
STATUTORY INSTRUMENTS

2016 No. 900

The Postal Administration (Scotland) Rules 2016

PART 4

Meetings and Reports

Complaint

- 28.**—(1) Any person who—
- (a) is, or claims to be, an excluded person; or
 - (b) attends the meeting (in person or by proxy) and considers that they have been adversely affected by a person’s actual, apparent or claimed exclusion,
- may make a complaint.
- (2) The person to whom the complaint must be made (“the relevant person”) is—
- (a) the chair, where it is made during the course of the meeting; or
 - (b) the postal administrator, where it is made after the meeting.
- (3) The relevant person must—
- (a) consider whether there is an excluded person; and
 - (b) where satisfied that there is an excluded person, consider the complaint; and
 - (c) where satisfied that there has been prejudice, take such action as the relevant person considers fit to remedy the prejudice.
- (4) Paragraph (5) applies where—
- (a) the relevant person is satisfied that the complainant is an excluded person;
 - (b) during the period of the person’s exclusion—
 - (i) a resolution was put to the meeting; and
 - (ii) voted on; and
 - (c) the excluded person asserts how the excluded person intended to vote on the resolution.
- (5) Subject to paragraph (6), where satisfied that the effect of the intended vote in paragraph (4), if cast, would have changed the result of the resolution, the relevant person must—
- (a) count the intended vote as being cast in accordance with the complainant’s stated intention;
 - (b) amend the record of the result of the resolution; and
 - (c) where those entitled to attend the meeting have been notified of the result of the resolution, notify them of the change.
- (6) Where satisfied that more than one complainant in paragraph (4) is an excluded person, the relevant person must have regard to the combined effect of the intended votes.
- (7) A complaint must be made as soon as reasonably practicable and, in any event, by 4 p.m. on the business day following—

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- (a) the day on which the person was excluded; or
 - (b) where an indication is requested under Rule 26, the day on which the complainant received the indication.
- (8) The relevant person must notify the complainant in writing of any decision.
- (9) A complainant who is not satisfied by the action of the relevant person may apply to the court for a direction to be given to the relevant person as to the action to be taken in respect of the complaint, and any application must be made no more than 2 business days from the date of receiving the decision of the relevant person.