

## SCHEDULE

### Amendment of the Firefighters' Pension Scheme Order (Northern Ireland) 2007

#### 8. In Part H (determination of questions and appeals)—

##### (1) In article 65 (determination by the Board)—

- (a) in paragraph (2)(d), for “has become incapable” substitute “is capable”;
- (b) in paragraph (2) substitute “at least one qualified” with “an independent qualified”; and
- (c) in paragraph (3) omit “or practitioners”.

##### (2) After article 65 (determination by the Board) insert—

#### **“Review of medical opinion**

##### 65A.—(1) Where—

- (a) new evidence on an issue wholly or partly of a medical nature is presented to the Board by a person in respect of whom a decision has been made under article 65,
- (b) the Board receives that evidence—
  - (i) where a copy of an opinion was supplied in accordance with paragraph (2) of article 66, within 28 days beginning with the day on which that person received that copy, and
  - (ii) in any other case, within 28 days beginning with the day on which that person received notice of the Board’s decision, and
- (c) the Board and the person concerned agree that the independent qualified medical practitioner should be given the opportunity of reviewing his opinion in the light of the new evidence,

the Board shall send a copy of the new evidence to the independent qualified medical practitioner and invite him to reconsider his opinion.

(2) An independent qualified medical practitioner’s response to an invitation under paragraph (1) shall be in writing (“article 65A response”).

(3) An independent qualified medical practitioner’s response under this article shall be binding on the Board unless it is superseded by the outcome of an appeal under article 66.

(4) As soon as reasonably practicable after receiving an article 65A response, the Board shall reconsider its decision.

(5) Within 14 days beginning with the date of that reconsideration, the Board shall—

- (a) give written notice to the person concerned that it has confirmed its decision or revised its decision (as the case may be), and
- (b) if it has revised its decision, supply the person concerned with written notice of the revised decision, and

supply the person concerned with a copy of the article 65A response.”.

##### (3) In article 66 (appeal against opinion on a medical issue), for paragraph (1) substitute —

“66.—(1) A person who wishes to appeal against the Board’s decision on an issue of a medical nature may appeal to an independent medical referee in accordance with paragraph (1) of Part 1 of Schedule 8 (appeal to independent medical referee).

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

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- (a) is made with regard to an opinion obtained pursuant to article 65(2) or medical evidence relied on as mentioned in article 65(3), or
- (b) is reconsidered under article 65A(4) with regard to an article 65A response,

the Board shall within 14 days beginning with the day of making, confirming or revising the decision (as the case may be), send to the person concerned the documents mentioned in paragraph (4).

(3) Nothing in paragraph (2) requires the supply of documents that have already been supplied under article 65A(5).

(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 article, and
- (c) a statement that, if the person wishes to appeal against an Board’s decision on an issue of a medical nature, the person must give written notice to the Board, stating his name and address and the grounds of his appeal, not later than 28 days after the person receives the last of the documents required to be supplied to him under this paragraph, or within such longer period as the Board may allow.

(5) The Board shall be bound by any decision duly given on an appeal under this article.

(6) Further provisions as to appeals under this article are contained in Part 1 of Schedule 8.”

(4) For article 67 (appeal against decision of the Board), substitute—

**“Appeals on other issues**

67. Where —

- (a) a person disagrees with the Board’s determination under article 65, and
- (b) the person’s disagreement does not involve an issue of a medical nature,

he may, by written notice given to the Board within 28 days beginning with the day of receipt of the determination, require the Board to deal with the disagreement by means of the arrangements implemented by it pursuant to the requirements of article 50 of the Pensions (Northern Ireland) Order 1995(1) (requirement for dispute resolution arrangements) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures) (Consequential and Miscellaneous Amendments) Regulations (Northern Ireland) 2008(2).”

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(1) [S.R. 1995 No 3213 \(N.I. 22\)](#); section 50 was substituted by Article 250 of the Pensions (Northern Ireland) Order 2005 ([S.I. 2005 No 255 \(N.I. 1\)](#)) and amended by the Pensions Act (Northern Ireland) 2008 (Chapter 1)

(2) [S.I. 2008 No. 116](#)