

Insurance (Appeals) Regulations

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THE SCHEDULE Form 1

Legislative History

INSURANCE ACT

(CHAPTER 142, SECTION 49J)
INSURANCE (APPEALS) REGULATIONS

Rg 11

G.N. No. S 470/2002

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(29th February 2004)

[1st October 2002]

Citation

1. These Regulations may be cited as the Insurance (Appeals) Regulations.

Definitions

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

“Appeal Advisory Committee” means an Appeal Advisory Committee constituted under section 49G of the Act;

“Appeal Advisory Panel” means the Appeal Advisory Panel appointed under section 49H of the Act;

“appellant” means any person who wishes to appeal under the Act to the Minister;

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

“secretary” means any person who has been appointed to be the secretary of the Appeal Advisory Panel under regulation 3(1).

Secretary of Appeal Advisory Panel

3.—(1) The Minister may appoint one or more officers or employees of the Authority to be the secretary of the Appeal Advisory Panel.

- (2) The secretary may attend any meeting of any Appeal Advisory Committee.

Members and meetings of Appeal Advisory Committee

- 4.—(1) Every Appeal Advisory Committee shall consist of —

- (a) a chairman; and

- (b) 2 or more other members,

as the Minister may appoint from the members of the Appeal Advisory Panel.

(2) The Minister may appoint an alternate chairman from the members of the Appeal Advisory Committee and, in the absence of the chairman, the alternate chairman shall have all the powers conferred on the chairman by these Regulations.

(3) The quorum of any meeting of an Appeal Advisory Committee shall be 2 members, of whom one shall be the chairman or alternate chairman, and no business shall be transacted unless such a quorum is present.

(4) An issue before an Appeal Advisory Committee shall be decided by a majority of votes and, in the case of an equality of votes, the chairman shall be entitled to a casting vote.

(5) A member of an Appeal Advisory Committee shall declare to the Minister the nature and extent of all conflicts of interest or potential conflicts of interests, if any, with his duties or interests as a member of that Committee arising from —

- (a) his holding of any office;
- (b) his interest in any contract;
- (c) his possession or ownership of any property; or
- (d) any direct or indirect relationship to the appellant.

(6) Where the Minister is satisfied that the chairman, the alternate chairman or other member of an Appeal Advisory Committee is unable to carry out his duties properly and effectively because of any conflict of interest or potential conflict of interest referred to in paragraph (5), the Minister may appoint another chairman or alternate chairman or replace that other member, as the case may be.

Procedure for appeals to Minister

5.—(1) An appellant may appeal to the Minister by lodging with the 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 the 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) The secretary shall, upon receipt of any notice of appeal or petition of appeal, immediately forward such document to the Minister and a copy of such document to the Authority.

(4) Where the Minister refers an appeal to the Appeal Advisory Committee, the secretary shall —

- (a) notify the Authority and the appellant that an appeal against the decision of the Authority has been referred by the Minister to the Committee; and
- (b) forward a copy of the notice of appeal and, as soon as it is available, the petition of appeal to the Committee.

(5) Upon receipt of the notice referred to in paragraph (4)(a), the Authority may provide the Appeal Advisory Committee with its reasons for the decision being appealed against.

(6) The Appeal Advisory Committee shall give the Authority and the appellant (or his advocate and solicitor) a reasonable opportunity to appear and be heard before the Committee.

Powers of Appeal Advisory Committee to hear witness and admit evidence

6.—(1) An Appeal Advisory Committee may, in its discretion, hear any witness and may admit or reject any evidence adduced, whether oral or documentary, and whether admissible or inadmissible under any written law for the time being in force relating to the admissibility of evidence.

(2) The secretary shall cause to be served on any person who is to be summoned to appear before an Appeal Advisory Committee to give evidence or to produce any document or material, not less than 7 days before the date on which the Committee will sit, a written notice of the time and place at which the Committee will sit.

(3) The secretary shall also cause the notice referred to in paragraph (2) to be served on the Authority and the appellant (or his advocate and solicitor).

(4) Service of the notice referred to in paragraph (2) shall be effected in such manner as the secretary may determine.

(5) In any proceedings under paragraph (1), the Authority and the appellant (or his advocate and solicitor) may examine any witness who appears, and inspect any evidence adduced, before the Appeal Advisory Committee.