

## SCHEDULE 10

### COMMISSIONER'S INVESTIGATION OF FAILURE TO COMPLY WITH STANDARDS ETC

#### PART 1

#### GENERAL

##### *Terms of reference*

- 2 (1) Before conducting an investigation, the Commissioner must prepare the terms of reference of the investigation.
- (2) The terms of reference must specify—
  - (a) the person who is being investigated (“D”),
  - (b) the suspected failure to comply with a relevant requirement.
- (3) Before settling the terms of reference, the Commissioner must—
  - (a) give notice of the proposed terms to—
    - (i) D, and
    - (ii) any other interested person,
  - (b) give each person who is given notice of the proposed terms an opportunity to make representations about the proposed terms, and
  - (c) consider any representations made.
- (4) After settling the terms of reference (having complied with sub-paragraph (3)), the Commissioner must—
  - (a) publish the terms of reference of the investigation in a manner that the Commissioner thinks is likely to bring the investigation to the attention of persons whom it concerns or who are likely to be interested in it, and
  - (b) give notice of the terms of reference to—
    - (i) D, and
    - (ii) any other interested person.
- (5) This paragraph applies to any change in the terms of reference as the paragraph would apply if the change in the terms were the preparation of those terms.