

CAA GLOBAL LIMITED

DISCIPLINARY SCHEME

**DISCIPLINARY SCHEME REFERRED TO IN THE JOINT VENTURE AGREEMENT AMONG THE
INSTITUTE AND FACULTY OF ACTUARIES, THE SOCIETY OF ACTUARIES AND CAA GLOBAL
LIMITED, DATED 20 OCTOBER 2016**

(Effective 27 February 2017)

CONTENTS

Rule

1.	Introduction and Scope	
	• Interpretation	1.1 - 1.3
	• Burden and Standard of Proof	1.4
	• Misconduct	1.5 - 1.10
	• Proof of certain matters	1.11 - 1.15
	• Actuarial Analyst Candidates' Duty to co-operate.	1.16 - 1.20
	• Disclosure of information under this Scheme	1.21
2.	Appointments	
	• Appointment of Appropriate Persons.....	2.1 - 2.2
3.	Investigation Stage	
	• Allegations and assignment for investigation	3.1 - 3.2
	• Investigations	3.3 - 3.8
	• Expedited procedure for certain matters	3.9
	• Content of a Case Report.....	3.10 - 3.12
	• Completion of an investigation	3.13 - 3.15
	• Interim Orders.....	3.16 - 3.32
4.	Adjudication Panels	
	• General	4.1 - 4.2
	• Handling of Case Reports.....	4.3 - 4.13
	• Charges	4.14 - 4.16

5.	Disciplinary Tribunal Panels	
	• Charges	5.1 - 5.3
	• Pre-hearing procedure (service of grounds of defence and documentary evidence)	5.4 - 5.8
	• Rights of the Respondent	5.9 - 5.10
	• General provisions for the Disciplinary Tribunal Panel	5.11 - 5.15
	• Hearings	5.16 - 5.24
	• Costs	5.25
	• Communication of determination	5.26 - 5.27
6.	Readmission as an Actuarial Analyst Candidate following disciplinary exclusion	
	• Application	6.1 - 6.2
	• Action on receipt of an application	6.3 - 6.4
	• Hearing the application	6.5 - 6.14
7.	Appeals	7.1-7.2
	• Appeal against a determination by the Disciplinary Tribunal Panel under Part 5	7.3 - 7.21
	• Appeal against Interim Orders	7.22 - 7.36
	• Appeal against refusal of an application for readmission as an Actuarial Analyst Candidate following disciplinary exclusion	7.37 - 7.49
8.	Costs orders and fines	8.1 - 8.3
9.	The Board	9.1 - 9.6
10	General provisions	10.1 - 10.13
11.	Commencement and Transitional Provisions	
	• Commencement	11.1
12.	Definition of terms used in the Scheme	

1. Introduction and scope

Interpretation

- 1.1 In the interpretation and operation of this Scheme regard shall be had to the principles of natural justice and procedural fairness and applicable articles of the European Convention on Human Rights.
- 1.2 In this Scheme:
 - (a) the words defined in Part 12 of this Scheme shall have the meanings ascribed to them therein;
 - (b) words defined in the Joint Venture Agreement shall have the same meaning in this Scheme.
- 1.3 The Interpretation Act 1978 shall apply to this Scheme.

Burden and Standard of Proof

- 1.4 In all proceedings before a Disciplinary Tribunal Panel or an Appeal Tribunal Panel under this Scheme, CAA Global Limited shall bear the burden of proving to the civil standard as applied by the Courts of England and Wales in relation to disciplinary proceedings cases that the Respondent is guilty of Misconduct.

Misconduct

- 1.5 An Actuarial Analyst Candidate shall be liable to disciplinary action under this Scheme if she/he has been guilty of Misconduct.
- 1.6 For the purposes of this Scheme, Misconduct means any conduct by an Actuarial Analyst Candidate, in the course of carrying out professional duties or otherwise, constituting failure by that Actuarial Analyst Candidate to comply with the standards of behaviour, integrity, competence or professional judgement which other Actuarial Analyst Candidates or the public might reasonably expect of an Actuarial Analyst Candidate having regard to any code, advice, guidance, memorandum or statement on professional conduct, practice or duties which may be given and published by CAA Global Limited, or any other requirements that CAA Global Limited deems appropriate from time to time, and to all other relevant circumstances.
- 1.7 Misconduct may include any conduct which occurred either before or after the Respondent became an Actuarial Analyst Candidate save that conduct which was disclosed in writing to CAA Global Limited by the Respondent prior to becoming an Actuarial Analyst Candidate shall not be Misconduct for the purposes of this Scheme.
- 1.8 References to the Respondent shall include a former Actuarial Analyst Candidate who has been excluded by CAA Global Limited or has ceased to be an Actuarial Analyst Candidate for any reason since the time of the conduct in respect of which an Allegation is made. Any such former Actuarial Analyst Candidate shall remain bound to supply such information and explanations as may be required by an Investigation Actuary, a Disciplinary Tribunal Panel or an Appeal Tribunal Panel regarding her/his conduct and shall remain bound by any determinations of a Disciplinary Tribunal Panel or an Appeal Tribunal Panel or any determination of an Adjudication Panel which is the subject of an agreement under rule 4.9 in respect of any Misconduct committed notwithstanding that she/he has ceased to be an Actuarial Analyst Candidate.
- 1.9 An Actuarial Analyst Candidate may be liable for Misconduct:
 - (a) where a person with whom she/he is connected is guilty of conduct which if committed by the Actuarial Analyst Candidate would have amounted to Misconduct and either:

- (i) any act, omission or behaviour by the Actuarial Analyst Candidate has caused or contributed to such conduct; or
 - (ii) following her/his becoming aware of any such conduct, the Actuarial Analyst Candidate does not take such action as other Actuarial Analyst Candidates might reasonably expect her/him to take in the circumstances; or
- (b) notwithstanding that other proceedings may be taken against the Actuarial Analyst Candidate or any firm of which she/he is a partner, any body corporate of which she/he is a director, employee or controller, or any person employed by her/him or by any such firm or body corporate.
- 1.10 For the purposes of rule 1.9 and without limitation, an Actuarial Analyst Candidate shall be deemed to be connected with:
- (a) his employer or employee;
 - (b) any director or employee of a body corporate of which she/he is a director or employee; and
 - (c) any member or employee of a partnership of which she/he is a member or employee.

Proof of certain matters

- 1.11 For the purposes of this Scheme it shall amount to conclusive evidence of Misconduct that an Actuarial Analyst Candidate has been subject to an adverse disciplinary determination by a Professional Regulator. For the purposes of this provision, a disciplinary determination means a disciplinary determination which is final within the terms of the disciplinary scheme of that Professional Regulator.
- 1.12 For the purposes of this Scheme it shall amount to *prima facie* evidence of Misconduct that:
- (a) a Respondent has in any civil proceedings before a Court of competent jurisdiction been found to have acted fraudulently or dishonestly; and/or
 - (b) a Respondent has, before a Court of competent jurisdiction in the United Kingdom, been convicted of an indictable offence, or has, before a Court elsewhere, been convicted of an offence which would have been indictable had the offence been prosecuted before a Court in the United Kingdom.
- 1.13 The fact that an Actuarial Analyst Candidate:
- (a) has by a court of competent jurisdiction been convicted of a criminal offence; and/or
 - (b) has been the subject of an adverse final determination by:
 - (i) a regulatory body in exercise of functions conferred by any of the following Acts, as from time to time amended, and/or any successor legislation to these Acts: the Financial Services Act 1986, the Financial Services and Markets Act 2000, the Insolvency Act 1986, the Companies Act 1989, the Companies Act 2006, the Pensions Act 1995, the Pensions Act 2004; and/or
 - (ii) a regulatory body based outside of the United Kingdom in exercise of functions conferred on it by any similar or analogous legislation; and/or
 - (c) has been the subject of an adverse final determination by an actuarial regulatory body which is a full member of the International Actuarial Association; and/or
 - (d) has had a disqualification order made against her/him under:

- (i) any of the following Acts, as from time to time amended, and/or any successor legislation to these Acts: the Company Directors Disqualification Act 1986 and/or the Pension Schemes Act 1993; and/or
 - (ii) any similar or analogous legislation where the Actuarial Analyst Candidate is regulated by a body based outside of the United Kingdom; and or
- (e) has been the subject of a judgement or determination arising from civil proceedings before a court of competent jurisdiction;

shall for the purposes of this Scheme be treated as conclusive evidence of the findings of fact upon which the conviction, determination, judgement or disqualification order is based.

