
STATUTORY RULES OF NORTHERN IRELAND

2007 No. 476

The Police Pension (Northern Ireland) Regulations 2007

PART 7

MEDICAL QUESTIONS AND APPEALS

Medical questions — permanent disablement

Procedure and costs on appeals under regulation 68

70.—(1) Every notice of appeal under regulation 68(1) and statement of grounds under regulation 68(2) shall be in writing.

(2) On receiving a notice of appeal against a decision made under regulation 67(7) and the appellant's statement of grounds for appeal, the Board, unless regulation 69(1) applies, shall forward to the Secretary of State copies of those documents and all other documents determined as necessary by the Secretary of State.

(3) The IMR shall—

- (a) appoint a time and place at which he, or they, as the case may be, shall examine the appellant (“medical assessment”);
- (b) appoint any such further dates as he, or they, as the case may be, may consider necessary, and
- (c) shall give not less than two months' notice, or such shorter period as the parties to the appeal may agree, of that appointment to the Secretary of State.

(4) The Secretary of State shall inform the parties to the appeal of the date appointed for the medical assessment.

(5) The appellant shall ensure all papers to be considered by the IMR are sent to the Secretary of State not less than 14 days before the date of the medical assessment.

(6) The Secretary of State shall ensure all relevant documents are sent to the IMR and the parties to the appeal before the date of the medical assessment.

(7)

- (a) Where a party to the appeal intends to submit written evidence or a written statement, that party shall, subject to sub-paragraph (b), submit it to the Secretary of State not less than 14 days before the date appointed for the medical assessment;
- (b) where any written evidence or statement has been submitted under sub-paragraph (a), the other party may provide written evidence or statement in response, which shall be submitted to the Secretary of State not less than seven days before the date appointed for the medical assessment;
- (c) the IMR may postpone or adjourn the date appointed for the medical assessment where any written evidence or statement is submitted in contravention of sub-paragraphs (a) and (b) or it appears necessary to do so for the proper determination of the appeal.

(8) Any medical assessment may be attended by—

- (a) the SMP or, in his absence, a duly qualified medical practitioner appointed for the purpose by the Board;
- (b) any duly qualified medical practitioner appointed for the purpose by the appellant, and
- (c) a person whom the appellant wishes to accompany him,

although they may only observe any examination.

(9) If any medical assessment includes a medical examination then only medical practitioners may be present for that part of the assessment.

(10) Each party shall, not less than 14 days before the date appointed for the medical assessment, inform the Secretary of State whether they intend that a person described in paragraph (8) will attend the medical assessment.

(11) The IMR shall supply the Secretary of State with a written report of his decision in accordance with regulation 68(4) and (5).

(12) The Secretary of State shall provide the parties to the appeal with a copy of the IMR's report and certificate, if any.

(13) There shall be paid to the IMR—

- (a) such fees as are determined in accordance with arrangements made by the Secretary of State; or
- (b) where no such arrangements have been made, such fees and allowances as the Secretary of State may from time to time determine,

and any fees or allowances so payable shall, subject to paragraph (14)(c) and (e), be paid by the Board and shall be treated as part of the expenses of the Board for the purposes of this regulation.

(14)

- (a) Subject to the following provisions of this paragraph, the expenses of each party to the appeal shall be borne by that party.
- (b) Where a medical assessment has been cancelled, adjourned or postponed at the request of, or due to the actions or omissions of, the Board less than 11 days (excluding weekends and public holidays) before the date appointed for the medical assessment, the IMR 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 medical assessment, as the case may be.
- (c) If the IMR determines that a medical assessment has been cancelled, adjourned or postponed at the request of, or due to the actions or omissions of, the appellant less than 11 days (excluding weekends and public holidays) before the date appointed for the medical assessment the Board may, subject to sub-paragraph (d), 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.
- (d) If the IMR, 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 said cancellation, adjournment or postponement, he or they shall state that this is the case and the Board shall not require the payment of any such costs.
- (e) Where the IMR decides in favour of the Board and reports that in his, or, as the case may be, their opinion the appeal was frivolous or vexatious, the Board may, subject to sub-paragraph (f), require the appellant to pay towards the cost of the appeal such sum not exceeding the total fees and allowances of the IMR as the Board thinks fit.

- (f) If the IMR, 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, he, or as the case may be, they, shall state that this is the case and the Board shall not require the payment of any such costs.
 - (g) Where the IMR 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 medical assessment.
- (15) For the purposes of this regulation a medical assessment shall include questioning, and may include either physical or other examination of the appellant.
- (16) References in this regulation to periods of days shall include weekends and public holidays, unless expressed otherwise.