

## SCHEDULE

### PART 13

#### Further amendments to the Employment Rights (Northern Ireland) Order 1996 and the Pension Schemes (Northern Ireland) Act 1993

##### **Amendments to the Employment Rights (Northern Ireland) Order 1996**

**257.**—(1) The Employment Rights (Northern Ireland) Order 1996 is amended as follows.

(2) In Article 201 (as amended by paragraph 255(2))—

(a) in paragraph (5)—

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

(b) after paragraph (8) insert—

“(8ZA) This paragraph 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 paragraph (8B) for “paragraph (8A)” substitute “this Article”.

(3) In Article 228 (as amended by paragraph 255(3))—

(a) in paragraph (1)—

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

(b) after paragraph (4) insert—

“(4ZA) This paragraph 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

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- (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 paragraph (4B) for “paragraph (4A)” substitute “this Article”.

**Amendments to the Pension Schemes (Northern Ireland) Act 1993**

**258.**—(1) The Pension Schemes (Northern Ireland) Act 1993 is amended as follows.

- (2) In section 119 (as amended by paragraph 256(2))—
  - (a) in subsection (1)(d) for “(1A)” substitute “(1ZA) or (1A)”;
  - (b) after subsection (1) insert—
    - “(1ZA) 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.”; and
  - (c) in subsection (1B) for “subsection (1A)” substitute “this section”.