure.

OFMdFM's 2015 proposals included that ECNI would be able to conduct formal investigations for any purpose connected with its duties, and be able to make subsequent recommendations.[351]

ECNI recommended that it be able to conduct formal investigations and to make recommendations for change following those investigations in any age-GFS legislation.[352]

Other jurisdictions

The EHRC has powers in relation to both inquiries[353] and investigations.[354] Only investigations can consider whether a person has committed an unlawful act. EHRC inquiries have included challenging decisions about adult social care and legal aid for victims of discrimination, whilst investigations have included whether Pontins committed racial discrimination.[355] Courts and Tribunals can have regard to inquiries and investigations, but cannot treat them as conclusive.[356]

[349] Northern Ireland Act 1998, sch 9, para 10

[350] Our investigations | Equality Commission NI

[351] Office of First Minister and deputy First Minister, Consultation on proposals to extend Age Discrimination Legislation (Age Goods, Facilities and Services) (2015) p. 90

[352] Equality Commission for Northern Ireland, Response: Addressing Age Discrimination in Goods, Facilities and Services (2025), p. 31

[353] Equality Act 2006, sec 16

[354] Equality Act 2006, sec 20

[355] Equality and Human Rights Commission, Inquiries and Investigations (accessed 17/07/2026)

[356] Equality Act 2006, sch 2, para 17

IHREC can undertake inquiries, but the provisions require IHREC to consider that there has been a serious violation of human rights or equality of treatment, or a systemic failure to comply with human rights or equality of treatment obligations, in order to conduct an inquiry.[357] IHREC has never undertaken such an inquiry.[358]

Although not an investigation as such, IHREC can also invite an organisation to carry out an Equality Review and/ or Action Plan, or undertake such a review itself, to assess if the organisation's practices and procedures promote equal opportunity and prevent discrimination.[359] IHREC has previously asked every local authority to complete a review in relation to funding for Traveller accommodation. It invited Gymnastics Ireland to complete an Equality Review, and has two other processes ongoing.[360]

Potential scrutiny points

Members may wish to consider:

- How such investigations powers may be used, given that ECNI has not made use of equivalent powers under other legislation;
- Whether the procedural requirements for named-person investigations provide an appropriate balance between enabling ECNI to investigate suspected unlawful conduct effectively and providing safeguards for persons subject to investigation; and
- Why the information-gathering powers for named-person investigations under clause 25 refer specifically to

[357] Irish Human Rights and Equality Commission Act (Ireland) 2014, sec 35

[358] Email correspondence between RaISe and IHREC officials, August 2026

[359] Irish Human Rights and Equality Commission Act (Ireland) 2014, sec 32

[360] Irish Human Rights and Equality Commission, Equality Reviews (accessed 17/07/2026)

contraventions of clause 10, and whether they are intended to extend to other unlawful conduct under the Bill. This should be considered alongside the enforcement provisions for clause 19 discussed in Part 6.

11 Part 6 and Schedules: Enforcement

11.1 Clauses 28-31: Procedural rules for making a claim

Clauses 28-31 outline the procedural rules for a person (either natural or legal), to make a claim under this Bill.

If someone considers that they have been unlawfully treated under Part 3, or clauses 5-8, they can bring civil proceedings in the County Court. This excludes clause 19 on associations, which is in Part 4.

The burden of proof can be reversed, in specific circumstances, aligned with other equality legislation.

There is generally a six-month time limit for bringing a claim under the Bill, which can be extended if a person applies for help from the Commission.

Clause 28 sets out that, except as provided by the Bill, no civil or criminal proceedings can be pursued against a person in relation to an unlawful act under the Bill. However, this does not stop applications for judicial reviews.

Clause 29 outlines that a person can bring civil proceedings in the County Court in relation to an unlawful act under Part 3 being committed against them. They can also bring a claim where such an act can be treated as being done by the respondent, by virtue of the provisions dealing with instructions and pressure to discriminate, aiding unlawful acts, and the liability of employers, principals, employees and agents.

Remedies would be the same as in the High Court, and damages may include compensation for injury to feelings. Judges may choose to appoint assessors, with relevant skill and expertise to assist them. The Commission has highlighted that usually in the County Court, the judge will order the losing party to pay the costs of the winning party,[361] unlike in Industrial Tribunals.

The County Court would have jurisdiction in relation to relevant acts done on a ship, aircraft or hovercraft outside its division, including such an act done outside Northern Ireland.

Clause 30 allows for the burden of proof to be reversed, if the claimant shows sufficient facts which suggest that, in the absence of any other explanation, the respondent has acted unlawfully. The respondent must then show that they did not act unlawfully. This does not apply to any criminal proceedings (e.g. where a person conceals a document they are required to produce in relation to an investigation, under clause 25 (6)).

Clause 31 imposes a general time limit of six months, although this can be extended if the court thinks it is just and equitable. In practice, an extension is unusual in relation to other areas of equality law.

Where there has been conduct over a period of time, the six months starts at the end of the period. Where the issue is a failure to do something, the six months starts when the decision was made, which can be shown by the respondent doing something inconsistent. Where a person applies for assistance from ECNI before the end of that six-month period, the time limit is extended by two months.

There are specific County Court rules for those bringing a claim who are under-18, such as suing by a 'next friend'.[362]

[361] Equality Commission for Northern Ireland, Discrimination in Services (accessed 17/07/2026)

[362] County Court Rules (Northern Ireland) 1981, rule 11

Other Northern Irish equality law

These provisions are largely in line with other Northern Irish equality law, in relation to claims going through the County Court.

However, other legislation[363] does not just limit claims to the equivalent of clause 10, but includes other fields, such as associations, premises and education (as above, the latter two fields do not have specific provisions in this Bill). The Department of Education has to be informed about education discrimination claims in other legislation.

Other legislation also provides that, in relation to indirect discrimination, no award of damages shall be made if the respondent proves that the requirement or condition in question, or as the case may be, provision, criterion or practice, was not applied with the intention of treating the claimant unfairly.[364]

For employment related discrimination claims, there is generally a three-month time-limit, and a requirement to notify the Labour Relations Agency and consider early conciliation, in line with other employment cases.[365]

Stakeholder views

The Bill's consultation report did not go into the details of how individuals could bring cases.

OFMdFM's 2015 proposals included that the enforcement proceedings would be in line with other equality legislation, including in relation to bringing a case to the County Court, with a six-month time limit.[366] They also said provisions in relation to the burden of proof should be consistent. Likewise, ECNI has recommended that provisions should broadly align with the other equality

[363] For example, The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 36

[364] The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 36 (3)

[365] For example, The Employment Equality (Age) Regulations (Northern Ireland) 2006, reg 48

[366] Office of First Minister and deputy First Minister, Consultation on proposals to extend Age Discrimination Legislation (Age Goods, Facilities and Services) (2015) pp.89-90

grounds, although pointed out that consideration should be given to any changes brought about to the RRO.[367]

COPNI have highlighted that ensuring that affected individuals and groups have accessible and affordable routes to challenge discrimination, including through the legal system, is a vital aspect of meaningful protection, as reflected in both British and Irish legal frameworks. [368] The Children's Law Centre were supportive of those 2015 proposals relating to enforcement.[369]

Other jurisdictions

These clauses are broadly in line with those under the Equality Act 2010, although, like other equality laws here, the scope of the cases which can be brought is wider, to include e.g. associations.[370] There are also specific provisions for unintentional indirect discrimination (including 'same disadvantage' indirect discrimination), which require that the court must not make an award of damages unless it first considers whether to make any other disposal.[371] The EHRC Code explains that indirect discrimination will be intentional where the defendant knew that certain consequences would follow from their actions, and they wanted those consequences to follow.[372] A motive, for example, of promoting business efficiency, does not mean that the act of indirect discrimination is unintentional.

[367] Equality Commission for Northern Ireland, Response: Addressing Age Discrimination in Goods, Facilities and Services (2025), p. 32

[368] Commissioner for Older People in Northern Ireland, Response: Consultation on Addressing Age Discrimination in Goods, Facilities, and Services (2025), p. 7

[369] Children's Law Centre, Consultation Response: Age Discrimination in Goods, Facilities and Services (2025), pp. 19-20

[370] Equality Act 2010, sec 114

[371] Equality Act 2010, sec 119 (5) (6)

[372] Equality and Human Rights Commission, Statutory Code of Practice: Services, public functions and associations (2026), p. 325

In Great Britain, it is also a requirement that County Court judges (or Sheriffs in Scotland) appoint assessors to assist them in under the Equality Act 2010, unless the judge is satisfied that there are good reasons for not doing so.[373]

In the Republic of Ireland, claimants must notify the respondent in writing within two months of the alleged conduct, setting out the nature of the complaint, and the intention that, if not satisfied with the response, to seek redress under the Equal Status Act.[374] This can be extended to four months or, exceptionally, lifted by the Workplace Relations Commission (WRC).[375] The Minister can by regulations prescribe the form to be used by a complainant and respondent[376]. This has not been done, but the WRC has created template forms that can be used by claimants and respondents.[377]

There is a six-month time limit from the date of the conduct to make a complaint to the WRC, which, as above, also deals with most claims under the Equal Status Act.[378] This can be extended to 12 months.

The Irish Government has proposed[379] extending the notification period from two months to four months, keeping the possibility of an extension for reasonable cause of a further two months. The usual period for taking a claim to the WRC would be extended from six months to 12 months, again keeping the possibility of an extension for reasonable cause at a further six months.

As cases in the Republic of Ireland are heard in the WRC, which is similar to an Industrial/ Employment Tribunal, costs are generally not awarded.[380]

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[373] Equality Act 2010, sec 114 (8)

[374] Equal Status Act (Ireland) 2000, sec 21 (2) (a)

[375] Equal Status Act (Ireland) 2000, sec 21 (3) (a)

[376] Equal Status Act (Ireland) 2000, sec 21 (5)

[377] Workplace Relation Commission, Complaint Forms, ES-1 and ES-2, (accessed 20/07/2026)

[378] Equal Status Act (Ireland) 2000, sec 21

[379] Irish Government, General Scheme: Equality (Miscellaneous Provisions) Bill 2024, p. 23

[380] Irish Human Rights and Equality Commission, The Equal Status Acts 2000-2018: A guide to your rights if you are discriminated against in accessing goods or services, p. 48

As above, there is a different process for discriminatory clubs, as well as for licensed premises.[381]

Potential scrutiny points

Members may wish to consider:

- How the protections in clause 19 are intended to be enforced and whether the omission of clause 19 from the individual enforcement provisions in Part 6 is intentional; and
- Whether the Bill should include a specific approach to damages, in cases of indirect discrimination where the Court is satisfied that the provision, criterion or practice was not applied with discriminatory intent

11.2 Clauses 32-36: Non-discrimination notices and persistent discrimination

These clauses enable ECNI to serve a non-discrimination notice where, in the course of a formal investigation, it becomes satisfied that a person is committing or has committed unlawful acts.

