
STATUTORY INSTRUMENTS

1999 No. 3147

**The Welfare Reform and Pensions
(Northern Ireland) Order 1999**

PART III

PENSIONS: GENERAL

Pensions and bankruptcy

Effect of bankruptcy on pension rights: unapproved arrangements

13.—(1) The Department may by regulations make provision for or in connection with enabling rights of a person under an unapproved pension arrangement to be excluded, in the event of a bankruptcy order being made against that person, from his estate within the meaning of Article 11 of the Insolvency (Northern Ireland) Order 1989.

(2) Regulations under this Article may, in particular, make provision—

- (a) for rights under an unapproved pension arrangement to be excluded from a person's estate—
 - (i) by an order made on his application by a prescribed court, or
 - (ii) in accordance with a qualifying agreement made between him and his trustee in bankruptcy;
- (b) for the court's decision whether to make such an order in relation to a person to be made by reference to—
 - (i) future likely needs of him and his family, and
 - (ii) whether any benefits (by way of a pension or otherwise) are likely to be received by virtue of rights of his under other pension arrangements and (if so) the extent to which they appear likely to be adequate for meeting any such needs;
- (c) for the prescribed persons in the case of any pension arrangement to provide a person or his trustee in bankruptcy on request with information reasonably required by that person or trustee for or in connection with the making of such applications and agreements as are mentioned in sub-paragraph (a).

(3) In this Article—

“prescribed” means prescribed by regulations under this Article;

“qualifying agreement” means an agreement entered into in such circumstances, and satisfying such requirements, as may be prescribed;

“unapproved pension arrangement” means a pension arrangement which—

- (a) is not an approved pension arrangement within the meaning of Article 12, and
- (b) is of a prescribed description.

(4) For the purposes of this Article a person shall be treated as having a right under an unapproved pension arrangement where—

- (a) he is entitled to a credit under Article 26(1)(b) as against the person responsible for the arrangement (within the meaning of Chapter I of Part V), and
- (b) the person so responsible has not discharged his liability in respect of the credit.

Modifications etc. (not altering text)

C1 Art. 13 excluded by S.R. 1991/364, rule 5A.12 (as inserted (30.6.2011) by [Insolvency \(Amendment\) Rules \(Northern Ireland\) 2011 \(S.R. 2011/151\)](#), rule 8, **Sch. 1**)

Changes to legislation:

There are currently no known outstanding effects for the The Welfare Reform and Pensions (Northern Ireland) Order 1999, Section 13.