

Statutory Document No. 2018/0146

*Tribunals Act 2006*

FINANCIAL SERVICES TRIBUNAL (AMENDMENT) RULES 2018

Approved by Tynwald: 19th June 2018
Coming into Operation: 30 June 2018

The Council of Ministers, after consulting the Deemsters¹, makes the following Rules under sections 8 and 12(3) of the Tribunals Act 2006.

1 Title

These Rules are the Financial Services Tribunal (Amendment) Rules 2018.

2 Commencement

If approved by Tynwald, these Rules come into operation on 30 June 2018².

3 Financial Services Tribunal Rules 2015 amended

The Financial Services Tribunal Rules 2015³ are amended as follows—

- (1) In rule 3(1), for the definition of “appeal”, substitute —

“**appeal**” means an appeal to the Tribunal which is permitted under any provision of Manx legislation; **2**.
- (2) For Rule 6 substitute —

6 Starting an appeal

 - (1) An appeal is made to the Tribunal by the appellant delivering to the Clerk a notice of appeal in writing (which may, but need not, be in a form prescribed under rule 30) within 21 days of the date on which the original decision was notified to the appellant.

¹ As required by section 8(1) of the Tribunals Act 2006.

² As required by section 12(2) of the Tribunals Act 2006.

³ SD 2015/0321, as amended by SD 2017/0178.

- (2) When the appellant delivers the notice of appeal to the Clerk the appellant must also deliver a copy of the notice to the respondent at the same time.
 - (3) The notice must include all the following information –
 - (a) the appellant's name and address;
 - (b) details of the original decision; and
 - (c) the grounds of the appeal (including, where appropriate, a brief summary of the facts giving rise to it).
 - (4) The notice must be accompanied by a copy of the document by which the original decision was notified to the appellant and confirmation that a copy of the notice of appeal has been sent to the respondent.
 - (5) An appellant may make an application to the Chairman for an extension of the time-limit for delivering a notice of appeal and such an application may be made before or at the same time as a notice of appeal is delivered and must –
 - (a) set out the reasons for making the application; and
 - (b) explain why the appellant cannot or could not comply with the time-limit.
 - (6) The Chairman may extend the time-limit for delivering a notice of appeal only if the Chairman is satisfied that –
 - (a) there are exceptional circumstances justifying the late acceptance of the notice of appeal; and
 - (b) the appellant has done all the appellant could to deliver the notice of appeal within the time-limit. ~~22~~.
- (3) In rule 7 –
- (a) for paragraph (2) substitute –
 - ~~22~~(2) If the notice of appeal –
 - (a) does not comply with rule 6(3) or 6(4); or
 - (b) is made after the expiry of the time referred to in rule 6(1) and no application is or has been duly made to extend the time for bringing the appeal; or
 - (c) is made after the expiry of any extension of time granted by the Chairman under rule 6 and no further application is or has been duly made to further extend the time for bringing the appeal,

the Clerk must, not later than 7 days after receipt, return it to the appellant, indicating what information or other matters should be included in it or accompany it, and the appeal is to be treated as if it had not been made. **22**;

- (b) in paragraph (3) —
 - (i) for “rule 6(1)(b)” substitute **23**rule 6(5) **22**; and
 - (ii) for “rules 6(4) and 6(5)” substitute **23**rules 6(3) and 6(4) **22**;
 - (c) in paragraph (4), for “rule 6(1)” substitute **23**rule 6 **22**;
 - (d) in paragraph (10), for “paragraph 2(a) or (b) or (4)” substitute **23**paragraph 2(a) to (c) or (4) **22**.
- (4) For rule 32 (*transitional provisions*), substitute —

2332 **Transitional provisions**

- (1) The Financial Services Review Regulations 2001⁴ continue to apply to an appeal under section 32 of the *Financial Services Act 2008* made before the coming into operation of these Rules.
- (2) These Rules are subject to any specific provision made by Schedule 1 to the *Insurance (Amendment) Act 2017*. **22**.

- (5) For rule 33 (*revocation*), substitute —

2333 **Revocation**

Subject to the transitional provisions in rule 32, the Financial Services Review Regulations 2001 are revoked in so far as they apply to an appeal under any of the following provisions —

- (a) section 32 of the *Financial Services Act 2008*;
- (b) section 45 of the *Insurance Act 2008*;
- (c) section 21 of the *Collective Investment Schemes Act 2008*;
- (d) section 38 of the *Retirement Benefits Schemes Act 2000*. **22**.

4 Revocations

The Financial Services Tribunal (Amendment) Rules 2017⁵ are revoked.

MADE 4TH JUNE 2018

W GREENHOW
Chief Secretary

⁴ SD 332/01.

⁵ SD 2017/0178.

EXPLANATORY NOTE***(This note is not part of the Rules)***

Following the coming into operation of section 55 of the Insurance (Amendment) Act 2017 and the transfer of functions of the Collective Investment Schemes Tribunal, the Retirement Benefits Schemes Tribunal and the Insurance Tribunal to the Financial Services Tribunal, these Rules amend the Financial Services Tribunal Rules 2015 by amending the definition of an “appeal” so as to include appeals made under –

- (i) section 21 of the Collective Investment Schemes Act 2008;
- (ii) section 38 of the Retirement Benefits Schemes Act 2000; and
- (iii) section 45 of the Insurance Act 2008.

These Rules, subject to transitional provisions regarding any appeals that may be in progress, also revoke the Financial Services Review Regulations 2001 in respect of appeals made under the Retirement Benefits Schemes Act 2000, the Collective Investment Schemes Act 2008 and the Insurance Act 2008.