- 1.14 The fact that an Actuarial Analyst Candidate has been the subject of an adverse final determination by a regulatory body of competent jurisdiction, other than a determination to which rule 1.13 applies, shall for the purposes of this Scheme be treated as *prima facie* evidence of the findings of fact upon which the determination is based.
- 1.15 In a hearing before a Disciplinary Tribunal Panel that involves the decision of a court or tribunal that relates to the Respondent:
- (a) the fact that the Respondent has been convicted of a criminal offence may be proved by producing a certified copy of the certificate of conviction relating to the offence;
 - (b) the finding and sentence of any tribunal exercising a professional disciplinary jurisdiction may be proved by producing a certified record of the finding and sentence; and
 - (c) the judgement of any civil court may be proved by producing a certified copy of the judgement.

Actuarial Analyst Candidates' duty to co-operate

- 1.16 Every Actuarial Analyst Candidate has, at all times, a duty to co-operate fully with any investigation, process or procedure under this Scheme. This duty includes providing such written or oral information and/or evidence as may be required by the Case Manager or Investigation Actuary under rule 3.7.
- 1.17 Every Actuarial Analyst Candidate has a duty to disclose promptly to CAA Global Limited any conviction, adverse finding, judgement or determination or disqualification order of a type referred to in rules 1.11, 1.12, 1.13 or 1.14, to which she/he is subject.
- 1.18 Actuarial Analyst Candidates working for the same employer as a Respondent under this Scheme shall be obliged to co-operate in the implementation of any sanction which is binding upon the Respondent under this Scheme.
- 1.19 Nothing in this Scheme, including rule 1.16, shall mean that an Actuarial Analyst Candidate, including a Respondent, shall be required to produce any document or information which is the subject of legal professional privilege or which might tend to incriminate her/him or expose her/him to criminal penalties.
- 1.20 The failure to comply with rule 1.16 and/or rule 1.17 shall amount to *prima facie* evidence of Misconduct. For the avoidance of doubt, rules 1.16 and 1.17 apply to any former Actuarial Analyst Candidate whose conduct, at the date that they ceased to be an Actuarial Analyst Candidate, was subject to disciplinary proceedings under this Scheme.

Disclosure of information under this Scheme

1.21 CAA Global Limited may disclose to any of the following bodies such information as it sees fit in relation to any Allegation, referral, investigation, hearing or procedure under this Scheme, for the purpose of assisting that body in properly undertaking its regulatory functions:

- (a) any regulatory body to whom functions are conferred by:
 - (i) any of the following Acts, as they may be amended from time to time, and/or any successor legislation to these Acts: the Financial Services Act 1986, the Financial Services and Markets Act 2000, the Insolvency Act 1986, the Companies Act 1989, the Companies Act 2006, the Pensions Act 1995, the Pensions Act 2004; and/or
 - (ii) any similar or analogous legislation where that regulatory body is based outside of the United Kingdom; and or
- (b) any overseas actuarial professional regulatory body which is a full member of the International Actuarial Association.

2. Appointments

Appointment of Appropriate Persons

2.1 The Board shall make arrangements for the appointment of Appropriate Persons whose services may reasonably be required to ensure the proper administration and operation of this Scheme. Such appointments shall include (but need not be limited to):

- (a) members of Disciplinary Tribunal Panels, Interim Order Panels, Adjudication Panels and Appeal Tribunal Panels (including the Chairs/and or Convenors/Deputy Convenors of any such panels);
- (b) Case Managers;
- (c) Investigation Actuaries;
- (d) barristers, advocates and solicitors (each being called or admitted in England and Wales or in Scotland as the case may be for a period of ten years or more) who may act as Legal Advisers to an Adjudication Panel, an Interim Orders Panel, a Disciplinary Tribunal Panel or an Appeal Tribunal Panel as provided for under this Scheme; and
- (e) any other such persons whose services may reasonably be required from time to time.

2.2 The Board shall have the power to determine the term of any appointments made under rule 2.1.

3. Investigation stage

Allegations and assignment for investigation

3.1 Every Allegation received by CAA Global Limited shall be referred by the Case Manager for investigation by an Investigation Actuary who will assist the Case Manager in investigating the Allegation and provide such advice as is required.

3.2 As soon as reasonably practicable upon an assignment under rule 3.1, the Case Manager shall send to the Respondent:

- (a) a copy of the Allegation;
- (b) a copy of this Scheme;
- (c) the name of the Investigation Actuary; and
- (d) the name and contact details of the Case Manager.

Investigations

- 3.3 (a) The Allegation shall form the basis of the investigation by CAA Global Limited into the alleged Misconduct.
- (b) In addition the investigation:
- (i) may take into account any additional conduct of the Respondent which might constitute Misconduct which comes to the notice of the Case Manager and/or the Investigation Actuary during the investigation; and/or
 - (ii) may be conducted in conjunction with the investigation of any other Allegation being undertaken under this Scheme relating to the Respondent.
- 3.4 The Case Manager may:
- (a) appoint a solicitor or other person or persons to carry out enquiries on CAA Global Limited's behalf; and/or
 - (b) instruct a barrister, advocate or solicitor to assist in the preparation of the Case Report and/or application for an Interim Order and/or Charge, to present the application to an Interim Orders Panel under rule 3.23 and/or to present the Charge to the Disciplinary Tribunal Panel and/or to the Appeal Tribunal Panel.
- 3.5 The Case Manager may seek and receive from the person making the Allegation and/or any other person such information as she/he thinks proper.
- 3.6 The Case Manager may interview any Actuarial Analyst Candidate, the person making the Allegation, the Respondent and/or any other individual. Neither the Respondent nor her/his representatives shall be present during any interview or meeting arranged with any other person unless in her/his discretion the Case Manager consents thereto. The Investigation Actuary may, however, elect to be present.
- 3.7 The Case Manager and the Investigation Actuary shall have the power:
- (a) to require copies or originals of any documents relevant to the investigation from any Actuarial Analyst Candidate (whether or not such Actuarial Analyst Candidate is the subject of the investigation);
 - (b) to require any further information from any Actuarial Analyst Candidate relating to the subject matter of the investigation;
 - (c) to require any Actuarial Analyst Candidate (whether or not such Actuarial Analyst Candidate is the subject of the investigation) to attend before them (and/or such other persons as they may designate) at a specified time and place to answer questions or otherwise furnish information with respect to any matter relevant to the investigation;
 - (d) to accept written undertakings from the Respondent as they deem necessary in accordance with guidelines issued by the Board; and
 - (e) to take any legal or other expert advice as to any matter relevant to the subject matter of the investigation.
- 3.8 The failure by the Respondent to comply with any undertaking accepted under rule 3.7(d) shall amount to *prima facie* evidence of Misconduct.

