



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART XII

#### INSOLVENCY OF EMPLOYERS

##### **187 Role of relevant officer.**

- (1) Where a relevant officer has been, or is required to be, appointed in connection with an employer's insolvency, the Secretary of State shall not make a payment under section 182 in respect of a debt until he has received a statement from the relevant officer of the amount of that debt which appears to have been owed to the employee on the appropriate date and to remain unpaid.
- (2) If the Secretary of State is satisfied that he does not require a statement under subsection (1) in order to determine the amount of a debt which was owed to the employee on the appropriate date and remains unpaid, he may make a payment under section 182 in respect of the debt without having received such a statement.
- (3) A relevant officer shall, on request by the Secretary of State, provide him with a statement for the purposes of subsection (1) as soon as is reasonably practicable.
- (4) The following are relevant officers for the purposes of this section—
  - (a) a trustee in bankruptcy or a permanent or interim trustee (within the meaning of the <sup>M1</sup>Bankruptcy (Scotland) Act 1985),
  - (b) a liquidator,
  - (c) an administrator,
  - (d) a receiver or manager,
  - (e) a trustee under a composition or arrangement between the employer and his creditors, and
  - (f) a trustee under a trust deed for his creditors executed by the employer.
- (5) In subsection (4)(e) "trustee" includes the supervisor of a voluntary arrangement proposed for the purposes of, and approved under, Part I or VIII of the <sup>M2</sup>Insolvency Act 1986.

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*Status: Point in time view as at 01/11/2007. This version of this provision has been superseded.*

**Changes to legislation:** Employment Rights Act 1996, Section 187 is up to date with all changes known to be in force on or before 21 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)

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#### **Marginal Citations**

**M1** 1985 c. 66.

**M2** 1986 c. 45.

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