

Securities and Futures (Appeals under Parts II and III of Act) Regulations 2002

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Securities and Futures (Appeals under Parts II and III of Act) Regulations 2002

Petition of Appeal

No. S 301

SECURITIES AND FUTURES ACT 2001 (ACT 42 OF 2001)

SECURITIES AND FUTURES (APPEALS UNDER PARTS II AND III OF ACT) REGULATIONS 2002

In exercise of the powers conferred by section 341 of the Securities and Futures Act 2001, the Monetary Authority of Singapore hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Securities and Futures (Appeals under Parts II and III of Act) Regulations 2002 and shall come into operation on 1st July 2002.

Definitions

2. In these Regulations, unless the context otherwise requires —

“appellant” means any person who wishes to appeal under Part II or III of the Act to the Minister;

“decision” includes any action by or direction of the Authority appealed against;

“Secretary” means a secretary of the Appeal Advisory Panel appointed under regulation 3(1) of the Securities and Futures (Appeals) Regulations 2002 (S 300/2002).

Procedure for appeals to Minister

3.—(1) An appellant may appeal to the Minister by lodging with a Secretary —

- (a) within the period stipulated in the relevant provision of the Act, a notice of appeal containing a brief description of the decision appealed against, in Form 1 in the Schedule; and
- (b) within 21 days from the date on which such notice of appeal was lodged, a petition of appeal containing particulars of the decision appealed against, the issues arising in the appeal and the reasons for the appeal, in Form 2 in the Schedule.

(2) The Minister may, in his discretion and subject to such conditions as he may impose, accept a notice of appeal or petition of appeal lodged by the appellant after the expiration of the period specified in paragraph (1)(a) or (b), if the Minister is satisfied that the appellant was unable to lodge the notice of appeal or petition of appeal, as the case may be, within that specified period due to the appellant’s absence from Singapore, illness, or any other reason where the Minister is satisfied that there has not been any unreasonable delay on the part of the appellant.

(3) A Secretary who receives a notice of appeal or petition of appeal shall immediately forward such document to the Minister and a copy of such document to the Authority.

(4) The Authority may, on receipt of any document referred to in paragraph (3), provide its reasons for the decision being appealed against to the Minister.

Withdrawal of appeal

4. The appellant may at any time, before the Minister confirms, varies or reverses the decision of the Authority on appeal, withdraw his appeal by serving on a Secretary a written notice to that effect.