

## 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>M1</sup> is amended as follows.

(2) In section 166 <sup>M2</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>M3</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—
  - (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

**Changes to legislation:** There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, PART 11. (See end of Document for details)

- (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 ”.

#### Commencement Information

**I1** Sch. para. 253 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

#### Marginal Citations

**M1** [1996 c. 18](#).

**M2** Section 166 was amended by [S.I. 2001/1090](#); [S.I. 2012/3014](#) and [S.I. 2017/1205](#).

**M3** Section 183 was amended by [S.I. 2001/1090](#); [S.I. 2012/3014](#) and [S.I. 2017/1205](#).

### Amendments to the Pension Schemes Act 1993

- 254.**—(1) The Pension Schemes Act 1993 <sup>M4</sup> is amended as follows—
- (2) In section 123 <sup>M5</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 ”.

#### Commencement Information

**I2** Sch. para. 254 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

#### Marginal Citations

**M4** [1993 c. 48](#).

**M5** Section 123 was amended by [S.I. 2017/1205](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Insolvency (Amendment) (EU Exit) Regulations 2019, PART 11.