

SCHEDULE 3
RULES AS TO COMMISSION’S PRACTICE AND PROCEDURE

Provision which may in particular be included

- 2 The rules as to the Commission’s practice and procedure made under section 32(1) may in particular include provision—
- (a) fixing time limits for the making of complaints against practitioners or relevant professional organisations or the stages of its investigation under Part 1;
 - (b) as to—
 - (i) extension of any time limit fixed by it under the rules;
 - (ii) the circumstances in which such extension may be made;
 - (c) as to the circumstances in which the Commission is not prevented by section 4(2) from taking the steps and further action referred to in that section in relation to a complaint which is made prematurely (within the meaning of section 4(4));
 - (d) as to the circumstances in which the Commission may rely on—
 - (i) with the agreement of the body concerned, findings in fact of a relevant professional organisation, the Scottish Solicitors’ Discipline Tribunal or such other body as the Scottish Ministers may by order specify which has disciplinary functions;
 - (ii) previous findings in fact of the Commission;
 - (e) securing that a procedural defect in relation to—
 - (i) the making of;
 - (ii) the Commission dealing with,a complaint under Part 1 is not to have an effect under the Part where the Commission considers that appropriate in the interests of fairness;
 - (f) as to the collection of the amount of the annual general levy to be paid to it by the relevant professional organisations and of any complaints levy due to it by practitioners;
 - (g) as to the recovery by it from the relevant professional organisations of the annual general levy due to be paid to it by them and from practitioners of any complaints levy due by them;
 - (h) as to the circumstances in which the Commission may—
 - (i) waive a portion of the annual general levy which would otherwise be payable under section 27(1);
 - (ii) refund any portion of an amount paid under that section;
 - (i) as to the circumstances in which the Commission may waive the requirement under section 28(1) to pay the complaints levy in any case;
 - (j) as to the calculation of the total amount of the annual general levy each relevant professional organisation is due to collect under section 27(2)(a) in respect of each financial year and notification of each such organisation of the amount so calculated by the Commission.