

## SCHEDULE 1

Regulation 3(3)

## INFORMATION TO BE PROVIDED BY APPROPRIATE PERSONS

1.—(1) In this Schedule, “notification date” means the day on which the scheme manager notifies the appropriate person that <sup>[F1]</sup>it has determined that a scheme is a qualifying pension scheme.

(2) <sup>[F2]</sup>Subject to sub-paragraph (2A),] Information to be provided to the scheme manager <sup>[F3]</sup>or all potential beneficiaries] by appropriate persons shall be determined in accordance with the table of information set out below—

**Table of information to be provided by appropriate persons**

<i>Description of persons to whom information is to be provided</i>	<i>Description of information to be provided</i>	<i>Period during which information is to be provided</i>
The scheme manager.	The identity of those individuals within the appropriate person's organisation who will have responsibility for providing information to the scheme manager.	The period of 28 days beginning on the notification date.
The scheme manager.	Details of any change in the address or telephone number— (a) in relation to a qualifying pension scheme which is winding up, of the trustees or managers of the scheme; (b) in relation to a qualifying pension scheme which has wound up, of the appropriate person who has responsibility for providing information to the scheme manager.	The period of 5 days beginning on the day on which the change took place.
The scheme manager.	Any change in the identity of the individuals who have been notified to the scheme manager as having responsibility for providing information to the scheme manager.	The period of 14 days beginning on the day on which the change took place.
The scheme manager.	In relation to each member or former member <sup>[F4]</sup> or any survivor <sup>[F5]</sup> or surviving dependant] of a member or former member,] of a qualifying pension scheme to whom, or in respect of whom, a payment might be made under the FAS Regulations—	<sup>[F13]</sup> In accordance with sub-paragraphs (3) and (4).]

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- (a) his full name;
- (b) his date of birth;
- (c) his address and telephone number;
- (d) his national insurance number;
- (e) where that member [<sup>F6</sup>or former member] has died, the date of his death;
- (f) his marital or civil partnership status;
- (fa) [<sup>F7</sup>such information as is necessary to determine if the member or former member has a survivor or any surviving dependants;]
- (g) such evidence as is necessary to prove that [<sup>F8</sup>the member or former member is, or was,] a member of that scheme;
- (h) his normal retirement age;
- (i) information necessary to determine the amount of pension to which he would have been entitled from the scheme if the scheme's liabilities to the member [<sup>F6</sup>or former member] had been satisfied in full;
- (j) where applicable, the annual rate of annuity which can be purchased for him with the assets available to be used to discharge the liability of the scheme to him, after the liabilities of the scheme have been determined in accordance with section 73 of the Pensions Act 1995 <sup>M1</sup> or Article 73 of the Pensions (Northern Ireland) Order 1995 <sup>M2</sup> (preferential liabilities on winding up) or, where that section or Article

- does not apply, the rules of that scheme;
- (ja) [<sup>F9</sup>where applicable, the annual rate of annuity which has been purchased for or in respect of a beneficiary or potential beneficiary, the amount paid for that annuity, the date on which it was purchased and the name, address and telephone number of the annuity provider;
  - (jb) where applicable, information detailing whether a purchased annuity included revaluation, indexation or payments at or in respect of ages other than normal retirement age and if so, the relevant rate secured and the dates at which such payments or increases are payable;
  - (jc) where applicable, the amount of any transfer payment, interim pension or lump sum (including any winding-up lump sum) made after the day on which the scheme began to be wound up and the dates on which those amounts were paid;
  - (jd) where applicable, any amount paid to restore the state scheme rights of a member or former member of the scheme and the date on which that amount was paid;]
  - (k) the sum which is available to be used to discharge the liability of the scheme to [<sup>F10</sup>him] when the scheme is fully wound up; and
  - (l) where the information referred to in paragraphs (i) to (k) cannot be provided or where

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that information might be inappropriate or inaccurate in a particular case [<sup>F11</sup>or will not be sufficient to enable a reviewable determination to be made] , such other information from which the amount of his actual pension, expected pension and interim pension for the purposes of Schedule 2 [<sup>F12</sup>or Schedule 2A] to the FAS Regulations may be derived.

