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SCHEDULES

SCHEDULE 4

Sections 8(3), 14(3), 59(2), Sch. 2 para.
4(1).

CONDUCT OF APPEALS BY THE APPEALS BOARD

Preliminary

- 1 In this Schedule " the appeal" means an appeal to the Appeals Board brought under section 8 or section 14.

Notices

- 2 (1) The appeal shall be initiated by the appellant serving a notice on the Appeals Board—
- (a) stating that he is appealing to the Board ;
 - (b) specifying the subject-matter of the appeal ; and
 - (c) setting out the grounds on which the appeal is made.
- (2) The appellant shall at the same time serve a copy of the notice on the Agency.

Procedure

- 3 Both the appellant and the Agency shall be entitled—
- (a) to appear before the Appeals Board ;
 - (b) to be represented by solicitor or counsel; and
 - (c) to examine their witnesses and cross-examine each other's.
- 4 Without prejudice to paragraph 3, the Appeals Board shall afford to every person who appears to the Board to be able to propound evidence relevant to the subject matter of the appeal an opportunity of being heard.
- 5 The appeal shall be conducted in private.
- 6 Subject to paragraphs 3 to 5, the Appeals Board may give directions with respect to the practice and procedure to be followed in any proceedings before the Board in connection with the appeal and anything incidental to or consequential on such proceedings ; and such directions may be given with general effect or with respect to cases of any class or any particular case.

Evidence

- 7 (1) For the purposes of the appeal, the Appeals Board may require any person who in its opinion is able to furnish information or produce documents relevant to the appeal to furnish any such information or produce any such document.
- (2) For those purposes the Appeals Board shall have the same powers as the High Court in respect of—

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- (a) the attendance and examination of witnesses, including the administration of oaths or affirmations and the examination of witnesses abroad ; and
 - (b) the production of documents.
- (3) A person shall not be compelled for the purposes of the appeal—
- (a) to give any information or produce any document which he could not be compelled to give in evidence or produce in civil proceedings before the High Court; or
 - (b) to give any information or produce any document which discloses, or from which there can be deduced, his religious belief, if he informs the Appeals Board that he objects to doing so ; or
 - (c) to attend at any place unless the necessary expenses of his journey to and from that place are paid or tendered to him ;
- but head (a) above does not prejudice the provisions of section 52(1).

Obstruction and contempt

- 8 (1) If any person, without lawful excuse, obstructs the Appeals Board, any member or officer of the Board or any person whose services have been made available for purposes of the Board in the performance of its or his functions in connection with the appeal, or is guilty of any act in relation to the appeal which, if the appeal were a proceeding in the High Court, would constitute contempt of court, the Board may certify the offence to the High Court.
- (2) Where an offence is certified under this paragraph, the High Court may inquire into the matter and after hearing—
- (a) any witnesses who may be produced against or on behalf of the person charged with the offence ; and
 - (b) any statement that may be offered in defence,
- may deal with the person charged with the offence in any manner in which the court could deal with him if he had committed the like offence in relation to the court.

Expenses

- 9 The Appeals Board may, if it thinks fit, pay to the appellant and to any other person (except the Agency or anybody acting on its behalf) who attends at the hearing of, or furnishes evidence for the purposes of, the appeal—
- (a) sums in respect of expenses properly incurred by him ; and
 - (b) allowances by way of compensation for the loss of his time,
- in accordance with such scales and subject to such conditions as the Department with the approval of the Department of Finance may determine.

Notification of decision

- 10 (1) Following the hearing of the appeal, the Appeals Board shall serve notice of the Board's decision on both the appellant and the Agency.
- (2) The notice shall state the reasons for the decision.

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Confidentiality of information

- 11 (1) Without prejudice to any provision of section 52, no information supplied to the Appeals Board for the purposes of an appeal shall be disclosed by a member, officer or servant of the Board, or a person whose services have been made available for purposes of the Board, to a person who is not a member of, or in the employment of, the Board or whose services have not been made available as aforesaid, except so far as such disclosure is necessary—
- (a) for the purposes of the appeal; or
 - (b) for communicating to any person, in pursuance of paragraph 10, the Board's decision on the appeal and the reasons for the decision ; or
 - (c) for the purposes of any criminal proceedings or to comply with the order of a court.
- (2) If any person discloses any information in contravention of sub-paragraph (1) he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £400.