

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;
 - (h) section 84(1) (consequential amendments etc.), so far as relating to paragraphs 67 to 72 of Schedule 12;
 - (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);
 - (k) paragraphs 67 to 72 of Schedule 12 (consequential amendments to the Bankruptcy (Scotland) Act 1985^(b) and the Insolvency Act 1986^(c)); and
 - (l) Part I of Schedule 13 (pensions: miscellaneous) in respect of the following—

(a) 1999 c. 30.
(b) 1985 c. 66.
(c) 1986 c. 45.

- (i) the repeal of section 159(5) of the Pension Schemes Act 1993^(a) (inalienability of guaranteed minimum pension and protected rights payments on bankruptcy),
- (ii) the repeal of section 91(3) of the Pensions Act 1995^(b) (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 ^(c) 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

(a) 1993 c. 48.
(b) 1995 c. 26.
(c) S.I. 2001/4049 (C. 130).

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.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions have been brought into force by:—

the Welfare Reform and Pensions Act 1999 (Commencement No. 1) Order 1999 (S.I. 1999/3309 (C.88)),

the Welfare Reform and Pensions Act 1999 (Commencement No. 2) Order 1999 (S.I. 1999/3420 (C.92)),

the Welfare Reform and Pensions Act 1999 (Commencement No. 3) Order 2000 (S.I. 2000/629 (C.13)),

the Welfare Reform and Pensions Act 1999 (Commencement No. 4) Order 2000 (S.I. 2000/1047 (C.29)(a)),

the Welfare Reform and Pensions Act 1999 (Commencement No. 5) Order 2000 (S.I. 2000/1116 (C.35)),

the Welfare Reform and Pensions Act 1999 (Scotland) (Commencement No. 6) Order 2000 (S.S.I. 2000/111 (C.36)),

the Welfare Reform and Pensions Act 1999 (Commencement No. 7) Order 2000 (S.I. 2000/1382 (C.41)),

the Welfare Reform and Pensions Act 1999 (Scotland) (Commencement No. 8) Order 2000 (S.S.I. 2000/238 (C.7)),

the Welfare Reform and Pensions Act 1999 (Commencement No. 9, and Transitional and Savings Provisions) Order 2000 (S.I. 2000/2958 (C.89)(b)),

the Welfare Reform and Pensions Act 1999 (Commencement No. 10, and Transitional Provisions) Order 2001 (S.I. 2001/933 (C.34)),

the Welfare Reform and Pensions Act 1999 (Commencement No. 11) Order 2001 (S.I. 2001/1219 (C.44)), and

the Welfare Reform and Pensions Act 1999 (Commencement No. 12) Order 2001 (S.I. 2001/4049 (C.130)).

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1	1st October 2000	2000/1047
Section 2	1st October 2000	2000/1047
Section 3	6th April 2001 and 8th October 2001	2001/933
Sections 4 and 5	8th October 2001	2000/1047
Section 6(1), (2) and (4)	8th October 2001	2000/1047
Schedule 1, except paragraph 1(3), and section 6(3) except so far as it relates to that paragraph 1(3)	1st October 2000	2000/1047
Schedule 1, paragraph 1(3), and section 6(3) so far as it relates to that paragraph 1(3)	8th October 2001	2000/1047
Section 7	1st October 2000	2000/1047
Section 8, except the definition of “designated scheme”	1st October 2000	2000/1047

(a) S.I. 2000/1047 (C. 29) was amended by article 2 of S.I. 2001/933 (C. 34).

(b) S.I. 2000/2958 (C. 89) was amended by article 3 of S.I. 2001/933 (C. 34).