[ <sup>F14</sup> All potential beneficiaries] of the scheme and all former members of the scheme who are qualifying members.	In relation to a qualifying pension scheme which is winding up, notification that the scheme manager has determined that the scheme is, or is not, a qualifying pension scheme.	The period of 28 days beginning on the notification date.
[ <sup>F15</sup> The scheme manager.]	[ <sup>F16</sup> In relation to a written request under regulation 17(3C)(a) or 17C(2) or (9) of the FAS Regulations , medical evidence about the qualifying member’s state of health to enable the scheme manager to determine whether the scheme manager is satisfied for the purposes of regulation 17(3C)(c) or 17C(3) of those Regulations. ]	[ <sup>F17</sup> The period of 14 days beginning on the day on which the scheme manager requests the information.]
[ <sup>F18</sup> The scheme manager]	[ <sup>F19</sup> Any changes to information provided in accordance with these Regulations.]	[ <sup>F20</sup> The period of 14 days beginning on the day on which the change took place.]
[ <sup>F18</sup> The scheme manager]	[ <sup>F21</sup> Details of all expenditure incurred by the scheme in each period of 3 months (or such shorter or longer period as the scheme manager may determine in relation to a qualifying pension scheme), the first such period beginning on the date determined by the scheme manager in respect of the qualifying pension scheme.]	[ <sup>F22</sup> The period of 14 days following the end of the period to which the information relates.]

[ <sup>F18</sup> The scheme manager]	[ <sup>F23</sup> Details of any significant changes in the level of expenditure incurred by the scheme.]	[ <sup>F24</sup> The period of 14 days beginning on the day on which the change took place.]
[ <sup>F18</sup> The scheme manager]	[ <sup>F25</sup> Details of any contemplated significant changes in the investment of the scheme's assets]	[ <sup>F26</sup> The period of 14 days beginning on the day on which the appropriate person becomes aware of any such contemplated changes]
[ <sup>F18</sup> The scheme manager]	[ <sup>F27</sup> Details of any— (a) legal actions or proceedings; (b) contemplated legal actions or proceedings; (c) complaints made, or disputes or questions referred, to the Pensions Ombudsman under Part 10 of the Pension Schemes Act 1993 or, as the case may be, Part 10 of the Pension Schemes (Northern Ireland) Act 1993; or (d) arbitration, dispute resolution procedures or negotiations intended to lead or leading to a settlement or compromise of any legal action or proceeding, relating to a qualifying pension scheme.]	[ <sup>F28</sup> The latest of— (a) the period of 28 days beginning on the day on which the 2009 Regulations come into force; (b) the period of 28 days beginning on the notification date; or (c) the period of 28 days beginning on the day on which the appropriate person becomes aware of any of the matters in the second column.]
[ <sup>F29</sup> The scheme manager]	[ <sup>F30</sup> Details of— (a) the assets of the qualifying pension scheme (including any assets representing the value of any rights in respect of money purchase benefits under scheme rules) including the value of those assets; (b) the amount of any debt due from the employer under section 75 of the Pensions Act 1995 or Article 75 of the Pensions (Northern Ireland) Order 1995;	[ <sup>F31</sup> The period of 28 days beginning on the later of— (a) the day on which the Financial Assistance Scheme (Miscellaneous Amendments) Regulations 2010 came into force; (b) the notification date; (c) the day on which the appropriate person became aware of any debt referred to in paragraph (c) in the second column or the amount of any contributions referred to

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- (c) the amount of any significant debt due to the scheme which is not a debt within paragraph (b);
  - (d) any amounts due to the trustees or managers of the scheme following the issue of a contribution notice under section 38, 47 or 55 of the Act or Article 34, 43 or 51 of the Pensions (Northern Ireland) Order 2005;
  - (e) any financial support direction issued under section 43 of the Act or Article 39 of the Pensions (Northern Ireland) Order 2005 in relation to the scheme;
  - (f) any restoration order made under section 52 of the Act or Article 48 of the Pensions (Northern Ireland) Order 2005 in respect of a transaction involving assets of the scheme; and
  - (g) the amount of any contributions expected to be made towards the scheme and the person from whom the contributions are expected.]
- in paragraph (g) in the second column,  
or such longer period as the scheme manager may determine for the provision of that information.]

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[<sup>F32</sup>(2A) Where the scheme manager is satisfied that some or all of the information to be provided in accordance with the table in sub-paragraph (2) is not relevant to the exercise of its functions, it may determine that any such information need not be provided.]

