

PART I

RESPONSIBILITIES, POWERS AND FUNCTIONS OF COMMITTEES, DIVISIONS, DEPARTMENTS, SECTIONS, UNITS AND SECH CONCERNING DISCIPLINARY MATTERS

5. Disciplinary Appeals Committee

The responsibilities and functions of the Disciplinary Appeals Committee include the following:-

- 5.1 to hear matters referred by the Participant charged following verdict reached by the Disciplinary Committee in accordance with Clause 4.14.1 of Part II;
- 5.2 to summon the Participant charged to attend before the Disciplinary Appeals Committee to give evidence in relation to the charges, if fresh evidence is to be adduced and to summon the Participant charged to attend before it to make submissions in respect of the matter referred by the Enforcement Section under Clause 4.14.2 of Part II;
- 5.3 to summon the Enforcement Section to attend before the Disciplinary Appeals Committee to make submissions in respect of the matter referred by the Participant charged under Clause 4.14.1 of Part II;
- 5.4 to consider and determine, after conclusion of the hearing, whether to uphold or quash the verdict of the Disciplinary Committee;
- 5.5 to consider whether to impose the same, or substitute a lesser or greater penalty for that imposed by the Disciplinary Committee on the Participant charged if it upholds the verdict of the Disciplinary Committee;
- 5.6 to provide a written decision;
- 5.7 to consider and determine, in the case of a referral from the Enforcement Section on penalty, whether to uphold the penalty imposed by the Disciplinary Committee or to impose a lesser or greater penalty in substitution;
- 5.8 to consider the points of principles referred by the Enforcement Section in accordance with Clause 4.14.3 of Part II and give its opinion and/or guidelines to the Disciplinary Committee and the Enforcement Section;

- 5.9 to extend, vary or waive any period of time referred to in the Disciplinary Procedures or as previously ordered by the Disciplinary Appeals Committee;
- 5.10 to require the Participant charged or the Enforcement Section to supply such further information and documents in its possession or under its control relating to the case as the Disciplinary Appeals Committee sees fit;
- 5.11 to order payment to or by a Participant charged of costs and expenses incurred in obtaining external legal representation for the purposes of the hearing, such costs and expenses to be limited to professional legal fees and expenses at the hearing of the referral;
- 5.12 to vary an order for costs and expenses only when hearing a referral made to it under Clauses 4.14.1 and 4.14.2 of Part II;
- 5.13 to delegate to a member of the Disciplinary Appeals Committee the power to give instructions to the Participant charged and the Enforcement Section through the Secretary to the Disciplinary Appeals Committee on procedural matters relating to the disciplinary proceedings; and
- 5.14 to remit disciplinary cases to the Disciplinary Committee for reconsideration under Clause 5.8 of Part II.