

## PROPOSED DRAFT RULES EXTRACT – AMENDED WORDING ON TIME BAR

*For complaints where work was first instructed or the date of the alleged occurrence of the specific act, omission or conviction complained of was on or after 1 July 2016 the following rules will apply:*

(2) Subject to the provisions contained in Rule 7(4):

(a) A complaint solely alleging professional misconduct, unsatisfactory professional conduct or a conviction, will not be accepted if, in the opinion of the Commission, it is made more than 3 years after the alleged occurrence of the professional misconduct, unsatisfactory professional conduct or conviction complained of.

(b) A complaint made by or on behalf of a client, i.e. where professional services have been provided by a practitioner in connection with any matter in which the practitioner has been instructed by the complainer, alleging inadequate professional services or both inadequate professional services and professional misconduct/unsatisfactory professional conduct/a conviction, will not be accepted if, in the opinion of the Commission, the complaint is made more than 3 years after the date on which any services in respect of that matter were last provided by that practitioner to that client.

(c) A complaint made by a third party, i.e. where the professional services have been provided by a practitioner in connection with any matter in which the practitioner has not been instructed by the complainer or by any party on whose behalf the complaint is made, alleging inadequate professional services or both inadequate professional services and professional misconduct/unsatisfactory professional conduct/a conviction, will not be accepted if, in the opinion of the Commission, the complaint is made more than 3 years after the alleged occurrence of the specific act or omission complained of.

(d) Where the practitioner has written to the complainer –

(i) to the effect that the practitioner will take no further steps to resolve the complaint, and that the complainer has the right to make a complaint to the Commission, and

(ii) in the same written communication has provided to the complainer the full address and contact details of the Commission

the complaint will not be accepted if, in the opinion of the Commission, the complaint is made more than 6 months after the date of that written communication.

(e) For the avoidance of doubt, the period of 6 months set out at (d) above does not run consecutively with the time limits set out elsewhere in Rule 7(2) and it does not serve to extend the time-limits set out in 7(2)(a), (b) and (c).

(3) In determining whether the period of 1 year mentioned in paragraph (1) or the period of 3 years mentioned in paragraph (2) above has elapsed, there is to be disregarded any time during which the complainer was, in the opinion of the Commission, excusably unaware of the alleged:

- (a) professional misconduct, unsatisfactory professional conduct or conviction;
- (b) inadequate professional services.