

YR ATODLEN

DIWYGIO CYNLLUN PENSIWN Y DYNION TÂN (CYMRU)

8. Yn Rhan H (dyfarnu cwestiynau ac apelau)—

(a) ar ôl rheol H1 (dyfarnu gan yr awdurdod tân) mewnosoder—

“H1A Review of medical opinion

(1) Where—

- (a) new evidence on an issue wholly or partly of a medical nature is presented to the fire and rescue authority by a person (P) in respect of whom a decision has been made under rule H1,
- (b) the authority receive that evidence—
 - (i) where a copy of an opinion was supplied in accordance with paragraph (2) of rule H2 within 28 days of the receipt by P of that copy, and
 - (ii) in any other case, within 28 days of the receipt by P of notice of the authority's decision, and
- (c) the authority and P agree that the IQMP should be given the opportunity of reviewing their opinion in the light of the new evidence, the authority must send a copy of the new evidence to the IQMP and invite them to reconsider their opinion.

(2) An IQMP's response to an invitation under paragraph (1) must be in writing (“rule H1A response”).

(3) An IQMP's rule H1A response is binding on the authority unless it is superseded by the outcome of an appeal under rule H2.

(4) As soon as reasonably practicable after receiving a rule H1A response, the authority shall reconsider their decision.

(5) Within 14 days of that reconsideration, the authority must—

- (a) give written notice to P that they have confirmed their decision or revised their decision (as the case may be), and
- (b) if they have revised their decision, supply P with written notice of the revised decision, and supply P with a copy of the rule H1A response.”;

(b) yn lle rheol H2 (apelio yn erbyn barn ar fater meddygol), rhodder—

“H2

(1) A person who wishes to appeal against a fire and rescue authority's decision on an issue of a medical nature may appeal to a board of medical referees in accordance with paragraph (1) of Part 1 of Schedule 9 (appeal to board of medical referees).

(2) Subject to paragraph (3), where a decision—

- (a) is made with regard to an opinion obtained pursuant to rule H1(2) or medical evidence relied on as mentioned in rule H1(3), or
- (b) is reconsidered under rule H1A(4) with regard to a rule H1A response,

the authority must within 14 days of making, confirming or revising the decision (as the case may be), send to P the documents mentioned in paragraph (4).

(3) Nothing in paragraph (2) requires the supply of documents that have already been supplied under rule H1A(5).

Statws This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

- (4) The documents are—
- (a) a copy of the opinion, response or evidence (as the case may be);
 - (b) an explanation of the procedure for appeals under this rule; and
 - (c) a statement that if P wishes to appeal against an authority's decision on an issue of a medical nature, the person must give written notice to the authority, stating the person's name and address and the grounds of the appeal, not later than 28 days after the person receives the last of the documents required to be supplied to them under this paragraph, or within such longer period as the authority may allow.
- (5) A fire and rescue authority is bound by any decision duly given on an appeal under this rule.
- (6) Further provisions as to appeals under this rule are contained in Part 1 of Schedule 9.”;
- (c) yn lle rheol H3 (apelio i Lys y Goron neu Siryf), rhodder—

“H3 Appeals on other issues

Where—

- (a) a person disagrees with a fire and rescue authority's determination under rule H1, and
- (b) the person's disagreement does not involve an issue of a medical nature,

that person may, by written notice given to the authority within 28 days of receipt of the determination, require the authority to deal with the disagreement by means of the arrangements implemented by them pursuant to the requirements of section 50 of the Pensions Act 1995⁽¹⁾ (requirement for dispute resolution arrangements) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008⁽²⁾.”

(1) 1995 p. 26; amnewidiwyd adran 50 gan adran 273 o *Ddeddf Pensiynau 2004* (p. 35) ac fe'i diwygiwyd gan *Ddeddf Pensiynau 2007* (p. 22).

(2) O.S. 2008/649.