

obedience to a direction or notice given by the chairman unless that direction was given or notice has been served on him not less than 5 days before the day appointed for the hearing.

(3) In exercising the power conferred by paragraph (1), the chairman shall take into account the need to protect information which relates to a person who is not a party to the appeal, or which was communicated or obtained in confidence, or is commercially sensitive.

(4) The chairman may set aside any direction or notice given under paragraph (1) on the application of the person to whom the direction or notice was given, but shall not do so without first notifying any person who applied for the direction or notice and considering any representations made by that person.

(5) The secretary shall supply a copy of any document obtained under this Regulation to any party to the appeal, if that party does not already have a copy of the document.

Procedure during hearing

16 (1) The hearing shall be in private.

(2) The parties to an appeal and any credit union concerned may appear at the hearing, or be represented by a barrister and attorney or by any other person.

(3) At the hearing the parties are each entitled to make an opening statement, call witnesses to give evidence, cross-examine witnesses called by the other party, and make a final statement.

(4) Where the Tribunal requires a witness to give evidence, or any party to the appeal calls a witness to give evidence, such evidence shall be given on oath or affirmation, administered by the chairman.

(5) Subject to regulation 15(2)(b), evidence may be admitted by the tribunal whether or not it would be admissible in a court of law.

(6) If a party to an appeal or any credit union concerned fails to appear or be represented at the time and place appointed for the hearing, the tribunal may proceed with the hearing or adjourn it to a later date.

(7) Where the tribunal proceeds with the hearing pursuant to paragraph (6), it shall take into consideration any written representations which may have been submitted by the parties to the appeal, or by any credit union concerned, whether the written representations were submitted in accordance with these Regulations or otherwise.

(8) The tribunal may from time to time adjourn the hearing, and if the date, time and place of the adjourned hearing are announced before the adjournment, no further notice is required.

Procedure after hearing

17 (1) The tribunal shall, after the close of a hearing, notify the parties and any credit union concerned of its determination in accordance with section 24(3) of the Act.

(2) The tribunal may arrange for the publication of its determination and statement of its reasons, but in doing so shall have regard to the desirability of safeguarding confidential or commercially sensitive information given to the parties, or information which was communicated or obtained in confidence, or the identity of or information relating to any person who is not a party to the appeal, and for that purpose may make any necessary amendments to the text of its determination and statement of reasons.

Withdrawal of appeal or opposition

18 (1) The appellant may withdraw an appeal at any time before the hearing by filing with the secretary a notice in writing, and serving a copy of the notice on the Authority and any credit union concerned.

(2) At the hearing, the appellant may give notice to the tribunal that he or it desires to withdraw the appeal and thereupon the tribunal shall bring the hearing to a close.

(3) The Authority may at any time withdraw its opposition to an appeal by giving notice to the appellant and the tribunal.

(4) Where an appeal is withdrawn, it is deemed dismissed and the tribunal shall accordingly formally notify the parties to the appeal, and any credit union concerned.

Costs

19 (1) Any costs or expenses which the tribunal directs to be paid by any party to the appeal under section 25(1) of the Act and required to be taxed shall be taxed by the Registrar of the Supreme Court.

(2) A direction given by the tribunal under section 25(1) of the Act shall, on application being made to the Supreme Court by the party to whom costs or expenses have been directed to be paid, be enforceable as if the party had obtained a judgment of that Court in his favour.

Time and miscellaneous powers

20 (1) Where the time prescribed by these Regulations for doing any act expires on a Saturday, Sunday or public holiday, the act shall be in time if done on the next working day.

(2) A party to an appeal may file with the secretary an application requesting the chairman to extend the time referred to in regulation 7, 8 or 10 and the chairman may, after considering any representations made by the other party to the appeal, grant such extension on such terms, if any, as he thinks fit.

(3) An application under paragraph (2) may be granted after the time specified in regulation 7, 8 or 10 has expired.

(4) The chairman may, after considering any representations made by the parties to an appeal, postpone the date appointed for any hearing or alter the place appointed for any hearing.

(5) Where a hearing is postponed, or the place for any hearing is altered, the secretary shall notify the parties to the appeal, credit union concerned, and any witness of the revised arrangements.

Tribunal to determine its procedure

21 Subject to the Act and these Regulations, the tribunal has power to determine its own procedure.

Absence of a member of the tribunal

22 An appeal may, with the consent of all the parties, continue to be heard in the absence of any one member of the tribunal other than the chairman, and in that event the tribunal is deemed to be properly constituted.