There are appeal rights to a County Court.

ECNI can investigate compliance with a non-discrimination notice, as long as notice of the investigation is issued within five years of the non-discrimination notice.

ECNI would have to establish and maintain a register of non-discrimination notices which have become final.

[381] As cited immediately above, pp. 37-39

> If, within five years of a non-discrimination notice being issued or a County Court making a finding of unlawful discrimination or harassment, it appears to ECNI that a person is likely to commit further unlawful acts, it may apply to a County Court for an injunction restraining that person. This is known as 'persistent discrimination'.

ECNI has advised they are not aware of ever having issued a non-discrimination notice.[382] As discussed above, ECNI has not undertaken a formal named person investigation into whether a person has committed unlawful acts, which is a necessary precursor to a non-discrimination notice.

Clause 32 enables ECNI to serve a non-discrimination notice where, in the course of a formal investigation under clauses 23-25, it becomes satisfied that a person is committing or has committed unlawful acts. A notice can be issued whether or not proceedings have been brought in relation to the act.

The notice would require the person not to commit any such acts, and where compliance involves changes in practices or arrangements, to inform ECNI of those changes. The notice can require information to be given to ECNI to verify that it has been complied with, within five years. If a person fails to comply with a notice, the Commission can apply to a County Court for an order requiring them to comply with it.

Before serving a non-discrimination notice, ECNI must give the person notice that it is minded to issue such a notice, offer an opportunity for oral/ written representations within 28 days and take account of any representations made.

Clause 37 provides a right of appeal against a non-discrimination notice to a County Court within 6 weeks of the notice being served. The court may quash a requirement it considers unreasonable, and may direct that the notice be treated as if it contained a replacement requirement.

[382] Correspondence between ECNI officials and RaISe, 09/09/2026

Clause 38 enables ECNI to investigate compliance with a non-discrimination notice. If the terms of reference of a formal investigation state that its purpose is to determine whether requirements of a non-discrimination notice have been or are being carried out, the Commission may serve investigation notices, within five years of the non-discrimination notice being final. ECNI can then serve notices to obtain information until whichever is later of five years since the non-discrimination notice, or two years since the investigation notice.

Clause 35 requires ECNI to establish and maintain a register of non-discrimination notices which have become final. Any person is entitled to inspect the register during ordinary office hours and take copies of any entry. The Commission may choose to charge a fee for this.

ECNI is not aware that it has used equivalent persistent discrimination powers under other legislation. [383] Similarly to elsewhere in the Bill, this provision does not refer to victimisation.

Other Northern Irish equality law

These provisions align with most other Northern Irish equality law.[384] The EEA Regs and the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003 do not include provision for non-discrimination notices.

Stakeholder views

The Bill's consultation report did not go into the details of non-discrimination notices, but did state that, at that stage in August 2025, that options for enforcement, including ECNI's role in bringing proceedings, were under consideration.[385]

OFMdFM's 2015 proposals did not specifically refer to non-discrimination notices, but did say that it made sense for ECNI to have the same powers as it

[383] Correspondence between ECNI officials and RaISe, 09/09/2026

[384] For example, The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, regs 37-41; Sex Discrimination (Northern Ireland) Order 1976, arts 67-71

[385] Claire Sugden MLA, Consultation Summary: Age Discrimination Bill (2025), p. 14

did under other equality law.[386] Likewise, ECNI's response to this Bill did not specifically refer to non-discrimination notices.[387] However, they did call for powers to challenge persistent discrimination.

Other jurisdictions

The EHRC can issue unlawful act notices, following an investigation, if the EHRC is satisfied that a person has committed an unlawful act under the Equality Act 2010.[388] This may then require an action plan for the purpose of avoiding repetition or continuation of the unlawful act.[389] For instance, they did so following their investigation into Pontins.[390]

Following an inquiry, if IHREC is satisfied that a person has discriminated or is discriminating (or has done a range of other issues), they can serve an equality and human rights compliance notice.[391] This requires that the person does not commit or ceases committing the act or omission, and specify what steps IHREC require to be taken by the person. There are similar provisions to this Bill in relation to appeals, maintaining a register and the ability to apply to a court for an injunction if the notice is not adhered to. As above, IHREC has not undertaken an inquiry, so therefore has not issued such a notice.

IHREC can also issue substantive notices where it appears to IHREC that there is a failure in any undertaking or undertakings to implement any provision of an equality action plan, requiring them to take a particular action.[392]

[386] Office of First Minister and deputy First Minister, Consultation on proposals to extend Age Discrimination Legislation (Age Goods, Facilities and Services) (2015) p. 90

[387] Equality Commission for Northern Ireland, Response: Addressing Age Discrimination in Goods, Facilities and Services (2025), p. 32

[388] Equality Act 2006, sec 21

[389] Equality Act 2006, sec 22

[390] Equality and Human Rights Commission, Pontins Investigation (accessed 17/07/2026)

[391] Irish Human Rights and Equality Commission Act (Ireland) 2014, secs 36-39

[392] Irish Human Rights and Equality Commission Act (Ireland) 2014, sec 33

Potential scrutiny points

Members may wish to consider how ECNI anticipates using the non-discrimination notice and persistent-discrimination powers under the Bill, taking account of its limited experience of using comparable powers under existing equality legislation

11.3 Clauses 37 and Schedules: Help for persons in obtaining information etc

Clause 37 helps potential victims of unlawful treatment obtain information from persons they consider may have discriminated against them. The person aggrieved may serve questions in a prescribed form (or forms to the like effect), in the schedules. Any replies are admissible as evidence. The Court can draw inferences if there is no response, and no reasonable excuse, or the response is evasive.

Schedules 1 and 2 set out the questionnaire templates to be used to ask questions and respond. There can be variation to the forms, as the circumstances require.

These provisions allow for what is known as ‘the questionnaire procedure’, to help the potential victim gather information, which may help inform them whether to proceed with a claim.

A question and any reply may be served on the respondent, or the person aggrieved.

These provisions do not explicitly refer to harassment or victimisation.

Other Northern Irish equality law

It is common across Northern Irish equality law for there to be a provision allowing those who think they may have been discriminated against to ask questions of the person they consider has discriminated, and for this to be

admissible as evidence.[393] For some areas, the template questionnaires are contained in separate regulations.[394]

Like this Bill, the equivalent provisions in other equality legislation refer to discrimination.

Stakeholder views

The Bill's consultation summary report did not refer to the questionnaire.

In 2015, OFMdFM's consultation proposed that a person who is a victim of alleged discrimination and is considering bringing proceedings under the regulations should have the benefit of a standard form by which to question the alleged discriminator, and that there should be a similar form available for the respondent.[395]

TEO considered the questionnaire procedure in relation to the RRO, in their 2023 consultation.[396] The majority of respondents to this question felt that the premise of being able to ask for information prior to proceedings should be retained however the specific details of how that could be achieved varied. The ICO cautioned that, '*it is important that any changes to legislation do not impact on the ability of aggrieved individuals to obtain information that they are legally entitled to*'.

In response to TEO's consultation on racial equality law, ECNI outlined that the questionnaire procedure can benefit both the complainant and respondent by potentially satisfying the complainant or assisting settlements, meaning legal proceedings are not necessary, and if not, can help identify what is in dispute

[393] The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 42; The Employment Equality (Age) Regulations (Northern Ireland) 2006, reg 46

[394] For example, The Disability Discrimination (Questions and Replies) Order (Northern Ireland) 2004; Race Relations (Questions and Replies) Order (Northern Ireland) 1997

[395] Office of First Minister and deputy First Minister, Consultation on proposals to extend Age Discrimination Legislation (Age Goods, Facilities and Services) (2015), p. 89

[396] The Executive Office, Review of the Current Race Relations (NI) Order 1997 Consultation Response Report, p. 68

and make proceedings simpler.[397] It considered the current approach '*fits into a model of openness and transparency before the hearing of the case, assisting both sides to make informed choices about the merits of their case'*.

Other jurisdictions

The equivalent provision in Great Britain[398] was repealed in 2013[399], as part of the Coalition Government's work to reduce regulatory burdens.

However, the Labour UK Government has indicated it intends to reinstate a statutory questionnaire procedure, to be used in pay discrimination cases only.[400]

In the Republic of Ireland, when writing to the respondent to set out the nature of the complaint, a complainant may also ask for additional information[401]. As above, the Minister can by regulations prescribe the form to be used by a complainant and respondent[402]. This has not been done, but the WRC's template form to notify respondents includes spaces to allow for questions and responses.[403]

The WRC can draw inferences if the respondent does not reply, or if the information was false or misleading.[404]

[397] Equality Commission for Northern Ireland, Consultation Response: The Executive Office: Consultation on the Review of the Race Relations (NI) Order 1997 (2023), pp. 80-81

[398] Equality Act 2010, sec 138

[399] Enterprise and Regulatory Reform Act 2013, sec 66

[400] Office for Equality and Opportunity, UK Government, Government consultation on equal pay and pay discrimination (2026), p. 14

[401] Equal Status Act (Ireland) 2000, sec 21 (2) (b)

[402] Equal Status Act (Ireland) 2000, sec 21 (5)

[403] Workplace Relation Commission, Complaint Forms, ES-1 and ES-2, (accessed 20/07/2026)

[404] Equal Status Act (Ireland) 2000, sec 26

Potential scrutiny point

Members may wish to consider whether clause 37 should also explicitly refer to harassment and victimisation.

11.4 Clauses 38-39: Other Commission enforcement and undertakings

Clause 38 empowers ECNI to take enforcement action in relation to claims of instructions and pressure to discriminate (clauses 5-6). Proceedings may be brought by application to a County Court for a decision on whether the contravention occurred, and/ or for an injunction restraining further unlawful acts.

