



Government
Equalities Office

Putting equality at the heart of government

Equality Act 2010

**Ban on age
discrimination in the
provision of services,
public functions and
associations**

**A guide for small
businesses**

About this guide

This guide explains what you can and cannot do when the age discrimination ban in the provision of services is implemented as from 1 October 2012. If you are reading this online you can find more information on each area by clicking on the links.

If you are a business or organisation that provides public or private services, or if you run a club or association, from 1st October 2012 you cannot discriminate against customers because of age. It is already against the law to discriminate against job applicants and employees in this way.

What you can still do

If you want to treat people differently because of their age there are some circumstances (exceptions) where this is still allowed by the law.

You can still:

If you provide age based services:

- Advertise, market and sell products and services to younger or older people as niche marketing, provided you don't refuse the service to anyone outside your target group.

If you run a shop:

- Exclude or restrict the number of children in your shop (or hotel or restaurant), as children are not protected by the ban.
- Offer discounts to people based on their age. (See Part 9(b) of the overview guide for more information www.homeoffice.gov.uk/publications/equalities/equality-act-publications/equality-act-guidance/).
- Refuse to sell age-restricted products to someone who looks below the minimum legal age and who does not have any ID.
- Operate age verification schemes such as Challenge 25. (See Part 9(e) of the overview guide for more information).

If you provide financial services:

- Provide such services only to certain age groups, and use age as a factor in risk assessment (see Part 9(a) of the overview guide for more information).

If you provide package holidays to certain age groups:

- Sell package holidays only to certain age groups. (See Part 9(d) of the overview guide for more information).

If you run a club or association:

- Restrict membership to certain age ranges.
- Have discounts for older (or younger) members. (See Part 9(c) of the overview guide for more information).
- Have age limits for your leagues, competitions, activities, training and teams. (See Part 9(h) of the overview guide for more information).

If you run a mobile home park:

- Have minimum age limits in your park rules if you run a caravan site with mobile homes that are occupied as permanent residences. (See Part 9(g) of the overview guide for more information).

Objective justification for other age-related decisions

Even if you are not covered by an exception and want to restrict your goods or services or set conditions or pricing that are different according to different age groups, you can still do so, provided that you have and if necessary can show that you have a sufficient reason for doing so. The legal term for this is 'objective justification'.

How does objective justification work?

Objective justification is showing that any age discrimination is 'a proportionate means of achieving a legitimate aim'.

If you can show sufficient reason, then you can still, for example:-

- Refuse to rent a self catering holiday home to people under (say) 21 years of age
- Refuse to rent cars to younger or older drivers
- Request that an older person brings a younger person with them to discuss a product or service they are thinking of buying.

Further information about objective justification - how objective justification works, what is a 'legitimate aim', what is a 'proportionate means' - can be found in the overview guide.

What you cannot do

You cannot treat someone differently on age grounds if the practice is not covered by an exception or cannot be objectively justified.

You can never harass someone for reasons related to their age or victimise them for making a complaint. (See the overview guide for more information).

Further guidance

Other fuller guidance on this subject is available on the Home Office website:-

Overview guide - www.homeoffice.gov.uk/publications/equalities/equality-act-publications/equality-act-guidance/

This guidance is aimed at businesses to help them understand the requirements of the age discrimination ban and what they will still be able to do.

Of course individual circumstances may vary and service providers need to act in accordance with their legal obligations. In the online version, clicking on any of the links will take you to more detailed guidance on these requirements.

You may re-use this information (except the logos) free of charge in any format or medium, under the terms of the Open Government Licence.

For more information about this licence visit the National Archives (www.nationalarchives.gov.uk/) or write to:

The Information Policy team
The National Archives
Kew
London
TW9 4DU
Email: psi@nationalarchives.gsi.gov.uk

If you have any questions about the information contained in this publication, please email or write to:

Government Equalities Office
3rd Floor Fry Building
2 Marsham Street
London
SW1P 4DF
Email: public.enquiries@homeoffice.gsi.gov.uk