



Financial Planning
Institute of Southern Africa

THE PROFESSIONAL STANDARD



Disciplinary Regulations

Vision

Professional financial planning for all.

Our Mission

The FPI's mission is to advance and promote the pre-eminence and status of financial planning professionals, while at all times acting in the interests of the society (community, constituency) whom the profession serves, by:

1. Improving the quality and accessibility of professional financial planning for all in Southern Africa.
2. Acting as advocate for professional financial planning, building a recognition of the importance and need for such planning by the general public.
3. Providing a framework within which members can achieve qualifications and maintain competence to create greater value for their clients, practices and employers.
4. Ensuring that members maintain the highest ethical standards in the pursuance of their profession.
5. Providing a leadership role within financial services by providing balanced, credible input and commentary to government and the public.
6. Facilitating transformation within the profession.

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PART 1

PURPOSE, DEFINITIONS AND INTERPRETATION

1. Purpose and Application:

These regulations provide for the commencement and administration of disciplinary proceedings against professional members of the Financial Planning Institute of Southern Africa NPC ("FPI"), and matters incidental thereto.

The purpose of the FPI's disciplinary proceedings is:

- to protect the public;
- to maintain public confidence in the financial planning profession;
- to declare and uphold the highest standards of conduct among FPI professional members.

The regulations set forth herein shall be binding on all professional members of the FPI, irrespective of their designation.

2. Definitions and Interpretation:

2.1 In these regulations, unless the context clearly indicates otherwise:

Memorandum of Incorporation	shall mean the Memorandum of Incorporation of the Financial Planning Institute of Southern Africa NPC, a non-profit company incorporated in terms of the Companies Act 71 of 2008, as amended and "Memorandum" shall have a similar meaning.
FPI	shall mean the Financial Planning Institute of Southern Africa NPC, a Non-Profit Company incorporated in terms of the Companies Act 71 of 2008, as amended.
Regulations	shall mean the disciplinary procedures and provisions herein, as amended from time to time.
Code of Ethics and Professional Responsibility	shall mean the FPI's Code of Ethics and Professional Responsibility, as determined from time to time, and "Code" shall have a similar meaning.
Membership Regulations	shall mean the FPI's Membership Regulations, as determined from time to time.
Professional Member	shall mean a professional member of the FPI.
Misconduct	shall mean any instance of failure, on the part of a professional member, to comply with one or more of the provisions of: <ul style="list-style-type: none">• the Membership Regulations, as amended from time to time; and /or• the collective membership policies of the FPI, as amended from time to time; and/or• the FPI Code of Ethics and Professional Responsibility ("the Code"), as amended from time to time; and/or• any combination of the above.

Interested party	shall mean any member of the public, an association of persons, a professional member of the FPI or the FPI itself, who reasonably believes that he/she/it possess information or a basis of complaint which may reasonably point to misconduct on the part of a professional member and which information or basis of complaint shall hereinafter be referred to as "a/the complaint"
Days	shall mean weekdays, excluding Saturday, Sunday and those that fall on a public holiday.
Committee	shall mean the FPI Disciplinary Committee as more fully described in Part 2 below.
Board of Directors	shall mean the Board of Directors of the FPI and "Board" shall have a similar meaning.

- 2.2 Terms and expressions defined and described in the Memorandum, shall have the same meaning and description when used in these Regulations;
- 2.3 The interpretation of these Regulations shall be, with the necessary changes, done in accordance with the interpretation provisions as detailed in the Memorandum.

PART 2

DISCIPLINARY COMMITTEE

3. Formation and Composition:

- 3.1 The Board of Directors (the Board) shall annually, at the first meeting of the term of the new Board, appoint a Disciplinary Committee (Committee).
- 3.2 The Committee shall consist of any number of Directors and CFP® professional members of the FPI, and may include FPI staff members, but shall include at least one Director of the FPI and two CFP® professional members.
- 3.3 The Committee shall meet as often as is necessary and the scheduling, method and procedure of such Committee meetings shall be in the Committee's sole discretion, provided that the Committee meets at least four times annually.
- 3.4 If only one Director of the FPI serves on the Committee, then such Director shall be the Chairperson of the Committee (the Chairperson) and if more than one Director of the FPI serves on the Committee the Committee shall elect one of the Directors as the Chairperson at its first meeting. The Committee shall further elect a Vice-Chairperson at its first meeting.
- 3.5 The members of the Committee shall hold office until their successors have been successfully appointed at the start of the new term of the Board.
- 3.6 Notwithstanding par. 3.5, any of the above mentioned persons shall vacate their office if their membership to the FPI, or where applicable, their employment with the FPI, is suspended or terminated for any reason whatsoever.

