
STATUTORY INSTRUMENTS

2017 No. 521

**The Gangmasters and Labour Abuse Authority
(Complaints and Misconduct) Regulations 2017**

PART 6

INVESTIGATIONS AND SUBSEQUENT PROCEEDINGS

Power of the Commission to determine the form of an investigation

- 38.**—(1) This regulation applies where—
- (a) a complaint, recordable conduct matter or DSI matter is referred to the Commission; and
 - (b) the Commission determines that it is necessary for the complaint or matter to be investigated.
- (2) The Commission must determine the form which the investigation should take.
- (3) In making a determination under paragraph (2) the Commission must have regard to the following factors—
- (a) the seriousness of the case; and
 - (b) the public interest.
- (4) The only forms which the investigation may take in accordance with a determination made under this regulation are an investigation by—
- (a) the Chief Executive on the Chief Executive's own behalf;
 - (b) the Chief Executive under the supervision of the Commission;
 - (c) the Chief Executive under the management of the Commission;
 - (d) the Commission.
- (5) The Commission may at any time make a further determination under this regulation to replace an earlier one.
- (6) Where a determination under this regulation replaces an earlier determination under this regulation, or relates to a complaint or matter in relation to which the Chief Executive has already begun an investigation on the Chief Executive's own behalf, the Commission may give—
- (a) the Chief Executive; and
 - (b) any person previously appointed to carry out the investigation,
- such directions as it considers appropriate for the purpose of giving effect to the new determination.
- (7) A person to whom a direction is given under paragraph (6) must comply with it.
- (8) The Commission must notify the Chief Executive of any determination that it makes under this regulation in relation to a particular complaint, recordable conduct matter or DSI matter.