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Age Discrimination (Goods, Facilities and Services) Bill: Removing the age threshold

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This paper addresses a request from the Committee for the Executive Office for information on removing the age threshold in the Age Discrimination (Goods, Facilities and Services) Bill. It considers the potential impact and interaction with key clauses of the Bill, as well as possible wider outworkings if protections were expanded.

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

This Paper should be considered alongside the Bill Paper, NIAR 251-2026, alongside any advice to the Committee from the Bill Office and Legal Services.

- Much of the Age Discrimination (Goods, Facilities and Services) Bill ('the Bill') applies to all-ages. However, the protections against discrimination by service providers are limited to those aged 16 and over.
- The operation of the justification provision and the eventual exceptions are likely to be important to how the legislation operates in practice. It is difficult to say with certainty what the practical effects of an all-age Bill may be, in the absence of significant case law on justifying direct age discrimination in services, and the low number of exceptions on the face of the Bill. It is not clear which exceptions TEO are likely to bring forward.
- The Committee may wish to further consider the implications of the drafting of clauses 14 and 15 for any resulting exceptions; whether the role of parental responsibility should be clarified; and how the Bill interacts with contractual law for minors.
- The Committee may wish to engage with relevant stakeholders in relation to any concerns about unintended consequences of the Bill as drafted, if the age threshold was removed, particularly in relation to justification and exceptions.
- The Bill already goes further than neighbouring jurisdictions, by providing protections for those aged 16-and-17. However, internationally, other countries do provide protections for all-ages.
- Protecting all-ages would align with Section 75 of the Northern Ireland Act 1998, and human rights law. Children are also protected by other areas of equality law, for example in relation to race and disability.
- Removing the age threshold from Part 3 of the Bill to extend protections to under-16s would widen its scope, but due to major evidence gaps and a lack of comparable legislation in the United Kingdom or the Republic of Ireland, the scale of any additional implementation and ongoing costs cannot currently be robustly estimated. Further evidence from the Department, ECNI and Legal Services may therefore be required.

1 Introduction

This Briefing Paper follows a request from the Committee for the Executive Office ('the Committee') on the implications of amending the Age Discrimination (Goods, Facilities and Services) Bill (the Bill) to remove the age threshold of 16 years. The Committee may wish to also engage with the Bill Office and Legal Services in relation to any amendments it is considering.

This Paper should be read in conjunction with the Bill Paper, NIAR 251-2026. In particular, the Bill Paper included a range of arguments in relation to the inclusion of all-ages within the Bill, including examples provided as to discrimination faced by children.[1] This Paper does not intend to repeat these arguments in full.

This Paper also highlights a range of areas where specific legal advice may be helpful to the Committee. The Committee may also wish to engage further with bodies such as the Equality Commission for Northern Ireland (ECNI) on the potential impacts of expanding the legislation to include all-ages.

Comparable legislation in neighbouring jurisdictions do not provide children with age-GFS protections. Although many European and other countries do provide protections to all-ages, a review of age discrimination legislation in European Union countries was primarily focused on adults.[2] The prevalence of age discrimination against under-16s is also unclear. It is therefore difficult to comprehensively set out what the implications of including all-ages may be. However, the international experience would suggest it is unlikely that there will be significant numbers of cases brought.

2 Impact on the Bill if the age threshold removed

Currently, most of the Bill is not subject to an age threshold. However, clause 9 limits Part 3 so as not to apply to those aged under-16. Clause 10 in Part 3

[1] Kathryn Barr and Ross Connolly, Age Discrimination (Goods, Facilities and Services) Bill Paper, NIAR 251-2026, pp. 17-18, 52-55

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

provides the substantial protections against discrimination by service providers in the Bill.

This section considers some of the key provisions in the Bill, and how they may be impacted if the age threshold in clause 9 was removed. In addition to the below, many of the issues raised in the Bill Paper would continue to be relevant in the event that the legislation was expanded to include all-ages.

2.1 Clause 2 (2): Objective Justification

Removing the age threshold in clause 9 would not directly impact on the objective justification provision at clause 2(2). However, along with the scope of exceptions, the ability to justify age discrimination will likely be key to how an 'all-ages' Bill would practically work, as it would allow service providers to treat children differently where it is a proportionate means of achieving a legitimate aim. There is consideration of objective justification in the Bill Paper.[3]

2.2 Clause 10

If the age threshold in clause 9 was removed, then clause 10 and the protections therein, would apply to all-ages. This would mean children would benefit from the protections.

