

## SCHEDULES

### Schedule 3

#### INVESTIGATIONS UNDER ARTICLE 8(4) OR 9(7)

##### *Further action following report on investigation*

4.—(1) Where the Commissioner has made a report under paragraph 3 which contains a recommendation in respect of a relevant authority, the Commissioner may by notice require that authority to provide the Commissioner within 3 months of the date of the notice with—

- (a) such information as will enable the Commissioner to determine whether the authority has complied with the recommendation or will be complying with it; or
- (b) a statement of the authority's reason for not complying with the recommendation.

(2) A notice under sub-paragraph (1) shall include a statement that a failure by the authority to respond within the period mentioned in that sub-paragraph may be published in such manner as the Commissioner considers appropriate.

(3) If, on receipt of a response from the authority, the Commissioner considers that—

- (a) the action taken or proposed to be taken by the authority to comply with the recommendation is inadequate; or
- (b) the authority's reason for not complying with the recommendation is inadequate,

the Commissioner may send to the authority concerned a further notice setting out the inadequacy and requiring the authority to reconsider the matter and respond within one month of the date of the notice.

(4) A notice under sub-paragraph (3) shall include a statement that a failure by the authority—

- (a) to provide what the Commissioner considers to be a satisfactory response; or
- (b) to provide any response within the period mentioned in that sub-paragraph,

may be published in such manner as the Commissioner considers appropriate.

(5) The Commissioner shall include in the register maintained under Article 19(5) details of—

- (a) recommendations (together with the reasons for them) contained in reports made under paragraph 3;
- (b) action taken by the Commissioner under sub-paragraphs (1) and (3); and
- (c) the results of any such action.