PART 3

DISCIPLINARY PROCEEDINGS

4. Receipt of a complaint and obtaining a response:

- 4.1 An interested party (complainant) shall refer a complaint to the FPI in writing, detailing the alleged act or acts relating to the complaint and further, as far as possible, set out any evidence in support of the complaint.
- 4.2 The complainant must also, if applicable, identify any witness(es) who may be able to provide evidence in support of the complaint.
- 4.3 The FPI shall cause a written notice to be sent to a professional member, notifying such member:
 - 4.3.1 of receipt of a complaint against him/her; and
 - 4.3.2 of the nature of the alleged improper conduct or contravention; and
 - 4.3.3 that such professional member may, within 14 (fourteen) days from the date of the notice, submit a voluntary written response to the allegations;
 - 4.3.4 that such professional member may choose not to respond to the allegations, in part or as a whole, but that a failure to submit a response, as set out in 4.3.3 above, would not preclude the continuation of disciplinary proceedings;
 - 4.3.5 that any response, as set out herein, may be applied in evidence during future disciplinary proceedings, if any.

5. Adjudication of Complaint without Disciplinary Hearing:

- 5.1 The FPI shall cause the complaint and the response thereto (if any) to be submitted to the Committee who shall consider the matter in private and on the papers only and decide whether:
 - 5.1.1 to dismiss the complaint on the basis that there is no prima facie case of misconduct; or
 - 5.1.2 to set the matter down for a disciplinary hearing on the basis that the complaint is, or appears to be, of a particularly serious nature, or if it deems that it would not be appropriate to dispose of the matter by Consent Order, as set out below;
 - 5.1.3 to conclude that there is a prima facie case of misconduct but that the misconduct is so insubstantial that it does not reasonably warrant further disciplinary proceedings;
 - 5.1.4 to require further inquiries to be made, on behalf of the Committee, before it can come to a decision in the matter;
 - 5.1.5 to, in its sole discretion, adjourns consideration of the complaint pending the outcome of legal proceedings, criminal investigations or settlement negotiations related to the complaint;
 - 5.1.6 on the basis that the evidence discloses a prima facie case of misconduct, to offer the professional member a disposal by Consent Order in accordance with the provisions of paragraph 5.2 below;
- 5.2 Consent Order
 - 5.2.1 If, in the view of the Committee, a prima facie case of misconduct is disclosed, the Committee may elect to dispose of the matter by way of Consent Order. The Consent

Order may contain one or a combination of the following sanctions:

- (a) An admonishment;
- (b) A reprimand;
- (c) A severe reprimand;
- (d) A fine of up to R10 000.00;
- (e) A suspension of membership for a period not exceeding 12 months;
- (f) An order to rewrite a Professional Competency Examination.
- (g) An order to successfully complete an approved Ethics course.

5.2.2 A Consent Order may, in the discretion of the Committee, also include a provision that the member pay or contribute towards the cost of the Committee's function, to a maximum amount of R1000.00.

5.2.3 The Committee shall cause a notice to be sent to the professional member detailing their decision and the terms of the Consent Order.

5.2.4 The notice to the professional member referred to 5.2.3 must be substantially in the form of Annexure A, and must be forwarded to the professional member in 2 (two) of the following ways:

- (a) by electronic mail (e-mail) to the professional member's e-mail address as per the records of the FPI; and/or
- (b) by registered post to the professional member's postal address as per the records of the FPI; and/or
- (c) by facsimile (fax) to the professional member's fax number as per the records of the FPI; and/or
- (d) by hand to the professional member's business or residential address as per the records of the FPI;

5.2.5 Proof of forwarding of the notice contemplated in 5.2.4 above shall be:

- (a) in the case of e-mail, a printout of the e-mail sent showing the date, address, time and annexures of the e-mail message;
- (b) in the case of registered post, a registered post receipt with ordinary official post office stamp or endorsement;
- (c) in the case of a fax, the transmission receipt of the fax detailing the date, time and receiving fax number; and
- (d) in the case of hand delivery, a copy of the document dated and signed by the recipient acknowledging receipt.