As set out in the Bill Paper, ECNI, NIHRC, NICCY, COPNI and the children's sector have previously been supportive of under-16s having these rights.[4]

2.3 Issues not in the Bill

As noted in the Bill Paper, Part 3 does not clearly provide protections in relation to public functions, premises and education in schools, where these are not captured by clause 10.[5]

[3] Kathryn Barr and Ross Connolly, Age Discrimination (Goods, Facilities and Services) Bill Paper, NIAR 251-2026, pp. 32-37

[4] As cited immediately above, pp 52-55

[5] As cited at footnote 3, pp. 62-67

The issue of protections within schools may be particularly important if the legislation was to cover all-ages. However, children may also experience discrimination in public functions and premises.

2.4 Part 4: Exceptions

If the legislation was expanded to cover all-ages, those exceptions which are already in the Bill would apply to everyone, and therefore there would not be protections against discrimination for children in those areas. For example, the statutory authority exception would apply and permit differential treatment where this is in pursuit of other legislation.[6] This is particularly important given the large array of legislation which impacts on children's access to goods and services.

Likewise, clause 12 of the Bill permits positive action, for example where people from an age group suffer age-related disadvantage, to help overcome that disadvantage.[7]

If the legislation was to be expanded to cover all-ages, other exceptions, not currently on the face of the Bill, would likely be particularly important to consider including:

- To allow concessions e.g. reduced prices for children
- Allowing charities to limit their benefits to a particular age group
- Hospitality e.g. adult-only accommodation
- Sports and competitive activities
- Issues relating to education
- Financial services

For example, NICCY has been supportive of concessions to ensure reflection of a child/young person's lack of income, or other justifiable reasons, and preventing access exemptions to certain places/venues/websites due to the

[6] Kathryn Barr and Ross Connolly, Age Discrimination (Goods, Facilities and Services) Bill Paper, NIAR 251-2026, pp. 74-76.

[7] As cited immediately above, pp. 70-73

potential safeguarding risks involved.[8] There is further discussion on what exceptions may be appropriate in the Bill Paper.

In the absence of any specific exceptions, service providers would likely need to justify any differential treatment of those aged under-16, through clause 2 (2). This would include demonstrating that they are pursuing a legitimate aim.

Clause 15 sets out specific requirements for any financial services exception, but does not introduce an exception itself. Clause 15 (1) (b) requires that, in making any regulations relating to financial services, the Department must have regard to '*the need to preserve access to financial products and services for persons of all-ages within the scope of this Act*'.

Whether protections are in place for all-ages or only for those aged over 16, consideration may be needed when drafting any exception regarding the extent to which children, particularly those aged under-16, should be able to access financial products and services.

Financial services are largely a reserved matter.[9] There is some relevant existing legislation relating to financial services and age limits, for which the statutory authority exception would apply. For example, credit unions are a devolved matter, and currently those above the age of 16 years may be members of a credit union,[10] an age limit which would rise to 18 under the Credit Unions (Amendment) Bill currently before the NI Assembly.[11] However, contractual law, referred to below, may also be relevant here.

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

[9] Northern Ireland Act 1998, sch 3, para 23

[10] The Credit Unions (Northern Ireland) Order 1985, art 15

[11] Credit Unions (Amendment) Bill, cl 2

2.5 Part 4: Associations and private members clubs

As currently drafted, the age threshold of 16 seemingly does not apply to Clause 19's protections relating to associations and private members clubs.[12] Therefore, these protections would already apply to all-ages.

2.6 Part 5: Equality Commission Powers

Much of ECNI's powers and duties are already applicable to all-ages, as the age threshold in clause 9 does not apply to Part 5.

For example, ECNI would already be under a duty under clause 20 to promote equality of access to services between persons of differing age groups. There is no provision limiting this duty to only those aged over-16.

2.7 Part 6: Enforcement

If the age threshold at clause 9 was removed, the enforcement provisions in Part 6, including ECNI powers, could be used in relation to unlawful discrimination by service providers against those aged under-16.

Generally, in the county court, minors bring claims through a 'next friend'.[13] This is already the case if a child has, for example, been subject to race or sex discrimination, but may be particularly relevant for age discrimination.

