

SCHEDULE 6

MEDICAL APPEALS

8.—(1) Save as provided in this paragraph, the expenses of each party to the appeal shall be borne by that party.

(2) Where a hearing has been cancelled, adjourned or postponed at the request of, or due to the actions or omissions of, the Board less than 11 days before the hearing (excluding weekends and public holidays) the independent medical referee shall require the Board to pay to the appellant any expenses actually and reasonably incurred by him in respect of attending or arranging to attend the cancelled, adjourned or postponed hearing as the case may be.

(3) Where the independent medical referee determines that a hearing has been cancelled, adjourned or postponed at the request of, or due to the actions or omissions of, the appellant, less than 11 days before the hearing (excluding weekends and public holidays) the Board may, subject to sub-paragraph (4), require the appellant to pay towards the cost of the cancellation, adjournment or postponement as the case may be, such sum not exceeding the total costs of the cancellation, adjournment or postponement as the case may be as the Board thinks fit.

(4) If the independent medical referee, after taking account of any representations from either party, decides that the cancellation, adjournment or postponement as the case may be was not due to any fault on the part of the appellant and the appellant should not pay towards the cost of the cancellation, adjournment or postponement as the case may be, he shall state that this is the case and the Board shall not require the payment of any such costs.

(5) Where the independent medical referee decides in favour of the Board and reports that in his opinion the appeal was frivolous or vexatious, the Board may, subject to sub-paragraph (6), require the appellant to pay towards the cost of the appeal such sum not exceeding the independent medical referee's total fees and allowances as the Board thinks fit.

(6) If the independent medical referee, after taking account of any representations from either party, decides there are exceptional reasons why the appellant should not pay towards the cost of the appeal, it shall state that this is the case and the Board shall not require the payment of any such costs.

(7) Where the independent medical referee decides in favour of the appellant, the Board shall refund to the appellant any expenses actually and reasonably incurred by the appellant in respect of attending any such hearing as is mentioned in paragraph 3.