[<sup>F33</sup>[<sup>F34</sup>(3) Subject to sub-paragraphs (3A) and (4), the period for information to be provided in relation to each member or former member or any survivor or surviving dependant of a member or former member of a qualifying pension scheme is—

- (a) in relation to each member or former member who has not attained normal retirement age on or before the date which is 6 months after the date on which the 2009 Regulations come into force, the period of 3 months ending 3 months before the day on which the member or former member attains normal retirement age;
- (b) in relation to each member or former member who has attained normal retirement age on or before the date on which the 2009 Regulations come into force, the period ending 3 months after that date;

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- (c) in relation to any survivor or surviving dependant for or in respect of whom an annuity has been purchased and is in payment before the date on which the 2009 Regulations come into force, the period ending 3 months after those Regulations come into force; or
- (d) in relation to any survivor or surviving dependant of a qualifying member who dies after the date on which the 2009 Regulations come into force, the period ending one month after the day on which the appropriate person became aware that the qualifying member has died.

(3A) Where—

- (a) accurate information of the description specified in the table in sub-paragraph (2) can be provided before the period determined in accordance with sub-paragraph (3), the period for information to be provided is the period ending as soon as that accurate information can be provided;
- (b) the scheme manager determines that the information can be, and should be, provided in a period other than the period determined in accordance with sub-paragraph (3), scheme manager may determine the period for the provision of that information; and
- (c) information has been requested by the scheme manager in accordance with these Regulations before the date on which the 2009 Regulations come into force, the information shall be provided by the date determined by the scheme manager in that request. ]

(4) Where the information is to be provided in relation to a person who is terminally ill or unable to work due to ill health, the period is the period of 14 days beginning on the day on which the scheme manager requested the information or such longer period as the scheme manager may determine for the provision of that information.

<sup>F35</sup>( 5 ) .....

<sup>F35</sup>( 6 ) .....

(7) In sub-paragraphs (3) and (4), “normal retirement age” and “terminally ill” have the meanings given by the FAS Regulations.]

<b>F1</b>	Word in Sch. 1 para. 1(1) substituted (10.7.2009) by <a href="#">The Financial Assistance Scheme (Miscellaneous Provisions) Regulations 2009 (S.I. 2009/1851)</a> , regs. 1, <b>32(4)(c)</b>
<b>F2</b>	Words in Sch. 1 para. 1(2) inserted (2.4.2010) by <a href="#">The Financial Assistance Scheme (Miscellaneous Amendments) Regulations 2010 (S.I. 2010/1149)</a> , regs. 1, <b>19(2)</b>
<b>F3</b>	Words in Sch. 1 para. 1(2) substituted (24.11.2005) by <a href="#">Financial Assistance Scheme (Modifications and Miscellaneous Amendments) Regulations 2005 (S.I. 2005/3256)</a> , regs. 1(1), <b>6(4)(a)</b>
<b>F4</b>	Words in Sch. 1 para. 1(2) inserted (24.11.2005) by <a href="#">Financial Assistance Scheme (Modifications and Miscellaneous Amendments) Regulations 2005 (S.I. 2005/3256)</a> , regs. 1(1), <b>6(4)(b)(i)</b>
<b>F5</b>	Words in Sch. 1 para. 1(2) inserted (10.7.2009) by <a href="#">The Financial Assistance Scheme (Miscellaneous Provisions) Regulations 2009 (S.I. 2009/1851)</a> , regs. 1, <b>32(9)(a)(i)</b> , 32(9)(aa)
<b>F6</b>	Words in Sch. 1 para. 1(2) inserted (24.11.2005) by <a href="#">Financial Assistance Scheme (Modifications and Miscellaneous Amendments) Regulations 2005 (S.I. 2005/3256)</a> , regs. 1(1), <b>6(4)(b)(ii)</b>
<b>F7</b>	Words in Sch. 1 para. 1(2) inserted (10.7.2009) by <a href="#">The Financial Assistance Scheme (Miscellaneous Provisions) Regulations 2009 (S.I. 2009/1851)</a> , regs. 1, <b>32(9)(a)(i)</b> , 32(9)(bb)
<b>F8</b>	Words in Sch. 1 para. 1(2) substituted (24.11.2005) by <a href="#">Financial Assistance Scheme (Modifications and Miscellaneous Amendments) Regulations 2005 (S.I. 2005/3256)</a> , regs. 1(1), <b>6(4)(b)(iii)</b>
<b>F9</b>	Words in Sch. 1 para. 1(2) inserted (10.7.2009) by <a href="#">The Financial Assistance Scheme (Miscellaneous Provisions) Regulations 2009 (S.I. 2009/1851)</a> , regs. 1, <b>32(9)(a)(i)</b> , 32(9)(cc)
<b>F10</b>	Word in Sch. 1 para. 1(2) substituted (24.11.2005) by <a href="#">Financial Assistance Scheme (Modifications and Miscellaneous Amendments) Regulations 2005 (S.I. 2005/3256)</a> , regs. 1(1), <b>6(4)(b)(iv)</b>

