STATUTORY INSTRUMENTS

1965 No. 373

BORROWING AND SECURITIES

PREVENTION OF FRAUD (INVESTMENTS)

The Licensed Dealers (Tribunal of Inquiry) Rules 1965

Made - - - -	3*rd March* 1965
Laid before Parliament	11*th March* 1965
Coming into Operation	12*th March* 1965

Whereas the Board of Trade have power by virtue of section 6(7) of the Prevention of Fraud (Investments) Act 1958(**a**) to make rules for regulating the procedure on any investigation by the tribunal constituted under that section:

And whereas in accordance with the requirements of section 8 of the Tribunals and Inquiries Act 1958(**b**) the Board have consulted with the Council on Tribunals before making these Rules:

Now, therefore, the Board in pursuance of the powers conferred upon them by the said section 6(7) hereby make the following Rules:—

1.—(1) On referring the case to the tribunal the Board shall—

(*a*) send to the tribunal a copy of the written notice served by them on the applicant in pursuance of section 6(1)(*a*) of the Act, together with a copy of the notification by the applicant that he wishes the case to be referred to the tribunal, and

(*b*) give notice to the applicant of the date on which the case has been referred by them to the tribunal and of the address at which any notice or other document required by these Rules to be given or sent to the tribunal may be given or sent.

(2) Within 21 days of referring the case to the tribunal the Board shall send to the tribunal such further particulars and copies of such other documents as they may consider would be of assistance to the tribunal, and shall, at the same time, send to the applicant copies of such further particulars and other documents; or, if there are no such further particulars or copies of documents to be sent, the Board shall within the said period, notify the tribunal and the applicant to that effect.

2.—(1) Within 21 days after the Board have sent to the applicant the copies of further particulars and other documents mentioned in Rule 1(2) or, as the case may be, after they have sent to him the notification therein mentioned, the applicant shall send to the tribunal a statement of his grounds for desiring the case to be investigated by the tribunal specifying—

(*a*) what allegations of fact (if any) made by the Board in the written notice served on him under section 6(1)(*a*) of the Act he disputes, and

(*b*) any other matters which he considers should be drawn to the attention of the tribunal.

(2) The applicant shall, on sending the statement referred to in paragraph (1) of this Rule to the tribunal, send a copy thereof to the Board.

(**a**) 6 & 7 Eliz. 2. c. 45. (**b**) 6 & 7 Eliz. 2. c. 66.

3.—(1) As soon as may be after receipt of the statement referred to in Rule 2 the tribunal shall give notice to the applicant and the Board of the procedure it proposes to adopt for the purpose of its investigation, and in particular whether oral evidence is to be taken.

(2) If the applicant or the Board give notice to the tribunal not later than 7 days after receipt of the notification referred to in paragraph (1) that he or they object to the proposed procedure the tribunal shall appoint a time and place at which it will give the applicant and the Board an opportunity of being heard as to the proposed procedure, and shall give notice thereof to the applicant and the Board.

(3) At the conclusion of any such hearing as is referred to in paragraph (2) or as soon as may be thereafter, the tribunal shall notify the applicant and the Board whether and if so, in what respects, it has decided to modify the procedure which it proposes to adopt for the purpose of the investigation.

4.—(1) When a witness is to be examined orally the tribunal shall give notice to the applicant and the Board of the time and place at which the examination will be held.

(2) The applicant and the Board shall be entitled to be present at the examination of any witness and to put such questions to him as may appear to the tribunal to be relevant to the subject matter of the enquiry.

5. When the tribunal takes into consideration documentary evidence the tribunal shall give the applicant and the Board an opportunity of inspecting that evidence and taking copies thereof.

6. After the evidence has been taken the tribunal shall give the applicant and the Board a reasonable opportunity of making representations on the evidence and on the subject matter of the investigation generally. Such representations may be made orally or in writing at the option of the applicant or, as the case may be, of the Board.

7. As soon as the tribunal has sent its report to the Board the tribunal shall notify the applicant accordingly and whether or not the report contains a recommendation by the tribunal or a majority thereof that the licence should be granted or remain in force, as the case may be.

8.—(1) The proceedings of the tribunal shall be in private and, except as provided in these Rules, a person shall not be entitled to be present thereat without the leave of the tribunal:

Provided that, if the applicant so requests the tribunal in writing, so much of the proceedings as the applicant is entitled to attend shall be in public.

(2) Where the applicant is a company the directors of the company shall be entitled to be present at any proceedings of the tribunal at which the applicant if a natural person would be entitled to attend:

Provided that—

(i) no director shall be entitled to be present at any proceedings by virtue of this paragraph unless not less than 48 hours before those proceedings the tribunal has been informed in writing of the intention of that director to be so present; and

(ii) no director who is to give evidence at any proceedings shall be entitled to be present at those proceedings by virtue of this paragraph until he has given his evidence.

(3) Nothing in this Rule shall prevent a member of the Council on Tribunals or of its Scottish Committee from attending in his capacity as such any of the proceedings of the tribunal which the applicant is entitled to attend.

9. In any proceedings before the tribunal—

(*a*) the applicant may be represented by counsel or solicitor, or by any other person allowed by the tribunal to appear on his behalf; and

(*b*) the Board may be represented by counsel or by any officer of the Board.

10. Any notice or other document required by these Rules to be given or sent may be given or sent by post.

11. The tribunal shall have power to extend the time prescribed by these Rules for the doing of anything and this power shall be exercisable notwithstanding that the time so prescribed has expired.

12. Anything required or authorised to be done by the tribunal in the course of an investigation may be done by the chairman except—

(*a*) the determination of the procedure proposed to be followed by the tribunal,

(*b*) the hearing of any objections to the proposed procedure,

(*c*) the taking of evidence, and

(*d*) the hearing of representations on the evidence and subject matter of the investigation.

13. Subject to the provisions of the Act and these Rules the procedure to be followed in the course of the investigation shall be such as the tribunal may direct.

14.—(1) In these Rules—

"the Act" means the Prevention of Fraud (Investments) Act 1958,

"applicant" means an applicant for a licence or, where it is proposed to revoke a licence, the holder of the licence, and

"the Board" means the Board of Trade.

(2) For the purposes of any investigation to which these Rules apply the tribunal may be referred to as the Licensed Dealers Tribunal.

(3) The Interpretation Act 1889(**a**) shall apply to these Rules as it applies to an Act of Parliament.

15. These Rules may be cited as the Licensed Dealers (Tribunal of Inquiry) Rules 1965 and shall come into operation on 12th March 1965.

3rd March 1965.

Douglas Jay,
President of the Board of Trade.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules set out the procedure to be followed on investigations by the Tribunal of Inquiry established under section 6 of the Prevention of Fraud (Investments) Act 1958.

(a) 52 & 53 Vict. c. 63.