The Committee may wish to:

- ask ECNI, NICCY, and the wider children's sector whether they have any concerns about unintended consequences of the Bill as drafted if it was expanded to all-ages, particularly in relation to the justification of discrimination and the fact that many expected exceptions are to be left to TEO through Regulations; and

[12] Kathryn Barr and Ross Connolly, Age Discrimination (Goods, Facilities and Services) Bill Paper, NIAR 251-2026, pp. 97-102

[13] County Court Rules (Northern Ireland) 1981, Order 3, rule 11

- consider the implications of the drafting of clauses 14 and 15 for any resulting exceptions, including whether exceptions that apply only to some age groups would be permitted, and that clause 15 (1) (b) refers to preserving access to financial products and services for all-ages.

3 Wider impacts

This section considers potential wider legal and practical issues that may arise if the Bill's protections were extended to all-ages. Some of these issues were raised at Second Stage, while others have been identified by stakeholders. The arguments advanced in support of extending protection to all-ages are summarised in the Bill Paper[14] and should be considered alongside the issues below.

3.1 The effect on service providers

3.1.1 Effect on public authorities

Designated public authorities have a duty under Section 75 of the Northern Ireland Act 1998 to have due regard to the need to promote equality of opportunity between persons of different ages, including those under-16. Therefore, public authorities should already be considering how policies may impact on children, including potential adverse impacts of their policies and the mitigations they could take.[15]

However, this does not preclude the possibility that public authorities may currently be taking actions which would be unlawful under the Bill, including if it applied to all-ages. For example, in a 2013 paper ECNI and NICCY have referred to difficulties experienced by children and young people in accessing age–appropriate health and social care services such as problems experienced

[14] Kathryn Barr and Ross Connolly, Age Discrimination (Goods, Facilities and Services) Bill Paper, NIAR 251-2026, pp. 17-18, 52-55

[15] Equality Commission for Northern Ireland, Section 75 of the Northern Ireland Act 1998 A Guide for Public Authorities (2010)

when moving from child to adult health & social care services,[16] although the current scale of this issue is unclear, and services may seek to justify any such treatment.

Public authorities are also already subject to other anti-discrimination legislation, including in relation to their services and functions, and to their employment practices.

Public authorities would already need to consider the effects of the Bill on their services if it proceeded as drafted; the effects may be greater if it was expanded to all ages. The statutory authority exception may be relevant for much of their activities, where age thresholds are governed by legislation. For example, the Education and Libraries (Northern Ireland) Order 1986 sets out the compulsory school age.[17]

Whether the Bill includes an age-threshold or not, the prevalence of age discrimination in the public sector which would be unlawful is currently unknown.[18] It is also currently unclear what exceptions may be introduced by Regulations, and how public authorities may justify any current differences in treatment based on age.

It is therefore difficult to assess what the practical implications of the Bill may be for public authorities.

3.1.2 Other service providers

Other sectors, including the private and community/ voluntary sectors, are not subject to the same equality duties as designated public authorities, and therefore may not have the same awareness of how their current policies may impact on different age groups, including young people. However, service providers should already be familiar with existing equality law in relation to other

[16] Equality Commission for Northern Ireland, Response: Addressing Age Discrimination in Goods, Facilities and Services (2025), p.5

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

[18] Kathryn Barr and Ross Connolly, Age Discrimination (Goods, Facilities and Services) Bill Paper, NIAR 251-2026, pp. 14-15

grounds, such as race, sex and disability. If they are also employers, they will also have duties under the age employment legislation.

Service providers which operate across jurisdictions may already be subject to equivalent legislation elsewhere. If they offer relevant services in Great Britain or the Republic of Ireland, they will be subject to legislation with an age threshold of 18.

Similarly to the public sector, the prevalence of age discrimination is not clear, and how service providers would justify differential treatment or use exceptions will be relevant. For instance, in the absence of an exception allowing concessionary rates for children, providers would have to justify these lower rates.

It is therefore difficult to assess the implications of all-ages legislation for the private and community/ voluntary sectors.

> The Committee may wish to engage further with service providers, across different sectors, to understand how expanding the Bill may impact them, particularly in relation to how they may justify any current differential age treatment, or any exceptions they consider would be required.

3.2 Parental rights and responsibility

Clause 10 provides protection in relation to the provision of services to the public or a section of the public. ECNI has emphasised that parents, acting in a personal and private capacity, could not be subject to litigation by their children under age discrimination legislation.[19]

Under the Children (Northern Ireland) Order 1995, where a court considers any question relating to the upbringing of a child, the child's welfare shall be the

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

court's paramount consideration.[20] That Order also refers to parental responsibility, defining it as '*all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property*'.[21]

It includes making important decisions about a child's upbringing, education, healthcare, welfare, and day-to-day care.[22] This principle reflects the duties parents owe to their children and the role they play in making important decisions about their children's upbringing, welfare and future.