5.2.6 The professional member shall be required to furnish the Committee with his/her written consent to the terms of the Consent Order within 14 (fourteen) days of the date of the Consent Order.

5.2.7 Should the professional member choose not to accept the terms of the Consent Order or

fail to furnish his/her written consent within the prescribed period the Committee shall cause the matter to be set down for a Disciplinary Hearing and cause the professional member to be notified of such hearing, in the manner set out below.

- 5.2.8 If the professional member agrees to the terms of the proposed order the following steps are taken:
- (a) a finding upholding the complaint is recorded and the Consent Order, applying the sanction or sanctions and/or costs proposed, is issued against the professional member on behalf of the Committee.
 - (b) if the professional member, in agreeing to the proposed Consent Order, makes further substantive comments for consideration by the Committee, these shall be considered by circulation of papers and the Committee shall decide whether to proceed as set out in (a) above or to meet to re-consider the complaint.
 - (c) a record is kept of the Consent Order and is taken into account should there be any further complaints against the professional member concerned.
- 5.2.9 If a professional member, having been fined and/or ordered to pay costs, fails to pay the full amount within 30 (days) from date of the Consent Order, the Committee may cause the fine and/or costs to be recovered by due process of law in a competent court. The professional member shall in such case be held liable for the costs of recovery on the scale as between attorney and client together with interest at a rate of not less than 15.5% per annum. The provisions of this clause are subject to a professional member agreeing to the terms of the Consent Order, as set out in 5.2.8.

6. Adjudication of Complaint by way of Disciplinary Hearing

- 6.1 Following a determination by the Committee that the complaint is, or appears to be, of a particularly serious nature, or where the Committee deems that it would not be appropriate to dispose of the matter by Consent Order as set out above, or where a professional member does not consent to the terms of a Consent Order, the Committee shall cause the complaint to be adjudicated by way of a Disciplinary Hearing (hearing).
- 6.2 Preparation for Hearing:
- 6.2.1 The Hearing Panel:
- (a) The Committee shall cause a Panel of CFP® professional members to be appointed to adjudicate a complaint referred for disciplinary hearing.
 - (b) Such Panel shall consist of 3 (three) CFP® professional members, in good standing, who shall each have been a CFP® professional for no less than three years as at the date of the hearing.
 - (c) Members of the Board and the Committee may not be appointed as members of the Panel.
 - (d) The Panel shall at a convenient time prior to the commencement of the hearing, select a Chairperson from among its ranks.
 - (e) The Panel may request the Committee to appoint one or more assessor(s) with relevant skill, expertise and experience to assist the Panel in considering technical, legal or evidentiary matters. The assessor(s) shall however not act as member(s) of the Panel and will not participate in any decision of the Panel.

- (f) The Panel shall execute their adjudication function in a reasonable, fair and unbiased manner in accordance with the provisions of these regulations and the principles of natural justice.

6.2.2 The Case-putter:

- (a) The Committee shall further cause the appointment of an appropriate case-putter who:
 - (i) may, but need not be, a member of the FPI;
 - (ii) may not be a member of the Board or Committee;
 - (iii) may be a member of FPI staff;
- (b) The case-putter shall formulate the charge(s) in writing and, at the hearing, adduce all evidence in support of the charge(s);
- (c) The Committee may, following a request from the case-putter, appoint one or more persons to assist the case-putter.

