

## SCHEDULE

### PART 11

#### Amendments to the Employment Rights Act 1996 and the Pension Schemes Act 1993

##### Amendments to the Employment Rights Act 1996

**253.**—(1) The Employment Rights Act 1996<sup>(1)</sup> is amended as follows.

(2) In section 166<sup>(2)</sup>—

(a) in subsection (5)—

- (i) in paragraph (a) for “(6) or (8A)” substitute “(6), (8ZA) or (8A)”;
- (ii) in paragraph (b) for “(7) or (8A)” substitute “(7), (8ZA) or (8A)”;
- (iii) in paragraph (c) for “(8) or (8A)” substitute “(8), (8ZA) or (8A)”;
- (iv) in paragraph (d) for “(8A)” substitute “(8ZA) or (8A)”;

(b) after subsection (8) insert—

“(8ZA) This subsection is satisfied in the case of an employer if—

- (a) the employer is a legal person,
- (b) a request has been made for the first opening of collective proceedings—
  - (i) based on the insolvency of the employer, as provided for under the law of any part of the United Kingdom, and
  - (ii) involving the partial or total divestment of the employer’s assets and the appointment of a liquidator or a person performing a similar task, and
- (c) any of the following has decided to open the proceedings—
  - (i) a court,
  - (ii) a meeting of creditors, or
  - (iii) the creditors by a decision procedure.”;

(c) in subsection (8B) for “subsection (8A)” substitute “this section”.

(3) In section 183<sup>(3)</sup>—

(a) in subsection (1)—

- (i) in paragraph (a) for “(2) or (4A)” substitute “(2), (4ZA) or (4A)”;
- (ii) in paragraph (b) for “(3) or (4A)” substitute “(3), (4ZA) or (4A)”;
- (iii) in paragraph (c) for “(4) or (4A)” substitute “(4), (4ZA) or (4A)”;
- (iv) in paragraph (d) for “(4A)” substitute “(4ZA) or (4A)”;

(b) after subsection (4) insert—

“(4ZA) This subsection is satisfied in the case of an employer if—

- (a) the employer is a legal person,
- (b) a request has been made for the first opening of collective proceedings—

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<sup>(1)</sup> 1996 c. 18.

<sup>(2)</sup> Section 166 was amended by S.I. 2001/1090; S.I. 2012/3014 and S.I. 2017/1205.

<sup>(3)</sup> Section 183 was amended by S.I. 2001/1090; S.I. 2012/3014 and S.I. 2017/1205.

*Status: This is the original version (as it was originally made).*

- (i) based on the insolvency of the employer, as provided for under the law of any part of the United Kingdom, and
- (ii) involving the partial or total divestment of the employer’s assets and the appointment of a liquidator or a person performing a similar task, and
- (c) any of the following has decided to open the proceedings—
  - (i) a court,
  - (ii) a meeting of creditors, or
  - (iii) the creditors by a decision procedure.”;
- (c) in subsection (4B) for “subsection (4A)” substitute “this section”.

**Amendments to the Pension Schemes Act 1993**

**254.**—(1) The Pension Schemes Act 1993<sup>(4)</sup> is amended as follows—

(2) In section 123<sup>(5)</sup>—

- (a) for subsection (1)(d) substitute—
  - “(d) subsection (2A) or (2ZA) is satisfied.”;
- (b) after subsection (2) insert—
  - “(2ZA) This subsection is satisfied in the case of an employer if—
    - (a) the employer is a legal person,
    - (b) a request has been made for the first opening of collective proceedings—
      - (i) based on the insolvency of the employer, as provided for under the law of any part of the United Kingdom, and
      - (ii) involving the partial or total divestment of the employer’s assets and the appointment of a liquidator or a person performing a similar task, and
    - (c) any of the following has decided to open the proceedings—
      - (i) a court,
      - (ii) a meeting of creditors, or
      - (iii) the creditors by a decision procedure.”;
- (c) in subsection (2B) for “subsection (2A)” substitute “this section”.

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(4) 1993 c. 48.

(5) Section 123 was amended by S.I. 2017/1205.