Clause 39 enables ECNI to seek written undertakings from persons who have committed unlawful acts.

ECNI is given specific powers to take enforcement action in relation to claims of instructions and pressure to discriminate.

Where ECNI makes an application for an injunction, it must appear to the Commission that a person has done an unlawful act under clauses 5 and 6 (instructions or pressure to discriminate), and that the person is likely to do it again. The County Court may grant the injunction, in the way ECNI applies for, or in more limited terms. In these kind of proceedings, ECNI will not allege that the person has done an unlawful act, without a final finding by a County Court.

Clause 39 allows ECNI to seek written undertakings from persons where it is satisfied that they have committed unlawful discriminatory acts or contravened clauses 5 or 6, for the purpose of preventing further contraventions. ECNI can do so whether or not proceedings have been brought.

The undertakings may specify acts to do or refrain from doing, practices to institute, or changes to existing practices. If it seems to ECNI that a person has

failed to comply with an undertaking, ECNI may apply to the County Court for a decision on whether there has been compliance.

ECNI has previously used equivalent powers under the RRO to make an Agreement with an estate agent who had used documents in which properties for letting or sale were indicated as not being suitable for members of minority ethnic groups.[405]

The operation of clause 38 should also be considered alongside the issues identified above concerning the scope of clauses 5 and 6, including their references to contraventions of Part 2.

Other Northern Irish equality law

The EA(SO) Regs and the RRO have broadly equivalent provisions[406]. Other equality legislation contains variations[407], whilst the EEA Regs and the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003 do not give ECNI any such equivalent powers.

As above, both of the equivalent provisions in the EA (SO) Regs also refer to discriminatory advertisements and discriminatory practices, whilst the RRO allows ECNI to bring proceedings in relation to discriminatory advertisements, and seek undertakings in relation to discriminatory advertisements and discriminatory practices. As above, the Bill does not include specific provisions on discriminatory advertisements nor discriminatory practices.

Stakeholder views

The Bill's consultation report does not address these enforcement powers.

[405] Equality Commission for Northern Ireland, Consultation Response: The Executive Office: Consultation on the Review of the Race Relations (NI) Order 1997 (2023), p. 70

[406] The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, regs 43-44; The Race Relations (Northern Ireland) Order 1997 art 60, 62.

[407] For example, the SDO contains powers for the Commission to bring proceedings in relation to discriminatory advertisements, and instructions and pressure to discriminate, but does not include a provision on undertakings.

OFMdFM's 2015 consultation proposed that ECNI would be able to enforce provisions on discriminatory practice, discriminatory advertisements, instructions to discriminate and pressure to discriminate.[408] It didn't specifically refer to undertakings, but proposed that ECNI would have equivalent powers to other legislation.

In response to TEO's consultation on racial equality law, ECNI called for the retention of its equivalent powers under the RRO.[409] It outlined that the powers to bring proceedings in relation to instructions and pressure to commit unlawful acts (as well as discriminatory advertising) was an important means to take action to prevent unlawful acts, where there may be no identified victim, especially in the absence of wider powers to take cases in the absence of named individuals. Likewise, it called for powers in relation to undertakings to be retained.

TEO's analysis of responses to the RRO consultation found that most of the respondents wanted ECNI's equivalent powers to be retained.[410]

Other jurisdictions

The EHRC has a broad power, to apply for an injunction, where it thinks that a person is likely to commit an unlawful act.[411]

Where it thinks a person has committed an unlawful act, it can also enter into undertakings with a person where the person undertakes not to commit a specified unlawful act and to take, or refrain from taking, other specified action.[412] In these circumstances, the Commission undertakes not to take an investigation against the person.

[408] Office of First Minister and deputy First Minister, Consultation on proposals to extend Age Discrimination Legislation (Age Goods, Facilities and Services) (2015), p. 90

[409] Equality Commission for Northern Ireland, Consultation Response: The Executive Office: Consultation on the Review of the Race Relations (NI) Order 1997 (2023), pp. 70-71

[410] The Executive Office, Review of the Current Race Relations (NI) Order 1997 Consultation Response Report, pp. 61, 63

[411] Equality Act 2006, sec 24

[412] Equality Act 2006, sec 23

IHREC does not have equivalent powers.

Potential scrutiny points

Members may wish to consider:

- How the operation of clause 38 may be affected by the issues identified in relation to the scope of clauses 5 and 6; and
- To what extent is ECNI likely to use these powers

11.5 Clause 40: Assistance by the Commission

This clause enables ECNI to provide assistance to individuals who are actual or prospective complainants or claimants in proceedings under the Bill.

ECNI must consider applications for assistance from individuals ECNI could not assist respondents, nor other legal persons who are not individuals, such as incorporated organisations.

Assistance may be granted where the case raises a question of principle, where it is unreasonable to expect the applicant to deal with the case unaided, or by reason of any other special consideration. Assistance may include giving advice, procuring settlement, arranging for legal advice or assistance, or any other appropriate form of assistance. In ECNI's policy for the provision of legal advice and assistance (which is non-statutory), it has identified other criteria as:[413]

- Impact and ripple effect;
- Legal uncertainty;

[413] Equality Commission for Northern Ireland, Policy for the provision of legal advice and assistance (2022)

- Merits of the case;
- Similar cases; and
- Cost-benefit analysis.

ECNI would have two months (which can be extended to three months) to consider the application and decide whether or not to grant it.

The recovery of any expenses incurred by ECNI would be a first charge on any costs awarded to the applicant by virtue of a judgement, order of a court or an agreement, and on their rights under any settlement which avoids the case going to court. This is subject to any charge under the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 and is subject to any provision in that Order for payment of any sum into the legal aid fund.

Other Northern Irish equality law

ECNI has similar powers of assistance under the other equality legislation.[414] ECNI's discrimination advice service is a free and confidential phone and email service. People who think they may have experienced discrimination can seek initial information, although this is not legal advice. During 2025-26, the service had 3,757 new enquiries, an increase on the previous year's figure of 3,237, reflecting an upward trend since the Covid-19 pandemic.[415] Around 22% of these related to goods, facilities and services (67% were employment related).

ECNI also receives written applications for assistance, under equivalent provisions as those in this clause. In 2025-26, across the other equality grounds, ECNI received 490 applications for assistance. This was a 21% increase on the 405 applications for assistance received in 2024-25. The Legal Funding Committee considered 359 applications for assistance, an increase on last year's 348. 44 (12.3%) were granted assistance.

The majority of the cases assisted by ECNI end in settlement – 32 last year, with compensation of £737, 500 for individuals, along with settlement terms

[414] For example, The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 45; The Employment Equality (Age) Regulations (Northern Ireland) 2006

[415] Equality Commission for Northern Ireland, Annual Report and Accounts 2025-2026, pp. 17-18.

including remedial action. Eight of these cases related to goods, facilities and services, all of which were related to disability. In 2025-26, there were only three cases ending in a judgment, two upheld and one dismissed. Both of the upheld cases were in the County Court.

Stakeholder views

The Bill's consultation indicated that, at the stage in August 2025, ECNI's role in bringing proceedings was under consideration.[416]

OFMdFM's 2015 consultation proposed that ECNI would be able to provide legal advice and assistance to actual or proposed complainants bringing proceedings before a court.[417] ECNI has recommended that it have such powers under age-GFS legislation.[418]

Other jurisdictions

As above, the Equality Advisory and Support Service helpline advises and assists individuals on issues relating to equality and human rights in Great Britain, although this does not constitute legal advice.[419] From July 2024-July 2026, they received 785 calls about age discrimination, of which just over 50%, 395, were not related to employment discrimination. [420]

The EHRC is empowered to assist an individual who is or may become party to legal proceedings under the Equality Act 2010, and can be entitled to expenses where the claimant becomes entitled to costs, through an award or agreement.[421] The EHRC also has express powers to intervene in others' cases

[416] Claire Sugden MLA, Consultation Summary: Age Discrimination Bill (2025), p. 14

[417] Office of First Minister and deputy First Minister, Consultation on proposals to extend Age Discrimination Legislation (Age Goods, Facilities and Services) (2015), p. 90

[418] Equality Commission for Northern Ireland, Response: Addressing Age Discrimination in Goods, Facilities and Services (2025), p. 31

[419] Equality Advisory and Support Service, About Us (2026)

[420] Email correspondence between RaISe and Equality Advisory and Support Service, Aug 2026

[421] Equality Act 2006, sec 28-29

under the Act, and to apply for judicial review if it thinks a public body has acted or failed to act in a way that breaches the Equality Act 2010.[422]

IHREC operate a 'Your Rights' information service, which provides information on equality and human rights law. In 2024, it received 4, 472 contacts, 425 of which related to the Equal Status Acts, of which 43 were on the age ground.[423]

IHREC can also grant legal assistance.[424] In 2024 they received 287 applications for legal assistance, of which 155 were approved,[425] including legal advice for someone refused a student discount by her gym due to her age.[426]

Potential scrutiny points

Members may wish to consider:

- Whether ECNI intends to operate its advice line and legal assistance policy for age-GFS in the same way as it currently does for other grounds; and
- Asking ECNI what additional demand it anticipates arising from age-GFS enquiries and applications for assistance, and what evidence is available to inform that assessment.

Not included in the Bill

There are other procedural provisions included within the EA (SO) Regs, which are not included in the Bill, which set out that final findings of a court shall be treated as conclusive in any proceedings[427], which is also in the Equality Act

[422] Equality Act 2006, sec 30

[423] Irish Human Rights and Equality Commission, Annual Report 2024, p. 12

[424] Irish Human Rights and Equality Commission Act (Ireland) 2014, sec 40

[425] Irish Human Rights and Equality Commission, Annual Report 2024, p. 14. This includes applications carried over from 2023.

[426] As cited immediately above, p. 15. This may have opened in an earlier year

[427] The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 37 (1)

2010.[428] There are also provisions dealing with how evidence should be treated in relation to statutory authority and national security exceptions,[429] for which there is no direct equivalent in the Equality Act 2010.

> **Potential scrutiny point**
>
> Members may wish to consider whether equivalent provisions should be included within the Bill.

12 Part 7: Validity of Contracts

> These provisions make terms of contracts unenforceable where they constitute, promote or provide for treatment which would be unlawful under this Bill.

