

2002 No. 153 (C. 3)

PENSIONS

The Welfare Reform and Pensions Act 1999 (Commencement No. 13) Order 2002

Made - - - -

30th January 2002

The Secretary of State for Work and Pensions, in exercise of powers conferred by section 89(1) of the Welfare Reform and Pensions Act 1999(a), and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Welfare Reform and Pensions Act 1999 (Commencement No. 13) Order 2002.

(2) In this Order, references to sections and Schedules are references to sections of, and Schedules to, the Welfare Reform and Pensions Act 1999.

Appointed day

2. 6th April 2002 is the day appointed for the coming into force of—

- (a) section 11(4) to (10) (effect of bankruptcy on pension rights: approved arrangements) so far as not already in force;
- (b) section 12 (effect of bankruptcy on pension rights: unapproved arrangements) so far as not already in force;
- (c) section 13 (sections 11 and 12: application to Scotland) so far as not already in force;
- (d) section 14 (no forfeiture on bankruptcy of rights under pension schemes);
- (e) section 15 (excessive pension contributions made by persons who have become bankrupt) so far as not already in force;
- (f) section 16 (excessive pension contributions made by persons who have become bankrupt: Scotland) so far as not already in force;
- (g) section 18 (miscellaneous amendments), so far as relating to paragraph 6 of Schedule 2;

▶¹◀

- (i) section 88 (repeals), so far as relating to the repeals in Schedule 13 referred to in paragraph (l) below;
- (j) paragraph 6 of Schedule 2 (effect of certain orders on guaranteed minimum pensions);

▶¹◀

- (l) Part I of Schedule 13 (pensions: miscellaneous) in respect of the following—
 - (i) the repeal of section 159(5) of the Pension Schemes Act 1993(b) (inalienability of guaranteed minimum pension and protected rights payments on bankruptcy),

¹Sub-paras. 2(h) & (k) omitted by reg. 2 of S.I. 2002/818 as from 25.3.02.

(a) 1999 c. 30.
(b) 1993 c. 48.

- (ii) the repeal of section 91(3) of the Pensions Act 1995(a) (inalienability of occupational pension on bankruptcy),
- (iii) the repeals in sections 92(2) and 94(3) of that Act (forfeiture of occupational pension rights by reference to bankruptcy and application of sections 91 and 92 of that Act to Scotland), and
- (iv) the repeal of section 95 of that Act (pension rights of individuals adjudged bankrupt etc.).

Amendment of earlier Order

3. In the Welfare Reform and Pensions Act 1999 (Commencement No. 12) Order 2001(b) article 2(2) (appointed day for coming into force of paragraph 14 of Schedule 2 (occupational pension schemes: certificates relating to minimum funding requirement) and of section 18, section 88 and Part I of Schedule 13 so far as relating to that paragraph) shall be omitted.

Signed by authority of the Secretary of State for Work and Pensions.

30th January 2002

Ian McCartney
Minister of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force further provisions of the Welfare Reform and Pensions Act 1999 (“the Act”). It also makes an amendment to a previous commencement order.

Article 1 deals with citation and interpretation.

Article 2 brings fully into force on 6th April 2002 sections 11 to 16 of the Act, which concern the effect of bankruptcy on an individual’s pension rights, and related consequential amendments and repeals in Schedules 2, 12 and 13 to that Act.

Article 3 amends the Welfare Reform and Pensions Act 1999 (Commencement No. 12) Order 2001 so as to revoke the day appointed for the coming into force of paragraph 14 of Schedule 2, which relates to the minimum funding requirement for occupational pension schemes, and section 18, section 88 and Part I of Schedule 13 so far as relating to paragraph 14 of Schedule 2.

This Order has only a negligible cost for business; a Regulatory Impact Assessment is therefore not necessary.

[See Annex 2 on page 2.6201 for details as to earlier commencements.]

(a) 1995 c. 26.

(b) S.I. 2001/4049 (c. 130).