

SCHEDULE 3

THE BOARD

Appeals

5.—(1) Subject to sub-paragraph (2) the applicant or any person mentioned in paragraph 1 may appeal against the decision of the Board on the application, and must give notice of any such appeal to the Board within 21 days from the date on which notification of the Board's decision was sent to the applicant or person mentioned in paragraph 1.

(2) Any person mentioned in paragraph 1 who was notified of an application under that paragraph but made no written representations to the Board about it shall not be entitled to appeal against a decision of the Board in relation to that application.

(3) Any notice of appeal under this paragraph shall contain a concise statement of the facts and contentions upon which the appellant intends to rely.

(4) The Board shall refer a notice of appeal under this paragraph to the chair of the National Appeal Panel appointed in accordance with Part II of Schedule 4.

(5) If the chair, after considering the notice of appeal, is of the opinion that the notice discloses no reasonable grounds of appeal, or that the appeal is otherwise frivolous or vexatious, the chair may determine the appeal by dismissing it forthwith, in which case the chair shall inform the Board accordingly. The chair's decision in such cases shall be final.

(6) In any other case the National Appeal Panel shall be convened in accordance with Part II of Schedule 4 and the said Panel shall thereafter determine the appeal.

(7) The Administration of Justice and Tribunal Council or the Scottish Committee thereof shall be given 14 days notice of any Panel hearing, and a member of the Council or its Scottish Committee shall be entitled to be present at any such hearing.

(8) The appellant, applicant and any person mentioned in paragraph 1(1)(c) who made written representation to the Board about the application shall be permitted to be assisted in making representations at any Panel hearing by some other person, but that other person shall not appear in the capacity of counsel, solicitor or paid advocate, nor shall that person be entitled to speak on behalf of the person being assisted.