Expedited procedure for certain matters

- 3.9 (a) Where at any stage prior to the consideration of an Allegation by the Adjudication Panel, the Case Manager and Investigation Actuary consider that the issues raised by the Allegation are such that it is in the interests of the public and/or of CAA Global Limited to refer the Allegation directly for consideration by a Disciplinary Tribunal Panel, they shall proceed in accordance with this rule.
- (b) In a case to which paragraph (a) of this rule 3.9 applies, the Case Manager shall notify the Respondent that the Case Manager and Investigation Actuary are inclined to refer the Allegation directly for consideration by a Disciplinary Tribunal Panel, in accordance with the provisions of this rule. The Respondent shall be asked to confirm in writing within 21 days whether she/he agrees to the Allegation being so referred. If the Respondent does so agree, the Case Manager shall notify the Secretary to the Disciplinary Tribunal and the matter shall proceed directly to be heard by a Disciplinary Tribunal Panel in accordance with Part 5 of this Scheme. In that case, a Case Report shall not be prepared and the Case Manager shall proceed directly to prepare a Charge in accordance with rules 4.14 to 4.16 and Part 4 of this Scheme shall otherwise not apply.
- (c) If the Respondent does not agree to the matter being referred directly to a Disciplinary Tribunal Panel, the matter may only be so referred at the discretion of the Convener of Adjudication Panels, to whom written application may be made for this purpose by the Case Manager. The Respondent shall be provided by the Case Manager with a copy of any such application and accorded reasonable opportunity to make written submission in response to the Convener of Adjudication Panels.
- (d) The Convener of Adjudication Panels shall, having considered the application and any submission from the Respondent under paragraph (c), and having taken account of the factors set out in paragraph (g) of this rule 3.9, direct the Case Manager whether or not to refer the matter directly to a hearing of the Disciplinary Tribunal Panel.
- (e) In the event that the Convener of Adjudication Panels directs the Case Manager to refer the matter directly to the Disciplinary Tribunal Panel, the Secretary to the Adjudication Panel shall notify the following in writing of this decision, which shall be final:
- (i) the person who made the Allegation;
 - (ii) the Respondent;
 - (iii) the Case Manager;
 - (iv) CAA Global Limited;
- and the matter shall proceed directly to be heard by a Disciplinary Tribunal Panel in accordance with Part 5 of this Scheme. In that case, a Case Report shall not be prepared and the Case Manager shall proceed directly to prepare a Charge in accordance with rules 4.14 to 4.16 and Part 4 of this Scheme shall otherwise not apply.
- (f) In the event that the Convener of Adjudication Panels does not direct the Case Manager to refer the matter directly to the Disciplinary Tribunal Panel, the Case Manager shall proceed to prepare a Case Report in accordance with Part 3 of this Scheme and, subject to the Respondent's right of election under rule 3.14, the matter shall be considered by the Adjudication Panel in accordance with this Scheme.
- (g) The factors to be taken into account, as applicable, by the Convener of Adjudication Panels under paragraph (c) of this rule 3.9 are as follows:
- (i) whether the Allegation discloses a *prima facie* case of Misconduct;

- (ii) the gravity of the issues raised, including whether the Allegation, if proved, would be likely to give rise to the imposition of sanction at a level exceeding that available to the Adjudication Panel in making an invitation under rule 4.5;
- (iii) the extent to which there is a reasonable prospect of establishing the matters giving rise to the Allegation before a Disciplinary Tribunal Panel;
- (iv) the interests of the public and/or CAA Global Limited; and
- (v) all other relevant circumstances.

Content of a Case Report

- 3.10 The Case Report shall contain a statement of all the relevant facts that the Case Manager and Investigation Actuary regard as material to whether or not there has been Misconduct.
- 3.11 The Case Report shall contain, but is not limited to, a report on the Allegation received under rule 3.1. The Case Report may contain references to matters which may amount to Misconduct outside the scope of the Allegation, if that alleged Misconduct:
- (a) has come to the attention of the Case Manager and/or the Investigation Actuary in the course of the investigation; and
 - (b) is not or has not been the subject of an Allegation being investigated separately and/or a separate Charge.
- 3.12 The Case Report shall be signed by both the Case Manager and the Investigation Actuary or the Lead Investigation Actuary as the case may be.

Completion of an investigation

- 3.13 The signed Case Report shall be sent to the Respondent by the Case Manager.
- 3.14 The Respondent may, within 14 days of receipt of the Case Report sent under rule 3.13, by written notice to the Case Manager, elect to proceed directly to a Disciplinary Tribunal Panel. If so, Part 4 of this Scheme, save for rules 4.14, 4.15 and 4.16, shall not apply.
- 3.15 Subject to the right of the Respondent to elect to proceed directly to a Disciplinary Tribunal Panel under rule 3.14, the Case Manager shall submit the Case Report to an Adjudication Panel as soon as reasonably practicable after the Case Report has been sent to the Respondent under rule 3.13, and shall invite the Respondent to send, within 14 days of receipt of the Case Report, any comments on the Case Report to the Secretary to the Adjudication Panel, for consideration by the Adjudication Panel.

Interim Orders

- 3.16 An Interim Order is an order made by an Interim Orders Panel for:
- (a) suspension of the Respondent from continuing as an Actuarial Analyst Candidate in pursuit of the Qualification or from becoming a Qualified CAA; or
 - (b) conditions which the Actuarial Analyst Candidate must comply with in order to be permitted to continue as an Actuarial Analyst Candidate in pursuit of achieving the Qualification or to become a Qualified CAA.
- 3.17 An Interim Order shall cease to have effect:
- (a) after six months, or such shorter period as may be specified in the order;
 - (b) on a determination of the Adjudication Panel under rule 4.3(b);
 - (c) on the acceptance by the Respondent of an invitation issued by the Adjudication Panel under rule 4.5;

- (d) on a determination of the Disciplinary Tribunal Panel; or
 - (e) on a determination of the Interim Orders Panel or the Chair thereof under rule 3.28, whichever shall be the sooner, unless the order is renewed by a further hearing of an Interim Orders Panel.
- 3.18 Where there is alleged Misconduct the Case Manager and Investigation Actuary may, at any time up to a hearing by the Disciplinary Tribunal Panel, submit to an Interim Orders Panel an application for an Interim Order together with the Allegation and/or a Case Report and/or any relevant material in support of the application.
- 3.19 The Respondent shall forthwith be served with written notice of:
- (a) any application to the Interim Orders Panel under rule 3.18, including a copy of the Allegation and any relevant material; and
 - (b) the hearing of the Interim Orders Panel under rule 3.20.
- 3.20 On an application under rule 3.18 or at a further hearing under rule 3.26, the Interim Orders Panel shall convene a hearing and shall, subject to rules 3.24 and 3.25, determine (by simple majority) whether to make an Interim Order.
- 3.21 The Interim Orders Panel, before deciding whether to make an Interim Order under rule 3.20, shall give the Respondent a reasonable opportunity to make representations to the Interim Orders Panel in writing or, at the election of the Respondent, orally, as to:
- (a) whether the Interim Orders Panel shall make an Interim Order; and/or
 - (b) the duration of any Interim Order.
- 3.22 Any election by the Respondent for an oral hearing under rule 3.21 shall be made by the Respondent in writing to reach the Secretary to the Interim Orders Panel at least seven days prior to the hearing of the Interim Orders Panel convened under rule 3.20.
- 3.23 In the event of an oral hearing under rule 3.21:
- (a) the Case Manager and/or the Investigation Actuary may also attend to present the application; and
 - (b) the Respondent may attend and make such representations as are provided for in rule 3.21.
- 3.24 The Interim Orders Panel shall not make an Interim Order under rule 3.20 unless it is satisfied that:
- (a) there is sufficient *prima facie* evidence before it to support such allegations; and
 - (b) such measure is warranted by the seriousness of the alleged Misconduct.
- 3.25 If the Interim Orders Panel is satisfied that the conditions in rule 3.24 are fulfilled, it shall then have regard to the following considerations in deciding whether to make an Interim Order under rule 3.20 and, if so, the appropriate period to specify under rule 3.17(a):
- (a) the effect on the Respondent; and
 - (b) the protection of the public, including the likelihood of further alleged Misconduct occurring.
- 3.26 The Interim Orders Panel may hold a further hearing in accordance with the provisions of this Part 3 to consider:
- (a) the renewal of an Interim Order when the term of an Interim Order would otherwise expire;
 - (b) whether to make a further Order.

- 3.27 The Respondent may by notice under rule 7.22 appeal to the Appeals Tribunal within 14 days of the making of an Interim Order. Such an appeal shall not affect the continued operation of the Interim Order.
- 3.28 The Case Manager or the Respondent may at any time make an application to the Chair of the Interim Orders Panel for the rescission or variation of an Interim Order on the basis that the circumstances upon which the order was made have changed to a material degree.
- 3.29 Written notice of the making, rescission or variation of an Interim Order shall be served forthwith upon the Respondent and upon CAA Global Limited.
- 3.30 The Interim Orders Panel may be advised by a barrister, advocate or solicitor in accordance with rule 2.1.
- 3.31 Subject to rule 3.32 hearings of the Interim Orders Panel shall be in private.
- 3.32 Hearings of the Interim Orders Panel shall be held in public whenever the Respondent so requests. In the event of a public hearing the Interim Orders Panel may, acting of its own motion or upon the application of any Party, hold all or part of the hearing in private if there is good reason to do so.

4. Adjudication panels

General

- 4.1 The Adjudication Panel shall meet in private.
- 4.2 The Adjudication Panel may consider one or more Case Reports submitted under rule 3.15.

