Destination Table: Financial Assistance Scheme Regulations 2005 to Financial Assistance Scheme Regulations 2012

Note: The table omits from the notes references where the only change in the regulation is to a cross-reference to another regulation, other legislation or minor grammatical changes.

New Regulation	Original Regulation	Title	Notes
1	1	Citation	
2(1)	2(1)	Interpretation	 definition of 2005 Regs inserted definition of annual payment amended definition of beneficiary amended definition of ill health payment deleted definition of entitlement period inserted definition of initial payment amended definition of interim ill health payment deleted definition of normal benefit age inserted definition of pensionable service inserted definition of relevant percentage inserted definition of scheme's pension liabilities inserted definition of shared initial pension deleted
2(2)	2(1)		No change in effect.
2(3)	2(2)		No change in effect.
2(4)	2(1A)		No change in effect.
2(5)	2(1AB)		No change in effect.
2(6)	2(1B)		No change in effect.
2(7)			Date a person becomes a pension credit member and the date a

New Regulation	Original Regulation	Title	Notes
			person's rights become subject to a pension debit - para 17 et seq.
2(8)	2(2)		No change in effect.
2(9)	2(3)		No change in effect.
2(10)	2(4)		No change in effect.
2(11)	2(7)		No change in effect.
2(12)	2(8)		No change in effect.
2(13)	2(8A)		No change in effect.
2(14)	2(8B)		No change in effect.
2(15)	2(9)		No change in effect.
2(16)	2(10)		No change in effect.
3	3	Commencement of wind up	Amendment more narrowly defining when a pension scheme begins to wind up.
4	4	Applications of Parts 1 and 2 of the Act	
5	5	Scheme manager	No change in effect.
6	6		
6(1)	6(1)		No change in effect.
6(2)	6(2)		Amended to provide a generic reference to factors applied in determinations under these FAS Regulations. This better reflects the actual operation of the scheme - para 46 et seq.
7		Maladministration	New regulation dealing with the investigation of complaints of mal- administration by the Pension Protection Fund Ombudsman and the payment of compensation by the scheme manager - para 73 et seq.
8	6A	Use of information	No change in effect.

New	Original	Title	Notes
Regulation	Regulation		
9	9	Qualifying pension schemes	
9(1)(d)	9(1)(ca)		No change in effect.
9(1)(e)	9(1)(d)		No change in effect.
9(2)	9(1A)		No change in effect.
9(3)	9(1B)		No change in effect.
9(4)	9(1C)		No change in effect.
9(5) (6) and (7)		Extending qualifying conditions	Insertion of new conditions which extend the scheme qualifying conditions to schemes where: the connection between the scheme and the last statutory employer was severed before a set date; the statutory employer had an insolvency event before 6 April 2005; and the scheme began to wind up in the period from 23 December 2008 to the day before these Regulations come into force - para 12 et seq.
9(8)	9(2)		No change in effect.
10	10	Other schemes which are not qualifying pension schemes	No change in effect.
11	11	Conditions to be satisfied by employer	No change in effect.
12	12	Condition to be satisfied: multi-employer schemes	
12(2)	12(3)		No change in effect.
12(3)	12(2)		No change in effect.
13	12A	Employer-related	No change in effect.

New Regulation	Original Regulation	Title	Notes
		condition	
	12A(3)		Scheme manager discretion deleted. No longer needed as discretion put into one place - see regulation 15.
13(3)	12A(4)		No change in effect.
14	12B	Employer-related condition: multi-employer schemes	
	12B(5)		Scheme manager discretion deleted. No longer needed as discretion put into one place - see regulation 15.
14(5)	12B(6)		No change in effect.
15	12A(3) and 12B(5)		No change in effect.
16	13	Insolvency events	
16(4)	13(3A)		No change in effect.
16(5)	13(4)		No change in effect.
16(6)	13(4A)		No change in effect.
16(7)	13(4B)		No change in effect.
16(8)	13(5)		No change in effect.
16(9)	13(6)		No change in effect.
17	14	Notification of details	No change in effect.
18	14A	Working with a qualifying pension scheme	No change in effect.
19	14B	Payments in relation to administration or other costs	No change in effect.
20	15	Qualifying members	

