

SCHEDULE

Regulation 3

REASONABLE STEPS

PART 1

ASCERTAINING VIEWS BY MEANS OF CONSULTATION

Consultation of prescribed organisations

1. It is a reasonable step for a board to consult prescribed organisations.

Relevant persons represented by prescribed organisations treated as having the same view as the organisation

- 2.—(1) Subject to sub-paragraph (2), where a board—

- (a) has consulted a prescribed organisation in relation to levy proposals; and
- (b) that organisation has formed a view as to whether the proposals are necessary,

the board may treat relevant persons represented by that organisation as having the same view about the proposals as the organisation.

(2) Sub-paragraph (1) does not apply where a prescribed organisation consulted by a board has not taken reasonably practicable steps to ascertain the views of relevant persons that it represents prior to forming its view on the levy proposals.

Consultation of unrepresented persons

3. Where a board—

- (a) has consulted prescribed organisations in accordance with paragraph 1;
- (b) is not relying on a sample obtained in accordance with Part 2; and
- (c) considers it necessary to ascertain the views of further relevant persons,

it is a reasonable step for the board to endeavour to obtain the views of all unrepresented persons.

PART 2

ASCERTAINING VIEWS BY MEANS OF A SAMPLE

Persons whose views may be sampled

4. It is a reasonable step for a board to obtain by way of a sample the views of

- (a) all relevant persons; or
- (b) all unrepresented persons, where a board has consulted prescribed organisations in accordance with paragraph 1,

provided that sample complies with paragraph 5.

Samples

5. A sample must be—

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- (a) obtained by an independent research company;
- (b) designed to ascertain—
 - (i) the number, expressed as a percentage, of relevant persons or unrepresented persons, as the case may be, who consider that the proposals are necessary; and
 - (ii) the value, expressed as a percentage, of the total amount of levy likely to be payable in consequence of the levy proposals by relevant persons or unrepresented persons, as the case may be, who consider that the proposals are necessary; and
- (c) of a size sufficient to enable any conclusions reached to be stated with at least a 95% level of confidence.