These provisions would ensure contracts could not be used to allow discriminatory behaviour.

Clause 41 provides that a term of a contract is unenforceable against a person in so far as it constitutes, promotes or provides for treatment which is prohibited by the Bill.

Clause 42 enables the County Court, on application by a person with an interest in a contract, to make an order removing or modifying an unenforceable term. Every person who would be affected must be given notice and an opportunity to make representations.

Clause 43 provides that a term of a contract is unenforceable in so far as it purports to exclude or limit a provision of or made under the Bill.

[428] Equality Act 2010, sec 137

[429] The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 37 (2)-(3), 51

Other Northern Irish equality law

Other anti-discrimination laws in Northern Ireland include provisions on the validity and revision of contracts.

In the EA (SO) Regs[430], a term of a contract is void where:

- its inclusion renders the making of a contract unlawful under the Regulations; or
- it is included in furtherance of an act which would be unlawful under the Regulations; or
- it provides for the doing of an act which would be unlawful under the Regulations.

Where a term whose inclusion constitutes, furthers or provides for unlawful discrimination against, or harassment of, a party to the contract, or purports to exclude or limit a provision of these Regulations, it is not voided, but is unenforceable. There is provision for a County Court to make an order to remove or modify the term.

There are similar provisions in other areas of equality law.[431]

Stakeholder views

This issue was not considered in the Bill's consultation, and ECNI did not refer to it in its response to that consultation.

OFMdFM's 2015 proposals included ensuring that a contract which provides for undertaking or furthering an act which is made unlawful should be void.[432] Any contractual term that seeks to exclude or limit the requirements of any future legislation should be unenforceable.

[430] The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 25

[431] The Employment Equality (Age) Regulations (Northern Ireland) 2006, sch 4, pt 1; The Race Relations (Northern Ireland) Order 1997, art 68; Sex Discrimination (Northern Ireland) Order 1976, art 77

[432] Office of First Minister and deputy First Minister, Consultation on proposals to extend Age Discrimination Legislation (Age Goods, Facilities and Services) (2015), p. 48

Other jurisdictions

The Bill's provision reflects the wording of the Equality Act 2010.[433] There is not an equivalent provision in the Irish legislation.

Potential scrutiny points

Members may wish to consider:

- The rationale for basing these provisions on the wording in the Equality Act 2010 rather than other Northern Irish equality legislation; and
- What practical difference it makes that other Northern Irish law allows contract terms to be voided, as opposed to unenforceable

13 Part 8 Guidance and Regulations

13.1 Clause 44: Duty to publish guidance

This clause creates a duty on TEO to issue guidance on the Bill before it commences, which is due to be a year after Royal Assent.

The guidance must cover:

- the operation of the prohibition of discrimination and related conduct under Part 2;
- the application of the objective justification test;
- the scope and effect of any exceptions made by regulations under this Act;

[433] Equality Act 2010, secs 142-144

- examples of lawful and unlawful age-based distinctions in the provision of goods, facilities and services; and
- any other matters that TEO considers appropriate

TEO must consult the Commission and anyone else they consider appropriate before issuing the guidance.

It would have to be reviewed at least every five years, and may be revised. It must be published in a way TEO considers appropriate.

The Department would be required to consult on and issue guidance within a year of the Bill receiving Royal Assent. However, under the commencement provisions, this clause does not come into effect until a day after Royal Assent is granted. The guidance would also have to accommodate any exceptions made to the Bill through Regulations, which, as below, might only be able to be made over a year after Royal Assent is granted.

It is not clear what status this Departmental guidance would have, as compared to any Codes of Practice, or non-statutory guidance issued by the Commission.

Other Northern Irish equality law

Rather than statutory Departmental guidance, the practice in relation to other equality law in Northern Ireland has been for the Commission to produce guidance e.g. on Sexual orientation discrimination in the provision of goods, facilities, services, and premises (2008) and Accessible goods and services guide (2014).

Stakeholder views

The Bill's consultation summary refers to the importance of guidance.[434]

Departmental guidance was not proposed in OFMdFM's 2015 consultation, instead proposing that the Commission would provide guidance and information on any future age discrimination legislation, and work with businesses, service

[434] Claire Sugden MLA, Consultation Summary: Age Discrimination Bill (2025), p. 14

providers and the public sector to promote good practice and compliance with the legislation.[435]

Other jurisdictions

There is no such statutory duty in Great Britain or Republic of Ireland for a Department to issue detailed guidance.

However, the Equality Act 2010 allows for secondary legislation to introduce age-based exceptions – any orders made under this provision can also confer a power on a Minister of the Crown or the Treasury to issue guidance about the operation of the order.[436] The Government did issue some 'quick start' guidance,[437] including short publications aimed at specific sectors.[438]

More generally, the EHRC has issued a Code of Practice in relation to services, public functions and associations,[439] as well as other guidance.[440]

IHREC has issued a less detailed guide to the Equal Status Acts, primarily aimed at individuals.[441]

Potential scrutiny points

Members may wish to consider:

[435] Office of First Minister and deputy First Minister, Consultation on proposals to extend Age Discrimination Legislation (Age Goods, Facilities and Services) (2015), p. 90

[436] Equality Act 2010, sec 197

[437] Government Equalities Office, UK Government, Equality Act 2010 Banning Age Discrimination in Services An overview for service providers and customers (2012)

[438] For example, Government Equalities Office, UK Government, Equality Act 2010 Ban on age discrimination in the provision of services, public functions and associations A guide for small businesses (2012)

[439] Equality and Human Rights Commission, Statutory Code of Practice: Services, public functions and associations (2026)

[440] Equality and Human Rights Commission Guidance (accessed 22/07/2026)

[441] Irish Human Rights and Equality Commission, The Equal Status Acts 2000-2018 A guide to your rights if you are discriminated against in accessing goods or services (2020)

- How TEO guidance under clause 44 is intended to interact with any Code of Practice or other guidance issued by ECNI, including their respective purpose and legal status;
- Whether there should be any other statutory consultees for the guidance, such as COPNI and NICCY;
- The timeline, including the relationship with the commencement provisions, and whether a year is sufficient time for the Department to prepare, consult on and issue thorough guidance.

13.2 Clause 45: Review

This clause provides that TEO must review Parts 2 and 3 of the Bill, within three years of their commencement (a year after Royal Assent).

Further reviews must be carried out at least every five years after that.

TEO must lay a report of the review before the NI Assembly. A review must consider:

- the effectiveness of the prohibition of discrimination in achieving its aims;
- the scope and operation of any exceptions made by regulations under section 14;
- the extent to which the objective justification defence under section 2(2) has been relied upon; and
- such other matters as the Department considers appropriate.

The inclusion of Part 3 would include the age threshold of 16 for protections from discrimination in the provisions of services. However, Part 4 is not included and therefore the review would not be required to consider the operation of the

exceptions not made through regulations e.g. statutory authority. The review would also not be required to consider ECNI's role, nor enforcement provisions.

Clause 45 does not provide an end point for the five-yearly review requirement, meaning that the statutory duty would continue indefinitely unless the legislation were subsequently amended.

Other Northern Irish equality law

Other Northern Irish anti-discrimination law does not require similar statutory reviews.

Stakeholder views

The Bill's consultation noted that some respondents proposed regular review and evaluation mechanisms to ensure the legislation remains effective and responsive to emerging challenges.[442] ECNI's response to this consultation did refer to a statutory review in relation to any financial services exception, and called for a review to consider the merits of including children and young people under the age of 16 within the scope of the legislation, in the event they were not included in the Act as introduced.[443]

OFMdFM's 2015 consultation did not propose any such reviews.

Other jurisdictions

The Equality Act 2010 did not include a statutory duty for review.

The Irish legislation includes a requirement that the Minister review the Act within two years of commencement to assess whether there is a need to add to the discriminatory grounds.[444] This Review does not seem to have occurred

[442] Claire Sugden MLA, Consultation Summary: Age Discrimination Bill (2025), p. 8

[443] Equality Commission for Northern Ireland, Response to OFMdFM Consultation on Proposals to Extend Age Discrimination Legislation to Goods, Facilities and Services (2015), provided to RaISe, pp. 26, 57

[444] Equal Status Act (Ireland) 2000, sec 3 (4)

within the two years,[445] although a review of the Equal Status Acts and the Employment Equality Acts was initiated in 2021.[446]

Potential scrutiny points

Members may wish to consider:

- Whether it is appropriate that there is an ongoing duty to review the legislation every five years; and
- Whether there should be a requirement to consider all the exceptions in Part 4, and the Commission's powers.

13.3 Clause 46: Regulations

Clause 46 allows for regulations to be made to amend Part 3 of the Bill to make something lawful, where it would have been unlawful by reason of clause 10.

Regulations are to be made by the draft affirmative resolution procedure. This means that it does not have effect in draft form, and the Assembly must approve the draft statutory rule, on a motion in Plenary, before it is made. If the Assembly approves the draft statutory rule, the rule making body may then proceed to make the statutory rule.

The ability of Regulations to amend an Act amounts to Henry VIII powers.

Any power of the Department to make an order or regulations under this Act includes power to make such supplementary, incidental, consequential, transitional, transitory and saving provision as the Department considers appropriate.

[445] Correspondence between RaISe and IHREC officials, August 2026

[446] Irish Government, The Review of the Equality Acts (last updated 2025)

As above, there are also more restrictive powers under clauses 14 and 15 in relation to making regulations on exceptions.

The regulation making power only applies to actions made unlawful by clause 10, and therefore could not be used to make exceptions relating to associations.

Other Northern Irish equality law

There are similar powers in some other Northern Ireland equality legislation, such as the RRO[447] and SDO,[448] although not the EA (SO) Regs or the EEA Regs. In some instances, these powers are broader e.g. to amend whole parts, rather than just focused on introducing exceptions to make an act lawful which would otherwise be unlawful.

Stakeholder views

The Bill's consultation summary report did not refer to regulations to create exceptions, although did refer to tightly defined exceptions.[449]

OFMdFM's 2015 consultation did set out a range of exceptions, but did not include reference to a similar provision in their proposals, although as above, did set out a range of exceptions. As above, ECNI raised that there may be value in introducing a mechanism whereby ad hoc exceptions can be made to the principle of equal treatment as new scenarios are encountered.[450]

Other jurisdictions

As above, the Equality Act 2010 allowed for exceptions to be made in relation to age discrimination by secondary legislation,[451] which were made in 2012.[452]

[447] The Race Relations (Northern Ireland) Order 1997, art 68

[448] Sex Discrimination (Northern Ireland) Order 1976, art 79

[449] Claire Sugden MLA, Consultation Summary: Age Discrimination Bill (2025), p. 14.

