



Institute  
and Faculty  
of Actuaries

# Readmission to Membership Regulations

Disciplinary Committee

1 August 2023

# Readmission to Membership Regulations

- A. These Regulations shall be read alongside:
  - (a) the Disciplinary Scheme of the IFoA; and
  - (b) any relevant guidance published by the Disciplinary Committee.
- B. Where there is any conflict or inconsistency between the Disciplinary Scheme and these Regulations, the Disciplinary Scheme shall prevail.
- C. Where there is any conflict or inconsistency between these Regulations and guidance, these Regulations shall prevail.
- D. The Rules contained in these Regulations are inserted for convenience of reference only. They shall not be considered a part of the Regulations.

## Application for Readmission

**Rule 17.1** A former Member (the Applicant) who has been expelled or excluded from membership of the IFoA under this Scheme, or any earlier version of it, or the FRC Scheme may apply to the IFoA to be readmitted to membership in accordance with the Regulations.

**Rule 17.2** Once an application under Rule 17.1 has been received, the IFoA shall assign a Case Manager to make necessary inquiries in relation to the application for readmission.

1. For the purposes of these Regulations, a former Member making an application for readmission under Rule 17.1 shall be referred to as the “Applicant”.
2. Any application for readmission made under Rule 17.1 shall be in writing using the application form provided by the IFoA and shall contain any documentation in support of the application.
3. No application for readmission shall be made until three months before the expiry of the expulsion or exclusion period.
4. The Case Manager may carry out any investigation and obtain any information as they consider appropriate. Where an Applicant was excluded or expelled under the FRC Scheme, the Case Manager may invite comments from the Conduct Committee regarding the application.
5. The Case Manager shall prepare a Readmission Application Report. The Report shall include:
  - (a) a copy of the Applicant’s application for readmission;
  - (b) the determinations of any Adjudication Panel, Disciplinary Tribunal Panel or Appeals Tribunal Panel relevant to the exclusion or expulsion;

- (c) information obtained by the Case Manager as a result of their investigation under Regulation 4; and
- (d) any other relevant documentary evidence or information.

**Rule 17.3** The Case Manger shall serve a Readmission Application Report, in accordance with the Regulations, on:

- (a) the Applicant; and
- (b) the Readmission Panel.

**Rule 17.4** The Applicant may submit representations to the Readmission Panel.

6. The Applicant shall serve any comments on the Readmission Application Report and any supporting documentation in respect of their application for readmission no later than 21 days from the date of service of the Readmission Application Report. The Applicant's comments and supporting documentation shall be served on:
- (a) the Case Manager; and
  - (b) the Secretary.

#### **Notice of Hearing of the Readmission Panel**

7. Once a Readmission Application Report has been received by the Secretary, the Secretary shall arrange for a Readmission Panel to consider the application for readmission. This shall be done in accordance with the Appointments Regulations.
8. The Secretary shall serve the notice of the hearing of the Readmission Panel on the Applicant and the Case Manager. They shall be given a minimum of 28 days' notice of the hearing.
9. After notice of the hearing has been served on the parties:
- (a) the Applicant shall advise the Secretary and the Case Manager, within 14 days of service of the notice of hearing, whether they wish to attend the hearing in person; and
  - (b) the Case Manager and the Applicant shall provide to the Secretary and the other party, no later than 14 days before the date of the hearing, any written submissions or documents they will be relying on during the hearing. This will include details of any witnesses that may be called.

#### **General Procedure of the Readmission Panel**

10. The Readmission Panel may appoint an individual from the Pool of Legal Advisers to assist it in matters of law or procedure. Once appointed, the Legal Adviser may give legal advice. Any advice given in private must be made available to the parties and included in the record of the hearing.
11. Under Rule 22.2, the Readmission Panel has the power to determine its own conduct and procedure in holding hearings. The Readmission Panel has the discretion to give any directions, change any time limits, suspend any hearings, and/or accept any written undertakings from the Applicant. The Readmission Panel may depart from these Regulations in matters of procedure if it considers that there are good reasons to do so.
12. The Readmission Panel shall consider all documents placed before it to be authentic unless the authenticity of a document is challenged by the Applicant or the Case Manager. If there is a

challenge about whether a document is authentic, the Readmission Panel shall consider representations from both parties. The Readmission Panel may then give whatever weight it thinks appropriate to the contents of the document.

13. The IFoA and the Applicant may be legally represented at a Readmission Panel hearing. The Applicant may also be represented by a Member or any other person.