3.2.1 Consent for medical treatment

Currently, there is statutory provision allowing those aged 16 and over to give consent to their own surgical, medical or dental treatment in the same way as adults.[23] In general terms, whether a child under-16 can consent to under-go treatment will depend on their having '*sufficient understanding and intelligence to enable him or her to understand fully what is proposed'* (known as Gillick competence after a 1986 case).[24] Otherwise those with parental responsibility will be competent.[25]

In 2013, NICCY and ECNI outlined that they were of the view that all-age legislation would not undermine the requirement for parental consent as regards accessing certain services; for example, medical care.[26] They considered that a requirement to have parental consent is likely to be justifiable e.g. in relation to seeking consent before a vaccination.

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[20] The Children (Northern Ireland) Order 1995, art 3 (1)

[21] The Children (Northern Ireland) Order 1995, art 6

[22] Minister of Finance, Oral Statement to the Assembly: Launch of the Family Law Reform Consultation, 10/11/2026, p. 2

[23] Age of Majority Act (Northern Ireland) 1969, sec 4

[24] Gillick v West Norfolk and Wisbech Area Health Authority and another [1986] AC 112

[25] Department of Health, Social Services and Public Safety, Seeking Consent: Working with Children (2003) pp. 3-8. Please note that the Department of Health is reviewing its Consent guides for healthcare professionals as of November 2026.

[26] Equality Commission for Northern Ireland and Northern Ireland Commissioner for Children and Young People, Strengthening Protection for Children and Young People: Full Report (2013), pp. 69-70

3.3 Safeguarding

Criminal laws to protect children from abuse and neglect would not be affected by this Bill. However, if protections were expanded, services providing support to children, including following abuse, would have to ensure they do not discriminate or harass those aged under-16.

3.4 Capacity to enter contracts

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'.[27]

This may mean that service providers are reluctant to enter into contracts with those aged under 18, and particularly those under-16. This may be particularly relevant for accessing financial services.

The Committee may wish to consider seeking legal advice on:

- how requirements relating to parental responsibility and consent would operate alongside the Bill if protections were extended to those aged under-16, including in relation to whether parental responsibility is likely to be considered a legitimate aim for the purposes of justifying differential treatment; and
- how expanding this legislation to protect all-ages may interact with contract law, including how the current limitations on contracts being enforced against minors are likely to allow service providers to justify discrimination, or use the statutory authority exception.

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

3.5 Potential 'Public Purse' Implications

This sub-section supplements the Review of Costs section in the RaISe Bill Paper, NIAR 251-2026 (dated 30 October 2026). It offers initial exploration of potential 'public purse' implications, if the age threshold specified in Clause 9 of the introduced Age Discrimination (Goods, Facilities and Services) Bill would be removed, to extend the Bill's Part 3 protections, creating a blanket age protection, if the amended Bill subsequently would be enacted and implemented.

Such an amendment would establish statutory age discrimination protections for all ages, as laid out in Part 3 of the Bill. That would to some degree affect both the nature and scale of the amended Bill's potential public purse implications; but to an extent currently unclear, due to a lack of data and clear evidence from nearby jurisdictions, who do not offer these protections to those aged under 16. Nonetheless, it is apparent that extending Part 3 statutory protections to those aged 0 to 15 years - comprising almost one-fifth of Northern Ireland's population – would materially increase the number of the population that would be within the scope of the amended Bill. **However**, it must be noted that population coverage alone does not indicate the likely number of complaints, claims or additional costs that could arise under the Bill, if enacted and implemented after amendment of the introduced Bill.

As noted in the Review of Costs section in the RaISe Bill Paper prepared for this Bill, the existing data and information gaps around the topic of age discrimination in Northern Ireland prevent robust and reliable estimation of the potential public purse implications arising from this Bill – that is, those concerning the introduced Bill and the noted potential amendment to the Bill. The estimations of the short-term implementation costs in the Review of Costs relied on the broadly comparable costings available from Great Britain for the implementation of the age discrimination elements of the Equality Act 2010. An amendment to the introduced Bill here in Northern Ireland – that is, to extend protections to those aged under 16 - would make the Northern Ireland legislation markedly different than the legislation in place in Great Britain. Therefore, relying on estimations based on the experience of Great Britain

would be a flawed approach, and estimates relying on that data would have limited utility.