[450] Equality Commission for Northern Ireland, Response: Addressing Age Discrimination in Goods, Facilities and Services (2025), p. 30

[451] Equality Act 2010, sec 197

[452] The Equality Act 2010 (Age Exceptions) Order 2012

There is no equivalent regulation making power in the Irish legislation to allow exceptions to be made by secondary legislation for age-GFS protections.

Potential scrutiny points

Members may wish to consider:

- Seeking the views of the Examiner of Statutory Rules on the Delegated Powers in this Bill;
- How this clause sits alongside clauses 14 and 15; and
- The scope of these regulation-making powers, including whether they should be broader to allow more changes to the legislation beyond exceptions, or whether they are too broad by not placing restrictions on the exceptions which can be introduced.

14 Part 9: Supplementary Provisions

Clause 47 provides that the Bill applies to acts done by or for the purposes of a Minister of the Crown, a Northern Ireland Minister, or a government department, and to acts done on behalf of the Crown by a statutory body or a person holding a statutory office, as it applies to acts done by a private person.

Clause 48 defines some terms used in the Bill. Of particular importance is that ‘person’ includes public, private or voluntary sector organisations.

Clause 49 sets out that Part 5 of the Bill (which relates to the Commission’s powers) comes into force on the day after Royal Assent, with the rest of the provisions coming into effect a year later.

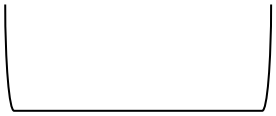
Clause 50 sets out that the eventual Act may be cited as the Age Discrimination (Goods, Facilities and Services) Act (Northern Ireland) 2026.

As discussed above, this commencement timetable would allow a year for guidance and regulations to be developed prior to commencement of the substantive provisions. However, the regulation making powers would also come into effect on the same day. There would therefore likely be a lag time between the prohibitions against discrimination coming into effect (Step 2 below), and any exceptions being passed by the Assembly (Step 3 below). Service providers would therefore have to rely on the justification provision in clause 2 (2), rather than being able to use an exception. For example, a café offering reduced rates for certain age groups would have to justify that, and insurance providers would likewise have to be able to objectively justify any differential age treatment.

As above, under clause 44, the Department is under a duty to produce guidance before the commencement provisions of the Act. However, clause 44 only comes into effect a year after the day after Royal Assent.

Table 1: Potential timing issue if regulations cannot be made before substantive commencement

Step 1: Day after Royal Assent	**Step 2: One year later**	**Step 3: One year later +**
Part 5 commences, which relates to the majority of ECNI's powers and duties under the Bill.	All other provisions commence, including the prohibition of discrimination, the duty on TEO to produce guidance, and the ability of TEO to introduce Regulations	Assembly votes on any draft Regulations, which will come into effect on the date in the Regulations.



Potential lag time, during which only exceptions within the Bill are in effect

Other Northern Irish equality law

The EA (SO) Regs has equivalent provision, but in addition binds the Crown in relation to provisions on public functions.[453] As above, this Bill does not provide for public functions which are not services.

Additionally, in the EA (SO), there is a specific provision clarifying that references to the affording by any person of access to benefits include any means by which it is in that person's power to facilitate access to benefits provided by any other person (the "actual provider"). [454] This means there is

[453] The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, reg 53

[454] The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, sec 48

protection from someone discriminating in how they facilitate someone else actually providing the benefit.

Stakeholder views

These procedural issues do not seem to have been considered by stakeholders to date.

Other jurisdictions

The majority of the Equality Act 2010 applies to Crown acts as it applies to acts done by a private person.[455] However, the exercise of public functions binds the Crown. The Explanatory Notes outline that the principle is that the machinery of government, both elected and administrative, should be subject to the Act in the same way as everybody else, unless there are good reasons for it not being.[456] The section also replicates the arrangements in the previous discrimination legislation for taking proceedings against the Crown.

There is an equivalent provision in relation to facilitation of access to benefits in the interpretation section of the Equality Act 2010, which is perhaps more comprehensive and clearer – 'A reference (however expressed) to providing or affording access to a benefit, facility or service includes a reference to facilitating access to the benefit, facility or service'.[457]

Potential scrutiny points

Members may wish to consider:

- Whether the timetable for commencement is appropriate, particularly mindful of the fact that exceptions may be made through Regulations, and the duty on the Department to produce guidance;

[455] Equality Act 2010, sec 205

[456] Equality Act 2010 - Explanatory Notes, sec 205

[457] Equality Act 2010, sec 212 (4)

- If there are provisions on public functions, whether these should bind the Crown; and
- Whether it would be helpful to clarify that there is also protection in relation to facilitation of access to benefits, facilities or services.

15 Review of Costs

This Review of Costs aims to support Northern Ireland Assembly Members in their plenary, committee and constituency capacities, when scrutinising key 'public purse' implications that could arise from the Age Discrimination (Goods, Facilities and Services) Bill[458], if enacted and implemented as introduced. It focuses on direct and indirect public expenditure impacts, relying on sources available to the Public Finance Scrutiny Unit (PFSU) within the Assembly's Research and Information Service (RaISe) at the time of writing. Those include: the introduced Bill[459]; its accompanying EFM[460]; content contained in other sections of this RaISe Bill Paper; the draft Bill's consultation summary document[461]; and the Impact Assessment conducted for similar legislative changes in Great Britain[462].

Initially, the Review provides background information, defining terminology and providing a brief overview of the Northern Ireland public finance context. Thereafter, it explores the Bill's public purse implications; note that this section is not exhaustive.

[458] *Age Discrimination (Goods, Facilities and Services) Bill* (46/22-27), as introduced (15 June 2026). Available here.

[459] As cited immediately above.

[460] Age Discrimination (Goods, Facilities and Services) Bill: Explanatory and Financial Memorandum

[461] Claire Sugden MLA, Consultation Summary: Age Discrimination Bill (2025),

[462] Home Office, Ending age discrimination, Impact Assessment (2012).

15.1 Public Finance Context in Northern Ireland

To provide wider framing for subsequent discussion about the Bill's key potential public purse implications, key definitions and the challenging Northern Ireland public finance context are set out below.

15.1.1 "Public Purse" defined

The "public purse" refers to taxpayers' money raised through taxation and other sources of government revenue. Government departments - including their Ministers and individual officials - are custodians of the public purse – meaning they are required to use public funds "efficiently, effectively and economically." Moreover, departmental Accounting Officers are personally responsible for ensuring value for money in accordance with public finance management principles. In Northern Ireland, the public purse comprises the Northern Ireland block grant allocated by His Majesty's (HM) Treasury, locally generated revenues, and any other public funding streams.

Any public purse costs that could arise from the Age Discrimination (Goods, Facilities and Services) Bill would be met by departmental spending – that is, either within the existing TEO budget, or through reprioritisation within the Executive's overall spending envelope.

15.1.2 Central and Devolved Public Finance Context

When examining key public purse considerations that could arise from the Bill as introduced, it is important to have some understanding of the ongoing challenging period for public finances at both the central and devolved levels across the United Kingdom. Of note for purposes of this Review of Costs, key public finance developments across the period February 2024 up to the time of writing this Paper are outlined at **Annex A** of this Paper.

15.1.3 Draft Budget 2026-2029/30 – TEO Allocations

On 6 January 2026, the Finance Minister published a Written Ministerial Statement to the Assembly on the Draft Budget 2026-29/30. The Statement outlined proposed funding allocations for Resource Departmental Expenditure

Limits (RDEL) and Capital Departmental Expenditure Limits (CDEL) during the specified period, including TEO's, as reproduced below in **Table 2**.

Table 2: Proposed TEO Budget Outcome 2026-30, £ million[463]

Funding Category	2026-27	2027-28	2028-29	2029-30
Resource DEL	217.0	230.9	231.0	-
Capital DEL	20.0	13.0	11.0	12.0
Total DEL	**237.0**	**243.9**	**242.0**	**12.0**

Source: Draft Budget 2026-29/30

At the time of writing, the Draft Budget 2026-2029/30 remains unagreed by the Executive. In response to the Finance Minister's announcement on 6 January 2026, a senior official from TEO told the department's Assembly Committee[464] on 4 February that:

> *…in totality, the baseline for resource, as for all Departments, is extremely challenging across both earmarked and non-earmarked funding…under the proposals for the earmarked framework allocations that are set out, we would be allocated amounts at a lower level than requested.*

More recently, on 14 October, senior officials from TEO appeared to give evidence to the department's Assembly Committee[465] on TEO's departmental budget. They told Members:

> *…with Ministers' approval, we are now planning on the basis of the Finance Minister's Draft Budget (Version 2) proposals…this has invariably created challenges for financial planning, decision-making, and providing certainty to arms-length bodies, delivery partners, and to the wider*

[463] Department of Finance, Draft Budget 2026-29/30

[464] Committee for the Executive Office, Official Report, 4 February 2026

[465] Committee for the Executive Office, video recording of proceedings, 14 October 2026, available here.

voluntary and community sector. Against that backdrop our priority has been to ensure that the department continues to meet its statutory obligations, maintain delivery of key Executive commitments, and manage resources prudently within the funding available.

For the purposes of this Review of Costs, the above context-setting importantly highlights the extent of existing financial pressures which the entire Executive faces, with particular focus on the challenges within TEO.

Potential Scrutiny Point

- Given the existing budgetary challenges and competing pressures in Northern Ireland, how would TEO ensure that appropriate resourcing is provided to the ECNI to fully implement the Bill, if enacted as introduced?

15.2 Bill Consultation

The Bill's consultation summary document offers a detailed outline of the key issues raised by respondents. This sub-section focuses on Section 6[466] of that summary, which outlined the Bill proposal's identified financial implications at that time. It found that respondents generally saw the Bill proposals to be "affordable, proportionate, and likely to deliver long-term benefits that outweigh any short-term costs"[467].