Handling of Case Reports

- 4.3 The Adjudication Panel (by simple majority) shall determine whether:
- (a) a Case Report, or one or more matters within it, discloses a *prima facie* case of Misconduct and, if so, that:
 - (i) the Respondent shall be invited to accept that there has been Misconduct and, where the Adjudication Panel considers it appropriate, invited to accept a sanction in accordance with the procedure in rules 4.5 to 4.9; or
 - (ii) the matters referred to in the Case Report should be referred to a Disciplinary Tribunal Panel; or
 - (b) a Case Report discloses no *prima facie* case of Misconduct and that no disciplinary action shall be taken against the Respondent.
- 4.4 Before making a determination under rule 4.3, the Adjudication Panel shall consider:
- (a) the Allegation;
 - (b) the Case Report; and
 - (c) any representations submitted to the Adjudication Panel by the Respondent in accordance with rule 3.15.
- 4.5 In accordance with rule 4.3(a)(i), the Adjudication Panel may in writing invite the Respondent to accept that there has been Misconduct and, where the Adjudication Panel considers it appropriate:
- (a) invite the Respondent to accept a reprimand in terms provided for by the Adjudication Panel; and/or
 - (b) invite the Respondent to pay within a specified time scale a fine up to the amount provided for by the Board.

- 4.6 When exercising its discretion whether to issue an invitation under rule 4.5, the Adjudication Panel shall have regard to the gravity of the alleged Misconduct as set out in the Allegation and/or the Case Report.
- 4.7 A determination under rule 4.3 shall be served upon the Respondent and CAA Global Limited forthwith.
- 4.8 When making a determination under rule 4.3 or issuing an invitation under rule 4.5, the Adjudication Panel shall provide to the Respondent and CAA Global Limited a statement of its reasons.
- 4.9 A Respondent accepting an invitation pursuant to rule 4.5 shall do so in writing within 21 days of such invitation and in so doing:
- (a) shall be deemed to have accepted that the conduct in the Case Report as specified by the Adjudication Panel as amounting to Misconduct is Misconduct for the purposes of this Scheme;
 - (b) agrees to be bound by any sanction specified as if it was a sanction imposed by a Disciplinary Tribunal Panel save that the appeal procedure in Part 7 of this Scheme shall not apply.
- 4.10 If the Respondent does not accept, within 21 days, an invitation pursuant to rule 4.5 the conduct in the Case Report shall be referred to a Disciplinary Tribunal Panel.
- 4.11 The Adjudication Panel may at any time adjourn its consideration of a matter and, in particular, seek further information from the Case Manager and/or the Investigation Actuary or, through the Case Manager, from the Respondent and/or the person making the Allegation to which the Case Report refers. The Adjudication Panel may consider this further information before issuing an invitation under rule 4.5 and/or a determination under rule 4.3.
- 4.12 Forthwith upon the determination of the Adjudication Panel under rule 4.3(a)(ii) or rule 4.3(b), or the Respondent's acceptance under rule 4.9 of an invitation under rule 4.5, the Adjudication Panel shall communicate the determination and the reasons to the person who made the Allegation to which the Case Report refers.
- 4.13 The Adjudication Panel may be advised by a barrister, advocate or solicitor chosen in accordance with rule 2.1.

Charges

- 4.14 A determination under rule 4.3(a)(ii) to refer the matter to a Disciplinary Tribunal Panel or an election by a Respondent under rule 3.14, or a direct referral under rule 3.9, shall cause the Case Manager to prepare a Charge in accordance with the provisions of rules 4.15 and 4.16, for submission to a Disciplinary Tribunal Panel.
- 4.15 A Charge shall include, where necessary, concise particulars of the Charge and a statement of all the facts and matters that the Case Manager regards as material. The Charge shall be supported where necessary by documentary and other evidence.
- 4.16 The Charge shall not be limited to the matters within the scope of the Allegation or the Case Report. The Charge may contain alleged Misconduct outside the scope of the Allegation or the Case Report, provided that:
- (a) such alleged Misconduct is not or has not been the subject of an Allegation being investigated separately and/or a separate Charge; and
 - (b) the Respondent is given a proper opportunity to answer the additional matters in the Charge.

5. Disciplinary Tribunal Panels

Charges

- 5.1 CAA Global Limited, assisted by the Investigation Actuary, shall be responsible for presenting the Charge and relevant evidence to the Disciplinary Tribunal Panel.
- 5.2 The Case Manager shall serve the Charge on the Respondent and submit the Charge to the Secretary to the Disciplinary Tribunal Panel following:
 - (a) a referral to the Adjudication Panel under rule 4.3(a)(ii); or
 - (b) an election by the Respondent to proceed directly to a Disciplinary Tribunal Panel under rule 3.14; or
 - (c) a direct referral under rule 3.9.
- 5.3 As soon as reasonably practicable following receipt of the Charge submitted under rule 5.2, the Secretary of the Disciplinary Tribunal Panel shall provide notice in writing of the date, time, venue and duration of the hearing to each of the following:
 - (a) the Respondent;
 - (b) the Case Manager;
 - (c) the Investigation Actuary; and
 - (d) CAA Global Limited.

Pre-hearing procedure (service of grounds of defence and documentary evidence)

- 5.4 The Respondent, if not intending to make an admission of Misconduct shall, subject to any decision of the Chair of the Disciplinary Tribunal Panel under this rule to the contrary, serve upon the Secretary to the Disciplinary Tribunal Panel and the Investigation Actuary written grounds of defence to be received not later than 21 days following service of the Charge under rule 5.2.
- 5.5 CAA Global Limited may amend the Charge, provided that:
 - (a) The Respondent is given a proper opportunity to answer any new matters introduced by the amendment; and
 - (b) The Case Manager serves the amended Charge to reach the Respondent and Secretary to the Disciplinary Tribunal Panel not later than 28 days prior to the Disciplinary Tribunal hearing.
- 5.6 All Parties must serve upon the Secretary to the Disciplinary Tribunal Panel and each other no later than 21 days before the hearing the copies of the documents upon which they intend to rely.
- 5.7 The Respondent may amend any grounds of defence served under rule 5.4, provided that such amended grounds of defence are served such as to reach the Secretary to the Disciplinary Tribunal Panel and Case Manager not later than 14 days prior to the Disciplinary Tribunal Panel hearing.
- 5.8 Where written grounds of defence have been served under rule 5.4 the Investigation Actuary and the Respondent shall, subject to any decision of the Chair of the Disciplinary Tribunal Panel under this rule to the contrary, provide to the Disciplinary Tribunal Panel submissions on any point of law identified by the Parties which may be required to be considered by the Disciplinary Tribunal Panel no less than seven days before the hearing. Any legal submission shall be in the form of a skeleton argument and shall be accompanied by copies of supporting authorities.

Rights of the Respondent

- 5.9 The Respondent shall be given a proper opportunity of answering the Charge.
- 5.10 The Respondent shall be entitled to make representations and call any witnesses before the Disciplinary Tribunal Panel in relation to:
- (a) whether or not there has been Misconduct; and/or
 - (b) if she/he accepts that there has been Misconduct or is found guilty of Misconduct by the Disciplinary Tribunal Panel, mitigation as to the sanction.

General provisions for the Disciplinary Tribunal Panel

- 5.11 Where in the opinion of the Disciplinary Tribunal Panel the Charge does not show a *prima facie* case of Misconduct, the Disciplinary Tribunal Panel may dismiss the Charge without hearing the Parties.
- 5.12 The Chair of the Disciplinary Tribunal Panel may require the Respondent and CAA Global Limited and/or their representatives to appear before her/him from time to time for the purpose of making such orders as she/he shall think fit as to procedural matters for the proper determination of the matter by the Disciplinary Tribunal Panel. Any procedural hearings under this rule shall be held in private.
- 5.13 On the application of any Party, the Chair of the Disciplinary Tribunal Panel may order the disclosure of documents in another Party's possession if they are relevant and if she/he considers that it is fair in all the circumstances that the documents should be so disclosed.
- 5.14 The Chair of the Disciplinary Tribunal Panel shall not require under rule 5.13 the production of any document which is the subject of legal professional privilege or which might tend to incriminate or expose the Respondent to penalties imposed by law.
- 5.15 The Disciplinary Tribunal Panel may in its discretion convene in the most appropriate jurisdiction depending on the alleged acts, omissions or conduct for the purpose of taking some or all of the evidence in the matter or for the purpose of disposing of the matter.

