

Schedules

Schedule 3

EVIDENCE GATHERING, NOTIFICATIONS, PUBLICATION AND DATA

Evidence gathering

7.—(1) The Regulator must take such steps as it considers necessary for the purpose of assessing whether—

- (a) standards determined under [article 3\(1\)](#) are met at any point in time, or
- (b) a person’s fitness to practise as an associate is impaired.

(2) The steps taken under [sub-paragraph \(1\)\(a\)](#)—

- (a) must include requiring prescribed persons to supply prescribed information, at prescribed intervals in such manner as may be prescribed, to the Regulator, and
- (b) may include setting examinations.

(3) In [sub-paragraph \(2\)\(a\)](#), “prescribed” means prescribed in rules under [paragraph 14](#) of [Schedule 4](#).

(4) Subject to [sub-paragraph \(5\)](#) and [paragraph 8](#), the Regulator may require a person, including an associate in respect of whom the information or document is sought, to supply information or produce a document which the Regulator considers the person is able to supply and which appears to the Regulator to be relevant for the purposes of its functions under this Order.

(5) The Regulator may not require, for the purposes of fitness to practise proceedings, an associate to provide it with material produced by that associate—

- (a) for the purposes of professional development, or
- (b) in the course of reflecting on their professional practice in order to improve it.

(6) If a person fails to supply any information or produce any document within 14 days of being required to do so under [sub-paragraph \(4\)](#), the Regulator may seek an order of the county court or, in Scotland, the sheriff in whose Sheriffdom is situated the address which—

- (a) is shown in the register as the address of the person concerned, or
- (b) the last known address of the person concerned,

requiring the information to be supplied or the document to be produced.