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STATUTORY INSTRUMENTS

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**2017 No. 521**

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

**PART 6**

**INVESTIGATIONS AND SUBSEQUENT PROCEEDINGS**

**Special cases: recommendation or direction of the Commission**

**64.**—(1) Where the Chief Executive has submitted, or is required to submit, a memorandum to the Commission under regulation 61(5), the Commission may make a recommendation to the Chief Executive that the Chief Executive should certify the case under regulation 61(3).

(2) If the Commission determines to make a recommendation under this regulation, it must give a notification—

- (a) in the case of a complaint, to the complainant and to every person entitled to be kept properly informed in relation to the complaint under regulation 14; and
- (b) in the case of a recordable conduct matter, to every person entitled to be kept properly informed in relation to that matter under that regulation.

(3) The notification required by paragraph (2) is one setting out—

- (a) the findings of the special report; and
- (b) the Commission's recommendation under this regulation.

(4) Regulation 16 (exceptions to the duty to keep the complainant informed and to provide information for other persons) has effect in relation to the duties imposed on the Commission by paragraph (2) as it has effect in relation to the duties imposed on the Commission by regulations 13 and 14.

(5) Except so far as may be otherwise prohibited by regulation 16, the Commission is entitled (notwithstanding any obligation of secrecy imposed by any rule of law or otherwise) to discharge the duty to give a person mentioned in paragraph (2) notification of the findings of the special report by sending that person a copy of the report.

(6) The Chief Executive must—

- (a) notify the Commission whether the Chief Executive accepts the recommendation; and
- (b) if the Chief Executive does, certify the case and proceed accordingly.

(7) If, after the Commission has made a recommendation under this regulation, the Chief Executive does not certify the case under regulation 61(3)—

- (a) the Commission may direct the Chief Executive so to certify it; and
- (b) the Chief Executive must comply with any such direction and proceed accordingly.

(8) Where the Commission gives the Chief Executive a direction under this regulation, it must supply the Chief Executive with a statement of its reasons for doing so.

(9) The Commission may at any time withdraw a direction given under this regulation.

(10) The Chief Executive must keep the Commission informed of whatever action the Chief Executive takes in response to a recommendation or direction.

(11) Where—

(a) the Commission makes a recommendation under this regulation in the case of an investigation of a complaint; and

(b) the Chief Executive notifies the Commission that the recommendation has been accepted, the Commission must notify the complainant and every person entitled to be kept properly informed in relation to the complaint under regulation 14 of that fact and of the steps that have been, or are to be, taken by the Chief Executive to give effect to it.

(12) Where in the case of an investigation of a complaint the Chief Executive—

(a) notifies the Commission that the Chief Executive does not accept the recommendation made by the Commission under this regulation; or

(b) fails to certify the case under regulation 61(3) and to proceed accordingly,

the Commission must determine what (if any) further steps to take under this regulation.

(13) The Commission must notify the complainant and every person entitled to be kept properly informed in relation to the complaint under regulation 14—

(a) of any determination under paragraph (12) not to take further steps under this regulation; and

(b) where it determines under that paragraph to take further steps under that paragraph, of the outcome of the taking of those steps.