Hearings

- 5.16 Subject to rule 5.17, the Disciplinary Tribunal Panel shall hear the Charge in public.
- 5.17 The Disciplinary Tribunal Panel may, acting of its own motion or upon the application of any Party, hear the Charge, in full or in part, in private if there is good reason to do so.
- 5.18 At any stage the Disciplinary Tribunal Panel may appoint a barrister, advocate or solicitor in accordance with rule 2.1 to assist it in any matters of law or procedure. Such adviser may be present at any hearing and may give such advice to the members of the Disciplinary Tribunal Panel during any private deliberations as may be requested by them. Any advice given in private must be made available to the Parties and included in the record of the hearing.
- 5.19 Subject to this Scheme, the Disciplinary Tribunal Panel shall have complete discretion over the procedure to be adopted before it and may, save where fairness requires otherwise, consolidate or hear together any related Charge or Charges under this Scheme.
- 5.20 The Disciplinary Tribunal Panel may at any time before or during the hearing direct that a Charge or any particulars of a Charge shall be amended, provided that:
- (a) the Disciplinary Tribunal Panel (or the Chair of the Disciplinary Tribunal Panel if prior to the substantive hearing) is satisfied that the Respondent will not be substantially prejudiced in the conduct of her/his defence by the making of such an amendment; and
 - (b) the Disciplinary Tribunal Panel shall, if so requested by the Respondent, adjourn for such time as is reasonably necessary to enable her/him to deal with the Charge as so amended.

- 5.21 At the conclusion of the hearing, the Disciplinary Tribunal Panel shall determine, by simple majority, if a Charge of Misconduct has been established. In the absence of such a majority, the Charge shall be dismissed.
- 5.22 In determining its findings on the Charge and the sanction, the Disciplinary Tribunal Panel shall not have regard to any proceedings or correspondence of the Adjudication Panel under Part 4 of this Scheme or to any decision under rule 3.9 in relation to the matters giving rise to the Charge.
- 5.23 If the Disciplinary Tribunal Panel determines that the Respondent has been guilty of Misconduct, the Disciplinary Tribunal Panel shall:
- (a) determine that no sanction is appropriate; or
 - (b) impose one or more of the following sanctions:
 - (i) reprimand the Respondent;
 - (ii) order the payment of a monetary fine by the Respondent;
 - (iii) exclude or suspend the Respondent from continuing as an Actuarial Analyst Candidate in pursuit of the Qualification for any period it thinks appropriate up to a maximum of five years, which must elapse before any application for readmission as an Actuarial Analyst Candidate may be submitted by the Respondent to CAA Global Limited; or
 - (iv) exclude or suspend the Respondent from becoming a Qualified CAA; or
 - (v) impose any conditions it considers appropriate for the Respondent to comply with in order to be permitted to continue as an Actuarial Analyst Candidate or in order to become a Qualified CAA.
- 5.24 If a sanction has been imposed under rule 5.23(v), the Disciplinary Tribunal Panel (or a newly constituted Disciplinary Tribunal Panel) may be recalled on the application of the Investigation Actuary and impose a further sanction should the Respondent not comply with the terms of the sanction first imposed.

Costs

- 5.25 The Disciplinary Tribunal Panel may make an award of costs against the Respondent or CAA Global Limited as it considers appropriate.

Communication of determination

- 5.26 A determination of the Disciplinary Tribunal Panel shall be served upon the Respondent forthwith, which determination shall be effective from the date of its making. The Disciplinary Tribunal Panel's reasons shall be served upon the Respondent when the determination is served or as soon as reasonably practicable thereafter.
- 5.27 The Disciplinary Tribunal Panel shall also communicate its determination and reasons to:
- (a) the Investigation Actuary;
 - (b) the person making the Allegation; and
 - (c) CAA Global Limited.

6. Readmission as an Actuarial Analyst Candidate following disciplinary exclusion

Application

- 6.1 An Actuarial Analyst Candidate who, in accordance with this Scheme, has been excluded from continuing as an Actuarial Analyst Candidate, and who subsequently wishes to apply to be readmitted as an Actuarial Analyst Candidate, may only do so by application in writing to CAA Global Limited in accordance with this Part 6 and with such regulations as may for this purpose be issued by the Board.
- 6.2 In the case of the first such application, this may be made at the earliest three months prior to the expiry of the specified period of exclusion. No subsequent application may be made prior to the expiry of a period of one year, or such shorter period as the Disciplinary Tribunal Panel may at its discretion determine, following the determination of the first such application.

Action on receipt of an application

- 6.3 Upon receipt of an application for readmission under this rule, CAA Global Limited shall notify the Convener of Disciplinary Tribunal Panels and assign the application to a Case Manager.
- 6.4 The Case Manager may make such investigations, and obtain such information, documents or reports as she/he considers appropriate, including inquiries as to the Applicant's conduct before and after the order for exclusion.

Hearing the application

- 6.5 The Convener of Disciplinary Tribunal Panels shall convene a Disciplinary Tribunal Panel to hear the application or may assign the application for hearing by a Disciplinary Tribunal Panel already convened for hearing a different matter.
- 6.6 Not later than 28 days before the hearing before a Disciplinary Tribunal Panel to consider her/his application, the Applicant shall receive from the Secretary to the Disciplinary Tribunal Panel notice of the hearing:
- (a) requesting the Applicant to notify, within 14 days of the date of the notice, whether she/he wishes to attend the hearing; and
 - (b) inviting the Applicant, if she/he chooses not to attend the hearing, to make written representations to be received by the Secretary no later than 14 days before the hearing.
- 6.7 The notice under rule 6.6 shall be accompanied by a copy of any statement, report or other document which:
- (a) has not previously been sent to the Applicant; and
 - (b) has been made available to the Disciplinary Tribunal Panel for the purposes of its consideration of the application.
- 6.8 If any statement, report or other document is subsequently obtained by the Case Manager which is relevant to the Disciplinary Tribunal Panel's consideration of the matter, this may be made available to the Disciplinary Tribunal Panel, subject to the Applicant being given a reasonable opportunity to consider and comment upon any such additional documentation prior to the Disciplinary Tribunal Panel making its determination.
- 6.9 Subject to rule 6.10, the Disciplinary Tribunal Panel shall hear the application in public.
- 6.10 The Disciplinary Tribunal Panel may, acting of its own motion or upon the application of any Party, hear the application, in full or in part, in private if there is good reason to do so.

- 6.11 The Disciplinary Tribunal Panel and the Parties shall be provided, as soon as reasonably practicable with:
- (a) the determination of the Disciplinary Tribunal Panel or Appeal Tribunal Panel which imposed or affirmed the exclusion;
 - (b) any record of the proceedings before the Disciplinary Tribunal Panel, and where applicable before the Appeal Tribunal Panel;
 - (c) any relevant documentary and other evidence including papers from the Applicant in support of readmission as an Actuarial Analyst Candidate.
- 6.12 Unless the Disciplinary Tribunal Panel determines otherwise, the order of proceedings at a readmission hearing shall be as follows:
- (a) CAA Global Limited shall:
 - (i) inform the Disciplinary Tribunal Panel of the background to the case and the circumstances in which the Applicant was excluded from continuing as an Actuarial Analyst Candidate; and
 - (ii) direct the attention of the Disciplinary Tribunal Panel to any relevant evidence and may call witnesses in relation to the Applicant's suitability for readmission as an Actuarial Analyst Candidate;where the facts relating to any matter are in dispute CAA Global Limited shall bear the burden of proving such facts to the standard referred to in rule 1.4.
 - (b) the Applicant may provide any relevant evidence on which she/he intends to rely and call witnesses in relation to any relevant matter, including her/his suitability for readmission as an Actuarial Analyst Candidate;
 - (c) the Disciplinary Tribunal Panel may question the Parties;
 - (d) the Disciplinary Tribunal Panel shall determine, by simple majority, whether to accept or refuse the application;
 - (e) the Disciplinary Tribunal Panel shall give reasons for its determination.
- 6.13 In reaching its determination the Disciplinary Tribunal Panel shall consider all relevant factors including, where appropriate, the circumstances of the Applicant, the Applicant's behaviour since exclusion, the Applicant's professional experience since exclusion, the nature of any professional opportunities open to the Applicant and whether, if readmitted, the Applicant could be expected to uphold the standards expected of an Actuarial Analyst Candidate.
- 6.14 The provisions of rule 5.18 shall apply to the hearing, and of rules 5.26 and 5.27 to the communication of the determination.