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- F11** Words in Sch. 1 para. 1(2) inserted (10.7.2009) by The Financial Assistance Scheme (Miscellaneous Provisions) Regulations 2009 (S.I. 2009/1851), regs. 1, **32(9)(a)(i)**, 32(9)(dd)
- F12** Words in Sch. 1 para. 1(2) inserted (17.7.2008) by The Financial Assistance Scheme (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/1903), regs. 1, **18(a)(i)**
- F13** Words in Sch. 1 para. 1(2) substituted (17.7.2008) by The Financial Assistance Scheme (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/1903), regs. 1, **18(a)(ii)**
- F14** Words in Sch. 1 para. 1(2) substituted (24.11.2005) by Financial Assistance Scheme (Modifications and Miscellaneous Amendments) Regulations 2005 (S.I. 2005/3256), regs. 1(1), **6(4)(c)**
- F15** Words in Sch. 1 para. 1(2) inserted (27.3.2009) by Financial Assistance Scheme and Incapacity Benefit (Miscellaneous Amendments) Regulations 2009 (S.I. 2009/792), regs. 1(1), **11(2)(a)**
- F16** Words in Sch. 1 para. 1(2) inserted (27.3.2009) by Financial Assistance Scheme and Incapacity Benefit (Miscellaneous Amendments) Regulations 2009 (S.I. 2009/792), regs. 1(1), **11(2)(b)**
- F17** Words in Sch. 1 para. 1(2) inserted (27.3.2009) by Financial Assistance Scheme and Incapacity Benefit (Miscellaneous Amendments) Regulations 2009 (S.I. 2009/792), regs. 1(1), **11(2)(c)**
- F18** Words in Sch. 1 para. 1(2) inserted (2.4.2010) by The Financial Assistance Scheme (Miscellaneous Amendments) Regulations 2010 (S.I. 2010/1149), regs. 1, **19(3)(a)**
- F19** Words in Sch. 1 para. 1(2) inserted (10.7.2009) by The Financial Assistance Scheme (Miscellaneous Provisions) Regulations 2009 (S.I. 2009/1851), regs. 1, **32(9)(a)(ii)**, 32(9)(aa)
- F20** Words in Sch. 1 para. 1(2) inserted (10.7.2009) by The Financial Assistance Scheme (Miscellaneous Provisions) Regulations 2009 (S.I. 2009/1851), regs. 1, **32(9)(a)(ii)**, 32(9)(bb)
- F21** Words in Sch. 1 para. 1(2) inserted (10.7.2009) by The Financial Assistance Scheme (Miscellaneous Provisions) Regulations 2009 (S.I. 2009/1851), regs. 1, **32(9)(a)(ii)**, 32(9)(cc)
- F22** Words in Sch. 1 para. 1(2) inserted (10.7.2009) by The Financial Assistance Scheme (Miscellaneous Provisions) Regulations 2009 (S.I. 2009/1851), regs. 1, **32(9)(a)(ii)**, 32(9)(dd)
- F23** Words in Sch. 1 para. 1(2) inserted (10.7.2009) by The Financial Assistance Scheme (Miscellaneous Provisions) Regulations 2009 (S.I. 2009/1851), regs. 1, **32(9)(a)(ii)**, 32(9)(ee)
- F24** Words in Sch. 1 para. 1(2) inserted (10.7.2009) by The Financial Assistance Scheme (Miscellaneous Provisions) Regulations 2009 (S.I. 2009/1851), regs. 1, **32(9)(a)(ii)**, 32(9)(ff)
- F25** Words in Sch. 1 para. 1(2) inserted (10.7.2009) by The Financial Assistance Scheme (Miscellaneous Provisions) Regulations 2009 (S.I. 2009/1851), regs. 1, **32(9)(a)(ii)**, 32(9)(gg)
- F26** Words in Sch. 1 para. 1(2) inserted (10.7.2009) by The Financial Assistance Scheme (Miscellaneous Provisions) Regulations 2009 (S.I. 2009/1851), regs. 1, **32(9)(a)(ii)**, 32(9)(hh)
- F27** Words in Sch. 1 para. 1(2) inserted (10.7.2009) by The Financial Assistance Scheme (Miscellaneous Provisions) Regulations 2009 (S.I. 2009/1851), regs. 1, **32(9)(a)(ii)**, **32(9)(a)(ii)**
- F28** Words in Sch. 1 para. 1(2) inserted (10.7.2009) by The Financial Assistance Scheme (Miscellaneous Provisions) Regulations 2009 (S.I. 2009/1851), regs. 1, **32(9)(a)(ii)**, 32(9)(jj)
- F29** Words in Sch. 1 para. 1(2) inserted (2.4.2010) by The Financial Assistance Scheme (Miscellaneous Amendments) Regulations 2010 (S.I. 2010/1149), regs. 1, **19(3)(b)(i)**
- F30** Words in Sch. 1 para. 1(2) inserted (2.4.2010) by The Financial Assistance Scheme (Miscellaneous Amendments) Regulations 2010 (S.I. 2010/1149), regs. 1, **19(3)(b)(ii)**
- F31** Words in Sch. 1 para. 1(2) inserted (2.4.2010) by The Financial Assistance Scheme (Miscellaneous Amendments) Regulations 2010 (S.I. 2010/1149), regs. 1, **19(3)(b)(iii)**
- F32** Sch. 1 para. 1(2A) inserted (2.4.2010) by The Financial Assistance Scheme (Miscellaneous Amendments) Regulations 2010 (S.I. 2010/1149), regs. 1, **19(4)**
- F33** Sch. 1 para. 1(3)-(7) inserted (17.7.2008) by The Financial Assistance Scheme (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/1903), regs. 1, **18(b)**
- F34** Sch. 1 para. 1(3)(3A) substituted for Sch. 1 para. 1(3) (10.7.2009) by The Financial Assistance Scheme (Miscellaneous Provisions) Regulations 2009 (S.I. 2009/1851), regs. 1, **32(9)(b)**
- F35** Sch. 1 para. 1(5)(6) omitted (10.7.2009) by virtue of The Financial Assistance Scheme (Miscellaneous Provisions) Regulations 2009 (S.I. 2009/1851), regs. 1, **32(9)(c)**



