

SCHEDULES

SCHEDULE 3

HANDLING OF COMPLAINTS AND CONDUCT MATTERS ETC.

PART 1

HANDLING OF COMPLAINTS

Dispensation by the Commission from requirements of Schedule

- 7 (1) If, in a case in which paragraph (6) applies, the appropriate authority considers—
- (a) that it should handle the complaint otherwise than in accordance with this Schedule or should take no action in relation to it, and
 - (b) that the complaint falls within a description of complaints specified in regulations made by the Secretary of State for the purposes of this paragraph, the appropriate authority may apply to the Commission, in accordance with the regulations, for permission to handle the complaint in whatever manner (if any) that authority thinks fit.
- (2) The appropriate authority shall notify the complainant about the making of the application under this paragraph.
- (3) Where such an application is made to the Commission, it shall, in accordance with regulations made by the Secretary of State—
- (a) consider the application and determine whether to grant the permission applied for; and
 - (b) notify its decision to the appropriate authority and the complainant.
- (4) Where an application is made under this paragraph in respect of any complaint, the appropriate authority shall not, while the application is being considered by the Commission, take any action in accordance with the provisions of this Schedule (other than under paragraph 1) in relation to that complaint.
- (5) Where the Commission gives permission under this paragraph to handle the complaint in whatever manner (if any) the appropriate authority thinks fit, the authority—
- (a) shall not be required by virtue of any of the provisions of this Schedule (other than paragraph 1) to take any action in relation to the complaint; but
 - (b) may handle the complaint in whatever manner it thinks fit, or take no action in relation to the complaint, and for the purposes of handling the complaint may take any step that it could have taken, or would have been required to take, but for the permission.
- (6) Where the Commission determines that no permission should be granted under this paragraph—

Status: This is the original version (as it was originally enacted).

- (a) it shall refer the matter back to the appropriate authority for the making of a determination under paragraph 6(2); and
 - (b) the authority shall then make that determination.
- (7) No more than one application may be made to the Commission under this paragraph in respect of the same complaint.