7. Appeals

- 7.1 On appeal, the Respondent shall be known as the Appellant. CAA Global shall have the right to participate in proceedings as a party for the purposes of Part 7.
- 7.2 The Respondent may by notice appeal against:
- (a) a determination of a Disciplinary Tribunal Panel under Part 5 of this Scheme;
 - (b) an Interim Order; and/or
 - (c) a refusal of her/his application for readmission as an Actuarial Analyst Candidate or for the granting of the Qualification following disciplinary exclusion.

Appeal against a determination by the Disciplinary Tribunal Panel under Part 5

- 7.3 A notice of appeal under rule 7.2 shall be given in writing and served upon the Chair of the Appeals Tribunal and the Board no later than 28 days after the receipt by the Respondent of the written determination of the Disciplinary Tribunal Panel (or such longer period as the Chair of the Disciplinary Tribunal Panel may decide on the application of the Respondent).
- 7.4 A notice of appeal under rule 7.2(a) shall request leave to appeal and state the grounds of the appeal. The grounds of appeal so stated shall not thereafter be amended except, reasonable cause having been shown, with the leave of the Appeal Tribunal Panel.
- 7.5 The Respondent may appeal on any one or more of the following grounds:
- (a) that the determination of the Disciplinary Tribunal Panel was manifestly unreasonable, inconsistent with the evidence or wrong in law; and/or
 - (b) that there was injustice because of a serious procedural or other irregularity in the proceedings before the Disciplinary Tribunal Panel; and/or
 - (c) that significant and relevant new evidence has come to light which was not previously available to the Respondent and could not have become available to her/him on the making of reasonable enquiry; and/or
 - (d) that the sanction imposed was manifestly unreasonable.
- 7.6 Upon receiving a notice of appeal the Chair of the Appeals Tribunal shall, if satisfied that it discloses arguable grounds for appeal under rule 7.5, appoint an Appeal Tribunal Panel to hear the appeal in accordance with the provisions of this Scheme.
- 7.7 If the notice of appeal was not served within the timescale set out in rule 7.3, the Chair of the Appeals Tribunal shall refuse leave to appeal, except that, in exceptional circumstances, and upon the basis of reasonable cause shown, she/he shall be entitled to accept a referral outwith this time period.
- 7.8 If in the Chair's absolute discretion leave to appeal is not granted, the determination of the Disciplinary Tribunal Panel shall continue to apply. Where leave to appeal is granted, the Respondent shall thereafter be referred to as the Appellant.
- 7.9 Where the Appellant has been excluded or suspended under rule 5.23, the Appellant shall remain excluded or suspended from continuing as an Actuarial Analyst Candidate or becoming a Qualified CAA until the appeal has been determined.
- 7.10 The Secretary of the Appeals Tribunal shall provide to the Chair of the Appeals Tribunal as soon as reasonably practicable:
- (a) the determination of the Disciplinary Tribunal Panel;
 - (b) any record of the proceedings before it; and
 - (c) any documentary evidence and any other evidence and written submissions placed before it.
- 7.11 The Chair of the Appeal Tribunal Panel shall appoint a hearing of the appeal and shall give reasonable notice in writing of the hearing to the Parties, but such hearing shall be vacated in the event of the Appellant withdrawing her/his notice of appeal.
- 7.12 At any time before the determination of the appeal by the Appeal Tribunal Panel the Appellant may withdraw her/his notice of appeal by writing to the Secretary of the Appeals Tribunal, whereupon the appeal shall be deemed dismissed and the Appeal Tribunal Panel shall, if requested to do so by any Party, consider the making of a cost determination pursuant to rule 7.17(c).

- 7.13 Subject to rule 7.14, the hearing of the appeal shall normally be by way of review of the papers provided under rule 7.10 and shall be conducted in private.
- 7.14 The Appeal Tribunal Panel may, at the absolute discretion of its Chair, permit an oral appeal hearing and:
- (a) give the Appellant a reasonable opportunity to be heard before it and to call any witnesses before the Appeal Tribunal Panel;
 - (b) hear or re-hear any witnesses who gave oral evidence before the Disciplinary Tribunal Panel;
 - (c) admit fresh evidence if it is reasonable and in the interests of justice to do so; and
 - (d) obtain legal or other advice or opinions as appropriate.
- 7.15 Subject to rule 7.16, any oral hearing of the Appeal Tribunal Panel shall be in public.
- 7.16 The Appeal Tribunal Panel may, acting of its own motion or upon the application of any Party, hear any oral appeal, in full or in part, in private if there is good reason to do so.
- 7.17 The Appeal Tribunal Panel shall make one or more of the following determinations on the appeal:
- (a) affirm, vary or rescind any determination of the Disciplinary Tribunal Panel;
 - (b) substitute any other determination or determinations which the Disciplinary Tribunal Panel may have made, which may include substituting a more severe sanction;
 - (c) make an award of costs against the Appellant or CAA Global Limited as it considers appropriate.
- 7.18 The Appeal Tribunal Panel shall make its determination by simple majority.
- 7.19 The determination of the Appeal Tribunal Panel shall be final.
- 7.20 A determination of the Appeal Tribunal Panel shall be served upon the Appellant forthwith, which determination shall be effective from the date of its making. The Appeal Tribunal Panel's reasons shall be served upon the Appellant when the determination is served or as soon as reasonably practicable thereafter.
- 7.21 The Appeal Tribunal Panel shall also communicate its determination and reasons to:
- (a) the Disciplinary Tribunal Panel;
 - (b) the Case Manager;
 - (c) the person who made the Allegation; and
 - (e) CAA Global Limited.

Appeal against Interim Orders

- 7.22 A notice of appeal under rule 7.2(b) shall be given in writing and served upon the Case Manager and upon the Chair of the Appeals Tribunal no later than 14 days after the making of an Interim Order under rule 3.20 (or such longer period as the Chair of the Appeals Tribunal may decide on the application of the Appellant).

- 7.23 Any notice of appeal shall:
- (a) identify the Interim Order or determination appealed against; and
 - (b) state the ground(s) of appeal; and
- neither the scope of the appeal, nor the grounds so stated, shall be amended or changed except, reasonable cause having been shown, with the leave of the Appeal Tribunal Panel appointed to hear the appeal.
- 7.24 The Interim Order shall remain in force until the appeal is determined.
- 7.25 The Secretary of the Appeals Tribunal shall notify the person who made the Allegation of any appeal under rule 7.2(b).
- 7.26 The Chair of the Appeal Tribunal Panel shall appoint a hearing of the appeal and shall give reasonable notice in writing of the hearing to the Parties, but such hearing shall be vacated in the event of the Appellant withdrawing her/his notice of appeal.
- 7.27 At any time before the determination of the appeal by the Appeal Tribunal Panel the Appellant may withdraw her/his notice of appeal whereupon the appeal shall be deemed dismissed and the Appeal Tribunal Panel shall, if requested to do so by any Party, consider the making of a cost determination pursuant to rule 7.32(c).
- 7.28 Subject to rule 7.29, the hearing of the appeal shall normally be by way of review of the papers and shall take place in private.
- 7.29 The Appeal Tribunal Panel may, at the absolute discretion of its Chair, permit an oral hearing and:
- (a) give the Appellant a reasonable opportunity to be heard before it on the question of whether an Interim Order should be imposed;
 - (b) admit fresh evidence relevant to whether an Interim Order should be affirmed, if it is reasonable and in the interests of justice to do so; and
 - (c) obtain such legal or other advice or opinions as appropriate.
- 7.30 Subject to rule 7.31, any oral hearing of the Appeal Tribunal Panel arising from an appeal against an Interim Order shall be in private.
- 7.31 Oral hearings of the Appeal Tribunal Panel arising from an appeal against an Interim Order shall be held in public whenever the Appellant so requests. In the event of a public hearing the Appeal Tribunal Panel may, acting of its own motion or upon the application of any Party, hold all or part of the hearing in private if there is good reason to do so.
- 7.32 The Appeal Tribunal Panel shall make one or more of the following determinations on the appeal:
- (a) affirm, vary or rescind any determination of the Interim Orders Panel;
 - (b) substitute any other determination or determinations which the Interim Orders Panel may have made;
 - (c) make an award of costs against the Appellant or CAA Global Limited as it considers appropriate.
- 7.33 The Appeal Tribunal Panel shall make its determination by simple majority.
- 7.34 The determination of the Appeal Tribunal Panel shall be final.

