

## **Rules relating to Practising Certificate Appeals**

### ***Effective date***

These Rules are effective from 9<sup>th</sup> July 2007.

### ***Definitions***

For the purposes of these Rules, unless the context otherwise requires:

Appeal	Means an appeal made to the Society against a decision of the Practising Certificate Committee to refuse an application for the grant or renewal of a practising certificate
Appeals Committee	Means a Practising Certificate Appeals Committee appointed by Council in accordance with these Rules and in accordance with the Society's "Regulations Relating to Practising Certificates"
Appellant	Means a person who makes an Appeal
Chairman of the Practising Certificate Committee	Means the Chairman of the Practising Certificate Committee as at the date on which that Committee made the decision that is the subject of an Appeal
Council	Means the Council of the Society of Actuaries in Ireland
Member	Means a past or current Member of the Society of Actuaries in Ireland
Practising Certificate Committee	Means the Practising Certificate Committee appointed in accordance with the Society's "Regulations Relating to Practising Certificates"
Professional Affairs Committee	Means the Society's Professional Affairs Committee
Society	Means the Society of Actuaries in Ireland

### ***Appeals***

1. If a Practising Certificate Committee refuses an application for the grant or renewal of a practising certificate, the applicant shall have a right of appeal to an Appeals Committee, provided that he complies with the relevant requirements of these Rules.
2. Any Appeal shall be made in writing and served upon the Director of Professional Affairs no later than 28 days after the receipt by the Appellant of the written determination of the Practising Certificate Committee (or such longer period as the Director of Professional Affairs may agree in exceptional circumstances).
3. The Appeal shall state the grounds of the appeal. The grounds of the appeal shall not thereafter be amended except with the leave of the Appeals Committee.
4. At any time before the determination of the appeal by the Appeals Committee, the Appellant may withdraw the Appeal, whereupon consideration of the Appeal shall be discontinued. If the Appeals Committee deems that in all the circumstances the Appeal was made on frivolous and/or vexatious grounds, the Appeals Committee may, at its discretion, consider the making of a cost determination pursuant to Rule 13.

### ***Appointment of Practising Certificate Appeals Committee***

5. Council shall appoint an Appeals Committee as and when required for the purpose of hearing an Appeal.
6. The Appeals Committee shall comprise three or five members, one of whom shall be nominated by Council to act as Chairman.
7. The Appeals Committee shall act in accordance with these Rules.
8. Any person who is invited to act as a member of the Appeals Committee must decline if the matter is one in which he considers himself to be in a position of conflict of interest.
9. The Appeals Committee shall have the power to elect a temporary chairman from among its members if the chairman nominated by Council is temporarily unable to perform that function.

### ***Meetings***

10. Meetings of the Appeals Committee shall be quorate only if at least three members are present, whether in person or by telephone or video conference.

### ***Decisions***

11. The Appeals Committee shall make its determination by simple majority. If the Appeals Committee cannot reach a majority decision, it shall so advise Council which shall appoint a new Appeals Committee.
12. The Appeals Committee may determine that:
  - The Practising Certificate Committee's decision to refuse an application for the grant or renewal of a practising certificate was correctly made and shall stand; or
  - The Practising Certificate Committee's decision to refuse an application for the grant or renewal of a practising certificate was not correctly made, in which event the Appeals Committee shall decide the terms of any practising certificate to be granted, including the scope and duration of such certificate.
13. The Appeals Committee may make an award of costs against the Appellant or the Society, as it considers appropriate, in which event the due date for payment shall be specified. If an Appellant does not pay an award of costs in the time required by the Appeals Committee, he may be guilty of Misconduct under the Society's Disciplinary Scheme and the Honorary Secretary of the Society may commence disciplinary proceedings against him under that Scheme.
14. Without prejudice to any rights under law, a decision of the Appeals Committee shall be binding on the Appellant, the Practising Certificate Committee and the Society.

