
STATUTORY INSTRUMENTS

2005 No. 3256

The Financial Assistance Scheme (Modifications and Miscellaneous Amendments) Regulations 2005

Modifications to Part 2 of the Act

3.—(1) In section 209(4) of the Act—

- (a) paragraph (d) shall apply as if, after “the PPF Ombudsman” there were inserted “except any function conferred on him in relation to appeals in connection with the financial assistance scheme”;
- (b) paragraph (f) shall apply as if, after “his functions” there were inserted “, except any function conferred on him in relation to appeals in connection with the financial assistance scheme”; and
- (c) paragraph (g) shall apply as if, after “held by him” there were inserted “except information held by him in relation to any appeal in connection with the financial assistance scheme”.

(2) Section 212 of the Act shall apply as if, in subsection (1), after “discharge of his functions” there were inserted “, and a separate report on the discharge of his functions in relation to appeals in connection with the financial assistance scheme,”.

(3) Section 213(4)(d) of the Act (costs) shall apply as if it provided for regulations under that section to make provision for the costs or expenses of prescribed persons incurred in connection with an appeal under regulations made under section 286 of the Act (financial assistance scheme for members of certain pension schemes).

(4) Section 215 of the Act (referral of questions of law) shall apply as if it provided for the PPF Ombudsman to refer any question of law arising for determination in connection with an appeal under regulations made under section 286 of the Act—

- (a) in England and Wales, or in Northern Ireland, to the High Court; or
- (b) in Scotland, to the Court of Session.

(5) Section 216(2) of the Act (publication) shall apply as if it provided that, for the purposes of the law of defamation, the publication of any matter by the PPF Ombudsman in connection with an appeal under regulations made under section 286 of the Act shall be absolutely privileged.

(6) Section 217(1) of the Act (determinations of the PPF Ombudsman – right of appeal) shall apply as if it provided that a person bound by a determination or direction by the PPF Ombudsman by virtue of regulations made under section 286 of the Act may appeal on a point of law arising from the determination or direction—

- (a) in England and Wales, or in Northern Ireland, to the High Court; or
- (b) in Scotland, to the Court of Session.

(7) Section 217(2) of the Act (determinations of the PPF Ombudsman – enforcement) shall apply as if it provided that any determination or direction of the PPF Ombudsman made under regulations made under section 286 of the Act is enforceable—

- (a) in England and Wales, or in Northern Ireland, in a county court as if it were a judgment or order of that court; and

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- (b) in Scotland, in like manner as an extract registered decree arbitral bearing warrant for execution issued by the sheriff court of any sheriffdom in Scotland.
- (8) Section 218 of the Act (obstruction etc of the PPF Ombudsman) shall apply as if—
 - (a) in subsection (1)(b), for “section 213 or 214” there were substituted “section 286”; and
 - (b) in subsection (5)(a), after “in England and Wales” there were inserted “, or in Northern Ireland”.