



Dormant Assets Act 2022

2022 CHAPTER 5

PART 2

OTHER PROVISIONS

Provisions applicable to more than one scheme

23 Arrangements between reclaim fund and institutions

- (1) An authorised reclaim fund may only accept transfers of any description from an institution if the reclaim fund has made contractual or other arrangements with the institution that the reclaim fund considers to be a satisfactory basis for accepting transfers of that description.
- (2) The arrangements must include provision requiring the taking of steps by the institution, whether before or after a transfer is made, for reuniting assets with their owners.
- (3) The steps required must consist of or include steps to be taken (subject to any exceptions of the kind mentioned in subsection (5)(a)) before a transfer is made with a view to tracing, and verifying the identity of, either (or both) of the following—
 - (a) the person whose right to payment (or right to direct payment) would be extinguished by the transfer;
 - (b) where the asset to be transferred is the proceeds of another asset, the owner or beneficiary of that other asset.
- (4) Subsections (2) and (3) do not apply in relation to transfers made by virtue of section 21(2)(b).
- (5) The arrangements may, in particular—
 - (a) provide for exceptions from any requirement to take steps to trace, and verify the identity of, a person mentioned in subsection (3)(a) or (b);
 - (b) provide for the institution to act as the reclaim fund's agent for particular purposes;

Status: This is the original version (as it was originally enacted).

- (c) specify circumstances in which the reclaim fund is to be taken to have consented to a transfer;
 - (d) make different provision for different cases or circumstances.
- (6) Any exception agreed under subsection (5)(a) must relate to circumstances in which it is considered disproportionate, or otherwise unnecessary, for the steps in question to be taken.

(7) In this section—

“institution” means an institution which is by virtue of the relevant transfer provision capable of making transfers of any description;

“transfer” means a transfer of an amount to an authorised reclaim fund as mentioned in any of the following transfer provisions, that is to say section 1(1)(a) or 2(1)(a) of the 2008 Act or section 2(1)(a), 5(1)(a), 8(1)(a), 12(1)(a), 14(1)(a) or 21(2)(b) above.