



# Pension Schemes (Northern Ireland) Act 1993

## 1993 CHAPTER 49

### PART VII

#### INSOLVENCY OF EMPLOYERS

#### CHAPTER II

##### PAYMENT BY THE DEPARTMENT OF UNPAID SCHEME CONTRIBUTIONS

#### 119 Interpretation of Chapter II.

- (1) For the purposes of this Chapter, an employer shall be taken to be insolvent if, but only if, in Northern Ireland—
- (a) he has been adjudged bankrupt or has made a composition or arrangement with his creditors;
  - (b) he has died and his estate falls to be administered in accordance with an order under Article 365 of the Insolvency (Northern Ireland) Order 1989; or
  - (c) where the employer is a company—
    - (i) a winding-up order or an administration order is made or a resolution for voluntary winding up is passed with respect to it,
    - (ii) a receiver or manager of its undertaking is duly appointed,
    - (iii) 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, or
    - (iv) a voluntary arrangement proposed for the purpose of Part II of the <sup>MI</sup>Insolvency (Northern Ireland) Order 1989 is approved under that Part.
- (2) In this Chapter—

*Status: Point in time view as at 22/09/2005. This version of this provision has been superseded.*

*Changes to legislation: Pension Schemes (Northern Ireland) Act 1993, Section 119 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

“contract of employment”, “employee” and “employer” and other expressions which are defined in the [<sup>F1</sup>Employment Rights (Northern Ireland) Order 1996 have the same meaning as in that Order];

“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;

<sup>F2</sup> ...

<sup>F3</sup>(3) .....

- (4) Any reference in this Chapter to the resources of a scheme is a reference to the funds out of which the benefits provided by the scheme are from time to time payable.

#### **Textual Amendments**

- F1** Words in definition of “contract of employment” in s. 119(2) substituted (24.9.1996) by [S.I. 1996/1919 \(N.I. 16\)](#), arts. 1(2), 255, [Sch. 1](#) (with art. 256, Sch. 2)
- F2** Words in s. 119(2) repealed (22.9.2005) by [The Pensions \(Northern Ireland\) Order 2005 \(S.I. 2005/255 \(N.I. 1\)\)](#), art. 1(2), Sch. 10 para. 15(a), [Sch. 11](#); [S.R. 2005/411](#), art. 2(3)
- F3** S. 119(3) repealed (22.9.2005) by [The Pensions \(Northern Ireland\) Order 2005 \(S.I. 2005/255 \(N.I. 1\)\)](#), art. 1(2), Sch. 10 para. 15(b), [Sch. 11](#); [S.R. 2005/411](#), art. 2(3)

#### **Modifications etc. (not altering text)**

- C1** S. 119 applied (6.4.1997) by [S.I. 1995/3213 \(N.I. 22\)](#), [art. 79\(8\)](#) (with art. 118(5)(6)); [S.R. 1997/192](#), [art. 2\(b\)](#)

#### **Marginal Citations**

- M1** [S.I. 1989/2405 \(N.I. 19\)](#).

**Status:**

Point in time view as at 22/09/2005. This version of this provision has been superseded.

**Changes to legislation:**

Pension Schemes (Northern Ireland) Act 1993, Section 119 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.