

SCHEDULE

PROCEDURE IN ADJUDICATION PROCEEDINGS

PART 2

PROCEDURE RELATING TO APPEALS

Review of adjudicator's decision

- 12.**—(1) The adjudicator may, on the application of a party, review—
- (a) any interlocutory decision; or
 - (b) any decision to determine that a notice of appeal does not accord with paragraph 2 or to dismiss or allow an appeal, or any decision as to costs, on one or more of the following grounds—
 - (i) the decision was wrongly made as the result of an administrative error;
 - (ii) the adjudicator was wrong to reject the notice of appeal;
 - (iii) a party who failed to appear or be represented at a hearing had good and sufficient reason for failing to appear;
 - (iv) where the decision was made after a hearing, new evidence has become available since the conclusion of the hearing, the existence of which could not reasonably have been known or foreseen;
 - (v) where the decision was made without a hearing, new evidence has become available since the decision was made, the existence of which could not reasonably have been known or foreseen; or
 - (vi) the interests of justice require such a review.
- (2) An application under sub-paragraph (1) must—
- (a) be delivered to the proper officer within the period of 14 days beginning with the date on which the decision is given to the parties; and
 - (b) state the grounds in full.
- (3) The parties must have the opportunity to be heard on any application for review under sub-paragraph (1).
- (4) Having reviewed the decision, the adjudicator may direct that it be confirmed, that it be revoked or that it be varied.
- (5) If, having reviewed a decision, the adjudicator directs that it be revoked, the adjudicator must substitute a new decision or order a re-determination by that adjudicator, the original adjudicator or a different adjudicator.
- (6) Paragraph 11 applies to the confirmation, revocation or variation of a decision under this paragraph as it applies to a decision made on the disposal of an appeal.