

SCHEDULE

Article 2

Amendments to the 1992 Scheme

PART I:

AMENDMENTS TO RULES

1. In rule A15(2) (compulsory retirement on grounds of disablement) for the words “medical referee” there shall be substituted “board of medical referees appointed under Part I of Schedule 9”.

2.—(1) For the heading describing rule H2 (appeal to medical referee) there shall be substituted “Appeal against opinion on a medical issue”.

(2) At the end of paragraph (1) of rule H2 there shall be inserted “, together with a statement informing the person concerned that, if he wishes to appeal against the opinion, he must give the authority written notice of his grounds of appeal, together with his name and address, within 14 days of the date on which he is so supplied”.

(3) For paragraph (2) of rule H2, there shall be substituted—

“(2) If the person concerned is dissatisfied with the opinion which has been supplied to him under paragraph (1), he may appeal against it by giving notice to the fire authority in accordance with paragraph 1 of Part I of Schedule 9.”.

PART II:

AMENDMENTS TO PART I OF SCHEDULE 9

3. Part I of Schedule 9 to the Scheme shall be amended as follows.

4. For the heading describing Part I (appeal to medical referee) there shall be substituted “APPEAL TO BOARD OF MEDICAL REFEREES”.

5. In paragraph 1(1)—

(a) after the words “notice of appeal” there shall be inserted “against an opinion of the kind mentioned in rule H1(2)”, and

(b) for the words “his place of residence” there shall be substituted “address”.

6. For paragraph 2(2) there shall be substituted—

“(2) The Secretary of State shall refer an appeal to a board of medical referees (“the board”) and shall supply them with a copy of the notice and a copy of the opinion.”.

7. After paragraph 2 there shall be inserted the following paragraph—

“**2A.**—(1) The board shall consist of not less than three medical practitioners appointed by, or in accordance with arrangements made by, the Secretary of State.

(2) One member of the board shall be a specialist in a medical condition relevant to the appeal.

(3) One member of the board shall be appointed as chairman.

(4) Where there is an equality of voting among the members of the board, the chairman shall have a second or casting vote.”.

8. For paragraph 3 there shall be substituted—

Status: This is the original version (as it was originally made).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

“3. The board shall secure that the appellant and the fire authority (“the parties”) have been informed—

- (a) that the appeal is to be determined by it, and
- (b) of an address to which communications relating to the appeal may be delivered to the board.”.

9.—(1) In paragraph 4 for the word “referee”, wherever it occurs, there shall be substituted “board”.

(2) In paragraph 4(2)—

- (a) for the words “reasonable notice” there shall be substituted “not less than 21 days' notice”; and
- (b) for the word “he” there shall be substituted “the board”.

(3) In paragraph 4(3) before the words “any person” there shall be inserted “any member of the board or”.

10. For paragraphs 5 and 6 there shall be substituted—

“5.—(1) Where either party to the appeal intends to submit written evidence or a written statement at an interview held under paragraph 4, the party shall, subject to sub-paragraph (2), submit it to the board and to the other party not less than 7 days before the date appointed for the interview.

(2) Where any written evidence or statement has been submitted under sub-paragraph (1) less than 9 days before the date appointed for the interview, any written evidence or statement in response may be submitted by the other party to the board and the party submitting the first-mentioned evidence or statement at any time up to, and including, that date.

(3) Where any written evidence or statement is submitted in contravention of sub-paragraph (1), the board may postpone the date appointed for the interview and require the party who submitted the evidence or statement to pay such reasonable costs of the board and of the other party as arise from the adjournment.

6. The board shall supply the Secretary of State with a written report of its decision on the relevant medical issues and the Secretary of State shall supply a copy of the report to the appellant and to the fire authority.”.

11.—(1) For paragraph 7(1) there shall be substituted—

“(1) There shall be paid to the board—

- (a) such fees as are determined in accordance with arrangements made by the Secretary of State, or
- (b) where no such arrangements have been made, such fees and allowances as the Secretary of State may from time to time determine.”.

(2) In paragraph 7(2) for the words “The fees and allowances” there shall be substituted “Any fees and allowances payable to the board under sub-paragraph (1)”.

12.—(1) In paragraph 8(1) after the words “Subject to” there shall be inserted “paragraph 5(3) and”.

(2) For paragraph 8(2) there shall be substituted—

“(2) Where the board—

- (a) decides in favour of the fire authority, and

(b) reports that in its opinion the appeal was frivolous, vexatious or manifestly ill-founded,

the fire authority may require the appellant to pay them such sum not exceeding the amount of the fees and allowances payable to the member of the board appointed under paragraph 2A(2), as they think fit.”

(3) In sub-paragraphs (3) and (5) of paragraph 8—

(a) for the word “referee”, wherever it occurs, there shall be substituted “board”, and

(b) for the word “referee's” there shall be substituted “board's”.