3.5.1 Implementation Costs

In terms of what can be said on potential implementation costs here, if a blanket statutory protection against age discrimination would be enacted, it would likely expand the amount of training, familiarisation and compliance costs, which in turn would inform the short-term implementation costs of the amended Bill. For example, there could be a greater need for child-friendly guidance, and training for service providers in the children's sector. Unfortunately, there is no existing basis on which to estimate those costs, given the noted data and information gaps at the time of writing this paper.

If the class of protected persons would be expanded, naturally the potential effects of the Bill would be wider ranging. However, the actual extent to which goods, facilities and service providers would need to consider and potentially change their operations would depend on the actual incidence of unjustifiable age discrimination against those aged under 16, which again is a current unknown. It is reasonably foreseeable that some of these actions would not result in higher costs – for example, not harassing younger customers, but where the Bill would expand existing services to include children, there could be increased costs in those areas. Given public authorities' existing duty to promote equality of opportunity to all ages under Section 75 of the Northern Ireland Act 1998 (as discussed in sub-section 2.1.1 above), they should already be actively considering these matters as part of their normal operations; and it is possible these bodies would not require substantial changes to their operations as part of the possible amendment to the introduced Bill. Ultimately, the picture of what implementation costs could look like would grow in uncertainty following such a change. Members therefore could benefit from further detailed engagement with ECNI and the Department regarding the noted matters if this amendment is to proceed.

> The Committee may wish to request additional information from the Department and the Equality Commission

regarding how the noted change to the Bill may impact expected implementation costs, in the areas of training, familiarisation and compliance.

3.5.2 Ongoing Costs

Following implementation costs, the Review of Costs explored potential ongoing costs, which mainly included costs associated with ECNI's new powers and legal matters. As sub-section 1.6 of this Paper notes, much of ECNI's powers and duties are already applicable to all ages, so this area of costs would not be particularly impacted by the noted possible change to the introduced Bill. However, legal costs could arise from cases involving people of any age, rather than only those aged 16 and over. Costs could also be influenced by any additional policy and legal interactions arising from the removal of the age thresholds. However, it appears some of these interactions would already be covered by the statutory authority exception within the introduced Bill, where existing legislation would supersede some requirements specified in said Bill. Overall, ongoing legal costs could increase if the scope of protected persons specified in said Bill would be expanded. However, again, at the time of compiling this Paper, the scale of that is not reasonably predictable. Members therefore could benefit from additional engagement with Legal Services on the existing relevant legislation for under-16s, to better understand any potential opportunities for legal challenge that could arise from such an amendment, which in turn would provide some indication of any related increased costs.

As noted earlier in this Paper, the potential change to the introduced Bill would not be unprecedented internationally. There are a range of countries which do offer similar protections for all ages, for example Belgium and Finland. However, in the absence of comparable legislation across the United Kingdom and the Republic of Ireland, and given the limited evidence on age discrimination in Northern Ireland, it currently is not possible to robustly estimate potential wider public purse costs arising from such an amendment with any confidence.

4 Comparison with other legislation and jurisdictions

This section considers how an expanded Bill would compare to other relevant legislation, in Northern Ireland and in other jurisdictions. The Bill Paper includes further detail on age-GFS legislation in Great Britain and the Republic of Ireland, including clause-by-clause comparison.

The Bill already goes beyond other jurisdictions in these islands, by providing protections for those aged 16-and-17. However, internationally, other countries do provide protections for all-ages. The inclusion of all-ages would align with Section 75 of the Northern Ireland Act 1998, equality legislation relating to other grounds, and human rights law.

There are many other areas of law where children are treated differently depending on their age.

4.1 Age-GFS legislation in other jurisdictions

The equivalent of clause 10 in the Equality Act 2010, which applies in Great Britain, is limited to those aged 18 and over.[28] The whole of the Republic of Ireland's Equal Status Act 2000 is limited to those aged over-18 in relation to age discrimination, with the exception of motor vehicle insurance.[29] Likewise, the Isle of Man's Equality Act 2017 and Jersey's Discrimination Law 2013 do not provide age-GFS protections to those under-18.

Therefore, the Bill would already be an outlier in these islands for providing protections to those aged 16 and 17. Providing protections for all-ages would be a more significant departure from neighbouring approaches.

