

1983 No. 624

TERMS AND CONDITIONS OF EMPLOYMENT

The Insolvency of Employer (Excluded Classes) Regulations 1983

<i>Made - - - -</i>	<i>22nd April 1983</i>
<i>Laid before Parliament</i>	<i>4th May 1983</i>
<i>Coming into Operation</i>	<i>1st June 1983</i>

The Secretary of State, being a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the rights and obligations of employer and employee in the event of an employer's insolvency, in exercise of the powers conferred by that section, hereby makes the following Regulations:—

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Insolvency of Employer (Excluded Classes) Regulations 1983 and shall come into operation on 1st June 1983.

(2) These Regulations shall not extend to Northern Ireland.

Interpretation

2. In these Regulations—

“the 1978 Act” means the Employment Protection (Consolidation) Act 1978(c);

“contract of employment”, “employee”, and “employment” have the same meanings respectively as in the 1978 Act;

“relevant date” has the same meaning as in Section 122(2) of the 1978 Act.

Amendments to Part IX of the 1978 Act

3.—(1) In section 141(2) of the 1978 Act for the words “V and VII” there shall be substituted “and V”.

(2) After section 141(2) of the 1978 Act there shall be inserted—

“141(2)(A). Part VII does not apply to employment where under his contract of employment the employee ordinarily works outside the territory of the Member States of the European Communities.”

(a) The European Communities (Designation) (No. 3) Order 1981 (S.I. 1981/1536).

(b) 1972 c. 68.

(c) 1978 c. 44; section 122(2) was extended by the Employment Act 1982 (c. 46), Schedule 3, paragraph 3.

(3) In section 146(2) of the 1978 Act for the words "V and VII" there shall be substituted "and V".

Transitional provisions

4. The amendments specified in Regulation 3 above shall have effect where the relevant date falls on or after the date on which these Regulations come into operation.

Signed by order of the Secretary of State.

John Selwyn Gummer,
Joint Parliamentary Under Secretary of State,
Department of Employment.

22nd April 1983.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations give effect to Article 3 of the Council Directive No. 80/987/EEC (OJ No L283, 28.10.1980, p.23.) requiring member states to make provision to guarantee payment of outstanding claims made by employees in respect of pay where the claims arise as a result of the employer's insolvency. Part VII of the Employment Protection (Consolidation) Act 1978 regulates the position concerning the entitlement of employees to recover outstanding payments on the insolvency of their employer. Certain categories of employees are excluded from Part VII of the 1978 Act. In order to comply with the Council Directive, these Regulations bring within the ambit of this part of the Act those employed in the police service and those who under their contract of employment ordinarily work within the territory of the Member States of the European Communities.

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