

SCHEDULE 3

Regulation 16

Proceedings before Tribunal: general provision

1. This Schedule applies in the case of a reference to the Tribunal under regulation 14(5) or 15 in respect of—

- (a) a reconsidered determination of the valuer under regulation 14;
- (b) a determination of the scheme manager under section 214D(2); or
- (c) a calculation made by the Treasury in connection with its functions under these Regulations.

2. This Schedule also applies in the case of a reference to the Tribunal under regulation 15 in respect of a dispute relating to the making of payments under these Regulations.

3. On receiving a reference described in paragraph 1—

- (a) Tribunal Procedure Rules may make provision for the suspension of the determination or calculation to which the reference refers from taking effect;
- (b) the Tribunal may consider any evidence relating to the subject matter of the reference, whether or not it was available to the person making the determination or the calculation at the material time.

4. On receiving a reference described in paragraph 1 or 2, the Tribunal must determine what (if any) is the appropriate action—

- (a) in the case of a reference described in paragraph 1, for the person making the determination or calculation to take in relation to the matter referred to it (and that person must act in accordance with the determination of, and any direction given by, the Tribunal;) or
- (b) in the case of a reference described in paragraph 2, to be taken to resolve the dispute, which may include an award of damages.

5. An award of damages under paragraph 4(b) may only be made if the Tribunal is satisfied that an award would have been made by a county court or, in Scotland, the Court of Session, if the claim had been made in an action begun in that court.