6.3 Notice of the Hearing:

6.3.1 The case-putter shall cause the accused professional member ("the accused") to be furnished with a written notice:

- (a) informing the accused of the charge(s) against him/her;
- (b) requiring the accused to attend the hearing at a stated place, date and time, which may not be earlier than 21 (twenty-one) days after the date of dispatch of the notice of hearing ; and
- (c) informing the accused that he/she may file an answering affidavit, 10 (ten) days prior to commencement of the hearing, which may be used in evidence at the hearing; and
- (d) informing the accused that he/she may have legal representation at the hearing;

6.3.2 The notice to the accused referred to 6.3.1 must be substantially in the form of Annexure B, and must be forwarded to the accused in 2 (two) of the following ways:

- (a) by electronic mail (e-mail) to the accused's e-mail address as per the records of the FPI; and/or
- (b) by registered post to the accused's postal address as per the records of the FPI; and/or
- (c) by facsimile (fax) to the accused's fax number as per the records of the FPI; and/or
- (d) by hand to the accused's business or residential address as per the records of the FPI;

6.3.3 Proof of forwarding of the notice contemplated in 6.3.2 above shall be:

- (a) in the case of e-mail, a printout of the e-mail sent showing the date, address,

time and annexures of the e-mail message;

- (b) in the case of registered post, a registered post receipt with ordinary official post office stamp or endorsement;
- (c) the case of a fax, the transmission receipt of the fax detailing the date, time and receiving fax number;
- (d) in the case of hand delivery, a copy of the document dated and signed by the recipient acknowledging receipt.

6.3.4 Witnesses:

Where the case-putter and/or the accused intends to call any person as a witness at the hearing, a written notice of intention to call the such person must be given to the other party 10 (ten) days prior to commencement of the hearing, and the said notice must disclose the name of the witness(es) intended to be called and, in the case of an expert witness(es), the evidence the witness(es) will give.

6.3.5 Heads of Argument:

Both the accused and the case-putter shall file their Heads of Argument with the Panel no less than 5 (five) days prior to commencement of the hearing.

7. Procedure at the hearing:

7.1 Where the accused is present at the hearing the procedure is as follows:

- 7.1.1 The Chairperson of the Panel reads the charge(s) to the accused.
- 7.1.2 The Chairperson then asks the accused to plead by admitting or denying the charge or in the case of multiple charges, each one of such charges.
- 7.1.3 If the accused or the legal representative of the accused informs the Panel that the accused admits to the charge, or in the case of multiple charges, to all or some of the charges, the Panel may find the accused guilty on the charge(s), admitted to, without hearing evidence, or after hearing evidence, if it deems necessary.
- 7.1.4 If the accused denies the charge, or in the case of multiple charges all or some of the charges, the Panel must hear evidence pertaining to the charge(s), so denied.
- 7.1.5 If the accused refuses or fails to plead to a charge(s), the Panel shall make a note of the refusal or failure and shall enter a plea of denial to the charge(s) on behalf of the accused, and a plea so entered shall have the same effect as if it had in fact been so pleaded.
- 7.1.6 The case-putter then states the case against the accused and adduces evidence in support of it.
- 7.1.7 No person may be examined as a witness unless that person is, at the commencement of his /her testimony, warned to tell the truth.
- 7.1.8 The accused or the legal representative of the accused shall be given the opportunity to cross-examine any witness called by the case-putter and then the case-putter may re-examine the witness on points raised in cross-examination.
- 7.1.9 Any member of the Panel, or an Assessor through the Panel, may if he/she so deems necessary, ask any witness, any question, at any time during the course of such witness'

testimony, and may re-call any witness in the interest of establishing the facts on any point or to clarify evidence testified to.