#### **Hearing of the Readmission Panel**

14. As a general principle, the Readmission Panel hearing will be held in public. The chair of the Readmission Panel may exclude any person from the hearing if they are disrupting the proceedings.
15. The Applicant or the Case Manger may apply to the Readmission Panel for the application, in full or in part, to be heard in private. The Readmission Panel may also, on its own motion, hear the application in private if there is good reason to do so.
16. If:
  - (a) an Applicant advises the Secretary under Regulation 9(a) that they do not wish to attend the Readmission Panel hearing; and
  - (b) the Applicant and Case Manager agree that a Readmission Panel hearing may take place in private and on the papers,the Readmission Panel hearing shall take place in private and on the papers.
17. Where the Applicant is not present at the hearing, the Readmission Panel may take the Applicant's absence into account when considering the application for readmission. If they do, the Readmission Panel shall provide reasons in its written determination.
18. Unless the Readmission Panel determines otherwise, the order of proceedings at a Readmission Panel hearing shall be as follows:
  - (a) The IFoA shall inform the Readmission Panel of the background to the case and the circumstances in which the Applicant was expelled or excluded from membership;
  - (b) The IFoA shall present the Readmission Application Report and any relevant evidence in relation to the Applicant's suitability for readmission to membership, including calling witnesses or presenting expert evidence;
  - (c) The Applicant may make any representations and/or present any relevant evidence in support of their application for readmission, including calling witnesses or presenting expert evidence; and
  - (d) Either party may cross examine the other party's witnesses.
19. As set out in Rule 1.12, the Applicant shall bear the burden of demonstrating that they are a suitable candidate for readmission to membership of the IFoA.
20. At any stage during the Readmission Panel hearing, the Panel may:
  - (a) question the parties or invite further submissions from the parties;
  - (b) direct a party to provide further evidence or information in order to assist them in their determination of the case;
  - (c) question any witnesses called by the parties;

- (d) admit any new evidence if it is reasonable and in the interests of justice to do so. The Readmission Panel shall determine the appropriate weight to place on such evidence.
21. If either party obtains additional relevant information more than 14 days after the notice of hearing has been served but before the Readmission Panel has made its determination, they may serve this additional information on the Readmission Panel and the other party. The Readmission Panel may admit the additional relevant information if it is reasonable and in the interests of justice to do so and shall give a reasonable opportunity to the other party to comment on the additional information.

*Proceeding in absence following an indication to attend*

22. If an Applicant fails to attend a hearing after indicating their intention to attend under Regulation 9(a), the Readmission Panel shall decide whether it is in the interests of justice to proceed in the Applicant's absence.
23. It is in the interests of justice to proceed in the Applicant's absence if the Readmission Panel is satisfied that:
- (a) all reasonable steps have been taken to serve notice of the time and date of the hearing on the Applicant, in accordance with Regulation 8; and
  - (b) it is fair to do so, taking into account the circumstances of the case.
24. The Readmission Panel may suspend hearings if there is a good reason to do so. Examples of a good reason may include the Applicant's ill health or a serious injury.
25. Where the Readmission Panel has decided under Regulation 22 that a hearing should take place in the Applicant's absence, this must be clearly recorded in the Readmission Panel's determination. The determination must contain a full explanation as to why the Readmission Panel proceeded in the Applicant's absence.
26. If the Readmission Panel decides not to proceed without the Applicant, the Readmission Panel shall suspend the hearing and set a later date for the hearing. In setting the later date, the Readmission Panel shall have regard to:
- (a) the reason why the Applicant failed to attend (if any);
  - (b) the length of time required before the Applicant is available to attend in future.

**Determination of the Readmission Panel**

**Rule 17.5** In considering the application for readmission, the Readmission Panel can:

- (a) grant the application for readmission;
- (b) grant the application for readmission, but impose conditions on membership for a specified period; or
- (c) reject the application for readmission.

27. In reaching its determination, the Readmission Panel may consider the following factors:
- (a) the personal circumstances of the Applicant;
  - (b) the Applicant's behaviour since expulsion or exclusion from membership;

- (c) the steps taken by the Applicant to keep up-to-date with professional standards and practice;
  - (d) the nature of any professional opportunities open to the Applicant;
  - (e) whether, if readmitted, the Applicant could be expected to maintain proper professional standards;
  - (f) the protection of the public;
  - (g) the reputation of the actuarial profession; and
  - (h) any other factors it considers relevant.
28. The Readmission Panel's written determination shall be served, as soon as is reasonable, on:
- (a) the Applicant; and
  - (b) the Case Manager.
29. The IFoA shall publicise the details of the Readmission Panel's determination as soon as is reasonable, subject to any conditions on publication imposed by the Readmission Panel in its determination. This shall be in accordance with any relevant guidance issued by the Disciplinary Committee.

