

## SCHEDULES

### SCHEDULE 6

Section 70

#### THE PATHOGENS ACCESS APPEAL COMMISSION

##### *Constitution and administration*

- 1 (1) The Commission shall consist of members appointed by the Lord Chancellor.
- (2) The Lord Chancellor shall appoint one of the members as chairman.
- (3) A member shall hold and vacate office in accordance with the terms of his appointment.
- (4) A member may resign at any time by notice in writing to the Lord Chancellor.
- 2 The Lord Chancellor may appoint officers and servants for the Commission.
- 3 The Lord Chancellor—
  - (a) may pay sums by way of remuneration, allowances, pensions and gratuities to or in respect of members, officers and servants;
  - (b) may pay compensation to a person who ceases to be a member of the Commission if the Lord Chancellor thinks it appropriate because of special circumstances; and
  - (c) may pay sums in respect of expenses of the Commission.

##### *Procedure*

- 4 (1) The Commission shall sit at such times and in such places as the Lord Chancellor may direct.
- (2) The Commission may sit in two or more divisions.
- (3) At each sitting of the Commission—
  - (a) three members shall attend;
  - (b) one of the members shall be a person who holds or has held high judicial office (within the meaning of the Appellate Jurisdiction Act 1876 (c. 59)); and
  - (c) the chairman or another member nominated by him shall preside and report the Commission's decision.
- 5 (1) The Lord Chancellor may make rules—
  - (a) regulating the exercise of the right of appeal to the Commission;
  - (b) prescribing practice and procedure to be followed in relation to proceedings before the Commission;
  - (c) providing for proceedings before the Commission to be determined without an oral hearing in specified circumstances;

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- (d) making provision about evidence in proceedings before the Commission (including provision about the burden of proof and admissibility of evidence);
  - (e) making provision about proof of the Commission's decisions.
- (2) In making the rules the Lord Chancellor shall, in particular, have regard to the need to secure—
- (a) that decisions which are the subject of appeals are properly reviewed; and
  - (b) that information is not disclosed contrary to the public interest.
- (3) The rules may, in particular—
- (a) provide for full particulars of the reasons for denial of access to be withheld from the applicant and from any person representing him;
  - (b) enable the Commission to exclude persons (including representatives) from all or part of proceedings;
  - (c) enable the Commission to provide a summary of evidence taken in the absence of a person excluded by virtue of paragraph (b);
  - (d) permit preliminary or incidental functions to be discharged by a single member;
  - (e) permit proceedings for permission to appeal under section 70(5) to be determined by a single member;
  - (f) make provision about the functions of persons appointed under paragraph 6;
  - (g) make different provision for different parties or descriptions of party.
- (4) Rules under this paragraph—
- (a) shall be made by statutory instrument; and
  - (b) shall not be made unless a draft of them has been laid before and approved by resolution of each House of Parliament.
- (5) In this paragraph a reference to proceedings before the Commission includes a reference to proceedings arising out of proceedings before the Commission.
- 6 (1) The relevant law officer may appoint a person to represent the interests of an organisation or other applicant in proceedings in relation to which an order has been made by virtue of paragraph 5(3)(b).
- (2) The relevant law officer is—
- (a) in relation to proceedings in England and Wales, the Attorney General;
  - (b) in relation to proceedings in Scotland, the Advocate General for Scotland; and
  - (c) in relation to proceedings in Northern Ireland, the Attorney General for Northern Ireland.
- (3) A person appointed under this paragraph must—
- (a) have a general qualification for the purposes of section 71 of the Courts and Legal Services Act 1990 (c. 41) (qualification for legal appointments);
  - (b) be an advocate or a solicitor who has rights of audience in the Court of Session or the High Court of Justiciary by virtue of section 25A of the Solicitors (Scotland) Act 1980 (c. 46); or
  - (c) be a member of the Bar of Northern Ireland.

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- (4) A person appointed under this paragraph shall not be responsible to the applicant whose interests he is appointed to represent.
- (5) In paragraph 5 of this Schedule a reference to a representative does not include a reference to a person appointed under this paragraph.