**Changes to legislation:** There are currently no known outstanding effects for the The Financial Assistance Scheme (Provision of Information and Administration of Payments) Regulations 2005, SCHEDULE 1. (See end of Document for details)

#### Marginal Citations

- M1** 1995 c. 26. Section 73 is substituted by the Pensions Act 2004 (c. 35), **section 270(1)** but see **article 2(8)** of S.I.2005/275 (C.10).
- M2** S.I.1995/3213 (N.I.22). Article 73 is substituted by the Pensions (Northern Ireland) Order 2005 (S.I.2005/255 (N.I.1)), **Article 247(1)** but see **Article 2(8)** of S.R.2005 No. 48 (C.5).

[<sup>F36</sup>**2.**—(1) This paragraph applies where the scheme manager has made arrangements with a person under paragraph 18 of Schedule 5 to the Act (as modified by Schedule 1 to the FAS Regulations) and the scheme manager has authorised that person to be the person to whom information is to be provided in accordance with these Regulations.

(2) Where this paragraph applies, appropriate persons shall be notified of the identity of the person so authorised in writing by—

- (a) the scheme manager; or
- (b) the person with whom the scheme manager has made arrangements under paragraph 18 of Schedule 5 to the Act.]

- F36** Sch. 1 para. 2 inserted (10.7.2009) by The Financial Assistance Scheme (Miscellaneous Provisions) Regulations 2009 (S.I. 2009/1851), regs. 1, **32(10)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Financial Assistance Scheme (Provision of Information and Administration of Payments) Regulations 2005, SCHEDULE 1.