

SCHEDULE

PROCEDURE FOR CONSIDERATION UNDER SECTIONS 10, 11, 12 OR 13 OF THE ACT WHETHER TO LIST

PART 5

CONSIDERATION PROCEDURE WHERE CONSIDERATION IS UNDER SECTION 13(2) or (3) OF THE ACT (Consideration whether to list: inquiries)

Notification of case giving rise to consideration for listing

12. Ministers must give to the individual—

- (a) a copy of the relevant inquiry report, or relevant sections from that report, upon which Ministers have decided under section 13(2) or (3) of the Act that it may be appropriate for the individual to be included in the children's list, in the adults' list or, where applicable, in both lists; and
- (b) a notice inviting the individual to—
 - (i) make representations as to why the individual should not be listed in the children's list, in the adults' list or, where applicable, in both lists;
 - (ii) submit any comments on the information provided to the individual under subparagraph (a); and
 - (iii) submit any further information to Ministers which the individual wishes to be taken into account by Ministers in deciding whether to list the individual in the children's list, in the adults' list or, where applicable, in both lists,within 28 days of the date of receipt of that notice.

Comments by other persons relating to any relevant inquiry report

13. Where Ministers receive any representations, comments or information from the individual under paragraph 12, Ministers must—

- (a) notify the person for whom that individual worked at the time when the act or omission which gave rise to the finding in the relevant inquiry report that the individual's conduct had met the referral ground;
- (b) provide the person with details of any representations made and any comments or information submitted by the individual under paragraph 12; and
- (c) invite the person to provide to Ministers within 28 days of the date of receipt of that notice—
 - (i) any comments; and
 - (ii) any further information that the person may wish to supply.

Further representations, comments or information to be sent to Ministers

14.—(1) For the purpose of enabling or assisting Ministers to decide whether to list an individual, Ministers may, by notice, invite—

- (a) any further representations, comments or information from the individual; or
- (b) any information from any other person as Ministers may consider appropriate.

Status: This is the original version (as it was originally made).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

(2) Any representations, comments or information in response to a notice sent under sub-paragraph (1) are to be supplied to Ministers in such manner and within such time as Ministers may specify in the notice.

Notification of any further information on which Ministers intend to rely in deciding whether to list the individual

15. Ministers must give to the individual—

- (a) details of any comments or further information supplied to Ministers under paragraphs 13 (c) or 14(1)(b) on which they intend to rely in deciding whether to list the individual in the children’s list, in the adults’ list or, where applicable, in both lists;
- (b) details of any other information on which they intend to rely including—
 - (i) information which they obtain in pursuance of a requirement made under section 18, 19 or 20 of the Act;
 - (ii) information which they obtain by performing their functions in relation to the Scheme;
 - (iii) any reports provided to Ministers under paragraphs 17(2) or 18(2); and
- (c) a notice inviting the individual to—
 - (i) make any further representations as to why the individual should not be listed in the children’s list, in the adults’ list or, where applicable, in both lists;
 - (ii) submit comments on any of the information provided under sub-paragraphs (a) or (b); and
 - (iii) submit any further supporting information which the individual wishes to be taken into account by Ministers in deciding whether to list the individual in the children’s list, in the adults’ list or, where applicable, in both lists,

in such manner and within such time as Ministers may specify in that notice.