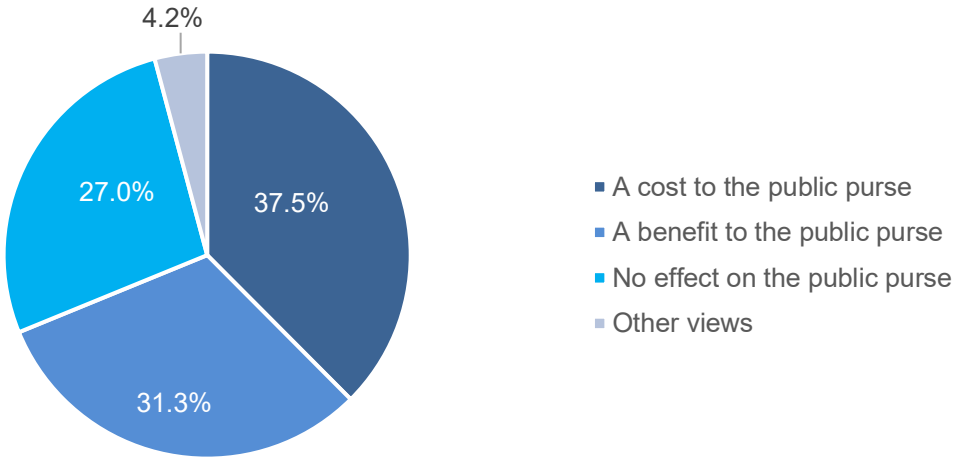
Figure 1 below provides a breakdown of respondents' views on the Bill proposal's potential impact on the public purse. A majority (64.5%) believed the proposed Bill would either have a benefit to the public purse, or would have no effect on the public purse, with 31.3% believing the proposed Bill would have a cost to the public purse. Several respondents, including representative and equality bodies, argued any **short-term implementation costs** would be

[466] Claire Sugden MLA, Consultation Summary: Age Discrimination Bill (2025), p. 12.

[467] As cited immediately above, p. 12

outweighed by longer-term gains in public health, economic participation, and social cohesion.

Figure 1: Responses to Public Consultation on proposed Age Discrimination Bill – Expected impact on public purse[468]



Source: Age Discrimination Bill, Consultation Summary Report (2025)

Notably, ECNI's response to the public consultation included a sub-section addressing potential costs of the specified Bill proposals. The ECNI stated:

> *In considering potential costs and benefits to business and the public purse, consideration should be given to the social benefits of furthering equality, as well as any* ***potential economic benefits of ensuring more equal access to services****. Consideration should be given to how restricting access to services for people of certain ages may have economic implications; for example, when children and young people as customers are either refused service or restrictions are placed on their ability to access services, the* ***economy misses out on increased business*** *and revenue.*
>
> *…we consider that, aligned with other equality legislation, including age protections in employment and goods, facilities and services protections on other grounds, the* ***Commission should have particular powers*** *and*

[468] Claire Sugden MLA, Consultation Summary: Age Discrimination Bill (2025)

> *duties under the legislation.* ***We will require sufficient resources to adequately fulfil these powers and duties***[469].

The introduced Bill subsequently made it clear that ECNI would be given further substantial powers relating to guidance, compliance, enforcement and monitoring, if enacted and implemented as stated. On 16 June 2026, RaISe-PFSU contacted ECNI to ascertain its current position on costs, and ECNI replied on 18 June 2026 stating:

> *…we have taken on additional powers and duties over the time [we] have been operating and, in each case, the business case for the additional resources required to provide the necessary services has been agreed, and resources put in place for when the legislation has taken effect… [ECNI is] not aware of any recent published materials [on the financial impact of age discrimination in Northern Ireland…*[470]

In addition to the ECNI, the consultation summary report noted:

> *…a small number of submissions noted that public bodies and service providers may need to revise policies, update training, and improve staff awareness to meet new legal duties*[471].

In particular, some Trade Union and advocacy groups, including UNISON, Unite, and the Children's Law Centre, noted enforcement and awareness mechanisms would need to be sufficiently funded to ensure meaningful impact. That could include public education campaigns, accessible complaints pathways, and oversight or advisory functions within the existing institutional framework.

[469] Equality Commission for Northern Ireland, Response: Addressing Age Discrimination in Goods, Facilities and Services (2025), pp. 16-17.

[470] ECNI response to RaISe-PFSU email, 18 June 2026.

[471] Claire Sugden MLA, Consultation Summary: Age Discrimination Bill (2025), p. 12.

15.3 Bill EFM

In terms of possible financial impacts of the introduced Bill, the EFM states:

> *The main financial effects…relate to administration, enforcement, and litigation costs. The Bill extends the functions of ECNI…this represents a potential cost to the public purse…there may also be costs to the providers of goods, facilities and services to ensure compliance…these requirements are not expected to create a significant financial burden…any short-term implementation costs are expected to relate primarily to awareness raising, training and compliance support...in conclusion, the legislation is considered a cost-effective reform with manageable financial implications…*[472]

The EFM also concludes that over time the legislation would support improved health outcomes; increased economic participation; and greater social inclusion, if enacted. These outcomes in turn could have a positive impact on the public purse, potentially easing pressure on public services, particularly in health, social care, and housing.

15.4 Comparison with Other Jurisdictions

As noted at the beginning of this Section, some of this analysis relies on an Impact Assessment (IA) document[473] prepared for similar legislative changes in Great Britain (GB) under part of the Equality Act 2010[474] (as set out in section 5 of this Bill Paper. That Act (amongst a range of other things) prohibited age discrimination in the provision of goods and services (which includes facilities) – effective 1 October 2012. Given the relevance of that GB legislation to this introduced Bill, albeit with some differences noted below, it is useful to consider key considerations identified in the Impact Assessment and during the consultation process for what is now the 2010 Act.

[472] As cited immediately above, pp. 14-15.

[473] Home Office, Ending age discrimination, Impact Assessment (2012).

[474] Equality Act 2010

First to note, however, a key difference between the GB legislation and the introduced Bill for Northern Ireland is that the protections against discrimination in goods, facilities and services only apply for those aged 18 and over in GB, and 16 and over in this Bill. Northern Ireland's broader scope of coverage therefore could have a modest impact at the margin on the introduced Bill's potential public purse implications, which should be noted for scrutiny purposes.

The Impact Assessment for the GB Bill summarised the expected costs and benefits of the policy actions outlined. A few points worth noting within that document include[475]:

i. The Impact Assessment expresses monetised costs and benefits in terms of 'transition costs,' average annual costs and benefits, combined to give total cost and benefit figures over a ten-year horizon following commencement (2011-21).
ii. *Net Present Value* expresses the 'net' effect of the benefits minus the costs[476].
iii. The impact is divided across three sectors: general services; health and social care; and financial services. This offers an insight into the structure of anticipated costs from the Bill's similar policy intervention in Northern Ireland.

Table 3 below presents the identified monetised costs contained within the GB Impact Assessment.

[475] Home Office, Ending age discrimination, Impact Assessment (2012).

[476] An aggregate value on the economic implications of the policy intervention over the term considered (ten years in this case).

Table 3: Monetised Costs in Great Britain by Category

Category/Group	Expected Cost – £ million (m)
Familiarisation, training, and compliance costs	**£8.8-10.0m** transitional costs for private sector, **£2.0-2.1m** transitional costs for public sector.
Ongoing compliance costs in Health and Social Care sector	**£0.15m** for private sector, **£0.26m** for public sector.
Litigation costs	**£0.56-0.89m** in year one and **£0.51-0.81m** from year two onwards to service providers, individuals, and the Exchequer.
Financial services (transparency costs)	**£0.72m** for private sector in transition costs (setting up data monitoring system) and **£0.25m** recurring for administering data collection (non-legislative measure).
Financial Services (increase in claims)	**£7.8m** annually recurring for private sector.

Source: Home Office (2012)

As Table 3 indicates, most costs fall onto the private sector, as opposed to the public sector. The following sub-sections concentrate on the latter, given the underlying purpose of this Review of Costs.

15.5 Commentary: Key Potential Public Purse Implications

Noting ECNI's response that they are not aware of any recently published material on the financial impact of age discrimination in Northern Ireland, to undertake an analysis of some of the key potential public purse implications of this Bill if enacted and implemented as introduced, the figures in the GB Impact Assessment are scaled down in basic terms to account for the much lower population in Northern Ireland versus Great Britain. It is important to be mindful that the population scaling approach adopted in this sub-section does not account for the Bills' different scope of coverage – 18 years for the GB Bill and 16 for the introduced Bill. Consequently, these scaled estimates are purely

indicative and are provided with clear methodological caveats, including the following:

- Certain elements of the costs in Great Britain are 'fixed costs' – in essence, they do not scale consistently based on population size. An example of this is implementing new digital software within an IT system. Policy interventions which apply across Great Britain benefit from 'economies of scale'[477] which do not exist to the same extent in Northern Ireland.
- Northern Ireland has a different population age structure than Great Britain. Specifically, it has a higher proportion of those aged 0-15 (20% vs. 18.1%) and a lower proportion of those aged 65 and over (18.1% vs. 19%)[478].

Office for National Statistics (ONS) mid-year population estimates for 2024 indicate that Great Britain's population is approximately 35 times larger than Northern Ireland. This is therefore the scaling factor applied here.

15.5.1 Training, Familiarisation and Compliance Costs

Again, the Bill's EFM notes that:

> *Any short-term implementation costs are expected to relate primarily to awareness raising, training and compliance support, and these are considered modest and achievable within existing resources.*[479]

Potential Scrutiny Point

- The Bill's EFM states '…short-term implementation costs…are considered modest and achievable within existing resources….' Could TEO detail any assessment,

[477] In simple terms, economies of scale is a concept which refers in this context to the cost per additional user of a public service reducing as the scale increases.

[478] ONS *mid-year population estimate 2024,* accessed via Nomis query 25 June 2026.

[479] Age Discrimination (Goods, Facilities and Services) Bill: Explanatory and Financial Memorandum.

undertaken by either itself, ECNI, or otherwise, to ascertain the potential scale of any implementation costs if the Bill is enacted as introduced?

The GB Impact Assessment noted additional training costs to the public sector; estimated in the range £1.30-£1.42m. These costs are relatively modest given the population coverage in Great Britain, and when scaled to account for Northern Ireland's population, give an indicative cost range of £37,000-£40,800.

