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STATUTORY INSTRUMENTS

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**1995 No. 278**

**TERMS AND CONDITIONS OF EMPLOYMENT**

The Insolvency of Employer  
(Excluded Classes) Regulations 1995

<i>Made</i>	- - - -	<i>2nd February 1995</i>
<i>Laid before Parliament</i>		<i>15th February 1995</i>
<i>Coming into force</i>	- -	<i>9th March 1995</i>

The Secretary of State, being a Minister designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the rights and obligations of employer and employee in the event of an employer's insolvency, in exercise of the powers conferred by that section, hereby makes the following Regulations:—

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Insolvency of Employer (Excluded Classes) Regulations 1995 and shall come into force on 9th March 1995.

(2) These Regulations shall not extend to Northern Ireland.

**Interpretation**

2. In these Regulations—

“the 1978 Act” means the Employment Protection (Consolidation) Act 1978<sup>(3)</sup>;

“contract of employment”, “employee”, and “employment” have the same meanings respectively as in the 1978 Act;

“relevant date” has the same meaning as in section 122(2) of the 1978 Act.

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(1) The European Communities (Designation) (No. 3) Order 1981 (S.I.1981/1536).

(2) 1972 c. 68.

(3) 1978 c. 44; section 122(2) was amended by the Employment Act 1982 (c. 46), Schedule 3, paragraph 3, by the Insolvency Act 1985 (c. 65), section 218 and by the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), Schedule 2, paragraph 18.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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### **Amendment to Part IX of the 1978 Act**

3. In section 141(2A) of the 1978 Act<sup>(4)</sup>, after the words “Member States of the European Communities” there shall be inserted “and of Austria, Finland, Iceland, Norway and Sweden”.

4. The operation of section 2(1) of the European Economic Area Act 1993<sup>(5)</sup> is excluded pursuant to the provisions of section 2(3) of that Act.

### **Transitional provisions**

5. The amendment specified in Regulation 3 above shall have effect where the relevant date falls on or after the date on which these Regulations come into force.

Signed by order of the Secretary of State.

Department of Employment.  
2nd February 1995

*Phillip Oppenheim*  
Joint Parliamentary Under Secretary of State,

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(4) Section 141(2A) was inserted by the Insolvency of Employer (Excluded Classes) Regulations 1983 (S.I. 1983/624).  
(5) 1993 c. 51.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations give effect to certain obligations arising from the European Economic Area Agreement signed at Oporto on 2nd May 1992 (Cm 2073), as adjusted by the Protocol signed at Brussels on 17th March 1993 (Cm 2183) by providing that those who under their contract of employment ordinarily work in Austria, Finland, Iceland, Norway or Sweden come within the ambit of Part VII of the Employment Protection (Consolidation) Act 1978. Part VII of the 1978 Act regulates the position concerning the entitlement of employees to recover outstanding payments on the insolvency of their employer. Section 1(2) of the European Communities Act 1972 was amended by section 1 of the European Economic Area Act 1993 to include a reference to the European Economic Area Agreement as adjusted by the Protocol.