

## SCHEDULES

### SCHEDULE 5

#### ACCREDITATION OF CERTIFICATION PROVIDERS: REVIEWS AND APPEALS

##### *Appeal panel*

- 4 (1) If the applicant makes a request in accordance with paragraph 3, an appeal panel must be established in accordance with this paragraph.
- (2) An appeal panel must consist of a chair and at least two other members.
- (3) Where the request relates to a decision of the Commissioner—
- (a) the Secretary of State may appoint one person to be a member of the appeal panel other than the chair, and
  - (b) subject to paragraph (a), the Commissioner must appoint the members of the appeal panel.
- (4) Where the request relates to a decision of the national accreditation body—
- (a) the Secretary of State—
    - (i) may appoint one person to be a member of the appeal panel other than the chair, or
    - (ii) may direct the Commissioner to appoint one person to be a member of the appeal panel other than the chair, and
  - (b) subject to paragraph (a), the chair of the national accreditation body must appoint the members of the appeal panel.
- (5) A person may not be a member of an appeal panel if the person—
- (a) has a commercial interest in the decision referred to the panel,
  - (b) has had any prior involvement in any matters relating to the decision, or
  - (c) is an employee or officer of the accreditation authority.
- (6) The Commissioner may not be a member of an appeal panel to which a decision of the Commissioner is referred.
- (7) The applicant may object to all or any of the members of the appeal panel appointed under sub-paragraph (3) or (4).
- (8) If the applicant objects to a member of the appeal panel under sub-paragraph (7), the person who appointed that member must appoint a replacement.
- (9) The applicant may not object to a member of the appeal panel appointed under sub-paragraph (8).