

SCHEDULE

AMENDMENT OF THE ANNEX TO THE NEW FIREFIGHTERS' PENSION SCHEME ORDER (NORTHERN IRELAND) 2007

7. In Schedule 2 (appeal to Independent Medical Referee)—

(a) after paragraph 9, insert—

“9A.—(1) Where the parties have received a copy of the report supplied under paragraph 9 and—

- (a) the parties agree that the independent medical referee has made an error of fact which materially affects the independent medical referee’s decision;
- (b) the Board shall within 28 days beginning with the receipt of the report, supply the Department with one copy of a statement agreed between the parties setting out—
 - (i) the error of fact;
 - (ii) the correct fact, and

invite the independent medical referee to reconsider his decision.

(2) The Department shall within 14 days beginning with the receipt of the statement supply a copy of it to the independent medical referee.

(3) As soon as reasonably practicable after receiving the statement, the independent medical referee shall reconsider his decision.

(4) Within 14 days beginning with that reconsideration the independent medical referee shall—

- (a) give written notice to the Department that he has confirmed his decision, or revised his decision (as the case may be), and
- (b) if he has revised his decision, supply the Department with a written report of his revised decision.

(5) The Department shall supply to the appellant and the Board a copy of the written notice confirming the independent medical referee’s decision, or a copy of the written report of the independent medical referee’s revised decision (as the case may be).”;

(b) in paragraph 11 for sub-paragraph (3) substitute—

“(3) Where—

- (a) the appellant gives notice to the independent medical referee—
 - (i) withdrawing the appeal;
 - (ii) requesting cancellation of, postponement of, or adjournment of the date appointed for an interview or medical examination under paragraph 7(2), and

the notice is given less than 21 working days before the date appointed under paragraph 7(2); or

- (b) the appellant’s acts or omissions cause the independent medical referee to cancel, postpone or otherwise adjourn the date appointed under paragraph 7(2) less than 21 working days before the date so appointed,

the Board may require the appellant to pay it such sum, not exceeding the total amount of the fees and allowances payable to the independent medical referee under paragraph 10(1), as it thinks fit.”