



Employment Act 1989

1989 CHAPTER 38

Insolvency

18 Quantification of amounts for purposes of insolvency payments

(1) Sections 122 and 123 of the 1978 Act (payments by Secretary of State on insolvency of employer) shall be amended as follows.

(2) In section 122 (payment to employee of certain unpaid debts of employer), the following subsection shall be substituted for subsection (11)—

“(11) If the Secretary of State is satisfied that he does not require such a statement in order to determine the amount of the debt that was owed to the employee on the relevant date and remains unpaid, he may make a payment under this section in respect of the debt without having received such a statement.”

(3) In section 123 (payment of unpaid contributions to occupational or personal pension scheme), the following subsection shall be substituted for subsection (9)—

“(9) If the Secretary of State is satisfied—

- (a) that he does not require a statement under subsection (7) in order to determine the amount of relevant contributions that was unpaid on the date on which the employer became insolvent and remains unpaid, or
- (b) that he does not require a certificate under subsection (8) in order to determine the amounts payable, paid or deducted as mentioned in subsections (3)(a) and (c) and (5),

he may make a payment under this section in respect of the contributions in question without having received such a statement or (as the case may be) such a certificate.”