
STATUTORY INSTRUMENTS

2005 No. 1986

The Financial Assistance Scheme Regulations 2005

PART 1

GENERAL

Application of Parts 1 and 2 of the Act

4.—(1) The provisions of Parts 1 and 2 of the Act specified in paragraph (2) apply for the purposes of these Regulations with the modifications prescribed in Schedule 1.

(2) The specified provisions are—

- (a) section 68 (power for the Regulator to collect information relevant to the Board of the Pension Protection Fund);
- (b) section 85 (power to enable the Regulator to disclose restricted information to the Board);
- [^{F1}(ba) section 113 (investment of funds);]
- [^{F1}(bb) section 114 (investment principles);
- (bc) section 115 (borrowing);
- (bd) section 117 (administration levy);
- (be) section 119 (annual reports to Secretary of State);
- (bf) section 134 (directions);]
- [^{F2}(bg) sections 135 and 136 (provisions restricting winding up, discharge of liabilities etc and provisions regarding validation of contraventions of section 135);
- (bh) section 161 (effect of Board assuming responsibility for a scheme);
- (bi) section 165 (guaranteed minimum pensions);]
- (c) section 168 (administration of compensation payable by the Board);
- (d) sections 190 to 204 ^{F3}... (information gathering powers of the Board and provisions relating to disclosure of information by the Board); ^{F4}...
- [^{F5}(da) Schedule 5 (the Board of the Pension Protection Fund); and]
- [^{F6}(db) Schedule 6 (transfer of property, rights and liabilities to the Board); and]
- (e) Schedule 8 (permitted disclosures by the Board to facilitate exercise of functions).

(3) Subject to paragraph (5), the provisions of Parts 1 and 2 of the Act which are applied by paragraph (1), shall apply to Northern Ireland for the purposes of these Regulations, with the prescribed modifications, as if those provisions extended to Northern Ireland.

(4) Section 88(4) shall also apply to Northern Ireland for the purposes of these Regulations as if that provision extended to Northern Ireland.

(5) Sections 197 to ^{F7}... 203 shall apply to Northern Ireland only in so far as they relate to disclosure or provision of information—

- (a) by or to the scheme manager;
 - (b) by any person who receives information directly or indirectly from the scheme manager;
 - (c) by any person for the purpose of enabling or assisting the scheme manager to exercise [F8:its] functions; and
 - (d) by trustees or managers of occupational pension schemes in respect of matters relating to these Regulations.
- (6) In so far as this regulation extends provisions to Northern Ireland—
- (a) a person may not be required under or by virtue of those provisions to produce, disclose or permit the inspection of protected items within the meaning given in section 311(2) to (4); and
 - (b) if a person claims a lien on a document, its production under any provision made by, or by virtue of, those provisions, does not affect the lien.

Textual Amendments

- F1** Reg. 4(2)(ba)-(bf) substituted for reg. 4(2)(ba) (10.7.2009) by [The Financial Assistance Scheme \(Miscellaneous Provisions\) Regulations 2009 \(S.I. 2009/1851\)](#), regs. 1, **5(a)** (with reg. 37)
- F2** Reg. 4(2)(bg)(bh)(bi) inserted (2.4.2010) by [The Financial Assistance Scheme \(Miscellaneous Amendments\) Regulations 2010 \(S.I. 2010/1149\)](#), regs. 1, **5(a)**
- F3** Words in reg. 4(2)(d) omitted (2.4.2010) by virtue of [The Financial Assistance Scheme \(Miscellaneous Amendments\) Regulations 2010 \(S.I. 2010/1149\)](#), regs. 1, **5(b)**
- F4** Word in reg. 4(2) omitted (10.7.2009) by virtue of [The Financial Assistance Scheme \(Miscellaneous Provisions\) Regulations 2009 \(S.I. 2009/1851\)](#), regs. 1, **5(b)(i)** (with reg. 37)
- F5** Reg. 4(2)(da) inserted (10.7.2009) by [The Financial Assistance Scheme \(Miscellaneous Provisions\) Regulations 2009 \(S.I. 2009/1851\)](#), regs. 1, **5(b)(ii)** (with reg. 37)
- F6** Reg. 4(2)(db) inserted (2.4.2010) by [The Financial Assistance Scheme \(Miscellaneous Amendments\) Regulations 2010 \(S.I. 2010/1149\)](#), regs. 1, **5(c)**
- F7** Words in reg. 4(5) omitted (2.4.2010) by virtue of [The Financial Assistance Scheme \(Miscellaneous Amendments\) Regulations 2010 \(S.I. 2010/1149\)](#), regs. 1, **5(d)**
- F8** Word in reg. 4(5)(c) substituted (10.7.2009) by [The Financial Assistance Scheme \(Miscellaneous Provisions\) Regulations 2009 \(S.I. 2009/1851\)](#), regs. 1, **7(2)(a)** (with reg. 37)

Changes to legislation:

There are currently no known outstanding effects for the The Financial Assistance Scheme Regulations 2005, Section 4.