



Employment Protection Act 1975

1975 CHAPTER 71

PART II

RIGHTS OF EMPLOYEES

Insolvency

69 Interpretation of ss. 64 to 68

- (1) For the purposes of sections 64 to 68 above an employer shall be taken to be insolvent if, but only if, in England and Wales.—
- (a) he becomes bankrupt or makes a composition or arrangement with his creditors or a receiving order is made against him;
 - (b) he has died and an order is made under section 130 of the Bankruptcy Act 1914 for the administration of his estate according to the law of bankruptcy, or by virtue of an order of the court his estate is being administered in accordance with rules set out in Part I of Schedule 1 to the Administration of Estates Act 1925; or
 - (c) where the employer is a company, a winding up order is made or a resolution for voluntary winding up is passed with respect to it, or a receiver or manager of its undertaking is duly appointed, or possession is taken, by or on behalf of the holders of any debentures secured by a floating charge, of any property of the company comprised in or subject to the charge.
- (2) For the purposes of sections 64 to 68 above an employer shall be taken to be insolvent if, but only if, in Scotland.—
- (a) an award of sequestration is made on his estate or he executes a trust deed for his creditors or enters into a composition contract;
 - (b) he has died and a judicial factor appointed under section 163 of the Bankruptcy (Scotland) Act 1913 is required by that section to divide his insolvent estate among his creditors ; or

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- (c) where the employer is a company, a winding up order is made or a resolution for voluntary winding up is passed with respect to it or a receiver of its undertaking is duly appointed.

(3) In sections 64 to 68 above—

" holiday pay " means—

- (a) pay in respect of a holiday actually taken; or
- (b) any accrued holiday pay which under the employee's contract of employment would in the ordinary course have become payable to him in respect of the period of a holiday if his employment with the employer had continued until he became entitled to a holiday ;

" occupational pension scheme " means any scheme or arrangement which provides or is capable of providing, in relation to employees in any description of employment, benefits (in the form of pensions or otherwise) payable to or in respect of any such employees on the termination of their employment or on their death or retirement;

and any reference in those sections to the resources of such a scheme is a reference to the funds out of which the benefits provided by the scheme are from time to time payable.