

Bankruptcy (Scotland) Act 2016

PART 7

SAFEGUARDING INTERESTS OF CREDITORS

Excessive contributions

103 Orders under section 101: supplementary

- (1) The person responsible for—
 - (a) an approved pension arrangement under which a debtor has rights,
 - (b) an unapproved pension arrangement under which a debtor has excluded rights, or
 - (c) a pension arrangement under which a debtor has at any time had rights, must, on the trustee in the sequestration making a written request, provide the trustee with such information about the arrangement and rights as the trustee may reasonably require for, or in connection with, the making of applications under section 101.

(2) Nothing in—

- (a) any provision of section 159 of the Pension Schemes Act 1993 or section 91 of the Pensions Act 1995 (which prevent assignation and the making of orders that restrain a person from receiving anything which the person is prevented from assigning),
- (b) any provision of any enactment (whether passed or made before or after the passing of the 1999 Act) corresponding to any of the provisions mentioned in paragraph (a), or
- (c) any provision of the arrangement in question corresponding to any of those provisions,

applies to a court exercising its powers under section 101.

- (3) Where any sum is required by an order under section 101 to be paid to the trustee, that sum is to be comprised in the debtor's estate.
- (4) Regulations made by the Secretary of State may, for the purposes of the recovery provisions, make provision about the calculation and verification of—
 - (a) any such value as is mentioned in section 102(4)(b),

Changes to legislation: Bankruptcy (Scotland) Act 2016, Section 103 is up to date with all changes known to be in force on or before 21 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) any such amounts as are mentioned in section 102(6)(a) and (b).
- (5) The power conferred by subsection (4) includes power to provide for calculation or verification—
 - (a) in such manner as may, in the particular case, be approved by a prescribed person, or
 - (b) in accordance with guidance from time to time prepared by a prescribed person.
- (6) References in the recovery provisions to the person responsible for a pension arrangement are to—
 - (a) the trustees, managers or provider of the arrangement, or
 - (b) the person having, in relation to the arrangement, functions corresponding to those of a trustee, manager or provider.
- (7) In this section and in section 101, "the recovery provisions" means this section and sections 101 and 102.
- (8) Regulations under subsection (4) may contain such incidental, supplemental and transitional provisions as appear to the Secretary of State necessary or expedient.
- (9) In subsection (5), "prescribed" means prescribed by the regulations.

Commencement Information

I1 S. 103 in force at 30.11.2016 by S.S.I. 2016/294, reg. 2

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 78(2)(a) words in s. 78(2) renumbered as s. 78(2)(a) by 2019 asp 4 s. 7(2)(a)
- s. 78(2)(b) and word inserted by 2019 asp 4 s. 7(2)(b)