- 7.1.10 At the conclusion of the case presented by the case-putter, the accused must be afforded the opportunity of stating his/her defence, and of adducing evidence in support of it.
 - 7.1.11 If the accused member's defence is contained in a written statement the statement must be read at the hearing.
 - 7.1.12 The case-putter may cross-examine an accused who has elected to give evidence, and each witness for the accused and then the accused or the legal representative of the accused may re-examine the witness on points raised in cross-examination.
 - 7.1.13 If any person whose evidence may be material (in the opinion of the Panel) is not called as a witness by the case-putter or the accused during the hearing, the Panel may at any time request that person as a witness, after it has informed both parties of the name of the witness and the expected evidence, and subject to their rights to cross-examine the witness.
 - 7.1.14 Members of the Panel may, with the permission of the Chairperson, question the case-putter and/or an accused who was elected to give evidence.
 - 7.1.15 At the conclusion of the case for the accused, the Panel must, irrespective of whether the accused has adduced evidence or not, hear the address of the case-putter on the case generally, but may hear no further evidence unless, in a special case, it deems it just to receive further evidence.
 - 7.1.16 At the conclusion of the address of the case-putter, the accused or the legal representative of the accused may address the Panel in defence. The case-putter may not reply to such address unless:
 - (a) the accused or the legal representative of the accused has adduced further evidence after the address of the case-putter, in which event the reply must be confined to matters arising from that evidence; or
 - (b) the accused or the legal representative of the accused has in the address raised any question of law, in which event the reply must be confined to the question of law so raised.
 - 7.1.17 The case-putter may, with the consent of the Panel, at any time withdraw any charge before a finding has been made on it, but once the accused has pleaded to a charge, the accused is entitled to a finding on it.
 - 7.1.18 The Panel may in camera deliberate and decide on any point arising in connection with, or in the course of, a hearing and at the conclusion of the hearing the Panel shall deliberate in camera.
- 7.2 Where the accused member is not present at hearing the procedure is as follows:
- 7.2.1 If an accused fails to attend the hearing or to be present at any resumption of it after an adjournment, the Panel may continue to deal with the matter in the absence of the accused as follows:
 - (a) the case-putter must produce proof to the Panel that the accused was duly notified of the hearing, as set out in par 6.3.2 and 6.3.3, or in the case of an adjournment, that the accused was reasonably aware of the recommencement of the hearing;
 - (b) the case-putter must then state the case and adduce evidence in support of it.

- 7.3 For the purposes of paragraph 7.2 formal evidence must be given, upon a warning to tell the truth, and the Panel must consider and take cognisance of all written statements and other evidence produced by the parties.
- 7.4 The Panel may adjourn the a hearing at any time or place which is acceptable to both parties and failing agreement on the time and place of such adjournment, may take any decision about the time and place for the reconvening of the hearing that would be reasonable in the circumstances.

8. Finding and Sentencing:

- 8.1 The Panel must, in regard to each charge, determine whether sufficient facts have been proved on a balance of probabilities to support the charge(s), and the Chairperson shall at the conclusion of the hearing, or so soon thereafter as in as agreed upon by all parties, announce the Panel's finding on the merits and must, if the accused is present, inform the accused of his/her right to appeal the finding(s) and sanction imposed by the Panel.
- 8.2 The Panel shall, in case of a finding of guilty on one or more charges hear argument in mitigation of sanction and impose an appropriate sanction after deliberation. The sanction shall be one or a combination of the following and shall, in the case of multiple sanctions, run concurrently:
- 8.2.1 an admonishment;
 - 8.2.2 a fine not exceeding R 100 000.00 (One Hundred Thousand Rand);
 - 8.2.3 a suspension of membership for a period not exceeding 48 (forty eight) months with or without the successful completion of a Professional Competency Examination, as an additional condition, irrespective of the length of suspension;
 - 8.2.4 An order to rewrite a Professional Competency Examination.
 - 8.2.5 An order to successfully complete an approved Ethics course.
 - 8.2.6 a termination of membership for a period not exceeding 10 (ten) years, at the expiry of which the person may re-apply for membership. The application will then be considered in the normal fashion.
 - 8.2.7 a life ban on membership.
- 8.3 The Panel may suspend all or any part of sanction(s) for any period on any condition that it deems appropriate in the circumstances.
- 8.4 The Panel may deliberate in camera upon the sanction(s) to be imposed, and the Chairperson must at the hearing announce the finding on sanction(s).
- 8.5 If the accused is not present at the hearing the Chairperson of the Panel shall cause the accused to be informed, in writing, within 10 (ten) days from date of finalisation of the hearing, of the finding(s) of the Panel in the same manner set out in par 6.3.2 and 6.3.3 above.
- 8.6 If a member, having been fined, fails to pay the fine within 30 (thirty) days from date of the Panel's finding, the Committee may cause the fine to be recovered by due process of law in a competent court. The convicted member shall in such case be held liable for the costs of recovery on the scale as between attorney and client together with interest at a rate of not less than 15.5% per annum.
- 8.6.1 The provisions of this clause 8.5 are subject to a professional member's right to appeal the finding / sanction of the Panel, as set out below.

8.7 The Committee shall cause a full record of the hearing to be kept in an appropriate format or medium for a minimum period of 3 (three) years after the date on which the hearing was concluded.

