
STATUTORY INSTRUMENTS

2005 No. 3181

The Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005

PART 5

GIVING EFFECT IN THE UNITED KINGDOM TO EXTERNAL ORDERS BY MEANS OF CIVIL RECOVERY

CHAPTER 2

CIVIL RECOVERY IN THE HIGH COURT OR COURT OF SESSION

Vesting and realisation of recoverable property

Payments in respect of rights under pension schemes

184.—(1) This article applies to recoverable property consisting of rights under a pension scheme.

(2) A recovery order in respect of the property must, instead of vesting the property in the trustee for civil recovery, require the trustees or managers of the pension scheme—

- (a) to pay to the trustee for civil recovery within the period determined in accordance with paragraph 5 of Schedule 4 (“the prescribed period”) the amount determined by the trustees or managers to be equal to the value of the rights, and
- (b) to give effect to any other provision made by virtue of this article and the two following articles in respect of the scheme.

This paragraph is subject to articles 187 to 189.

(3) A recovery order made by virtue of paragraph (2) overrides the provisions of the pension scheme to the extent that they conflict with the provisions of the order.

(4) A recovery order made by virtue of paragraph (2) may provide for the recovery by the trustees or managers of the scheme (whether by deduction from any amount which they are required to pay to the trustee for civil recovery or otherwise) of costs incurred by them in—

- (a) complying with the recovery order, or
- (b) providing information, before the order was made, to the enforcement authority, interim receiver or interim administrator.

(5) None of the following provisions applies to a court making a recovery order by virtue of paragraph (2)—

- (a) any provision of section 159 of the Pension Schemes Act 1993⁽¹⁾, section 155 of the Pension Schemes (Northern Ireland) Act 1993⁽²⁾, section 91 of the Pensions Act 1995⁽³⁾

(1) 1993 c. 48
(2) 1993 c. 49.
(3) 1995 c. 26

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or Article 89 of the Pensions (Northern Ireland) Order 1995⁽⁴⁾ (which prevent assignment and the making of orders that restrain a person from receiving anything which he is prevented from assigning),

- (b) any provision of any enactment (whenever passed or made) corresponding to any of the provisions mentioned in sub-paragraph (a),
- (c) any provision of the pension scheme in question corresponding to any to those provisions.

⁽⁴⁾ S.I. 1995/3213 (N.I. 22).