



# Dormant Assets Act 2022

## 2022 CHAPTER 5

### PART 2

#### OTHER PROVISIONS

##### *Provisions applicable to more than one scheme*

#### **24 Effect of insolvency etc of institutions**

- (1) Subsection (2) applies where, after a person has acquired a right to payment against an authorised reclaim fund by virtue of section 1(2)(b) or 2(2)(b) of the 2008 Act or section 2(2)(b), 5(2)(b) or (3)(b), 8(2)(b), 12(2)(b) or 14(2)(b) above—
- (a) the institution against whom the person had a right to payment before it was replaced by the acquired right is dissolved or wound up; or
  - (b) for any other reason the liability that the institution would have had to the person in relation to the replaced right (but for the transfer to the reclaim fund) is altered.

The reference in this subsection to a right to payment under section 1(2)(b) or 2(2)(b) of the 2008 Act does not include a right acquired before this section comes into force.

- (2) The person's right to payment is limited to the amount that would (but for the transfer to the reclaim fund) be recoverable by the person in respect of the replaced right, whether from the institution or from any other source (such as a compensation scheme).
- (3) If at any time after the acquisition of the right to payment a different person ("the successor") has assumed responsibility for the liabilities of the institution, the references in subsections (1) and (2) to the institution are to the successor.