

## 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

- (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”.