
STATUTORY INSTRUMENTS

2005 No. 1994

**The Financial Assistance Scheme
(Internal Review) Regulations 2005**

Time for making an application for a review of a reviewable determination

5.—(1) Subject to paragraph (3), an application for a review of a reviewable determination must be made—

- [^{F1}(a) in the case of a reviewable determination which—
 - (i) is made before the coming into force of the Financial Assistance Scheme (Miscellaneous Amendments) Regulations 2010; and
 - (ii) relates to scheme notification or scheme eligibility,before the end of the period of two months beginning on the date on which that determination was made;]
- [^{F1}(aa) in the case of a reviewable determination which—
 - (i) is made after the coming into force of the Financial Assistance Scheme (Miscellaneous Amendments) Regulations 2010; and
 - (ii) relates to scheme notification or scheme eligibility,before the end of the period of one month beginning on the date on which that determination was made;]
- [^{F1}(ab) in the case of a reviewable determination which relates to member assessment or ill health payment assessment, at any time after the date on which that determination was made;]
- [^{F1}(ac) in the case of a reviewable determination which relates to valuation approval, before the end of the period of 21 days beginning on the date on which that determination was made;]
- [^{F2}(b) in the case of a reviewable determination which—
 - (i) is made before the coming into force of the Financial Assistance Scheme (Modifications and Miscellaneous Amendments) Regulations 2005; and
 - (ii) relates to member eligibility^{F3} ...,at any time after the date on which that determination was made; or
- (c) in the case of a reviewable determination which—
 - (i) is made on or after the coming into force of the Financial Assistance Scheme (Modifications and Miscellaneous Amendments) Regulations 2005; and
 - (ii) relates to member eligibility [^{F4}, survivor eligibility][^{F5}, [^{F6}indexation assessment, section 134 or Article 118 directions, lump sum assessment, early retiree assessment, scheme beneficiaries assessment], ill health eligibility [^{F7}, severe ill health eligibility] or terminal illness eligibility],before the end of the period of one month beginning with the date on which that determination was made.]

(2) An application for a review of a reviewable determination is made when it is received by the scheme manager.

(3) Where, in relation to an application to which paragraph (1)(a) [^{F8}, (aa)] [^{F9} or (c)] applies, the scheme manager is of the opinion that it is reasonable for the application to have been made after the end of the period referred to in that paragraph, the scheme manager must review that determination provided that the application was not made after the end of the period of 12 months beginning with the date on which the reviewable determination was made.

[^{F10}(4) For the purposes of paragraph (2), “application” means an application that—

- (a) is made by an interested person; and
- (b) otherwise complies with the requirements of this regulation and regulation 6.]

Textual Amendments

- F1** Reg. 5(1)(a)(aa)(ab)(ac) substituted for reg. 5(1)(a) (2.4.2010) by The Financial Assistance Scheme (Miscellaneous Amendments) Regulations 2010 (S.I. 2010/1149), regs. 1, **20(4)(a)**
- F2** Reg. 5(1)(b)(c) substituted for reg. 5(1)(b) (24.11.2005) by The Financial Assistance Scheme (Modifications and Miscellaneous Amendments) Regulations 2005 (S.I. 2005/3256), regs. 1(1), **5(7)(b)**
- F3** Words in reg. 5(1)(b)(ii) omitted (2.4.2010) by virtue of The Financial Assistance Scheme (Miscellaneous Amendments) Regulations 2010 (S.I. 2010/1149), regs. 1, **20(4)(b)**
- F4** Words in Regulations inserted (10.7.2009) by The Financial Assistance Scheme (Miscellaneous Provisions) Regulations 2009 (S.I. 2009/1851), regs. 1, **33(2)**
- F5** Words in reg. 5(1)(c)(ii) substituted (16.12.2006) by The Financial Assistance Scheme (Miscellaneous Amendments) Regulations 2006 (S.I. 2006/3370), regs. 1(1), **8(4)(b)**
- F6** Words in reg. 5(1)(c)(ii) substituted (2.4.2010) by The Financial Assistance Scheme (Miscellaneous Amendments) Regulations 2010 (S.I. 2010/1149), regs. 1, **20(4)(c)**
- F7** Words in reg. 5(1)(c)(ii) inserted (27.3.2009) by The Financial Assistance Scheme and Incapacity Benefit (Miscellaneous Amendments) Regulations 2009 (S.I. 2009/792), regs. 1(1), **10(3)**
- F8** Word in reg. 5(3) inserted (2.4.2010) by The Financial Assistance Scheme (Miscellaneous Amendments) Regulations 2010 (S.I. 2010/1149), regs. 1, **20(4)(d)**
- F9** Words in reg. 5(3) substituted (16.2.2006) by The Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006 (S.I. 2006/349), regs. 1(3), **22**
- F10** Reg. 5(4) added (24.11.2005) by The Financial Assistance Scheme (Modifications and Miscellaneous Amendments) Regulations 2005 (S.I. 2005/3256), regs. 1(1), **5(7)(d)**

Commencement Information

- I1** Reg. 5 in force at 20.7.2005, see **reg. 1(1)**

Changes to legislation:

There are currently no known outstanding effects for the The Financial Assistance Scheme (Internal Review) Regulations 2005, Section 5.