However, other jurisdictions do provide protections for all-ages, with ECNI pointing to countries including Belgium, Finland, Sweden, Spain, Canada and Australia.[30]

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

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

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

In Australia, there is relevant legislation at both federal and state/ territory level. Federally, there are protections against age discrimination in education, premises, provisions of goods, services and facilities and provision of accommodation, amongst other issues.[31] There are exceptions, including in relation to 'positive discrimination', charities, and superannuation, insurance and credit.

For an example at a state level in Australia, in New South Wales, there are protections for all-ages in the provision of goods and services.[32] This legislation has a range of protections, including in relation to other laws relating to the legal capacity and welfare of children, special needs programs and activities, sport and insurance and credit applications. The equality body in New South Wales has highlighted several cases it has been involved in relating to age discrimination against children, including a blanket ban on entering a restaurant[33] and parents being refused a tenancy because of the age of their children[34].

4.2 Other equality law

Anti-discrimination provisions for service providers on other equality grounds in Northern Ireland, Great Britain or the Republic of Ireland do not have an age limit. For example, a child who is racially discriminated against by a service provider has protections against race discrimination.

Likewise, protections against age discrimination in employment apply to all-ages, although there is separate legislation in relation to children working.

4.3 Section 75 of the Northern Ireland Act

Amongst other things and as above, Section 75 of the Northern Ireland Act 1998 requires that designated public authorities have due regard to the need to

[31] Age Discrimination Act 2004 (Australia), Part 4

[32] Anti-Discrimination Act 1977, Part 4G, Divisions 3-4

[33] Anti-Discrimination New South Wales, Children under 12 unable to enter restaurant (2019)

[34] Anti-Discrimination New South Wales, Property denied to couple with young children (2017)

promote equality of opportunity between persons of different ages. Public authorities must have an Equality Scheme setting out how they will comply with their duties under Section 75.[35] ECNI can investigate whether an Equality Scheme has been breached, and make recommendations if so.[36]

Section 75 applies to all-ages. Therefore, public authorities must consider the need to promote equality of opportunity for those under-16. Public authorities have been found to have breached their Equality Schemes in relation to their actions relating to children.[37] However, individuals are not able to bring discrimination claims under Section 75.

NICCY and ECNI have argued that introducing all-ages legislation would be consistent with the Section 75 duty and build on and extend the existing responsibilities on public bodies towards children and young people.[38]

Similarly, there are requirements relating to all-ages within the Public Sector Equality Duty in Great Britain[39] and the Public Sector Equality and Human Rights Duty in the Republic of Ireland[40].

4.4 Human Rights

The inclusion of all-ages would also be consistent with the Human Rights Act 1998, which incorporated the European Convention on Human Rights (ECHR). Although the ECHR does not specifically refer to age,[41] it is considered to be a protected ground under Article 14, which relates to non-discrimination and can

[35] Northern Ireland Act 1998, sch 9, 2-5

[36] Northern Ireland Act 1998, sch 9, para 11

[37] Children's Law Centre, Children's Law Centre Support Young Person in Successful High Street Voucher Scheme Complaint (08/03/2023); Northern Ireland Commissioner for Children and Young People, Children and Young People Ignored by Executive Office – Investigation Finds (07/03/2017)

[38] Equality Commission for Northern Ireland and Northern Ireland Commissioner for Children and Young People, Strengthening Protection for Children and Young People: Full Report (2013), p. 55

[39] Equality Act 2010, sec 149

[40] Irish Human Rights and Equality Commission Act 2014, sec 42

[41] European Convention on Human Rights

be claimed in conjunction with another Convention right.[42] This protection is not limited only to adults.

However, age is not necessarily granted the same level of protection as more 'suspect' grounds such as race or sex, and states are generally afforded a wider margin of appreciation when seeking to justify differences in treatment on grounds of age.[43]

A summary of cases relating to age discrimination from the European Court of Human Rights suggests it has not heard a significant number of cases in relation to age-discrimination against children.[44]

Although not justiciable, 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'*.[45]

> Members may also wish to consider any memorandum on human rights prepared by Legal Services.

4.5 Other legislation

There is a wealth of legislation which permits and/ or requires that children be treated differently from adults, including in relation to restricting their access to particular goods, ensuring their welfare, and requiring them to attend education. As above, there is a statutory authority exception within the Bill, which would allow discrimination where it is fulfilling other legislation.

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[42] 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

[43] As cited immediately above

[44] European Court of Human Rights, Guide on Article 14 of the European Convention on Human Rights and on Article 1 of Protocol No. 12 to the Convention (updated 28/02/2026), pp. 40-41

[45] 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