

Chapter 3

The nature and procedure of the RDC

3.4 Urgent supervisory notice cases

- 3.4.1** **G** In urgent *supervisory notice* cases for which the *RDC* is the decision maker, the decision to give the *supervisory notice* may be taken by the *RDC* Chairman or, if he is unavailable, a Deputy Chairman, and, if it is practicable, one or more other *RDC* members.
- 3.4.2** **G** The *RDC* Chairman or Deputy Chairman will take such a decision only if satisfied that the action proposed should occur before it is practicable to convene an *RDC* panel.
- 3.4.3** **G** In an exceptionally urgent case the decision to give a *supervisory notice* may be taken by a member of the *FCA*'s executive of at least director of division level if:
- (1) *FCA* staff consider that the action should be taken before a recommendation to the Chairman or a Deputy Chairman of the *RDC* can be made; and
 - (2) an urgent decision on the proposed action is necessary to protect the interests of consumers.
- 3.4.4** **G** In the circumstances described in **■ DEPP 3.4.3 G**, the *FCA* considers that it may be necessary for an *FCA* director of division to take the decision to give the *supervisory notice* even if he has been involved in establishing the evidence on which the decision is based, as permitted by section 395(3) of the *Act*. Where practicable, however, *FCA* staff will seek to ensure that the *FCA* director has not been so involved.