
STATUTORY INSTRUMENTS

2018 No. 207

**The Financial Assistance Scheme (Increased
Cap for Long Service) Regulations 2018**

Transitional provision

- 5.—(1) Paragraph (3) applies to a person where—
- (a) the person is in receipt of an annual payment or (as the case may be) an ill health payment;
 - (b) the person first became entitled to that payment before these Regulations come into force; and
 - (c) payment to that person is capped in accordance with paragraph 7 of Schedule 2 or paragraph 7 of Schedule 2A to the FAS Regulations.
- (2) Paragraph (3) also applies to a person where—
- (a) the person is in receipt of an initial payment or (as the case may be) an interim ill health payment on or after the day these Regulations come into force;
 - (b) the person subsequently receives an annual payment or (as the case may be) an ill health payment; and
 - (c) payment to that person is capped in accordance with paragraph 7 of Schedule 2 or paragraph 7 of Schedule 2A to the FAS Regulations.
- (3) Where this paragraph applies, the amount of the annual payment or the ill health payment to the person is to be recalculated in accordance with regulation 17AA(4) using—
- (a) as the standard amount, the amount applying to that person under the FAS Regulations at the time the person first became entitled to an annual payment or an ill health payment; and
 - (b) where the person was entitled to an ill health payment or an interim ill health payment, the original actuarial factor.
- (4) The recalculated amount has effect from whichever is the later of—
- (a) the date on which the person first became entitled to an annual payment or an ill health payment; or
 - (b) the date on which these Regulations came into force.
- (5) In the case of a person to whom paragraph (3) applies, nothing in these Regulations affects the application of the FAS cap when calculating increases already accrued in relation to periods before the day on which these Regulations come into force under—
- (a) paragraph 9 (annual increase to an annual payment) of Schedule 2 to the FAS Regulations⁽¹⁾; or
 - (b) paragraph 9 (annual increase to an ill health payment) of Schedule 2A to the FAS Regulations⁽²⁾.

(1) Paragraph 9 was substituted by S.I. 2009/1851 and amended by S.I.s 2010/1149 and 2011/839.

(2) Paragraph 9 was inserted by S.I. 2009/1851 and amended by S.I.s 2010/1149 and 2011/839.

Status: This is the original version (as it was originally made).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

(6) In this regulation, “the original actuarial factor” means the actuarial factor applied in accordance with paragraph 5 (actuarial reduction) of Schedule 2A to the FAS Regulations at the time when the person first became entitled to an ill health payment.