

2.—(1) In the provisions mentioned in sub-paragraph (2) any reference to a pension of a kind provided for in Part B shall be treated as a reference to that pension increased by the appropriate amount.

(2) The provisions are those of—

- (a) rule E8 (increase of pensions and allowances during first 13 weeks),
- (b) Part I of Schedule 3 (spouse's ordinary pension),
- (c) Part IV of Schedule 3 (pension for widow of post-retirement marriage),
- (d) Part I of Schedule 4 (child's ordinary allowance),
- (e) Part III of Schedule 4 (child's accrued allowance), and
- (f) Part III of Schedule 6 (transfer payments).

3.—(1) In the provisions mentioned in sub-paragraph (2) any reference to a pension or allowance of a kind provided for in Part C or D shall be treated as a reference to that pension or allowance as increased by virtue of this Part of this Schedule.

(2) The provisions are those of—

- (a) rule E5 (gratuity in lieu of surviving spouse's pension),
- (b) rule E6 (gratuity in lieu of child's allowance),
- (c) rule E8,
- (d) paragraph 2 of Part I of Schedule 4,
- (e) paragraph 5 of Part III of Schedule 4 (child's accrued allowance), and
- (f) Part III of Schedule 6.

4. A spouse's pension calculated under paragraphs 1 and 2 of Part III of Schedule 3 or under Part I of Schedule 11 shall be increased by half the appropriate amount.

5.—(1) In calculating a child's ordinary allowance under Part II of Schedule 11 the amounts A and B in paragraph 3 of that Part shall each be increased by the amount obtained by multiplying it by

$$\frac{N}{60}$$

(2) In calculating a child's accrued allowance under Part III of Schedule 4 the lengths of the half-rate service and total pensionable service mentioned in paragraph 3(3) of that Part shall each be increased by the period obtained by multiplying it by

$$\frac{N}{60}$$

(3) In sub-paragraphs (1) and (2) N is the number of sixtieths taken into account in ascertaining the appropriate amount.

SCHEDULE 9

APPEALS

PART I

Rule H2

APPEAL TO MEDICAL REFEREE

1.—(1) Subject to sub-paragraph (2), written notice of appeal stating—

- (a) the grounds of the appeal, and
- (b) the appellant's name and his place of residence,

must be given to the fire authority within 14 days of the date on which he is supplied by them with a copy of the opinion.

(2) Where—

- (a) notice of appeal is not given within the period specified in sub-paragraph (1), but
- (b) the fire authority are of the opinion that the person's failure to give it within that period was not due to his own default,

they may extend the period for giving notice to such length, not exceeding 6 months from the date mentioned in sub-paragraph (1), as they think fit.

2.—(1) On receiving a notice of appeal the fire authority shall supply the Secretary of State with 2 copies of the notice and 2 copies of the opinion.

(2) On nominating the medical referee the Secretary of State shall supply him with a copy of the notice and a copy of the opinion.

3. On being nominated the medical referee ("the referee") shall forthwith inform the appellant and the fire authority that he has been nominated; and he shall secure that they are at all material times aware of an address at which communications relating to the appeal may be delivered to him.

4.—(1) Subject to sub-paragraph (4), the referee—

(a) shall interview the appellant at least once, and

(b) may interview him or cause him to be interviewed on such further occasions as the referee thinks necessary for the purpose of deciding the appeal.

(2) The referee shall—

(a) appoint, and

(b) give the appellant and the fire authority reasonable notice of, the time and place for every interview; if he is satisfied that the appellant is unable to travel, the place shall be the appellant's place of residence.

(3) The appellant shall attend at the time and place appointed for any interview and submit himself at the interview to medical examination by the referee or any person appointed by the referee for that purpose.

(4) If—

(a) the appellant fails to comply with sub-paragraph (3), and

(b) the referee is not satisfied that there was reasonable cause for the failure,

the referee may dispense with the interview required by paragraph 4(1)(a) or, as the case may be, with any further interview, and may decide the appeal on such information as is then available.

(5) Any interview under this paragraph may be attended by persons appointed for the purpose by the fire authority or by the appellant or by each of them.

5.—(1) At any time before the interview, or before the last interview if there is more than one, either party may submit to the referee a statement relating to the subject matter of the appeal.

(2) The referee shall—

(a) give the other party such opportunity as he thinks necessary of replying to any such statement, and

(b) take account of the statement and of any reply.

6. The referee shall deliver to both parties a written statement of his decision on the relevant medical issues.

7.—(1) The referee is entitled to such fees and allowances as the Secretary of State may from time to time determine.

(2) The fees and allowances shall—

(a) be paid by the fire authority, and

(b) be treated for the purposes of paragraph 8 as part of the fire authority's expenses.

8.—(1) Subject to sub-paragraphs (2) to (5), the expenses of each party to the appeal shall be borne by that party.

(2) Where the referee—

(a) decides in favour of the fire authority, and

(b) does not otherwise direct,

the fire authority may require the appellant to pay them such sum, not exceeding the referee's total fees and allowances, as they think fit.

(3) Where the referee—

(a) decides in favour of the appellant, and

(b) does not otherwise direct,
the fire authority shall refund to the appellant the amount specified in sub-paragraph (4).

(4) The amount is the total of-

- (a) any personal expenses actually and reasonably incurred by the appellant in respect of any interview under paragraph 4, and
- (b) if any such interview was attended by a qualified medical practitioner appointed by the appellant, any fees and expenses reasonably paid by the appellant in respect of such attendance.

(5) For the purposes of sub-paragraphs (2) and (3) any question arising as to whether the referee's decision is in favour of the fire authority or of the appellant shall be decided by the referee, or in default by the Secretary of State.

9. Any notice, information or document which an appellant is entitled to receive for the purposes of this Part shall be deemed to have been received by him if it was duly posted in a letter addressed to him at his last known place of residence.

PART II

Rule H3(5)

APPEAL TRIBUNALS

1. An appeal tribunal shall consist of three persons, including a retired member of a brigade who before he retired held a rank not lower than divisional officer (Grade 1) and-

- (a) a barrister or solicitor of at least 7 years' standing, or
- (b) in a case where the appellant ceased to perform duties in a Scottish brigade in order to enter the relevant employment ("a Scottish case"), an advocate or solicitor of at least 7 years' standing.

2.—(1) The tribunal shall-

- (a) determine, and
- (b) give the appellant and the Secretary of State ("the parties") reasonable notice of, the time and place for the hearing, and any postponed or adjourned hearing.

(2) Each of the parties may-

- (a) be represented before the tribunal by counsel, a solicitor, or some other person approved by the tribunal, and
- (b) adduce evidence and cross-examine witnesses.

(3) The tribunal shall apply the rules of evidence applicable-

- (a) in an appeal to the Crown Court under rule H3, or
- (b) in a Scottish case, in an appeal to the sheriff under that rule.

(4) Subject to sub-paragraphs (1) to (3), the tribunal shall determine its own procedure.

3. Subject to and in accordance with rules of court, an appeal on a point of law from a decision of an appeal tribunal shall lie-

- (a) to the High Court, or
- (b) in a Scottish case, to the Court of Session.

SCHEDULE 10

Rules I2 and I3

SERVICEMEN - INCREASED AWARDS

1. The total of-

- (a) the amount of a pension as increased under rule I2(3)(b), and
- (b) the amount of any service pension other than an allowance for constant attendance, wear and tear of clothing, or comforts,

must not exceed the amount of the injury pension to which the serviceman would have been entitled if rule B4 had applied.

2. The total of-