

SCHEDULE

Amendment of Schedule 1 of the Firefighters' Pension Scheme (Scotland) Order 2007

5. In schedule 2 (appeals to board of medical referees)—

- (a) in paragraph 4, in sub-paragraph (3)(a), after “desirable” insert “so as to provide the board with sufficient information”;
- (b) after paragraph 8, insert—

“**8A.**—(1) Where the parties have received a copy of the report supplied under paragraph 8 and they agree that the board has made an error of fact which materially affects the board’s decision, the authority shall, within 28 days of receipt of the report—

- (a) supply the Scottish Ministers with two copies of a statement agreed between the parties setting out—

- (i) the error of fact;
 - (ii) the correct fact, and

- (b) invite the board to reconsider its decision.

(2) The Scottish Ministers shall within 14 days of receipt of the statement supply a copy of it to the board.

(3) As soon as reasonably practicable after receiving the statement, the board shall reconsider its decision.

- (4) Within 14 days of that reconsideration the board shall—

- (a) give written notice to the Scottish Ministers that it has confirmed its decision, or revised its decision (as the case may be); and
 - (b) if it has revised its decision, supply the Scottish Ministers with a written report of its revised decision.

(5) The Scottish Ministers shall supply the parties with a copy of the written notice confirming the board’s decision, or a copy of the written report of the board’s revised decision (as the case may be).”;

- (c) for paragraph 10, sub-paragraph (3) substitute—

“(3) Where—

- (a) the appellant gives notice to the board—

- (i) withdrawing the appeal; or
 - (ii) requesting cancellation, postponement, or adjournment of the date appointed for an interview or medical examination under paragraph 6(2), and the notice is given less than 22 working days before the date appointed under paragraph 6(2); or

- (b) the appellant’s acts or omissions cause the board to cancel, postpone or otherwise adjourn the date appointed under paragraph 6(2) less than 22 working days before the date so appointed,

the authority may require the appellant to pay them such sum, not exceeding the total amount of the fees and allowances payable to the board under paragraph 9(1), as the authority think fit.”.