New	Original	Title	Notes
Regulation 20(2)	Regulation 15(2)		Amended to specifically refer to those who have pension credit rights.
20(4)	15(2) 15(3A)		No change in effect.
21	16A	Survivors	No change in ellect.
21(1)	16A(1), (2)	Sulvivois	No change in effect.
21(1)	and (3)		No change in ellect.
21(2)(d)(ii)	16A(4)(d)(ii)		No change in effect.
22	16B	Surviving	
		dependants	
22(1)(a)		·	Inserted to make it clear that payments to surviving dependants only
			arise where the member has died.
22(1)(b)	16B(2)		No change in effect.
22(1)(c)	16B(1)(a)		No change in effect.
22(1)(d)	16B(1)(b)(i)		No change in effect.
	and (ii)		
22(2)	16B(1)(b)(iii)		No change in effect.
23	17	Annual payments:	Structure of regulation changed, but no changes to the period or
		qualifying members	conditions of entitlement, except as described below.
23(2)(a)	17(2)		No change in effect.
23(2)(b)	17(3A)		No change in effect.
23(2)(c)			Amended to take account of a Pension Credit member - para 17 et seq.
23(2)(d) and	17(3)		No change in effect.
(6)			
23(2)(e) and	17(3C), (3D)		Amended to allow the beginning of entitlement for a person claiming
(7)	and (3E)		early access on the grounds of severe ill health can be the first day they
			meet all the severe ill health conditions, where this is after the day the
			person makes a written request for early access. This follows scheme
			practice and avoids individuals having to make a reclaim when they

New Regulation	Original Regulation	Title	Notes
			make their original claim shortly before meeting one of the conditions.
23(2)(f) and (8)	17A(1) and (2)		No change in effect.
23(2)(g), (9) and (10)	17C(1) to (5)		No change in effect.
23(7) and (8)	17(3C) and (3D)		No change in effect.
23(3)	Various		No change in effect.
23(4)			End date to entitlement.
23(5)	17(3B)		No change in effect.
23(11)	17C(7) and (8)		No change in effect.
23(12)	17C(9)		No change in effect.
23(13)	17C(12)		No change in effect.
	17A, 17B and 17C		There were specific regulations dealing with ill health payments, interim ill health payments and the transfer of certain people in receipt of ill health payments onto severe ill health payments. These have been merged into the normal annual payment regulations and thus these regulations have been deleted - para 91 et seq.
24	17(4A)-(4D)	Annual payments: survivors and surviving dependents	No change in effect.
24(1)	17(4)		No change in effect.
24(2)	17(4A)		No change in effect.
24(3)	17(4B)		No change in effect.
24(4)	17(4D)		No change in effect.
25	17(8)	Calculation of	Proposed changes in the Pensions Bill will allow for a reduction in the

New Regulation	Original Regulation	Title	Notes
Regulation	Regulation	annual payments	number of Schedules required and consequent restructuring of this regulation. Where there are changes to the calculation process these have been separately identified.
25(1)	17(1);		No change in effect.
25(2)	17(8)(a); 17A(8)(a)		No change in effect.
25(3) and (4)	17(8)(b), (c), (d), (e) and (f). Then 17A(8)(b) to (e)		No change in effect.
25(5) and (6)	17(8)(g), (h), (i), (j), (k). Then 17A(8)(f) to (i)		No change in effect.
25(7)	17(9) and 17A(9)		No change in effect.
25(8)	Schedule 2, para 2(4); 2A(4); 3(4); 4(4);		Specific discretion to deem certain elements of the assistance calculation have been moved from the Schedules and put into a general discretionary provision.
25(9)			This is made on the assumption that the Pensions Bill will be law. It allows for payments to be less than the specified minimum laid down in the Act and has permitted the amalgamation of ill health payments into the annual payments structure - para 91 et seq.
26	17E	Redetermination of an annual payment	No change in effect.

New Regulation	Original Regulation	Title	Notes
		previously determined in accordance with Schedule 4	
27	18 & 17B	Initial payments	Interim ill health payments have been abolished because those entitled to early access under the ill health conditions can be paid initial payments - para 91 et seq.
27(1)	18(4)		No change in effect.
27(2)	18(6)		No change in effect.
27(3)	18(4A)		No change in effect.
27(4)	18(5) (4C)		No change in effect.
27(5)	18(5A)		No change in effect.
27(6)	18(7)(a)		Amended to clarify when entitlement to an initial payment ends.
27(7)	18(7)(b)		No change in effect.
27(8)	18(9)		No change in effect.
27(9)	18(9ZA)		No change in effect.
27(10)	18(9A)		No change in effect.
28		Administration of annual payments	
28(1)	17(5)		No change in effect.
28(2)	17(5A)		No change in effect.
28(3)	17(5B)		No change in effect.
28(4)	17(7)		No change in effect.
29	17D	Commutation of an annual payment	
29(1)(d)	17D(1)(d)		Amended to clarify that a person cannot commute an annual payment where they have at any time before the transfer date received a payment

