

SCHEDULE

Amendment of the Firefighters' Pension Scheme (England Only)

8. In Part H (determination of questions and appeals)—
(a) after rule H1 (determination by fire authority) insert—

“Review of medical opinion

H1A.—(1) Where—

- (a) new evidence on an issue wholly or partly of a medical nature is presented to the authority by a person (P) in respect of whom a decision has been made under rule H1,
- (b) the authority receive that evidence—
 - (i) where a copy of an opinion was supplied in accordance with paragraph (2) of rule H2 within 28 days of the receipt by P of that copy, and
 - (ii) in any other case, within 28 days of the receipt by P of notice of the authority's decision, and
- (c) the authority and the person concerned agree that the IQMP should be given the opportunity of reviewing his opinion in the light of the new evidence,

the authority shall send a copy of the new evidence to the IQMP and invite him to reconsider his opinion.

(2) An IQMP's response to an invitation under paragraph (1) shall be in writing (“rule H1A response”).

(3) An IQMP's rule H1A response shall be binding on the authority unless it is superseded by the outcome of an appeal under rule H2.

(4) As soon as reasonably practicable after receiving a rule H1A response, the authority shall reconsider their decision.

(5) Within 14 days of that reconsideration, the authority shall—

- (a) give written notice to the person concerned that they have confirmed their decision or revised their decision (as the case may be), and
- (b) if they have revised their decision, supply the person concerned with written notice of the revised decision, and

supply the person concerned with a copy of the rule H1A response.”;

- (b) for rule H2 (appeal to medical referee), substitute—

“H2.—(1) A person who wishes to appeal against an authority's decision on an issue of a medical nature may appeal to a board of medical referees in accordance with paragraph (1) of Part 1 of Schedule 9 (appeal to board of medical referees).

(2) Subject to paragraph (3), where a decision—

- (a) is made with regard to an opinion obtained pursuant to rule H1(2) or medical evidence relied on as mentioned in rule H1(3), or
- (b) is reconsidered under rule H1A(4) with regard to a rule H1A response,

the authority shall within 14 days of making, confirming or revising the decision (as the case may be), send to the person concerned the documents mentioned in paragraph (4).

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

(3) Nothing in paragraph (2) requires the supply of documents that have already been supplied under rule H1A(5).

(4) The documents are—

- (a) a copy of the opinion, response or evidence (as the case may be);
- (b) an explanation of the procedure for appeals under this rule, and
- (c) a statement that, if the person wishes to appeal against an authority's decision on an issue of a medical nature, the person must give written notice to the authority, stating his name and address and the grounds of his appeal, not later than 28 days after the person receives the last of the documents required to be supplied to him under this paragraph, or within such longer period as the authority may allow.

(5) A fire and rescue authority shall be bound by any decision duly given on an appeal under this rule.

(6) Further provisions as to appeals under this rule are contained in Part 1 of Schedule 9.”;

(c) for rule H3 (appeal to Crown Court or Sheriff), substitute—

“Appeals on other issues

H3. Where —

- (a) a person disagrees with an authority's determination under rule H1, and
- (b) the person's disagreement does not involve an issue of a medical nature,

he may, by written notice given to the authority within 28 days of receipt of the determination, require the authority to deal with the disagreement by means of the arrangements implemented by them pursuant to the requirements of section 50 of the Pensions Act 1995⁽¹⁾ (requirement for dispute resolution arrangements) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008⁽²⁾.”.

(1) 1995 c.26; section 50 was substituted by section 273 of the Pensions Act 2004 (c.35) and amended by the Pensions Act 2007 (c.22).

(2) S.I. 2008/649.