
STATUTORY RULES OF NORTHERN IRELAND

2002 No. 127

**The Occupational and Personal Pension Schemes
(Bankruptcy) Regulations (Northern Ireland) 2002**

Exclusion orders

5.—(1) Subject to paragraph (2), an application for an exclusion order shall be made to the High Court within a period of—

(a) 13 weeks beginning with—

(i) the date on which the bankrupt's estate vests in the trustee in bankruptcy in accordance with the provisions of Article 279 of the 1989 Order (vesting of bankrupt's estate in trustee), or

(ii) in the case of a scheme referred to in regulation 3(1)(a) or (b), the date, if later than that referred to in head (i), on which any rights of the bankrupt vest in the trustee in bankruptcy in accordance with Article 12(5) or, as the case may be, (7) of the 1999 Order, or

(b) 30 days beginning with the date on which a qualifying agreement is revoked in accordance with the provisions of regulation 6.

(2) The High Court may, either before or after it has expired and where good cause is shown, extend the period referred to in paragraph (1)(a) or, as the case may be, (b).

(3) In deciding whether to make an exclusion order and, if so, whether to make it in respect of part or all (but not exceeding the total amount) of the excludable rights, the High Court shall have reference to—

(a) the future likely needs of the bankrupt and his family;

(b) whether any benefits by way of pension or otherwise (other than a pension under Part II of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 or Part II of the Social Security Contributions and Benefits Act 1992, or an income-related benefit) are likely to be received by virtue of rights of the bankrupt which have already accrued under any other pension arrangements at the date on which the application for an exclusion order is made and the extent to which they appear likely to be adequate for meeting any such needs.