

SAS DISCIPLINARY SCHEME

REVISION: Approved at Annual General Meeting 17 MAR 2006

SCHEDULE

DISCIPLINARY SCHEME

REFERRED TO IN ARTICLE 6, SECTION 2(I)

A. INTRODUCTION

- 1 A Member shall be liable to disciplinary action under this Scheme if he has been guilty of any breach of the Code of Professional Conduct or of any conduct which affects in a material way the interest of the Actuarial profession.
- 2 (a) A complaint to take disciplinary action against any Member shall be in writing to the Council accompanied by a Statutory Declaration. The complaint may be made not only by an aggrieved party but also by any concerned person.

(b) A complaint shall not be necessary where the Council itself considers it appropriate that investigations should be made in the interest of the public and the actuarial profession.

B. INVESTIGATING COMMITTEE

- 3 (a) Where the complaint is received under Rule 2(a), the Council may dispose of it at a meeting of its own and inform the complainant accordingly, or appoint or refer the complaint to an Investigating Committee to investigate the complaint.

(b) In cases under Rule 2(b), the Council may appoint or refer the matter to an Investigating Committee to investigate the same.

C. THE INVESTIGATION STAGE

- 4 Any Investigating Committee appointed or referred to by the Council to investigate under Rule 2 shall consist of 5 persons who are Members. The quorum for meetings shall be 3. All 5 Members may vote and any of them may chair any meeting of the Committee.
- 5 The Investigating Committee shall ask for an explanation in writing from the Member complained against, and may also seek further information from the complainant. The Committee may then interview the complainant and the Member complained against, together or separately.

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- 6 The Investigating Committee (by a majority) may decide:
 - (a) That no disciplinary action shall be taken against the Member complained against;
 - (b) To deprecate the conduct of the Member complained against; or
 - (c) Refer the complaint for decision by a Tribunal in accordance with Part D of this Scheme.
- 7 The power of deprecation mentioned in Rule 6(b) above shall be exercised only if the Investigating Committee decides that the Member had not been guilty of a conduct which deserves a harsher level of penalty as provided for under Rule 16(b), 16(c) or 16(d).
- 8 The Investigating Committee shall make a written report to the Council on its findings and decision.
- 9 The decision of the Investigating Committee shall be communicated by the Council to the Member complained against and the complainant.

D. TRIBUNAL STAGE

- 10 Where the Committee decides that the complaint be referred to a Tribunal under Rule 6(c) above, the Council shall so refer the complaint to a Tribunal. The Tribunal may be an existing one, or appointed for this purpose by the Council.
- 11 The Tribunal shall consist of 5 persons, none of whom shall be Members of the Investigating Committee. Three of them shall be Members, and the remainder shall be outsiders appointed by the Council. The quorum for the hearings shall be 3, of whom at least one shall not be a Member. All 5 may vote. The Tribunal shall be chaired by a Member.
- 12 The Council shall instruct an Advocate and Solicitor of the Supreme Court of Singapore to prepare and present the case to the Tribunal. He shall then draft the appropriate charges and send it to the Member complained against who shall also be informed of the hearing days which have been fixed.
- 13 The Tribunal may also appoint a Legal Assessor who is an Advocate and Solicitor of at least 10 years standing, to give advice on law and procedure at the hearing. Where the advice is given during the private deliberations of the Tribunal, the parties or their representatives shall be informed of the substance of such advice.
- 14 Where the hearing before the Tribunal involves the decision of a Court or some other Tribunal, their decisions, findings or sentence, as the case may be, may be proved by the use of certified copies.

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- 15 The Tribunal shall then decide which of the charges have been established, and whether, the Member complained against is guilty as provided for under Rule 1 of this Scheme.
- 16 Where the Member complained against is found guilty, the Tribunal may mete out one or more of the following punishments:
 - (a) Deprecate the conduct of the Member complained against;
 - (b) Suspend him from the Society for a specified period;
 - (c) Call upon him to resign from the Society;
 - (d) Decide that he be expelled from the Society.
- 17 The Tribunal shall make a written report to the Council on its findings and decision.
- 18 The decision of the Tribunal shall be communicated by the Council to the Member complained against and the complainant.

E. APPEAL BOARD STAGE

- 19 Any Member found guilty by the Investigating Committee under Rule 6(b), or by the Tribunal under Rule 16, may give notice of appeal to the Council.
- 20 Where the Council receives such an appeal, it shall refer it to an Appeal Board. The Appeal Board may be an existing one, or appointed for this purpose by the Council. At least 30 days' notice of the hearing shall be given to the Member who is appealing. At the hearing, the Tribunal, whose decision is being appealed, may be represented by an Advocate and Solicitor.
- 21 The Appeal Board shall consist of 3 persons. The Chairman of the Appeal Board shall be a member of the legal profession or the judiciary and the remaining two shall be Members who were not in the Investigating Committee or the Tribunal. The quorum for hearings shall be 3.
- 22 After the hearing of the Appeal, the Board shall decide by a majority vote, if it upholds the decision that the Member complained against is guilty as found by the Investigating Committee or Tribunal as the case may be. The penalty or penalties may be confirmed or substituted for lesser ones. If the decision is not upheld, the order and the penalty or penalties imposed shall be set aside.
- 23 The Appeal Board shall make a written report to the Council on its findings and decision.

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24 The decision of the Appeal Board shall be communicated by the Council to the Member complained against and the complainant.

F. GENERAL PROVISIONS

25 The Member complained against may be represented at the hearings of the Tribunal or of the Appeal Board by an Advocate and Solicitor.

26 The proceedings at a hearing of the Tribunal or of the Appeal Board shall be valid and of full effect even if the Member complained against does not attend or state his case in person or is not represented.

27 The Council may decide to communicate the decision of the Investigating committee, the Tribunal or the Appeal Board to any person or parties as it deems fit. If it decides to do so, it must communicate the decision to the Member complained against prior to communicating the decision to the other parties, and inform the Member of the parties to which the decision will be communicated.

28 All hearings under this Scheme shall be in private.