### ***Legal and expert advice***

15. The Appeals Committee may engage a legal advisor nominated by Council to advise on legal matters arising in the course of its deliberations.
16. The Appeals Committee may take expert advice on any matter relevant to the subject matter of the Appeal.

### ***Appeals process***

17. If and when an Appeal is made:
  - 17.1. Council will appoint an Appeals Committee;
  - 17.2. The Director of Professional Affairs will send to (i) the Appeals Committee and (ii) the Chairman and members of the Practising Certificate Committee and Professional Affairs Committee as at the date on which the Practising Certificate Committee made the decision that is the subject of the Appeal:
    - (a) A copy of the Appeal
    - (b) A copy of these Rules

- (c) A copy of the relevant decision of the Practising Certificate Committee and any letter or other correspondence sent to the Appellant setting out the reason(s) for the decision
  - (d) The names of the members of the Appeals Committee and the contact details of the Chairman of the Appeals Committee.
18. If it is not included in documentation provided to it, the Appeals Committee shall establish from the Chairman of the Practising Certificate Committee the reason(s) for the decision that is the subject of the Appeal.
  19. The Appeals Committee may seek and receive from the Appellant and from the Chairman of the Practising Certificate Committee and/or any other person such information as it reasonably thinks may be relevant to the Appeal.
  20. The Appeals Committee may, but shall not be obliged to, interview the Appellant, the Chairman of the Practising Certificate Committee, any other Member and/or any other person. The Appellant shall be entitled to be accompanied by a legal advisor, Member or any other person. For all other interviewees apart from the Appellant, the Appeals Committee shall at its discretion decide whether to permit any person(s) other than the interviewee to be present at any such interview, such permission not to be unreasonably withheld.
  21. If the Chairman of the Practising Certificate Committee, or any person who was a member of that Committee at the date on which that Committee made the decision that is the subject of an Appeal, requests the Appeals Committee to take into consideration any submission by him or her:
    - 21.1. The Appeals Committee shall do so, provided that the submission is made in writing within a reasonable timescale as determined by the Appeals Committee;
    - 21.2. The Appeals Committee shall provide a copy of any such submission to the Appellant and shall allow the Appellant right of reply, within a reasonable timescale as determined by the Appeals Committee;
    - 21.3. The Appeals Committee may, but shall not be obliged to, provide the Chairman and/or said members of the Practising Certificate Committee and the Appellant with further opportunities to respond to each other's submissions/replies.
  22. The Appeals Committee may:
    - 22.1. Require copies or the original of any documents relevant to the Appeal from any Member (with the exception of any document or information which is the subject of legal professional privilege or which might tend to incriminate an Appellant or expose him to criminal penalties), and Members shall be obliged to provide such documents within a timescale determined by the Appeals Committee;
    - 22.2. Require further information from any Member relating to the subject matter of the Appeal, and Members shall be obliged to provide such information within a timescale determined by the Appeals Committee.

***Notification of decisions***

23. The Appeals Committee shall prepare, and submit to Council, a Case Report which shall set out:
  - 23.1. Details of the Appeal
  - 23.2. All the relevant facts that the Appeals Committee regards as material to its deliberations
  - 23.3. The Appeals Committee's decision
  - 23.4. The reasons for the Appeals Committee's decision.
24. The Appeals Committee shall notify its decision and the reasons for its decision to the Appellant, the Chairman of the Practising Certificate Committee and the Director of Professional Affairs.
25. On receipt of the Case Report, the Director of Professional Affairs shall notify the Appeals Committee's decision and reasons therefor to Council and to those persons who were members of the Practising Certificate Committee or the Professional Affairs Committee as at the date on which that the Practising Certificate Committee made the decision that is the subject of the Appeal.

26. In addition, the Director of Professional Affairs will normally notify the details of the Appeal and the Appeals Committee's decision and reasons to the current members of the Practising Certificate Committee and Professional Affairs Committee, unless Council determines that this should not be done for reasons of confidentiality.