New Regulation	Original Regulation	Title	Notes
			from their scheme.
30	17G	Payment to beneficiaries other than qualifying members, survivors and surviving dependants	
30(2)	17G(2) and (3)		Clarification to say that the individual will be made a yearly payment.
30(3)	17G(4)		No change in effect.
30(4)	17G(5)		No change in effect.
31	17H	Payments to qualifying members receiving a pension from the qualifying pension scheme before entitlement to an annual payment	
31(2)	17H(2) and (3)		Clarification that payments are made yearly for the period of entitlement.
31(3)	17H(4)		No change in effect.
31(4)	17H(5)		No change in effect.
32		Payments to surviving dependents after the age of 23	This creates a new entitlement - para 23 et seq.
33	18A	Death benefit guarantees	No change in effect.
	18A(5)		Deleted, as dealt with under regulation 36.

New Regulation	Original Regulation	Title	Notes
34		Payments to beneficiaries who received a first instalment of an annual payment between 10 July 2009 and 31 July 2009	This creates a new entitlement - para 37 et seq.
35	19	Time and manner of payment: general provisions	No change in effect.
36	20	Direct credit transfer	No change in effect.
37	21	Application of this Part	
37(1)(c)(vi)			Insertion of a reference to clarify that, where the scheme has or will fully discharge a member's liability by way of a lump sum, that members is not included in the valuation - para 49 et seq.
37(2)	21(2)		No change in effect.
37(3)	21(3)		No change in effect.
37(4)	21(4)		No change in effect.
38	22	Scheme manager to obtain a valuation of assets and liabilities	
38(5)(a)(i)(aa)	22(5)(a)(i)(aa)) and (bb))		Amendment to reflect the merger of the two actuarial bodies previously mentioned.
39	23	Valuation of assets	No change in effect.
40	24	Power of the	No change in effect.

New Regulation	Original Regulation	Title	Notes
		scheme manager to determine the value of an asset	
41	25	Approval of valuation	No change in effect.
42	26	Binding valuation	No change in effect.
43	27	Scheme manager calculations after a valuation	
43(1)(c)	27(1)(c)		More closely defines the survivor(s) notional pension(s).
43(2)	27(2)		No change in effect.
43(3)(a)	27(3)(a)		 Clarifies that this sub-paragraph applies only when the qualifying member has not died before the calculation date. A reference to a pension credit member's normal benefit age has been inserted - para 17 et seq.
43(3)(b)	27(3)(b)		Amendments to ensure the notional pension is calculated from the intended date.
43(4)	27(4)		No change in effect.
43(5)	27(5)		Extended to apply this paragraph to survivor notional pensions.
43(6)			Clarification of the end date for the notional pension where the member has died before becoming entitled to assistance.
43(7)	27(6)		No change in effect.
43(8)(c)	27(7)		No change in effect.
43(9)	27(8)		No change in effect.
43(10)	27(9)		No change in effect.
43(11)	27(10)		No change in effect.
43(12)(b)	27(11)(b)		Allows for the notional pension for a survivor or surviving dependant to

New Regulation	Original Regulation	Title	Notes
			be calculated in accordance with Schedule 3 (that is in line with normal assistance rules) where the scheme provided for the trustees to decide the level of survivor payments and they had not done so before the calculation date - para 30 et seq.
43(13)			Allows for the notional pension to have a bridge built into its structure where the member was in receipt of a bridging payment from the scheme before 2 April 2010.
43(14)			Allows for the notional pension to be reduced where a pension debit is applied after the date the notional pension could have been payable - para 17 et seq.
43(15)	27(12)		No change in effect.
43(16)	27(13)		No change in effect.
43(17)			Clarifies that the pension and other benefits in regulation 43 are only those included in the asset share.
43(18)	27(14)		No change in effect.
44	28	Determination of certain asset shares, notional pensions and survivor notional pensions	
44(3)	28(3)		 Clarifies that this provision only applies where certain specified events occur between the calculation and transfer dates. Reference to an ill health payment deleted. Two further circumstances added: a person meeting the ill health early access conditions before receiving payment from the scheme; and where a pension debit is applied - para 17 et seq.

