

## SCHEDULE 6

Regulation 31

### MEDICAL APPEALS

1. Every notice of appeal under regulation 31(1) and statement of grounds under regulation 31(2) shall be in writing.

2. On receiving a notice of appeal against a report issued under regulation 30 and the appellant's statement of grounds for appeal, the police authority, unless regulation 32(2) applies, shall forward to the Secretary of State and a board of medical referees copies of those documents and all other documents determined as necessary by the Secretary of State.

3.—(1) The board of medical referees shall consist of not less than three medical practitioners appointed by, and in accordance with, arrangements approved by the Secretary of State, provided that—

- (a) at least one member of the board of medical referees shall be a specialist in a medical condition relevant to the appeal;
- (b) one member of the board of medical referees will be appointed chairman; and
- (c) where there is an equality of voting among members of the board of medical referees, the chairman shall have a second or casting vote.

(2) The board of medical referees shall appoint a time and place for hearing the appeal, at which it may interview or examine the appellant, and for any such further hearings as it may consider necessary and shall give not less than two months notice, or such shorter period as the police authority and appellant may agree, thereof to the appellant and police authority.

(3) The police authority and the appellant shall, not less than 35 days (including weekends and public holidays) before the date appointed for the hearing, inform the board of medical referees whether they intend to be represented at the hearing.

4.—(1) Where either party to the appeal intends to submit written evidence or a written statement at a hearing arranged under paragraph 3 that party shall, subject to sub-paragraph (2), submit it to the board of medical referees and the other party not less than 35 days before the date appointed for the hearing.

(2) Where any written evidence or statement has been submitted under sub-paragraph (1), any written evidence or statement in response may be submitted by the other party to the board of medical referees and the party submitting the first-mentioned evidence or statement at any time not less than seven days before the date appointed for the hearing.

(3) The board of medical referees may postpone or adjourn the date appointed for the hearing where any written evidence or statement is submitted in contravention of sub-paragraph (1) or (2) or it appears necessary to do so for the proper determination of the appeal.

(4) References in sub-paragraphs (1) and (2) to periods of days shall include weekends and public holidays.

5.—(1) Any hearing (including any examination) may be attended by—

- (a) the selected medical practitioner; and
- (b) a duly qualified medical practitioner appointed for the purpose by the appellant,

although they may only observe any examination.

(2) If the selected medical practitioner does not attend any examination then a duly qualified medical practitioner appointed for that purpose by the police authority may attend the examination as an observer.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(3) If any hearing includes an examination then only medical practitioners may be present for that part of the hearing.

6. The board of medical referees shall supply the police authority, the appellant and the Secretary of State with a written statement of its decision. Where the board of medical referees disagrees with any part of the selected medical practitioner's report, the board of medical referees shall supply a revised report.

7.—(1) There shall be paid to the board of medical referees—

- (a) such fees as are determined in accordance with arrangements made by the Secretary of State; or
- (b) where no such arrangements have been made, such fees and allowances as the Secretary of State may from time to time determine.

(2) Any fees and allowances payable to the board of medical referees under sub-paragraph (1) shall, subject to paragraph 8(5), be paid by the police authority and shall be treated as part of the expenses of the police authority for the purposes of this Schedule.

8.—(1) Save as provided in this paragraph, the expenses of each party to the appeal shall be borne by that party.

(2) Where a hearing has been cancelled, adjourned or postponed at the request of, or due to the actions or omissions of, the police authority less than 11 days before the hearing (excluding weekends and public holidays) the board of medical referees shall require the police authority to pay to the appellant any expenses actually and reasonably incurred by him in respect of attending or arranging to attend the cancelled, adjourned or postponed hearing as the case may be.

(3) Where the board of medical referees determines that a hearing has been cancelled, adjourned or postponed at the request of, or due to the actions or omissions of, the appellant, less than 11 days before the hearing (excluding weekends and public holidays) the police authority may, subject to sub-paragraph (4), require the appellant to pay towards the cost of the cancellation, adjournment or postponement as the case may be, such sum not exceeding the total costs of the cancellation, adjournment or postponement as the case may be as the authority thinks fit.

(4) If the board of medical referees, after taking account of any representations from either party, decides that the cancellation, adjournment or postponement as the case may be was not due to any fault on the part of the appellant and the appellant should not pay towards the cost of the cancellation, adjournment or postponement as the case may be, it shall state that this is the case and the police authority shall not require the payment of any such costs.

(5) Where the board of medical referees decides in favour of the police authority and reports that in its opinion the appeal was frivolous or vexatious, the authority may, subject to sub-paragraph (6), require the appellant to pay towards the cost of the appeal such sum not exceeding the board of medical referees' total fees and allowances as the authority thinks fit.

(6) If the board of medical referees, after taking account of any representations from either party, decides there are exceptional reasons why the appellant should not pay towards the cost of the appeal, it shall state that this is the case and the police authority shall not require the payment of any such costs.

(7) Where the board of medical referees decides in favour of the appellant, the police authority shall refund to the appellant any expenses actually and reasonably incurred by the appellant in respect of attending any such hearing as is mentioned in paragraph 3.