
STATUTORY INSTRUMENTS

2009 No. 792

The Financial Assistance Scheme and Incapacity Benefit (Miscellaneous Amendments) Regulations 2009

Amendment of the Financial Assistance Scheme (Appeals) Regulations 2005

12.—(1) The Financial Assistance Scheme (Appeals) Regulations 2005(1) are amended in accordance with this regulation.

(2) In regulation 2 (interpretation), after the definition of “scheme notification decision” insert—

““severe ill health eligibility 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 the scheme manager is satisfied that a qualifying member is entitled to an annual payment under regulation 17(3C) or 17C of the FAS Regulations or—

- (a) is unable to work due to ill health;
- (b) is likely to continue to be so unable to work until normal retirement age; and
- (c) suffers from a progressive disease and as a consequence can reasonably be expected to die within five years but, as appropriate, not within six months,

for the purposes of an initial payment under regulation 18(1)(ab) of those Regulations;”.

(3) In regulation 6(2)(b) (notice of appeal), after “a member eligibility decision” insert “, a severe ill health eligibility decision”.

(4) In regulation 17(4)(a) (time and place of oral hearings), after “a member eligibility decision” insert “, a severe ill health eligibility decision”.