Whilst these indicative costs are likely to somewhat underestimate the true cost associated with providing training due to the economies of scale at play in Great Britain, they nevertheless could be expected to have a negligible impact on the public purse in Northern Ireland, should the Bill be enacted and implemented as introduced. There could be further ongoing training costs to ensure staff are kept up to date with the latest position, particularly if the Bill would be amended via secondary legislation. Again, these costs would not be expected to be material.

As for 'awareness raising', as noted in the GB Bill's EFM, the closest analogue to this in the Impact Assessment was 'familiarisation' costs. This was estimated at £80,000 across general services and the health and social care system. Therefore, the population scaled estimate for Northern Ireland is £2,286, representing a negligible effect on the public purse. Note that this estimate should be read with the same caveats around economies of scale (as outlined at start of this Commentary) and is likely to somewhat underestimate the true cost.

Finally, following the broad structure of the EFM, the Impact Assessment forecasts compliance (referred to also as 'changing policies and procedures') to generate costs to the public sector of £0.53m. Here, applying the scaling ratio to Northern Ireland generates an indicative estimate of around £15,000.

Overall, then, the scaling approach applied to these three elements generates an indicative cost of around £54,000-£58,000 for Northern Ireland associated with training, familiarisation, and compliance support. These elements represent

only a portion of the total identifiable financial implications. Other potential cost implications will be further outlined below.

15.5.2 ECNI Duties and Powers

The introduced Bill confers a range of new and/or expanded powers on ECNI. The new statutory functions for ECNI outlined particularly in Part 5 of the Bill as introduced, which includes areas such as research, investigations, developing Codes of Practice, monitoring, and reporting. Taken together, if the Bill would be enacted and implement as introduced, these would be likely to add to operational and administrative costs for the Commission, particularly through increased demand on staff resource. The GB Impact Assessment does not offer an obvious comparative costing in this area, so scaling is not applied.

However, ECNI noted in their 2024-25 Annual Report[480] that three-quarters of their overall resource budget consists of staffing costs, and that over the last decade there have been ongoing reductions in staffing levels. As such, the Commission could be particularly susceptible to modest changes in staff resourcing requirements, however at the time of writing RaISe-PFSU has not been provided with any forecasts of this kind from the Commission.

Part 6 of the introduced Bill also gives ECNI specific new roles relating to enforcement (issuing and monitoring non-discrimination notices, maintaining a register, seeking injunctions, assisting claimants with advice, etc.), which would be likely to add further to their costs. Unfortunately, it is challenging to provide a specific estimate of the scale of these costs given that there is a lack of robust data on the scale of age discrimination in Northern Ireland (as noted by ECNI) – this aspect of costs is therefore a current unknown which Members may wish to explore further as part of the Bill's scrutiny process. Moreover, these costs would be largely determined by the frequency of instances of suspected age discrimination.

[480] Equality Commission for Northern Ireland, Annual Report and Accounts 2024-25

Potential Scrutiny Points

- Given the noted absence of robust data on the scale of existing age discrimination in Northern Ireland, what approach would TEO or ECNI take to assess the scale of costs associated with their new functions under the introduced Bill, if enacted and implemented? Please detail for the Committee for The Executive Office.
- What contingency planning has TEO undertaken to ensure ECNI would be sufficiently resourced to fulfil its new statutory duties and powers under the introduced Bill if enacted and implemented?

15.5.3 Legal Costs

Part 6 of the Bill as introduced also enables individuals to bring discrimination claims, allows appeals against non-discrimination notices, and provides for injunction applications. These would be likely to result in additional costs to the public purse if they materialised, mainly via requirements on the court and wider legal system. The ability for individuals to bring discrimination claims in the County Court could increase case volumes, particularly in the transitional years following commencement, when legal boundaries are more likely to be tested. If that situation arose, it would be likely to require additional resourcing, or lead to opportunity costs on staff time within the justice system.

Additional costs could also arise from appeals against non-discrimination notices and applications for injunctions, particularly for complex or 'borderline' cases. It is possible that the availability of compensation could encourage higher levels of litigation in general. There may also be potential costs associated with ECNI supporting claimants through advice, representation, and litigation.

As noted earlier in this Bill Paper, in 2025-26, across other equality grounds, the Commission received 490 applications for assistance – a 21% increase on 2024-25. The Legal Funding Committee granted assistance to 44 cases – a

12.3% increase on the previous year. Most of the cases assisted by the Commission end in settlement – 32 last year, with compensation of £737,500 for individuals. Broadening the scope of anti-discrimination legislation would be reasonably expected to increase caseload and expenditure further. However, the scale is unclear at present. Given the already established staffing challenges within ECNI, combining that with an increased caseload, the Bill if enacted as introduced could generate modest additional pressure on the public purse.

Overall, these factors would suggest an increase in administrative legal expenditure. However, producing robust cost estimates is again curtailed by the lack of currently available data in this area to forecast what scale of increased caseload would be expected. Accordingly, the following potential scrutiny points are suggested to the Committee.

Potential Scrutiny Points

- Could TEO detail any assessment made, by itself or otherwise, to ascertain the expected volume of cases which would be brought if the Bill was enacted and implemented as introduced, and what impact this would have on the public purse?
- What engagement, if any, has taken place between TEO and ECNI to establish whether current staffing resource is sufficient to fulfil the provisions of the Bill, if enacted and implemented as introduced? Please detail.
- What engagement, if any, has taken place between TEO and the Department of Justice to ascertain the potential cost implications of the Bill, if enacted and implemented as introduced, on the legal system? Please detail.

15.5.4 Provision of Exemptions

The provision of exemptions within Part 4 of the introduced Bill, if enacted and implemented as introduced, would not be expected to result in additional costs to the public purse, to the extent that these exemptions largely preserve existing practices already permitted under the current legal and regulatory framework. In practical terms, many of the areas covered, such as established practices in financial services, private dwellings and care in the home, are already in operation and would continue without substantive change.

Accordingly, these provisions would not be expected to require new administrative structures or enforcement activity in and of themselves, beyond those already in place. To some extent, these exemptions could instead mitigate potential costs which could have arisen by limiting the number of disputes or enforcement action under the Bill as introduced. On this basis, and consistent with the findings of the Impact Assessment in GB, the financial impact of these exemptions could reasonably be assessed as minimal.

One further point to note is that if the Bill would be enacted and implemented as introduced, there would be scope for further exemptions and changes to made via secondary legislation. The potential public purse implications of this are detailed below.

15.5.5 Potential Financial Benefits

The Bill's accompanying EFM states:

> *...over time the legislation is anticipated to support improved health outcomes, increased economic participation and greater social inclusion. These benefits have the potential to ease pressure on public services, particularly in health, social care, and housing, by reducing the impact and cost of age-related inequality.*[481]

Further, ECNI outlined its similar position in its response to the Bill's public consultation, arguing that there were economic benefits of ensuring more equal

[481] Age Discrimination (Goods, Facilities and Services) Bill: Explanatory and Financial Memorandum.

access to goods and services. ECNI also point to the potential negative economic implications of restricting access to goods and services (including facilities) to those of certain ages, and how the wider economy as a result misses out on increased business and revenue.

It also appears that the implementation proposals of its provisions, in delegating new duties and powers to ECNI without establishing new bodies, would be likely to represent a lower cost to the public purse. It is important to understand that delivery of this Bill through the existing institutional framework avoids further public purse implications which could arise through setting up brand-new organisations or bodies.

In any case, ECNI and TEO, as well as the wider Executive, would have an interest in ensuring that the full benefits, both social and economic, of this Bill's provisions would be fully realised.

Potential Scrutiny Points

- The Bill's EFM states that the Bill: '…has the potential to ease pressure on public services…by reducing the impact and cost of age-related inequality…'. How does TEO intend to assess any associated cost savings resulting from the Bill, if enacted as introduced? Please detail.
- Could TEO detail any assessment made, by itself or otherwise, on the potential economic benefits of the Bill over the medium to long term, if enacted and implemented as introduced?

15.5.6 Use of Secondary Legislation to Implement Bill

If the Bill would be enacted and implemented as introduced, a number of its provisions would require secondary legislation – for example, regulations – to be brought forward by TEO (sometimes following proposals from ECNI). This includes areas such as:

- Clause 14-15: Further exceptions to Part 3, beyond those specified within the introduced Bill, would be added by regulations, subject to certain requirements. These would be subject to draft affirmative procedure.
- Clause 46: Allows regulations to be made to amend Part 3 of the Bill to make exceptions, where an action would be unlawful under Clause 10. These would be subject to draft affirmative procedure.

When considering key potential public purse implications that could arise from the Bill, it is important to consider such regulations – secondary legislation – that subsequently could be enacted under the Bill. That secondary legislation could incur costs when implemented, and those costs typically cannot be estimated until the detail of the secondary legislation would become available. For that reason, it is important to factor this consideration into Assembly deliberations on the Bill at the time of scrutinising the proposed enabling legislation (the primary legislation) – here, this Bill.

And when doing so, also bear in mind the specified Assembly resolution procedure by which the specified secondary legislation subsequently would be brought forward under the Bill, as said procedure bears a relationship to the scrutiny that the Assembly would apply to that secondary legislation. In this case, regulations are to be made under draft affirmative procedure. This Assembly procedure requires Assembly approval of the subordinate legislation before it could come into operation.

Potential Scrutiny Point

- If the Bill would be enacted and implemented as introduced, the Committee for The Executive Office (TEO) may wish to ask TEO for any costings it would compile or have others compile when formulating any of the specified secondary legislation under this Bill, to ensure that the public purse implications of such secondary legislation would receive adequate Assembly scrutiny.

15.6 Review of Costs: Concluding Remarks

Whilst the Bill would create a range of new duties and powers, particularly for ECNI, the available evidence suggests that many of the direct, short-term implementation costs associated with training, familiarisation and compliance activity would be likely to be modest in scale.

At the same time, significant uncertainty remains regarding key potential costs associated with ECNI's expanded enforcement functions and any resulting increase in legal proceedings. The absence of robust baseline data on the prevalence of age discrimination in Northern Ireland limits the extent to which such costs can be estimated with any confidence.

The potential public purse implications outlined in this Paper should therefore be regarded as indicative rather than definitive, with actual costs depending on a wide range of unpredictable factors such as claim volumes, enforcement activity, and behavioural change over time. Future resource requirements for ECNI, the justice system, and other public authorities would benefit from further assessment by stakeholders.

