



Small Business, Enterprise and Employment Act 2015

2015 CHAPTER 26

PART 2

REGULATORY REFORM

Review of business appeals procedures

17 Review of regulators' complaints and appeals procedures

- (1) A Minister of the Crown must appoint a person for the purposes of this section in respect of each regulatory function to which this section applies (see section 18).
- (2) A person so appointed (a "reviewer") must, in relation to each regulatory function in respect of which the appointment is made—
 - (a) review the effectiveness during each reporting period of the procedures (both formal and informal) of the relevant regulator for handling and resolving complaints and appeals made by businesses to the regulator in connection with the exercise by the regulator of the function, and
 - (b) prepare a report about the findings of the review.
- (3) In this section "relevant regulator", in relation to a regulatory function, means the person who exercises the function.
- (4) The report may include in particular—
 - (a) an assessment of the extent to which the relevant regulator's procedures of the kind mentioned in subsection (2)(a) are accessible and fair to businesses;
 - (b) recommendations to the relevant regulator about how the procedures, or the way in which they are operated, could be improved;
 - (c) recommendations to the Minister of the Crown who appointed the reviewer for any change in the law which the reviewer considers would lead to improvements in the procedures or their operation.

- (5) The report must not address, and the reviewer must not make any recommendation in relation to, the outcome of any particular case.
- (6) For the purposes of this section, each of the following is a reporting period—
 - (a) the period of 12 months beginning with the day on which the reviewer is appointed;
 - (b) each subsequent period of 12 months.
- (7) The reviewer must send the report to the relevant regulator and (if different) the Minister of the Crown who appointed the reviewer as soon as reasonably practicable after the end of the reporting period.
- (8) Before the end of the period of 3 months beginning with the day on which the relevant regulator receives the report, the regulator must—
 - (a) prepare a response and send it to the reviewer, and
 - (b) if the relevant regulator is not the Minister of the Crown who appointed the reviewer, send it to the Minister.
- (9) The Minister of the Crown must—
 - (a) publish the report and the response, and
 - (b) lay them before Parliament.
- (10) The reviewer may by notice require the relevant regulator to provide such documents or other information, in such form or manner as the reviewer may direct, as the reviewer may require for the purpose of exercising functions under this section.
- (11) Subsection (10) is subject to any express restriction on disclosure imposed by another enactment (ignoring any restriction which allows disclosure if authorised by an enactment).
- (12) In this section “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975.