9. Appeal:

9.1 A member having been found guilty at a disciplinary hearing, or having previously consented to the terms of a Consent Order (the Appellant) may lodge an appeal against the finding and/or sanction of the Committee/Panel to the Committee within 14 (fourteen) days of the date of the finding by setting out the grounds for appeal in writing and handing a copy of such document to a responsible staff member of the FPI its head office, or by furnishing the FPI with such document in another manner as may be agreed upon between the FPI and the Appellant.

9.2 The Committee shall study the record and the grounds for the appeal and allow or disallow an appeal within 10 (ten) days of receiving the documentation from the Appellant and shall cause the Appellant to be informed, in writing, accordingly.

9.3 The Committee shall be entitled to request written reasons for the conviction and/or sanction(s) from the Panel in the case of a hearing.

9.4 In the case of the Committee disallowing the appeal, the Committee shall cause the Appellant to be notified accordingly within 10 (ten) days and the matter will further be dealt with as if no appeal has been lodged.

9.5 Where the Committee does allow the appeal the Committee shall cause an Appeal Panel to be appointed. The Appeal Panel shall consist of 5 (five) CFP® professional members, in good standing, who shall each have been a CFP® professional for no less than three years as at the date of the Appeal Hearing.

9.6 Members of the Panel of first instance, in the same matter, and members of the Board and/or the Committee are disqualified from being appointed as members of the Appeal Panel.

9.7 The Appeal Panel shall at a convenient time prior to the commencement of the hearing, select a Chairperson from among its ranks.

9.8 The Panel may request the Committee to appoint one or more assessor(s) with relevant skill, expertise and experience to assist the Appeal Panel in considering the appeal. The assessor(s) shall not act as a member of the Appeal Panel and will not participate in any decision of the Appeal Panel.

9.9 The Appeal Panel shall execute their adjudication function in a reasonable, fair and unbiased manner in accordance with the provision of these regulations and the principles of natural justice.

9.10 The Committee shall cause a representative to be appointed to represent the FPI (the Respondent) at the appeal hearing.

9.11 The Committee shall cause an Appeal Hearing to be scheduled at a time and place acceptable to both the Appellant and Respondent and failing agreement on the time and place of such Appeal Hearing, may take any decision about the time and place for the Appeal Hearing that would be reasonable in the circumstances.

9.12 Both the Appellant and Respondent shall file their Heads of Argument no less than 10 (ten) days prior to commencement of the Appeal Hearing.

9.13 The Appeal Panel shall hear argument from both the Appellant and the Respondent, in that order, but shall not hear any evidence, except where:

- 9.13.1 new information becomes available and it would be impracticable, in the opinion of the Appeal Panel, to refer the matter back to a Panel; and/or
- 9.13.2 a dispute arises as to a point of procedure followed at the original hearing, and it is not possible to ascertain from the record, in the opinion of the Appeal Panel and on a balance of probabilities, the process that the Panel followed.
- 9.14 The Appeal Panel shall at the Appeal Hearing decide the appeal by due consideration of the record of the original hearing and the arguments presented to it at the Appeal Hearing.
- 9.15 The Appeal Panel shall, in its sole discretion, have the authority to:
 - 9.15.1 substitute any finding of the Panel at the original hearing with a new finding;
 - 9.15.2 impose any new sanction(s) from the competent sanction(s) in paragraph 8.2;
 - 9.15.3 confirm the finding or findings of the Panel;
 - 9.15.4 refer the matter back for a rehearing by a new Panel on all or some of the original charges.
- 9.16 At a hearing by a new Panel as envisaged in paragraph 9.15.4, the case putter shall not be limited to the charges brought before the original Panel.
- 9.17 The Committee shall cause a full record of the Appeal Hearing to be kept in an appropriate format or medium for a minimum period of 3 (three) years after the date on which the Appeal Hearing ended.

10. Costs for Disciplinary and Appeal Hearings:

- 10.1 At the conclusion of a hearing, including an Appeal Hearing where the convicted member's appeal was not upheld, the Panel / Appeal Panel may order the convicted member to pay contribution towards the cost of such hearing/appeal hearing to a maximum amount of R10 000.00.
- 10.2 The award of costs following a hearing / appeal hearing is in the discretion of the Panel, or Appeal Panel where applicable. However, this discretion must be exercised reasonably, taking into account the circumstances of each case.
- 10.3 The case-putter / the Respondent's representative shall at the hearing of all cases request costs to be awarded against an accused, if convicted, based on the principle that a successful party is entitled to its costs and that the general membership body of the FPI should not be prejudiced by the transgressions of members found guilty.