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 8(1) so far as it relates to the definition of “designated scheme”	8th October 2001	2000/1047
Section 9	6th April 2001	2000/2958
Section 10	3rd April 2000	2000/629
Section 11(1), (2), (3) and (11)	29th May 2000	2000/1382
Section 11(12)	1st December 2000	2000/1382
*(a)Section 13(1) and (2)	29th May 2000	2000/1382
Section 17	23rd April 2001	2001/1219
*Schedule 2 in the following respects, and section 18 so far as it relates to them:—		
paragraphs 1 and 2	29th May 2000	2000/1382
paragraphs 3 and 4	25th April 2000	2000/1047
paragraph 5	1st January 2002	2001/4049
paragraph 7	6th April 2002	2001/4049
paragraphs 8 to 13	25th April 2000	2000/1047
paragraph 14	1st February 2002	2001/4049
paragraphs 15 to 19	25th April 2000	2000/1047
Sections 19, 21 and 22 and Schedules 3 and 4	1st December 2000	2000/1116
Section 20	1st December 2000	2000/1047
Sections 23 and 24	1st December 2000	2000/1047
Sections 26 to 51 and Schedules 5 and 6	1st December 2000	2000/1047
Section 53	12th January 2000 and 2nd April 2000	1999/3309
Sections 54 to 56	24th April 2000 and 9th April 2001	2000/1047
Section 59 and Schedule 7	19th March 2001	2000/2958
Section 61	3rd April 2000	1999/3309
Sections 62 to 65	3rd November 2000 and 6th April 2001	2000/2958
Section 66	12th January 2000	1999/3309
Section 67(1) and (2)	12th January 2000	1999/3309
Section 67(3) and (4)	9th April 2001	2000/1382
Section 69	17th April 2000 and 15th May 2000	2000/1047
*Schedule 8 in the following respects, and section 70 so far as it relates to them:—		
paragraphs 1 to 19	24th April 2000 and 9th April 2001	2000/1047
paragraph 20	3rd November 2000	2000/2958
paragraphs 21 and 22	3rd November 2000 and 6th April 2001	2000/2958
paragraph 23(1), (2) and (4)	13th December 1999	1999/3309
paragraph 23(3)	3rd April 2000	1999/3309
paragraph 24	3rd April 2000	1999/3309
paragraph 25	3rd November 2000	2000/2958
paragraph 26	3rd November 2000 and 6th April 2001	2000/2958
paragraph 27	6th April 2001	2000/2958
paragraph 28	19th March 2001	2001/933
paragraphs 30 to 32	12th January 2000 and 2nd April 2000	1999/3309
paragraph 33	1st December 2000	2000/1047
Section 73 and Schedule 9	22nd December 1999 and 6th April 2000	1999/3420
Section 74 and Schedule 10	22nd December 1999	1999/3420

(a) In this Note an asterisk indicates that a provision has been partially brought into force.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
	and 6th April 2000	
Sections 75 and 76	22nd December 1999	1999/3420
Sections 77 and 78	6th April 2000	1999/3420
*Schedule 12 in the following respects, and section 84(1) so far as it relates to them:—		
paragraphs 1 to 4	1st December 2000	2000/1116
paragraphs 5 to 7 and 8(1), (2), (5) and (6)	1st December 2000	2000/1047
paragraph 8(3) and (4)	15th April 2000	S.S.I.2000/111
paragraphs 9, 10, 11, 12 and 14 to 63	1st December 2000	2000/1047, S.S.I.2000/238
paragraphs 64 to 66	1st December 2000	2000/1116
paragraph 73	25th April 2000	2000/1047
paragraph 74	6th April 2000	1999/3420
paragraph 75	25th April 2000	2000/1047
paragraphs 76 to 78	6th April 2000	1999/3420
paragraphs 84 to 86	6th April 2000	1999/3420
Section 85(3) and (4)	1st December 2000	2000/1116
Section 85(5)	1st December 2000	2000/1047
Schedule 13 in the following respects, and section 88 so far as it relates to them:—		
*Part I	25th April 2000	2000/1047
	19th March 2001	2001/933
	23rd April 2001	2001/1219
	1st January 2002,	2001/4049
	1st February 2002 and 6th April 2002	
Part II	1st December 2000	2000/1047 2000/1116
	6th April 2002	2001/4049
Part III	1st December 2000	2000/1047
Part IV	3rd November 2000 and 6th April 2001	2000/2958
Part V	2nd April 2000	1999/3309
	24th April 2000 and 9th April 2001	2000/1047
	6th April 2002	2001/4049
Parts VI and VII	6th April 2000	1999/3420

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