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STATUTORY INSTRUMENTS

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**2010 No. 1149**

**The Financial Assistance Scheme  
(Miscellaneous Amendments) Regulations 2010**

**PART 4**

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

**Amendment of the FAS Internal Review Regulations**

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

(2) In regulation 2 (reviewable determinations)—

(a) after paragraph (1)(b) insert—

“(ba) the giving of a direction under section 134 of the Act or Article 118 of the Pensions (Northern Ireland) Order 2005 (“section 134 or Article 118 directions”);

(bb) the approval by the scheme manager of a valuation in respect of a qualifying pension scheme under regulation 25 of the FAS Regulations (approval of valuation) (“valuation approval”);

(bc) whether or not regulation 17D of the FAS Regulations (lump sum payments) applies in respect of a qualifying member and the amount of any lump sum determined in accordance with regulation 17D of the FAS Regulations (“lump sum assessment”);

(bd) the amount of any annual increase to an annual payment or ill health payment determined in accordance with Schedules 2 to 6 to the FAS Regulations or to a payment determined in accordance with Schedule 7 to the FAS Regulations (“indexation assessment”);

(be) eligibility for a payment in accordance with regulation 17G of the FAS Regulations (payments to beneficiaries other than qualifying members, survivors and surviving dependants) and the amount of any such payment (“scheme beneficiaries assessment”);

(bf) eligibility for a payment in accordance with regulation 17H of the FAS Regulations (payments to qualifying members receiving a pension from the qualifying pension scheme before entitlement to an annual payment or ill health payment) and the amount of any such payment (“early retiree assessment”);”;

(b) in paragraph (1)(d), for “Schedule 2” substitute “Schedule 2, 3 or 4”;

(c) in paragraph (1)(f), for “Schedule 2A” substitute “Schedule 2A, 5 or 6”; and

(d) in paragraph (2), after “scheme eligibility,” insert “section 134 or Article 118 directions, valuation approval, lump sum assessment, indexation assessment, scheme beneficiaries assessment, early retiree assessment.”

(3) In regulation 3 (notice of a reviewable determination)—

- (a) in paragraph (1)(b) omit “, subject to paragraph (1A),”;
  - (b) omit paragraph (1A);
  - (c) in paragraph (2) omit “or (1A),”;
  - (d) in paragraph (2)(d) after “completed winding up” insert “and a transfer notice has not been given in relation to the scheme under regulation 29 of the FAS Regulations”.
- (4) In regulation 5 (time for making an application for a review of a reviewable determination)—
- (a) for paragraph (1)(a) substitute—
    - “(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;
    - (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;
    - (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;
    - (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;”;
  - (b) in paragraph (1)(b)(ii) omit “or member assessment”;
  - (c) in paragraph (1)(c)(ii) for “member assessment, ill health payment assessment,” substitute “indexation assessment, section 134 or Article 118 directions, lump sum assessment, early retiree assessment, scheme beneficiaries assessment;”;
  - (d) in paragraph (3) after “paragraph (1)(a)” insert “, (aa)”.
- (5) In regulation 6 (applications for a review of a reviewable determination)—
- (a) in paragraph (1), after sub-paragraph (a) insert—
    - “(aa) which relates to section 134 or Article 118 directions may be made by any person to whom a direction under section 134 of the Act or Article 118 of the Pensions (Northern Ireland) Order 2005 has been given;
    - (ab) which relates to valuation approval may be made by the trustees or managers of the qualifying pension scheme or a representative of those trustees or managers appointed under regulation 17(1);”;
  - (b) in paragraph (1)(b) after “severe ill health eligibility” insert “, indexation assessment, lump sum assessment, scheme beneficiaries assessment, early retirees assessment”.

### **Amendment of the FAS Appeals Regulations**

- 21.**—(1) The FAS Appeals Regulations are amended in accordance with this regulation.
- (2) In regulation 2 (interpretation)—

- (a) after the definition of “Deputy PPF Ombudsman” insert—
    - ““early retiree assessment decision” means a review decision made by the scheme manager under the FAS Internal Review Regulations which relates to a determination as to whether or not a person is entitled to a payment in accordance with regulation 17H of the FAS Regulations (payments to qualifying members receiving a pension from the qualifying pension scheme before entitlement to an annual payment or ill health payment)”;
  - (b) in the definition of “ill health payment assessment decision”, for “Schedule 2A” substitute “Schedule 2A, 5 or 6”;
  - (c) after the definition of “ill health payment assessment decision” insert—
    - ““indexation assessment decision” means a review decision made by the scheme manager under the FAS Internal Review Regulations which relates to a determination as to the amount of any annual increase to an annual payment or ill health payment determined in accordance with Schedules 2 to 6 to the FAS Regulations or as to the amount of any annual increases to a payment determined in accordance with Schedule 7 to the FAS Regulations;”;
  - (d) after the definition of “interested person” insert—
    - ““lump sum assessment decision” means a review decision made by the scheme manager under the FAS Internal Review Regulations which relates to a determination as to whether or not regulation 17D of the FAS Regulations (lump sum payments) applies in respect of a qualifying member and the amount of any lump sum determined in accordance with regulation 17D of the FAS Regulations;”;
  - (e) in the definition of “member assessment decision”, for “Schedule 2” substitute “Schedule 2, 3 or 4”;
  - (f) after the definition of “review decision” insert—
    - ““scheme beneficiaries decision” means a review decision made by the scheme manager under the FAS Internal Review Regulations which relates to a determination as to eligibility for and the amount of any payment in accordance with regulation 17G of the FAS Regulations (payments to beneficiaries other than qualifying members, survivors and surviving dependants);”;
  - (g) after the definition of “scheme notification decision” insert—
    - ““section 134 or Article 118 directions decision” means a review decision made by the scheme manager under the FAS Internal Review Regulations which relates to the giving of a direction under section 134 of the Act or Article 118 of the Pensions (Northern Ireland) Order 2005;”;
  - (h) after the definition of “terminal illness eligibility decision” insert—
    - ““valuation approval decision” means a review decision made by the scheme manager under the FAS Internal Review Regulations which relates to the approval of a valuation in respect of the qualifying scheme under regulation 25 of the FAS Regulations (approval of valuation);”;
- (3) In regulation 6(2) (notice of appeal)—
- (a) in sub-paragraph (b), after “a severe ill health eligibility decision” insert “, an early retiree assessment decision, a lump sum assessment decision, an indexation assessment decision, a scheme beneficiaries decision”; and
  - (b) in sub-paragraph (c), after “a scheme notification decision” insert “, a section 134 or Article 118 directions decision, a valuation approval decision”.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(4) In regulation 17(4)(a) (time and place of oral hearings), after “a survivor eligibility decision” insert “, a section 134 or Article 118 directions decision, a valuation approval decision, an early retiree assessment decision, a lump sum assessment decision, an indexation assessment decision, a scheme beneficiaries decision”.