**Rule 17.6** Where the application for readmission is granted under Rule 17.5(a) or (b), the Applicant shall be readmitted to membership of the IFoA.

30. Where the Readmission Panel has granted the application for readmission the Applicant shall be readmitted to membership after submitting the appropriate forms and fee to the IFoA, subject to any conditions imposed by the Readmission Panel.

**Rule 17.7** Where the application for readmission is rejected under Rule 17.5(c), the Applicant may not make any further application for readmission within:

- (a) one year from the date of the Readmission Panel's determination under Rule 17.5; or
- (b) any other period specified by the Readmission Panel.

## Costs

**Rule 17.8** The Readmission Panel shall not make an order for costs to be paid by any party to an application for readmission.

## Failure to comply with Readmission Panel's Determination

31. Where readmission is granted under Rule 17.5(b), failure or partial failure by the Member to comply with any conditions on membership shall be referred to the IFoA. The IFoA will consider whether a Complaint should be brought under Rule 5.

## Appeal against a Determination of a Readmission Panel

**Rule 17.9** The Applicant or the IFoA may appeal a determination of the Readmission Panel in accordance with Rule 18 and the Regulations.

32. If the Applicant or the IFoA appeals the determination of a Readmission Panel the notice of appeal must be served on the Secretary and the other party within 28 days of the determination being served.
33. The appeal shall proceed in accordance with Rule 18 and the Appeals Regulations.
34. The determination of the Readmission Panel remains in force until the appeal is decided.

## Definitions

Term	Meaning
Adjudication Panel	A panel referred to in Rule 13 of this Scheme.
Appeals Assessor	An assessor referred to in Rule 18 of this Scheme.
Appeals Tribunal Panel	A panel referred to in Rule 18 of this Scheme.
Bye-laws	The Bye-laws of the IFoA from time to time.
Case Manager	The person assigned to the management and investigation of an Allegation, all proceedings related to the Allegation or an application for readmission. Another Case Manager can act in place of the assigned Case Manager if they are not available.
Certificate	Any practising certificate issued by the IFoA.
Complaint	A complaint by any person, body or company, or by an Executive Officer, alleging that a named Member or former Member has committed Misconduct.
Conduct Committee	The Conduct Committee of the FRC, established under the FRC's Articles of Association or any successor entity.
Disciplinary Committee	The Disciplinary Committee of the IFoA or its successor.
Disciplinary Tribunal Panel	A panel referred to in Rule 15 of this Scheme.
FRC (the Financial Reporting Council Limited)	The Financial Reporting Council Limited, a company limited by guarantee incorporated in England and Wales, number 2486368 and any other body which takes over the functions of the FRC.
FRC Scheme	<p>The Actuarial Scheme of the FRC dated 1 January 2021 as amended from time to time by the FRC, or any actuarial scheme issued by any other body which takes over the functions of the FRC.</p> <p>The FRC Scheme was originally adopted by the Accountancy and Actuarial Disciplinary Board (AADB) on 13 September 2007. It was amended with effect from 13 October 2011 and 18 October 2012. It was amended by the FRC on 1 July 2013 and 1 June 2014.</p>
IFoA	The Institute and Faculty of Actuaries.
Member	A member of the IFoA of any class other than an Honorary Fellow or an Affiliate.
Pool of Legal Advisers	A pool of Legal Advisers appointed by the Regulatory Appointments Committee to provide independent legal advisory support to panels.



Term	Meaning
Readmission Application Report	The report prepared by the Case Manager under Rule 17.3 of this Scheme setting out the results of the Case Manager's inquiries into the Applicant's application for readmission under Rule 17.
Readmission Panel	A panel referred to in Rule 17 of this Scheme.
Regulations	Any regulations issued by the Disciplinary Committee.
Rule	A rule of this Scheme.
Rules of the IFoA	The rules of the IFoA from time to time.
Scheme	The Disciplinary Scheme made under Bye-law 59 and forming part of the Rules of the IFoA.
Secretary	The Judicial Committees Secretary of the IFoA.



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