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High Court Upholds the Default Retirement Age of 65**October 1, 2009**

Judgment has been handed down by the High Court in the reported case of R (on the application of Age UK) v Secretary of State for Business, Innovation and Skills (commonly known as the Heyday Litigation). This was a challenge by Age UK against the Government's "Default Retirement Age" of 65 provided in the Employment Equality (Age) Regulations 2006. The Government was successful in proving that setting the Default Retirement Age at 65 was within its competence.

The judgment means that for the moment, if the prescribed procedures are followed, an employer can continue to retire an employee on the grounds that the employee has reached the age of 65 (where there is no "normal retirement age" for the employee's job).

However, the Government will undertake a review of the current rules on retirement in 2010. The Judge in the Heyday case commented that he could not see how 65 could remain as the Default Retirement Age after the review.

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