- 7.35 A determination of the Appeal Tribunal Panel shall be served upon the Appellant forthwith, which determination shall be effective from the date of its making. The Appeal Tribunal Panel's reasons shall be served upon the Appellant when the determination is served or as soon as reasonably practicable thereafter.
- 7.36 The Appeal Tribunal Panel shall also communicate its determination and reasons to:
- (a) the Interim Orders Panel;
 - (b) the Case Manager;
 - (c) the person who made the Allegation; and
 - (e) CAA Global Limited.

Appeal against refusal of an application for readmission as an Actuarial Analyst Candidate following disciplinary exclusion

- 7.37 An Applicant whose application for readmission as an Actuarial Analyst Candidate is refused may, within 28 days of the date on which the written reasons for such refusal are sent to her/him, serve in writing a notice of appeal addressed to the Chair of the Appeals Tribunal.
- 7.38 The determination of the Disciplinary Tribunal Panel regarding an Applicant's readmission as an Actuarial Analyst Candidate shall remain in force until the appeal is determined.
- 7.39 A notice of appeal shall state the grounds of appeal. The grounds of appeal shall be one or more of the following:
- (a) that the determination was manifestly unreasonable, and/or inconsistent with the evidence and/or wrong in law; and/or
 - (b) that there was injustice because of a serious procedural or other irregularity in the proceedings before the Disciplinary Tribunal Panel; and/or
 - (c) that significant and relevant new evidence has come to light which was not previously available to the Applicant and could not reasonably have been made available to the Disciplinary Tribunal hearing.
- 7.40 If the Chair of the Appeals Tribunal considers that there is an arguable basis for the appeal on any of the foregoing grounds she/he shall grant leave to appeal and shall appoint an Appeal Tribunal Panel to hear the appeal.
- 7.41 Thereafter the grounds for appeal may not be amended without the leave, on reasonable cause shown, of the Appeal Tribunal Panel or its Chair.
- 7.42 If the Chair decides not to grant leave to appeal, she/he shall issue to the Parties and the Board written reasons for her/his decision, and her/his decision shall be final.
- 7.43 At any time before the determination of the appeal by the Appeal Tribunal Panel the Applicant may withdraw her/his notice of appeal, whereupon the appeal shall be deemed dismissed and the Appeal Tribunal Panel shall, if requested to do so by any Party, consider the making of a cost determination pursuant to rule 7.48(d).
- 7.44 Subject to rule 7.45, the hearing of the appeal shall normally be by way of review of the papers and shall take place in private.
- 7.45 The Appeal Tribunal Panel may, at the absolute discretion of its Chair, permit an oral hearing and:
- (a) hear new evidence adduced pursuant to rule 7.39(c); and/or
 - (b) permit the Applicant and/or the Case Manager to make oral representations and call any witnesses.

- 7.46 The Appeal Tribunal Panel and the Parties shall be provided, as soon as reasonably practicable, with:
- (a) the determination of the Disciplinary Tribunal Panel which refused readmission;
 - (b) any record of the proceedings before it;
 - (c) any documentary evidence and any other evidence and written submissions placed before it; and
 - (d) the notice of appeal and supporting papers.
- 7.47 Any oral hearing of the Appeal Tribunal Panel shall be in public except that the Appeal Tribunal Panel may, acting of its own motion or upon the application of any Party, determine to conduct the oral hearing, in full or in part, in private, if there is good reason to do so.
- 7.48 The Appeal Tribunal Panel may:
- (a) affirm the refusal of the application, and may also determine that a further application from the Applicant should not be considered within a specific period of time (having regard to rule 6.13); or
 - (b) allow the appeal, granting readmission or the Qualification; or
 - (c) if it is of the view that it is necessary in the interests of justice to do so, in light of new evidence adduced pursuant to rule 7.39(c):
 - (i) remit the application to a Disciplinary Tribunal Panel for rehearing; and
 - (ii) when remitting the application, specify whether it should be reheard by the same Disciplinary Tribunal Panel whose determination had been appealed or by a newly constituted Disciplinary Tribunal Panel; and
 - (d) make an award of costs against the Appellant and/or CAA Global Limited as it considers appropriate.
- 7.49 The provisions of rules 7.18 to 7.21 shall also apply to appeals under this rule.

8. Costs orders and fines

- 8.1 A fine or an award of costs made by the Disciplinary Tribunal Panel or by the Appeal Tribunal Panel shall be recoverable by the Respondent, Appellant or CAA Global Limited in whose favour the order is made as a debt due from the Respondent, Appellant or CAA Global Limited against whom the order is made.
- 8.2 Any fine payable or costs ordered to be paid shall be paid by the relevant party within 28 days:
- (a) of the Disciplinary Tribunal Panel's determination unless notice of appeal is given in which case the period of 28 days begins from the notification, as the case may be, of the Chair of the Appeals Tribunal's decision to refuse leave, or of the dismissal of the appeal under rule 7.12, or of the determination of the appeal under rule 7.17; or
 - (b) of the Respondent's acceptance of an invitation of the Adjudication Panel under rule 4.9.
- 8.3 If a relevant party does not pay any fine or award of costs imposed under this Scheme in the time required, she/he may be guilty of Misconduct and further disciplinary proceedings may be commenced against her/him under this Scheme.

9. The Board

- 9.1 The Board shall have the power to make and amend such regulations as it considers necessary for the proper operation and administration of this Scheme.
- 9.2 The Board shall from time to time issue any such guidance and/or communications that it deems necessary to assist with the interpretation and operation of this Scheme.
- 9.3 The Board shall decide the maximum fine which an Adjudication Panel may invite a Respondent to pay under rule 4.5(b) and 5.23(b)(ii);
- 9.4 The Board shall produce an annual report on the operation and management of this Scheme.
- 9.5 The Board may at any time, subject to the agreement of CAA Global Limited or such other body delegated by them for the purpose, arrange for a review of the provisions and operation of this Scheme or any aspect of it to be undertaken.
- 9.6 The Board shall from time to time provide guidelines for the manner in which sanctions under this Scheme may be imposed. Such guidelines shall be published by CAA Global Limited.

10. General provisions

- 10.1 Where, having regard to the interests of the public and/or of CAA Global Limited, any Executive Officer of CAA Global Limited considers it appropriate that a matter relating to the conduct of an Actuarial Analyst Candidate should be investigated, such matter may be referred by her or him for consideration as an Allegation under this Scheme; thereafter the matter shall proceed for the purposes of this Scheme as if the Allegation had been made to CAA Global Limited under rule 3.1.
- 10.2 An Interim Orders Panel, an Adjudication Panel, a Disciplinary Tribunal Panel and an Appeal Tribunal Panel (or the Chair of such Panel as the case may be) may give all such directions with regard to the conduct of and procedure at meetings or hearings as it considers most suitable for the clarification of the issues and generally for the just handling of the proceedings before it. This includes the power to vary the time limits set out in this Scheme and to adjourn any meeting or hearing. Any such Panel or Chair shall at their discretion be entitled to accept written undertakings from the Respondent.
- 10.3 The failure by a Respondent to comply with an undertaking accepted under rule 10.2 shall amount to *prima facie* evidence of Misconduct. Evidence of such non-compliance may be referred, on the application of the Case Manager, for the consideration, as the case may be, of the Adjudication Panel, Interim Orders Panel, Disciplinary Tribunal Panel or Appeals Tribunal Panel by whom the undertaking is accepted. Such Panel shall be recalled for this purpose (but may be of new composition) and, in considering such evidence, such Panel shall take such steps as it shall see fit and shall have available to it all of the powers, including powers of sanction, otherwise available to it under this Scheme.
- 10.4 An Interim Orders Panel, Adjudication Panel, Disciplinary Tribunal Panel or Appeals Tribunal Panel (or the Chair of any such Panel) or the Convener of Adjudication Panels may at their discretion suspend an investigation and/or any disciplinary proceedings under this Scheme. Before deciding to suspend such investigation or proceedings, the said Panel or Convener must be satisfied that the Respondent has been accorded a reasonable opportunity to make submissions in relation to the application, and shall consider any such submissions made by the Respondent. Any such Panel or Chair, or the Convener of Adjudication Panels, may, on the application of either party, direct that a suspended investigation is resumed.

