STATUTORY INSTRUMENTS

2009 No. 1851

The Financial Assistance Scheme (Miscellaneous Provisions) Regulations 2009

PART 4

Amendment of the FAS Internal Review Regulations and the FAS Appeals Regulations

Amendment of the FAS Internal Review Regulations

33.—(1) The FAS Internal Review Regulations are amended in accordance with this regulation.

(2) In each place it occurs (except in regulations 2(1)(c) and 5(1)(b)(ii)), after "member eligibility" insert ", survivor eligibility".

(3) In regulation 1, after the definition of "scheme manager" insert—

""surviving dependant" has the meaning given in regulation 2(1) of the FAS Regulations;".

(4) In regulation 2—

(a) after paragraph (1)(c) insert—

"(ca) whether or not a person is a survivor or surviving dependant of a qualifying member ("survivor eligibility")";

(b) in paragraph (1)(d)—

(i) after "a survivor" insert "or surviving dependant"; and

(ii) after "regulation 17" insert "or 17C"; and

(c) in paragraph (1)(f), after "a survivor" insert "or surviving dependant".

(5) In regulation 3—

(a) in paragraph (1)(b)(ii), for "or survivor" substitute ", survivor or surviving dependant";

(b) in paragraph (1A)(a) after "issued on the" insert "scheme manager's"; and

(c) in paragraph (1A)(b) after "as a group," insert "or to their survivors and surviving dependants, or to a class of such survivors or surviving dependants".

(6) In each place it occurs in—

(a) regulation 4(2)(b);

(b) regulation 8(1)(b)(i) and (2)(a); and

(c) regulation 11(1) to (3),

for "he" substitute "it".

(7) In each place it occurs in regulation 8(1) for "his" substitute "its".

(8) In each place it occurs in regulation 8(2) and 10(b) for "him" substitute "it".

(9) After regulation 17, insert—

"**Representation of children**

18.—(1) Subject to paragraph (2), where any interested person is a child aged less than 18, the scheme manager may treat—

(a) a parent of the child;

(b) a person with parental responsibility within the meaning of section 3 of the Children Act 1989 in relation to the child;

(c) a person with parental responsibility or parental rights under the Children (Scotland) Act 1995 in relation to the child;

(d) a person with parental responsibility within the meaning of Article 6 of the Children (Northern Ireland) Order 1995 in relation to the child,

as a person appointed to act as that child's representative for the purposes of these Regulations.

(2) Where—

(a) no person referred to in paragraph (1) is known to the scheme manager, the scheme manager may appoint a person to act as that child's representative for the purposes of these Regulations;

(b) more than one person referred to in paragraph (1) wishes to act as the child's representative for the purposes of these Regulations, the scheme manager may appoint one of those persons as the representative of that child.".