



Institute
and Faculty
of Actuaries

Practising Certificates regime

Appeals process

Contents

1.	Interpretation and Scope	Page 1
2.	Process	Page 1
3.	Composition of the Appeals Panel	Page 2
4.	Panel determinations	Page 2
5.	Notification	Page 3
6.	Definitions	Page 3

1. Interpretation and Scope

- 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 the Appendix to this Scheme shall have the meanings ascribed to them therein;
 - (b) words defined in the Bye-laws shall have the same meaning in this Scheme.
- 1.3 The Interpretation Act 1978 shall apply to this Scheme.
- 1.4 The appeals process detailed in this document is the appeals process referred to in section 5 of the Practising Certificates Scheme and the scope of this appeals process is limited to appeals of a decision made under that scheme.

2. Process

- 2.1 An appeal may be made under these rules by any person who, following a properly made application under the Practising Certificates Scheme, has been refused a practising certificate for one of the following reasons:
- (a) that the Practising Certificates Committee erred in determining that the Applicant's experience did not meet the requirements of either the General Criteria or the Technical Expertise Criteria; and/or
 - (b) that the Practising Certificates Committee erred in determining that the Applicant is not fit and proper to hold a practising certificate.
- 2.2 An appeal must be made in writing to the Judicial Committee's Secretary within 30 days of receipt of notice of the rejection of an application for a practising certificate. The Chair of the Appeals Panel shall have discretion to accept an appeal outwith the timescales where the Appellant can demonstrate exceptional circumstances that directly contributed to the delay.
- 2.3 A notice of appeal must state the grounds for the appeal and include any supporting evidence that the Appellant wishes the Appeals Panel to consider.

3. Composition of the Appeals Panel

- 3.1 The Appeals Panel shall comprise members selected from the Disciplinary Pool appointed by the Disciplinary Appointments Committee under Rules 2.8 – 2.12 of the Institute and Faculty of Actuaries Disciplinary Scheme.
- 3.2 The Appeals Panel shall consist of three members, two of whom will be Fellows and one of whom will be a Lay member. The Lay member is appointed as the Chair of the Appeals Panel.
- 3.3 No member who has been involved at an earlier stage shall be eligible to sit on an Appeals Panel.
- 3.4 Members of the Appeals Panel shall complete a conflict of interest check prior to the hearing. Any prior knowledge of the Appellant or members of the Practising Certificates Committee must be declared and consideration given to whether these amount to a conflict of interest.

4. Panel determinations

- 4.1 Subject to Rule 4.2, the Appeals Panel shall meet in private and shall make their determination from the papers.
- 4.2 The Chairman of the Appeals Panel shall have discretion as to the procedure to be followed and may, in particular, permit the Appellant and any other person to appear before the Appeals Panel at a hearing where the interests of justice so require.
- 4.3 The Appellant and the Chair of the Practising Certificates Committee shall be given at least 21 days notice of any meeting of the Appeals Panel or hearing date.
- 4.4 An application to appear before the Appeals Panel at a hearing under rule 4.2 must be submitted no less than 14 days before the scheduled meeting of the Appeals Panel.
- 4.5 The Practising Certificates Committee shall furnish the Appeals Panel with a written account of the reasons for the decision which is the subject of the appeal at least 21 days before the meeting of the Appeals Panel or hearing date.
- 4.6 The Appellant shall have the right to make a written submission to the Appeals Panel which representations may be submitted up to seven days prior to the date of a meeting of the Appeals Panel or hearing date.
- 4.7 The Appeals Panel shall decide by simple majority whether:
 - (a) the appeal should be upheld and a practising certificate should be issued;
 - (b) the appeal should be upheld and the matter remitted to the Practising Certificates Committee for reconsideration; or
 - (c) the appeal should be refused and the original decision of the Practising Certificates Committee affirmed.
- 4.8 The determination of the Appeals Panel shall be final.
- 4.9 A determination made under rule 4.8 will be communicated to the Appellant and the Practising Certificates Committee and the Regulation Board as soon as practicable after the hearing.

5. Notice

- 5.1 For the purposes of Rules 2.2 and 4.3 notice shall be deemed to be complete two days after postage of the notice by first class post.
- 5.2 For the purposes of Rule 5.1 it is sufficient to demonstrate that the notice was sent to the Appellant's preferred address, as registered with the Institute and Faculty of Actuaries, or to their last known address, where no registered address is held.

6. Definitions

'Appeals Panel' means the properly constituted panel under rules 3.1 and 4.7 above.

'Appellant' means a person who has submitted an appeal against the decision to reject their application for a practising certificate in accordance with this process.

'Bye-laws' means the Bye-laws of the Institute and Faculty of Actuaries in force from time to time.

'Lay Member' means a person who is not and has never been a Member.

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

'Practising Certificates Scheme' means the version of the Practising Certificates Scheme effective at the time of application.