- 10.5 Save where fairness requires otherwise, any hearing or meeting of an Interim Orders Panel, an Adjudication Panel, a Disciplinary Tribunal Panel or an Appeal Tribunal Panel can deal with Allegations, Case Reports or Charges involving one or more Respondents and for such purpose appropriate directions may be given under rule 10.2.
- 10.6 Provided that an Interim Orders Panel, a Disciplinary Tribunal Panel or an Appeal Tribunal Panel is satisfied that the Respondent has been given reasonable notice of a hearing, the proceedings of that body shall be valid and of full effect even if the Respondent does not attend, is not represented or does not state her/his case.
- 10.7 All documents put before an Interim Orders Panel, an Adjudication Panel, a Disciplinary Tribunal Panel or an Appeal Tribunal Panel shall be deemed to be authentic. If a Party challenges the authenticity of any document the relevant body shall consider the objections raised by such Party (and any evidence raised in rebuttal), and shall, on the basis of such representations, give the evidence contained in such document such weight as it thinks fit.
- 10.8 Any notice or other document required by any provision of this Scheme to be given or sent to a Party may be sent by pre-paid post addressed to her/him at her/his address notified to CAA Global Limited for communications, or, if CAA Global Limited is aware that this address is no longer current for her/him, to her/his usual or last known place of business or residence. Service of any notice or document shall be deemed to have been effected at the end of 48 hours from the time of posting, and in proving that a document was so sent it shall be sufficient to prove that the cover containing it was properly addressed, stamped and posted.
- 10.9 The Board shall, as soon as reasonably practicable, be given:
- (a) by the Case Manager brief particulars of any Allegation made under this Scheme after it is assigned for investigation; and
 - (b) by the Chair of each of an Interim Orders Panel, an Adjudication Panel, a Disciplinary Tribunal Panel or an Appeal Tribunal Panel (as the case may be), a report on the proceedings under this Scheme, containing such particulars as she/he shall consider appropriate.
- 10.10 The following matters shall be made public by CAA Global Limited as soon as reasonably practicable in accordance with arrangements prescribed by the Board under rule 10.11:
- (a) the making, rescission or variation of an Interim Order;
 - (b) the referral by an Adjudication Panel of matters in a Case Report to a Disciplinary Tribunal Panel under rule 4.3(a)(ii);
 - (c) the determination and, where applicable, any sanction imposed by an Adjudication Panel resulting from the acceptance by a Respondent under rule 4.9 of an invitation by the Adjudication Panel under rule 4.5;
 - (d) any final determination of a Disciplinary Tribunal Panel; and
 - (e) any final determination of an Appeal Tribunal Panel.
- 10.11 The Board shall prescribe such arrangements as it thinks fit for the manner in which the following shall be published as soon as reasonably practicable:
- (a) determinations of an Adjudication Panel to refer to a Disciplinary Tribunal Panel or, to find Misconduct, and, where relevant, to reprimand, fine or require the completion of a period of education, retraining and/or supervised practice;
 - (b) the election by the Respondent to refer a matter to a Disciplinary Tribunal Panel under rule 3.14;
 - (c) Interim Orders and the rescission or variation of those orders;

- (d) determinations (with reasons) of a Disciplinary Tribunal Panel and Appeal Tribunal Panel;
- (e) referrals to a Disciplinary Tribunal Panel and Appeal Tribunal Panel;
- (f) date(s) and place of any public hearings to be held under this Scheme.

10.12 At any hearing of an Interim Orders Panel, a Disciplinary Tribunal Panel (including any procedural hearing before the Chair) or an Appeal Tribunal Panel, the Respondent may be:

- (a) represented by a solicitor, barrister or advocate, or another Actuarial Analyst Candidate or such other person as the Chair of the relevant panel may agree, provided that this does not unreasonably delay any such hearing; and
- (b) accompanied by a friend or member of her/his family, or by another Actuarial Analyst Candidate, but the accompanying person may remain during any private session of the relevant panel only with the agreement of the panel.

10.13 The Board may prescribe such arrangements as it sees fit for the implementation under this Scheme of any disciplinary determination imposed on a Member by a Professional Regulator.

11. Commencement and transitional provisions

Commencement

11.1 The provisions of this version of this scheme shall come into force on 27 February 2017 and shall be applicable, as amended from time to time, to all matters arising from allegations received under rules 3.1 or 10.1, at or after that point in time.

12. Definitions of terms used in the Scheme

In this Scheme, unless the context otherwise requires:

'Adjudication Panel' means a panel appointed under rule 2.1;

'Allegation' means a statement in writing addressed to CAA Global Limited containing an allegation or allegations to the effect that a named Actuarial Analyst Candidate has or may have been guilty of Misconduct or a referral by the Executive Officer under rule 10.1;

'Appeals Tribunal' means the Appeals Tribunal referred to in rule 2.1;

'Appeal Tribunal Panel' means a panel of the Appeals Tribunal appointed under rule 2.1;

'Appellant' means a Respondent who appeals against a determination of a Disciplinary Tribunal Panel, an Interim Order, and/or a refusal of an application for readmission as an Actuarial Analyst Candidate or for the granting of the Qualification following disciplinary exclusion, where leave to appeal is granted, all under Part 7;

'Applicant' means a former Actuarial Analyst Candidate, who has previously had their contract with CAA Global Limited terminated as a result of a finding of misconduct against them by an Adjudication Panel, Disciplinary Tribunal Panel or Appeals Tribunal Panel under this Scheme and is applying to be readmitted as an Actuarial Analyst Candidate;

'Appropriate person' means a person of good character who is fit to carry out a role under this Scheme;

'Board' means the Directors of CAA Global Limited;

'Actuarial Analyst Candidate' means an individual who has been admitted by CAA Global Limited to undertake the modules and exams stipulated in the Examination Framework, in pursuit of achieving the Qualification and becoming a Qualified CAA;

'Case Manager' means a person appointed by CAA Global Limited to manage the investigation of an Allegation, and any subsequent referrals to an Interim Orders Panel, or Disciplinary Tribunal Panel or Appeals Tribunal Panel, with advice and assistance from an Investigation Actuary;

'Case Report' means a report referred to in rule 3.10;

'Charge' means a formal allegation that an Actuarial Analyst Candidate has been guilty of Misconduct defined in the document prepared by the Investigation Actuary under rule 4.14;

'Director of CAA Global Limited' means any duly appointed director of CAA Global Limited for the time being or a duly appointed alternate of any Director;

'Disciplinary Board' means the Disciplinary Board of the Institute and Faculty of Actuaries as described more fully in the Disciplinary Scheme Rules of the IFoA and the IFoA Governance Manual;

'Disciplinary Tribunal Panel' means a panel referred to in rule 2.1;

'Examination Framework' means the syllabus, modules, examinations and any exemptions in relation to the Qualification, as set by CAA Global Limited from time to time;

'Executive Officer' means a Director of CAA Global Limited or such other person as nominated by a Director;

'Interim Order' means an order provided for in rule 3.16;

'Interim Orders Panel' means a panel referred to in rule 2.1;

'Investigation Actuary' means an investigation actuary referred to in rule 3.1;

'Joint Venture Agreement' means the joint venture agreement among (1) Institute and Faculty of Actuaries (2) Society of Actuaries and 3) CAA Global Limited;

'Legal Adviser' means a barrister, advocate and solicitor nominated under rule 2.1;

'Member' means a member of the Institute and Faculty of Actuaries of any class other than an Honorary Fellow;

'Misconduct' means misconduct under rule 1.6;

'Party' or 'Parties' means a Respondent and/or the Case Manager and/or CAA Global Limited, as the case may be;

'Professional Regulator' means a regulatory body of competent jurisdiction;

'Qualification' means the Certified Actuarial Analyst (otherwise known as the CAA) qualification;

'Qualified CAA' means an Actuarial Analyst Candidate who has achieved the Qualification;

'Respondent' means the Actuarial Analyst Candidate whose conduct is the subject of the matter of an Allegation or an investigation by or proceedings before an Interim Orders Panel, Adjudication Panel, Disciplinary Tribunal Panel or Appeal Tribunal Panel;

'Rule' means a rule of this Scheme;

'Scheme' means this Disciplinary Scheme referred to in the Joint Venture Agreement.