Service of notices and other documents

23 (1) Any notice or document may be filed or served—

- (a) by registered mail—
 - (i) in the case of the secretary, to the address provided in regulation 4(1);
 - (ii) in the case of the appellant or the appellant’s representative, to the address provided in the notice of appeal, or such other address as may subsequently be notified to the secretary and the Authority;
 - (iii) in the case of the Authority, to the address provided in the notice of appeal, or such other address as may subsequently be notified by the Authority to the secretary and the appellant;
 - (iv) in the case of any credit union concerned, to the address provided in the notice of appeal, or such other address as may subsequently be notified by the credit union concerned to the secretary, the appellant concerned, and the Authority;
 - (v) in the case of any other person, to the last known address of the person, or the person’s representative; or
- (b) by facsimile or other electronic means which produces a document

containing the text of the notice or document.

(2) Where a notice or document is served on the representative of the appellant or the respondent, the notice or document is deemed to be served on the appellant or the respondent.

Irregularities

24 (1) Any irregularity resulting from failure to comply with any provision of these Regulations before the tribunal has reached its decision shall not of itself render the proceedings void.

(2) Where any such irregularity comes to the attention of the tribunal before it makes its determination, the tribunal may, and shall if it considers that any person may have been prejudiced, take such steps as it thinks fit before making its determination to cure the irregularity.

(3) Clerical mistakes in any document recording a decision of the chairman or tribunal, or errors arising in such a document from an accidental slip or omission, may be corrected by the chairman under his hand.

Consolidation of appeals

25 (1) At a preliminary hearing or at some other time, the chairman may direct that the following appeals be consolidated—

- (a) an appeal brought by a credit union under regulation 4(1)(a), and an appeal brought by a person under regulation 4(1)(c);
- (b) an appeal brought by a credit union under regulation 4(1)(b), and an appeal brought by a person under regulation 4(1)(c);
- (c) an appeal brought by a credit union under regulation 4(1)(a), and an appeal brought by a chief executive officer or a senior executive officer of a credit union under regulation 4(1)(d).

(2) A direction under paragraph (1) shall not be given without the chairman first taking into consideration any representations by both appellants and the Authority, showing cause why such direction should not be made.

(3) Where appeals have been consolidated the secretary shall, where necessary, serve on the other appellant copies of notices of appeals, grounds of appeal and any amended grounds of appeal, response and any amended response, and the list or copies of documents disclosed by the Authority.

(4) The secretary may serve on the other appellant a copy of any supplementary grounds of appeal and any amended supplementary grounds of appeal, but shall not do so where—

- (a) all of the matters contained in the supplementary grounds of appeal or amended supplementary grounds of appeal, have been disclosed to the other appellant; or
- (b) an appellant, when showing cause why such a direction to consolidate should not be made, represented that he or it did not wish copies to be disclosed to the other appellant, and the other appellant consented to such copies not being disclosed to him or it.

Commencement

These Regulations come into operation on a day to be appointed by the Minister by notice in the Gazette.

SCHEDULE

(regulation 10)

DISCLOSURE BY THE AUTHORITY

1 In the case of an appeal by a credit union under regulation 4(1)(a), the Authority shall file with the secretary—

- (a) four copies of its written notice of intention given to the credit union under section 17(1) of the Act, to restrict or vary a restriction of the credit union’s licence;
- (b) four copies of any written representations made by the credit union under section 17(5) of the Act in response to the notice of intention;
- (c) four copies of the written notice of its decision given to the credit union under section 17(7) of the Act;
- (d) four copies of any written representations made by the credit union under section 17(9) of the Act where it restricted or varied a restriction of the credit union’s licence in a manner otherwise than as stated in the notice given under section 17(1) of the Act; and
- (e) four copies of any decision to alter the restrictions made under section 17(9) of the Act.

2 In the case of an appeal by a credit union under regulation 4(1)(b), the Authority shall file with the secretary—

- (a) four copies of its written notice of intention given to the credit union under section 17(1) of the Act, to revoke the credit union’s licence;
- (b) four copies of any written representations made by the credit union under section 17(5) of the Act in response to the notice of intention; and
- (c) four copies of the written notice of its decision given to the credit union under section 17(7) of the Act.

3 In the case of an appeal by a person under regulation 4(1)(c), the Authority shall file with the secretary—

- (a) four copies of its written notice of intention given to the person under section 17(4) of the Act, to restrict, vary a restriction, or revoke the credit union’s licence;
- (b) four copies of any written representations made by the person under section 17(5) of the Act in response to the notice of intention; and
- (c) four copies of the written notice of its decision given to the person under section 17(7) of the Act.

4 In the case of an appeal by a chief executive officer or a senior executive officer of a credit union under regulation 4(1)(d), the Authority shall file with the secretary—

- (a) four copies of its written notice of intention given to the chief executive officer or senior executive officer under section 17(4) of the Act, to restrict a credit union’s licence by requiring the removal of the chief executive officer or senior executive officer of the credit union;
- (b) four copies of any written representations made by the chief executive officer or senior executive officer under section 17(5) of the Act in response to the notice of intention; and
- (c) four copies of the written notice of its decision given to the chief executive officer or senior executive officer under section 17(7) of the Act.

Made this 2nd day of May 2013

Minister of Finance