

STATUTORY INSTRUMENTS

**2005 No. 1994**

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

**Notice of a reviewable determination**

3.—(1) Where, in relation to an occupational pension scheme, a reviewable determination is made which relates to—

- (a) scheme notification or scheme eligibility, the scheme manager must—
  - (i) issue a notice of that determination to—
    - (aa) the person who supplied the details referred to in regulation 14(1) or (3) of the FAS Regulations (notification of details) to the scheme manager; or
    - (bb) where the scheme has not completed winding up, the trustees [<sup>F1</sup>or managers] of the scheme if the scheme manager is not already required to issue a notice to those trustees [<sup>F1</sup>or managers] under sub-paragraph (a)(i) (aa);
  - (ii) take reasonable steps to publicise to any other interested person that such a determination has been made; and
  - (iii) make a copy of the notice issued under sub-paragraph (a)(i) available for inspection by any interested person; or
- (b) member eligibility [<sup>F2</sup>, survivor eligibility][<sup>F3</sup>, member assessment [<sup>F4</sup>, ill health payment assessment, ill health eligibility][<sup>F5</sup>, severe ill health eligibility] or terminal illness eligibility], the scheme manager must <sup>F6</sup>... issue a notice of that determination to—
  - (i) the member concerned; or
  - (ii) any appointed representative [<sup>F7</sup> within the meaning of regulation 2(7)(b) of the FAS Regulations][<sup>F8</sup>, survivor or surviving dependant] of that member.

[<sup>F9</sup>(1A)]<sup>F10</sup> .....

(2) A notice issued by the scheme manager under [<sup>F11</sup>paragraph (1)(a)(i) or (b) <sup>F12</sup>...], or made available by the scheme manager for inspection under paragraph (1)(a)(iii), must be in writing and must contain the following information—

- (a) a statement of the reviewable determination made and of the reasons for that determination;
- (b) the date on which the reviewable determination was made;
- (c) the name of the occupational pension scheme to which the reviewable determination relates;
- (d) if that occupational pension scheme has not completed winding up [<sup>F13</sup>and a transfer notice has not been given in relation to the scheme under regulation 29 of the FAS Regulations], the address and telephone number of at least one trustee of the scheme;

- (e) the name in legible characters of the person issuing the notice and the date on which the notice is issued;
- (f) a statement that if a person to whom the notice is issued is dissatisfied with the reviewable determination, he may ask the scheme manager to give a review decision in respect of that determination;
- (g) the applicable time limit for requesting a review of a reviewable determination;
- (h) an explanation of how an application may be made for the review of a reviewable determination;
- (i) an explanation of how such an application will be considered;
- (j) a summary of the scheme manager's powers on giving a review decision in respect of a reviewable determination.

#### Textual Amendments

- F1** Words in [reg. 3](#) inserted (24.11.2005) by [The Financial Assistance Scheme \(Modifications and Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/3256\)](#), [regs. 1\(1\), 5\(4\)](#)
- F2** Words in [Regulations](#) inserted (10.7.2009) by [The Financial Assistance Scheme \(Miscellaneous Provisions\) Regulations 2009 \(S.I. 2009/1851\)](#), [regs. 1, 33\(2\)](#)
- F3** Words in [reg. 3\(1\)\(b\)](#) substituted (16.12.2006) by [The Financial Assistance Scheme \(Miscellaneous Amendments\) Regulations 2006 \(S.I. 2006/3370\)](#), [regs. 1\(1\), 8\(4\)\(b\)](#)
- F4** Words in [Regulations](#) inserted (17.7.2008) by [The Financial Assistance Scheme \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/1903\)](#), [regs. 1, 19\(3\)](#)
- F5** Words in [reg. 3\(1\)\(b\)](#) inserted (27.3.2009) by [The Financial Assistance Scheme and Incapacity Benefit \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/792\)](#), [regs. 1\(1\), 10\(3\)](#)
- F6** Words in [reg. 3\(1\)\(b\)](#) omitted (2.4.2010) by virtue of [The Financial Assistance Scheme \(Miscellaneous Amendments\) Regulations 2010 \(S.I. 2010/1149\)](#), [regs. 1, 20\(3\)\(a\)](#)
- F7** Words in [reg. 3\(1\)\(b\)\(ii\)](#) inserted (24.11.2005) by [The Financial Assistance Scheme \(Modifications and Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/3256\)](#), [regs. 1\(1\), 5\(5\)](#)
- F8** Words in [reg. 3\(1\)\(b\)\(ii\)](#) substituted (10.7.2009) by [The Financial Assistance Scheme \(Miscellaneous Provisions\) Regulations 2009 \(S.I. 2009/1851\)](#), [regs. 1, 33\(5\)\(a\)](#)
- F9** [Reg. 3\(1A\)](#) inserted (16.12.2006) by [The Financial Assistance Scheme \(Miscellaneous Amendments\) Regulations 2006 \(S.I. 2006/3370\)](#), [regs. 1\(1\), 8\(5\)\(b\)](#)
- F10** [Reg. 3\(1A\)](#) omitted (2.4.2010) by virtue of [The Financial Assistance Scheme \(Miscellaneous Amendments\) Regulations 2010 \(S.I. 2010/1149\)](#), [regs. 1, 20\(3\)\(b\)](#)
- F11** Words in [reg. 3\(2\)](#) substituted (16.12.2006) by [The Financial Assistance Scheme \(Miscellaneous Amendments\) Regulations 2006 \(S.I. 2006/3370\)](#), [regs. 1\(1\), 8\(5\)\(c\)](#)
- F12** Words in [reg. 3\(2\)](#) omitted (2.4.2010) by virtue of [The Financial Assistance Scheme \(Miscellaneous Amendments\) Regulations 2010 \(S.I. 2010/1149\)](#), [regs. 1, 20\(3\)\(c\)](#)
- F13** Words in [reg. 3\(2\)\(d\)](#) inserted (2.4.2010) by [The Financial Assistance Scheme \(Miscellaneous Amendments\) Regulations 2010 \(S.I. 2010/1149\)](#), [regs. 1, 20\(3\)\(d\)](#)

#### Commencement Information

- I1** [Reg. 3](#) 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 3.