

SCHEDULE 5

GENERAL AND CONSEQUENTIAL AMENDMENTS IN OTHER LEGISLATION

The Employment Rights Act 1996 c. 18

18.—(1) Section 166 is amended as follows.

(2) In subsection (5), omit the word “and” at the end of paragraph (a), and insert at the end of paragraph (b)

“, and

(c) where the employer is a limited liability partnership, if (but only if) subsection (8) is satisfied.”

(3) After subsection (7) insert—

“(8) This subsection is satisfied in the case of an employer which is a limited liability partnership—

- (a) if a winding-up order, an administration order or a determination for a voluntary winding-up has been made with respect to the limited liability partnership,
- (b) if a receiver or (in England and Wales only) a manager of the undertaking of the limited liability partnership has been duly appointed, or (in England and Wales only) possession has been taken, by or on behalf of the holders of any debentures secured by a floating charge, of any property of the limited liability partnership comprised in or subject to the charge, or
- (c) if a voluntary arrangement proposed in the case of the limited liability partnership for the purpose of Part I of the Insolvency Act 1986 has been approved under that Part of that Act.”

19.—(1) Section 183 is amended as follows.

(2) In subsection (1), omit the word “and” at the end of paragraph (a), and insert at the end of paragraph (b)

“, and

(c) where the employer is a limited liability partnership, if (but only if) subsection (4) is satisfied.”

(3) After subsection (3) insert—

“(4) This subsection is satisfied in the case of an employer which is a limited liability partnership—

- (a) if a winding-up order, an administration order or a determination for a voluntary winding-up has been made with respect to the limited liability partnership,
- (b) if a receiver or (in England and Wales only) a manager of the undertaking of the limited liability partnership has been duly appointed, or (in England and Wales only) possession has been taken, by or on behalf of the holders of any debentures secured by a floating charge, of any property of the limited liability partnership comprised in or subject to the charge, or
- (c) if a voluntary arrangement proposed in the case of the limited liability partnership for the purposes of Part I of the Insolvency Act 1986 has been approved under that Part of that Act.”