New	Original	Title	Notes
Regulation	Regulation		
44(4)	28(4)		 Two further matters to be taken into account added: the date the person became entitled to early access on ill health grounds, where relevant; and the terms of any pension sharing order - para 17 et seq.
44(5) and (6)			Where a surviving dependant becomes entitled to a payment beyond age 23 under Regulation 32, but the notional pension was calculated before that Regulation came into force, these paragraphs allow for the redetermination of that notional pension - para 23 et seq.
45 - 49	29 & Schedule 1.	Transfer of property, rights and liabilities	Powers relating to the transfer of assets from some FAS schemes to government were previously covered in Regulations 29 - 31 and in Schedule 1's modifications to the Pensions Act 2004. There is no change in effect - para 64 et seq.
46		Effect of transfer	No change in effect.
47	30	Terms and conditions of contracts	No change in effect
48		Foreign property, rights and liabilities	No change in effect.
49	31	Payments where amounts relating to money purchase benefits are transferred to the Secretary of State	No change in effect.

New	Original	Title	Notes
Regulation	Regulation		
50	32	Payments to estates where a person in	
		receipt of a payment from a scheme dies	
		prior to transfer of assets.	
50(1)(b)	32(1)(b)		Extended to include anyone who was entitled on the day they died where nothing was payable before they died - para 84 et seq.
51	33	Transfer of residual assets to the Secretary of State where Part 7 does not apply	No change in effect.
52		Revocation	Revokes the 2005 regulations.
53 to 56		Transitional provisions	
53			Brings forward the transitional protection already in place for certain survivors.
54			Brings forward the transitional protection already in place for annual payments made prior to the Financial Assistance Scheme (Miscellaneous Provisions) Regulations 2009.
55			Provides for protection for those whose payments would reduce as a consequence of changes in this set of regulations - para 42 et seq.
56			This allows for the recipients of ill health or interim ill health payments to continue being paid at the level they would have been entitled to prior to the changes being made by these regulations - para 36 et seq.
Schedule 1	Schedule 1	Modification of	

New Regulation	Original Regulation	Title	Notes
		certain provisions of Parts 1 and 2 of the Pensions Act 2004	
	Paragraph 3D		Powers relating to the transfer of assets from some FAS schemes to government were previously covered in Regulations 29 - 31 and in Schedule 1's modifications to the Pensions Act 2004. Changes in the current Pensions Bill will mean we will no longer need to modify the Pensions Act 2004. The transfer of assets will now be covered by Regulations 45 to 49 of the FAS Regulations - para 64 et seq.
10(a)(ii)	3E(a)(iii)	Guaranteed minimum pensions	No change in effect.
16(a)	11(ab)		No change in effect.
17	14A		No change in effect.
20			Provides an appeal right in respect of determinations made by the Pension Protection Fund Ombudsman under new Regulation 7.
21	17(a)		Modification of Schedule 5 paragraph 18(2) of the Pensions Act 2004 - sub paragraph (zga) has been removed as transfer of assets is now covered in the FAS Regulations rather than modifications to the Pensions Act 2004 by Schedule 1.
21(a)	17(a)		Modification of Schedule 5 paragraph 18(2) of the Pensions Act 2004 - sub-paragraph (gzc) inserted, to allow for determinations on survivors and surviving dependants to be delegated by the FAS scheme manager to its commercial provider - para 70 et seq.
21(a)	17(a)		Modification of Schedule 5 paragraph 18(2) of the Pensions Act 2004 - sub-paragraph (gc)(iv) inserted to allow for determinations on ill health, severe ill health and terminal illness to be delegated by the FAS scheme

New Regulation	Original Regulation	Title	Notes
			manager to its commercial provider - para 70 et seq.
Schedule 1 - general	Schedule 1	Changes to reflect that the FAS is now a function of the PPF.	Because FAS is now a function of the Board of the PPF, substitutions which were present in the 2005 Regulations have been removed or changed. The locations in the 2005 Regulations are: Schedule 1 paragraphs: 1; 2; 3A(b),(c) and (d); 3C (a),(d) and (e); 3E(a)(i)(iii); 3E(b); 5(a); 6(a),(b) and (c)(iii); 7; 8(a),(d),(e) and (f); 9; 10; 11(a) (c) and (d); 12; 13; 14; 15(a),(b) and (c); 16(b).
Schedule 2	Schedule 2	Determination of annual and initial payments	
Paragraph 1	Paragraph 1	Introductory	 definition of the FAS information and payments regulations inserted surviving dependant inserted into the definition of relevant information definition of revalued notional pension inserted.
2	6	Exclusion of certain benefits	No change of effect.
3	2	Actual pension	This paragraph has been re-structured and re-worded to make the determination clearer and to reflect the abolition of specific ill health payments.
4	4	Qualifying members receiving pensions from the qualifying pension scheme	
4(3)	3(3)		 The definition of expected pension has been amended: to reflect any pension debit applied during the winding up period; and to allow for revaluation appropriately where annual payments do not begin from the date of wind up.
5	4	Active and deferred	

