



2011 CHAPTER 1

Formal investigations

Further action following report on formal investigation

16.—(1) Where the Commissioner has made a report under section 15 which contains a recommendation as to action to be taken by a relevant authority, the Commissioner may by notice require that authority to provide the Commissioner within 3 months of the date of the notice with—

- (a) such information as will enable the Commissioner to determine whether the authority has complied with the recommendation or will be complying with it; or
- (b) a statement of the authority's reason for not complying with the recommendation.

(2) A notice under subsection (1) must include a statement that a failure by the authority to respond within the period mentioned in that subsection may be published in such manner as the Commissioner considers appropriate.

(3) If, on receipt of a response from the authority, the Commissioner considers that—

- (a) the action taken or proposed to be taken by the authority to comply with the recommendation is inadequate; or
- (b) the authority's reason for not complying with the recommendation is inadequate,

the Commissioner may send to the authority concerned a further notice setting out the inadequacy and requiring the authority to reconsider the matter and respond within one month of the date of the notice.

(4) A notice under subsection (3) must include a statement that a failure by the authority—

(a) to provide what the Commissioner considers to be a satisfactory response;
or

(b) to provide any response within the period mentioned in that subsection, may be published in such manner as the Commissioner considers appropriate.

(5) The Commissioner must maintain a register containing details of—

(a) recommendations (together with the reasons for them) contained in reports made under section 15;

(b) action taken by the Commissioner under subsections (1) and (3); and

(c) the results of any such action.

(6) Any register maintained under subsection (5) must be open to inspection by any person at all reasonable times at the offices of the Commissioner and the Commissioner may make arrangements for copies of the register to be available for inspection in such other place or places or by such other means as the Commissioner considers appropriate.

(7) The Commissioner must publish those arrangements in such a way as to bring them to the attention of persons likely to be interested.