As noted, the introduced Bill is considered within the context of ongoing fiscal pressures across Northern Ireland departments, including within TEO. Consequently, any additional expenditure arising from the legislation would need to be considered alongside competing budgetary priorities and existing resource constraints.

However, given the available evidence from the Bill's consultation process, the Bill's accompanying EFM, and comparable legislation elsewhere in the UK, all such evidence indicates short-term implementation costs could be balanced by longer-term social and economic benefits. Those benefits could include improved equality of access to services, increased economic participation, enhanced social inclusion, and potential reductions in demand for certain public services over time.

Given that there are instances within the Bill whereby further changes may be brought via secondary legislation under draft affirmative procedure, ongoing Assembly scrutiny would be important if the Bill would be enacted and

implemented – in particular, to assess both implementation costs and any wider financial impacts.

Overall, whilst the Bill would be likely to give rise to some additional costs for the public purse, the evidence currently suggests that these would be likely to be manageable in scale, albeit subject to important uncertainties.

16 Conclusion

In conclusion, this paper provides an overview of the Age Discrimination (Goods, Facilities and Services) Bill, which makes provision for the prohibition of unjustified discrimination, harassment and victimisation on the ground of age in connection with the provision of goods, facilities, and services.

It outlines the contents of the Bill, compares it with other jurisdictions and raises a number of potential scrutiny points, most importantly:

- Scope of protection, particularly the exclusion of under-16s from protections in goods, facilities and services
- Protections in relation to public functions, schools and premises
- The approach to direct age discrimination and objective justification
- The relationship between clauses 14, 15 and 46 and the regulation-making powers
- Associations/private clubs and whether enforcement provisions adequately apply
- ECNI powers, responsibilities and resource implications
- The commencement timeline, particularly if significant exceptions are to be made through secondary legislation
- The extent to which the Bill should align with other equality legislation here and/ or other jurisdictions
- The potential ‘public purse’ implications of the Bill.

Annex A – Northern Ireland Timeline of Key Public Finance Developments from February 2024 – Present

Implementation of Political Agreements (February 2024 - Present)

Since the restoration of the Executive in February 2024, Departments have been undertaking work to facilitate the Executive's implementation of political and financial agreements – such as the Interim Fiscal Framework (May 2024), the Budget Sustainability Plan (October 2024) and the accompanying Budget Improvement Plan Roadmap (December 2024), as well as the establishment of Interim Transformation Board (March 2025). These measures have been broadly targeted to improve the position of Northern Ireland's public finances

Budget Information Gathering Exercise (August-September 2024)

The Department of Finance (DoF) undertook a 2025-28 Budget Information Gathering Exercise, requesting returns from all Northern Ireland Departments, marking the start of the planning stage in the 2025/26 Northern Ireland Executive Budget cycle. The DoF found that "Departments identified a reported £767 million of unfunded pressures", as reported to the Assembly on 23 September 2024.

UK Autumn Budget 2024 (October 2024)

The Chancellor's Autumn Budget 2024 set out some of the multi-year competing pressures facing the United Kingdom Government, potentially adversely impacting the Government's spending power in certain areas, along with other decisions relating to social security - see RaISe Briefing Paper 47/24 entitled "Chancellor's Autumn Budget 2024: initial considerations for Northern Ireland".

Departmental Bids Exceed Budget Allocation (December 2024)

Northern Ireland Departmental bids for 2025/26 resource and capital expenditure exceeded the Northern Ireland Budget allocated by the United Kingdom Government to the Executive.

Later that month, the 2025/26 Draft Executive Budget and accompanying Written Statement by the Minister for Finance highlighted ongoing "pay and inflationary pressures" and "growing demands" on public services.

UK Spring Statement 2025 (March 2025

The Chancellor's 2025 Spring Statement updated the House of Commons on the United Kingdom economy and public finances. Her Statement was accompanied by an Economic and Fiscal Forecast from the Office for Budget Responsibility (OBR). It also announced a number of policy decisions, which included reforms to the welfare system, increased defence spending and a £3.25 billion (b) "Transformation Fund" to reform public services. (Important to note this central government development, as the Northern Ireland Executive Budget is a sub-cycle within the United Kingdom Government's Budget cycle.) DoF officials thereafter explained during the Assembly Finance Committee meeting that:

> *…. on the allocations out of that fund, it will depend on which Whitehall departments get allocations from it so we don't get it on the £3.25 billion we'll get it on the allocations*

Executive Agrees 2025/26 Budget (3 April 2025)

The Executive agreed the 2025/26 Executive Budget, which the Finance Minister described as "sets out a direction of travel" which "clearly prioritises its Programme for Government priorities".

US Trade Tariffs (4 April 2025)

The American President announced substantial international trade tariffs, resulting in: plummeting stock markets across the globe; a collapsing American bond market; the subsequent 9 April 90-day pause on some new US tariffs; other countries' similar pauses; further consideration of retaliatory tariffs on the US; and an international trade war arising between the US and China.

US-UK Trade Deal (8 May 2025)

A non-binding trade deal was agreed by between the US and UK Governments. The general terms of the new trade deal where subsequently published in the UK-US Economic Prosperity Deal (EPD); the deal non-binding, meaning on-going further negotiations to work through the detail of the deal.

Executive Spending Plans Published (24 June 2025)

The DoF published its 2025-26 Budget Factsheet, setting out the Executive's spending plans for the one-year period from 1 April 2025 to 31 March 2026.

Finance Minister Written Statement (3 October 2025)

The Executive's Finance Minister provided a Written Ministerial Statement detailing Treasury Funding Available 2026-2029/30.

UK Autumn Budget 2025 (26 November 2025)

The Chancellor's Autumn Budget 2025 detailed the United Kingdom Government's resource spending plans up to 2028/29 and capital plans up to 2029/30.

NI Draft Multi-Year Budget (6 January 2026)

The Finance Minister published the Draft Budget 2026-2029/30 (not Executive agreed) and announced an eight-week public consultation on the proposals.

Treasury Agrees £400m Reserve Claim (11 February 2026)

HM Treasury agreed a reserve claim for the Northern Ireland Executive, to provide £400 million for 2025/25, which is to be repaid over three years. The Finance Minister confirmed in a written statement that same day that the £400 million would be allocated as follows, as agreed by Executive:

- Department of Education - £214.6 million
- Department of Health - £185.4 million

Treasury Agrees £400m Reserve Claim (11 February 2026)

The Chancellor delivered her Spring Forecast 2026

Later that day, in an Oral Statement to the Assembly, the Finance Minister confirmed additional £390 million Barnett consequentials over the next three-year period, comprising: Resource DEL - £380 million; and, Capital DEL - £9 million

UK Spring Forecast 2026 (3 March 2026)

The Chancellor delivered her 2026 Spring Forecast. Later that day, in an Oral Statement to the Assembly, the Finance Minister confirmed additional £390 million Barnett consequentials over the next three-year period, consisting of £380 million RDEL and £9 million CDEL.

Update on Multi-Year Budget Discussions (16 April 2026)

Speaking publicly following a meeting of Executive Ministers, the deputy First Minister stated that the Executive wanted a multi-year Budget agreed "as quickly as we can". She added

> *...but the reality is that there is a very, very significant shortfall...the moment that Budget would be agreed, unless we secure additional resource from the Treasury, would simply lead to significant cuts and massive impacts in terms of our public services and on the people that we are here to serve.*

The Finance Minister echoed these sentiments, stating that "to achieve the ambition of the Budget is going to take an injection of investment from the British Government."

Parties Meet SoSNI on Budget Progress (2 July 2026)

Speaking after the meeting, Hilary Benn MP said they had 'agreed a programme of work' that will 'look, first of all, at the pressures that the Executive's finances are facing'.

He said the work would also look at the Executive's plan for "fiscal sustainability, efficiencies and public service transformation".

Budget Act Deadline Passes (31 July 2026)

As the Executive were unable to pass a Budget by this deadline, an automatic departmental expenditure limit of 95% of last year's funding was triggered under prevailing legislation.

Executive Writes to PM on Financial Pressures (13 August 2026)

The Executive collectively wrote to PM Andy Burnham, calling for a 'fair funding envelope'. The letter said the current funding from Westminster 'does not provide a sufficient basis to fund public services' in NI.

SoSNI Statement on Budget Impasse (24 August 2026)

SoSNI Chris Bryant MP said the Executive will have to engage in 'self-help' and look at revenue raising to resolve Northern Ireland's budget issues. He further added "I understand the financial pressures that there are in Northern Ireland, and I'm very happy to take them very seriously."

PM confirms SoSNI talks on the Budget (2 September 2026)

In response to a question at PMQs, the PM stated:

> *Our first responsibility is to get Stormont government up and running and functioning properly with a budget. I have empowered the Northern Ireland Secretary to go into talks to resolve that issue, and we can continue the conversation on the broader issues about reform once we have got that in place.*

SoSNI (2 September 2026)

Following discussions with the Executive parties the SoSNI offered a financial package of £350 million per year over the next three years. In response the Executive parties stated that the package did not meet the Executives funding requirements and negotiations would continue.

SoSNI updated funding offer (24 September 2026)

Following discussion with Executive parties, the SoSNI announced a further funding package. The package addresses issues raised in discussions, and includes:

- £1.25 billion extra funding for the Executive over three years
- £150 million for transformation of public services
- £100 million for social housing
- £75 million to address fraud and error in the benefit system

The SoSNI set a deadline of the 1 October for Executive parties to accept the offer.

Transformation Funding – Head of the Northern Ireland Civil Service (HOCS) briefing to Finance Committee (30 September 2026)

The HOCS appeared before the Finance Committee to brief the Committee on the Public Sector Transformation Fund. Several issues were discussed including; progress on tranche 1 projects, funding for tranche 1 projects, spending profile for all transformation projects, governance matters and scrutiny of transformation projects.

Budget Negotiations with the SoSNI (22 October 2026)

The SoS held further meetings with Northern Ireland Executive parties, where it was reported that he emphasised that no additional funding was available beyond the £1.5bn already offered over the next three years.

UK Autumn Budget 2026 (28 October 2026)

The Chancellor's Autumn Budget 2026 detailed the United Kingdom Government's spending plans to provide "breathing space" in response to continuing cost of living and doing business challenges.