11. Publication of Findings

The findings of the Committee or Panel/appeal Panel may be published by the FPI in such forum and manner as they deem appropriate subject to the following restrictions:

- 11.1 The finding of the Committee on a matter disposed of by Consent Order may only be published once the affected professional member has accepted the terms of the Consent Order in writing.
- 11.2 The findings of the Hearing Panel / Appeal Panel may only be published once the period for lodging an appeal has expired or where an appeal was unsuccessful.

12. Advice on Procedure:

- 12.1 A Panel or Appeal Panel may, if it deems it necessary, request the Committee to cause advice to be acquired regarding any procedural aspect not covered by these Regulations.
- 12.2 A Panel or Appeal Panel may choose to be guided by the provisions of South African statutory or common law relating to criminal or civil procedure, or when applicable, by industrial or labour relations, where such guidance would be appropriate.

THE FINANCIAL PLANNING INSTITUTE OF SOUTHERN AFRICA NPC (FPI)

and

(THE RESPONDENT)

CONSENT ORDER

I, the undersigned _____ with Identity Number: _____

and FPI Membership Number: _____ residing at _____

hereby consent to the FPI Disciplinary Committee:-

- (a) finding that the conduct with which I have been charges constitutes misconduct on my behalf in my capacity as a professional member of the FPI;
- (b) imposing the following sanction(s):
 - (i) #
 - (ii) #
 - (iii) #
- (c) making the following cost order:-

“the Respondent is ordered to pay costs in the amount of R# towards the Disciplinary Committee’s function herein”

Signed at _____ in this the _____ day of _____ 20_____

Respondent

Signed at _____ in this the _____ day of _____ 20_____ by the Respondent before me, in my capacity as Commissioner of Oaths (RSA) after having satisfied myself as to the identity of the signatory and of the fact that the Respondent knows and understands the contents of this document.

Commissioner of Oaths

NOTE:

This Consent order should reach the FPI at Palms Office Court, Block A, Kudu Avenue, Allen’s Nek, Gauteng on or before: #

NOTICE OF DISCIPLINARY HEARING

TO: NAME AND SURNAME: _____
 ID: _____
 RESIDENTIAL / BUSINESS ADDRESS: _____

 E-MAIL _____ FAX _____
 POSTAL ADDRESS: _____

TAKE NOTICE THAT you are hereby notified that a disciplinary hearing in terms the Financial Planning Institute of Southern Africa’s Disciplinary Regulations will be held at _____ on _____ the _____ day of _____ 20 ____ at ____ h ____ when the charge(s) against you, as set out in the charge sheet attached hereto, will be considered.

TAKE FURTHER NOTICE THAT you are hereby required to appear at the hearing in person, and informed that you are entitled to employee legal representation at your own cost, and that you may adduce evidence, call and examine witnesses on your behalf, and cross-examine other witnesses.

TAKE FURTHER NOTICE THAT you may, no later than 10 (ten) days prior to the disciplinary hearing, file an answering affidavit, which may be used as evidence at the disciplinary hearing, to the charge(s) against you.

TAKE FURTHER NOTICE THAT should you fail to be present at the hearing, or at the resumption of it after an adjournment, the disciplinary hearing Panel may consider and deal with the charge(s) against you in your absence in accordance with the relevant disciplinary regulations.

A copy of the relevant disciplinary regulations is enclosed.

Dated at _____ in this the _____ day of _____ 20____

For and on behalf of the FPI Disciplinary Committee

Method of notification: (Mark appropriate)

Electronic Mail

Facsimile

Registered Post

Delivery by Hand

Acknowledgement of Receipt: (Delivery by Hand)

I the undersigned..... ID:..... acknowledge receipt of this Notice of Hearing on this the day of 20.....

Signature:.....

Financial Planning Institute of Southern Africa NPC

Palms Office Court, Block A, Ground Floor

Kudu Avenue, Allen's Nek

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