



Welfare Reform and Pensions Act 1999

1999 CHAPTER 30

PART II

PENSIONS: GENERAL

Pensions and bankruptcy

12 Effect of bankruptcy on pension rights: unapproved arrangements.

- (1) The Secretary of State 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 for the purposes of Parts VIII to XI of the ^{M1}Insolvency Act 1986.
- (2) Regulations under this section 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 paragraph (a).
- (3) In this section—

Changes to legislation: There are currently no known outstanding effects for the Welfare Reform and Pensions Act 1999, Section 12. (See end of Document for details)

“prescribed” means prescribed by regulations under this section;

“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 section 11, and
- (b) is of a prescribed description.

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

- (a) he is entitled to a credit under section 29(1)(b) as against the person responsible for the arrangement (within the meaning of Chapter I of Part IV), and
- (b) the person so responsible has not discharged his liability in respect of the credit.

Modifications etc. (not altering text)

- C1** Ss. 11-13 modified (30.12.2005) by [Occupational Pension Schemes \(Cross-border Activities\) Regulations 2005 \(S.I. 2005/3381\)](#), regs. 1, 16, **Sch. 2 para. 5**
- C2** S. 12 excluded by 1985 c. 66, s. 32A(5) (as inserted (30.6.2014 for specified purposes, 1.4.2015 in so far as not already in force) by [Bankruptcy and Debt Advice \(Scotland\) Act 2014 \(asp 11\)](#), **ss. 4, 57(2)**; [S.S.I. 2014/172](#), art. 2, sch.; [S.S.I. 2014/261](#), art. 3 (with arts. 4-712) (as amended by [S.S.I. 2015/54](#), art. 2))

Commencement Information

- I1** S. 12 wholly in force at 6.4.2002; s. 12 in force for certain purposes at Royal Assent see s. 89(1)(5); s. 12 in force at 6.4.2002 insofar as not already in force by [S.I. 2002/153](#), **art. 2(b)**

Marginal Citations

- M1** [1986 c. 45](#).

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