New Regulation	Original Regulation	Title	Notes
		members	
5(1)	4(1)		Amended to include a person who became a pension credit member during wind up.
5(3)	4(3)		 Reflects the changes to the revaluation rate, moving from RPI to the general level of prices. Allows for the application of a pension debit during the winding up period. Allows for revaluation to be applied appropriately to the expected pension.
6	4B	Pension payable at an age other than normal retirement age	No change in effect.
7	5A		No change in effect.
8	5	Survivors of qualifying members	Minor changes to clarify intent.
8(8)	5(4) and (7)		Changes to: o ensure revaluation is applied appropriately; and o deal with the situation where the qualifying member died before becoming entitled to assistance.
9	5B	Surviving dependants of qualifying members	
9(2)(b)	5B(2)(b)		A separate situation is specified, so that the correct amount of indexation is added into the calculation.

New	Original	Title	Notes
Regulation 9(3)(b)	Regulation 5B(3)(b)		A separate situation is specified, so that the correct amount of indexation is added into the calculation.
9(4)	5B(4)		No change in effect.
9(5) and (6)			New provision dealing with the situation where the deceased qualifying member was being paid a bridging pension. This allows for payments to the surviving dependant be reduced when the bridge would have ended - para 29.
9(7)	5B(5)		No change in effect.
10	4A	Redetermination	
10(3)(e) and (f)			To ensure the calculation works correctly when the bridge stops.
	4A(4)		Deleted. A general discretion provision now at regulation 25.
10(4)	4A(5)		Small amendment to reflect the change to revaluation levels.
10(5) to (7)			Allows for the redetermination of the annual payment where a person has a pension debit applied during wind up - para 20.
10(8)	2A		Amendments necessary to reflect changes elsewhere in the consolidation. No change in effect.
11	7	Cap on expected pension and actual pension	Minor changes to cross-references and to bring the list of cap amounts up to date.
11(3)(e)			Updates amount of cap for periods April 2010 to March 2011 and April 2011-March 2012.
11(4)			Amended to reflect move to applying increases to general level of prices to the cap.
12	9	Annual increase to an annual payment	Minor changes for clarification and to reflect other changes.
13	10	Initial payments	Minor changes for clarification and to reflect other changes.

New Regulation	Original Regulation	Title	Notes
13(e)(iii)	10A		Allows for the correct amount of initial payment to be made to a surviving dependant where the qualifying member was part of a polygamous marriage.
14	11	Rounding	No change in effect.
	Schedule 2A	Determination of ill health and interim ill health payments	Deleted. Such payments are now dealt with as an annual payment in Schedule 2.
Schedule 3	Schedule 3	Determination of certain annual payments where a present payment was not being received on 1 April 2010	
1(3) - (7)			Insertion of a definition of the revalued notional pension.
Paragraph 1(8) - (9)		Introductory	Allows for the notional pension used in Schedule 3 to be reduced by an actuarial factor where the member had entitlement under the ill health conditions.
1(10)	1(3)		No change in effect.
1(11) and (12)	1(4) and (7)		No change in effect.
1(13)	1(5)		No change in effect.
	1(6)		Deleted as a general discretionary provision exists in regulation 25.
2	2	Amount of an annual payment - qualifying members	

New Regulation	Original Regulation	Title	Notes
3	3	Amount of annual payment - survivors	No change in effect.
4	4	Amount of an annual payment - surviving dependants	Amendment to clarify calculation where the qualifying member dies on or after the calculation date.
4(2) and (3)			Separate situations are specified, so that the correct amount of indexation is added into the relevant calculations.
4(4)	4(4)		No change in effect.
5		Redetermination	To allow for the redetermination of a surviving dependant's entitlement where the notional pension included an amount in respect of a death benefit guarantee and the period for the payment of that guarantee ends.
6	6	Annual increases to an annual payment	No change in effect.
7	5	Rounding	No change in effect.
Schedule 4	Schedule 4	Determination of certain annual payments where a present payment was being received on 1st April 2010	 Minor changes for clarification. Discretionary power at paragraph 1(5) deleted as a general provision now exists in regulation 25.
	Schedule 5 and 6	Determination of certain ill health payments	Deleted. Payments on the grounds of meeting the ill health conditions now dealt with in the normal Schedules.
Schedule 5	Schedule 7	Determination of payments to early retirees and other beneficiaries	 Additions needed to allow for payments to certain surviving dependants who are over 23 years old. Minor drafting corrections. Rounding provisions added.

The Financial Assistance Scheme Regulations 2011 – consultation on the draft regulations – Annex A – Destination table