
STATUTORY INSTRUMENTS

2005 No. 3273

The Financial Assistance Scheme (Appeals) Regulations 2005

Conduct of investigation: general

10.—(1) Except as otherwise provided in these Regulations, the procedure for conducting an investigation into the matters arising on an appeal is such as the Ombudsman considers appropriate in the circumstances of the case.

(2) In particular, the Ombudsman may—

- (a) make such inquiries as he sees fit;
- (b) consider any evidence before him, including evidence which was not before the scheme manager when the determination in question was made or reviewed;
- (c) conduct an oral hearing in relation to the appeal, whether or not a request for an oral hearing is made under regulation 13;
- (d) give such directions as to the conduct of any oral hearing as he sees fit;
- (e) investigate the matters arising on the appeal on the basis of written evidence before him, without holding an oral hearing;
- (f) refer any question which arises out of the appeal to a person who, in the Ombudsman's opinion, is able to provide an expert opinion in relation to that question; and
- (g) deal together with any matters that—
- (h) arise in respect of two or more appeals made to him, and
- (i) are the same, or substantially the same.

(3) Subject to paragraph (4), the Ombudsman may also—

- (a) obtain information from such persons and in such manner as he sees fit; and
- (b) in particular, by notice in writing, require any person who, in the Ombudsman's opinion, is able to produce documents relevant to the matters arising on the appeal to produce such documents in the manner, at the place and within the period specified in the notice.

(4) No person can be compelled for the purposes of any investigation to give evidence or produce any document which he could not be compelled to give or produce in civil proceedings before a court.

(5) In paragraph (4), “court” means—

- (a) in England and Wales, or in Northern Ireland, a county court; and
- (b) in Scotland, the sheriff court of any sheriffdom in Scotland.

Changes to legislation:

There are currently no known outstanding effects for the The Financial Assistance Scheme (Appeals) Regulations 2005, Section 10.