

CIVIL AVIATION AUTHORITY OF SINGAPORE ACT 2009**(ACT 17 OF 2009)****CIVIL AVIATION AUTHORITY OF SINGAPORE (APPEALS TO MINISTER)
RULES 2009**

In exercise of the powers conferred by section 55(10) of the Civil Aviation Authority of Singapore Act 2009, the Minister for Transport hereby makes the following Rules:

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CIVIL AVIATION AUTHORITY OF SINGAPORE ACT 2009

(ACT 17 OF 2009)

CIVIL AVIATION AUTHORITY OF SINGAPORE (APPEALS TO MINISTER) RULES 2009

In exercise of the powers conferred by section 55(10) of the Civil Aviation Authority of Singapore Act 2009, the Minister for Transport hereby makes the following Rules:

PART I

PRELIMINARY

Citation and commencement

1. These Rules may be cited as the Civil Aviation Authority of Singapore (Appeals to Minister) Rules 2009 and shall come into operation on 31st July 2009.

Definitions

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

"address for service" means the address for service of documents referred to in rule 4;

"appeal" means an appeal under section 55(1) or (2) of the Act;

"appealable decision" means —

(a) any decision of the Authority referred to in section 55(1)(a) of the Act;

(b) any direction of the Authority under section 40, 45 or 60 of the Act;

(c) any price control determination;

(d) any notice of the Authority under section 83(2)(b) of the Act;

(e) any issue or approval of, or amendment or revocation of, a code of practice or standard of performance or any provision therein; or

(f) any decision or direction of the Authority given by or under section 60 of the Act;

"Appeals Secretary" means the Appeals Secretary appointed under rule 3;

"appellant" means —

(a) in the case of an appealable decision that is a decision or direction of the Authority given by or under section 60 of the Act — any person other than an airport licensee who is aggrieved by and appealing to the Minister against that decision; or

(b) in the case of any other appealable decision — an airport licensee who is aggrieved by and appealing to

the Minister against that decision;

"chairperson" means the chairperson of the Panel;

"member" means any member of the Panel;

"Panel" means the Appeals Advisory Panel appointed under section 56 of the Act;

"parties", in relation to any appeal against an appealable decision, means the appellant against the appealable decision and the Authority, and "party" means either one of them;

"price control determination" means a decision made by the Authority in respect of aeronautical charges under section 52(1) of the Act, and includes a determination under the Civil Aviation Authority of Singapore (Price Control for Aeronautical Charges) Rules 2009 (G.N. No. S 298/2009) —

- (a) to confirm a price control determination for the first regulatory period;
- (b) to amend any price control determination;
- (c) to revoke any price control determination;
- (d) to revoke and substitute any price control determination;

"working day" means any day except a Saturday, Sunday or public holiday.

Appeals Secretary

3.—(1) The Minister may appoint a public officer to be the Appeals Secretary for the purposes of these Rules.

(2) The Appeals Secretary shall provide administrative and secretarial support —

- (a) to the Minister; and
- (b) with the approval of the Minister, to the Panel,

in relation to every appeal under section 55 of the Act.

(3) The Appeals Secretary shall act in accordance with such instructions as may be given by the chairperson or the Minister from time to time and shall, in particular, be responsible for —

- (a) the acceptance, transmission, service and custody of documents in accordance with these Rules;
- (b) the establishment and maintenance of a list of all notices of appeal lodged with the Minister; and
- (c) the keeping of a record of the proceedings of the Panel in such form as the chairperson may direct.

(4) The Appeals Secretary shall attend at every hearing of an appeal by the Minister and at every proceeding of the Panel.

Addresses for service

4.—(1) Any document to be lodged with, sent to or served on the Panel under these Rules shall be addressed to the "Appeals Secretary, Advisory Appeals Panel" and sent to the following address:

- (a) 460 Alexandra Road, #39-00 PSA Building, Singapore 119963; or
- (b) such other address as may be notified, from time to time, in the *Gazette*.

(2) Any document to be lodged with, sent to or served on the Minister under these Rules shall be addressed to the "Appeals Secretary" and sent to the following address:

- (a) 460 Alexandra Road, #39-00 PSA Building, Singapore 119963; or
- (b) such other address as may be notified, from time to time, in the *Gazette*.

Representation

5. In appeal proceedings before the Minister or the Panel, a party may be represented by any person allowed by the Minister or the Panel, as the case may be, to appear on behalf of that party, being not an advocate and solicitor named in the register of practitioners and having in force a practising certificate issued under the Legal Profession Act (Cap. 161).

PART II**APPEALS*****Division 1 — Commencing appeal proceedings*****Commencement of appeals**

6.—(1) An appeal to the Minister shall be made by lodging a notice of appeal in accordance with rule 7.

(2) A notice of appeal must be lodged —

(a) for an appeal against an appealable decision that is a decision or direction of the Authority given by or under section 60 of the Act — within a period of 14 days after the appellant is notified of the decision or direction; or

(b) for an appeal against any other appealable decision — within a period of 14 days after —

(i) the code of practice or standard of performance is issued or approved; or

(ii) the appellant is notified of the decision,

whichever is applicable.

(3) The Minister may, on the application of the appellant, allow an extension of the period delimited under paragraph (2) for the lodgment of the notice of appeal.

(4) On receiving the notice of appeal, the Appeals Secretary must forward a copy thereof to each of the other parties concerned.

Notice of appeal

7.—(1) Every notice of appeal —

(a) must state —

(i) the name and address of the appellant;

(ii) the name and address of the appellant's authorised representative or legal representative; and

(iii) an address in Singapore for the service of documents;

(b) must contain —

(i) a concise statement of the circumstances under which the appeal arises, the facts and the issues in the appeal;

(ii) a summary of the grounds for appealing against the appealable decision of the Authority, identifying, in particular —

(A) the statutory provision under which the appeal is brought and the statutory provision under which the appealable decision was made;

(B) the extent (if any) to which the appellant contends that the appealable decision was based on an error of fact or was wrong in law; and

(C) the extent (if any) to which the appellant is appealing against the Authority's exercise of discretion in making the appealable decision;

(iii) a succinct presentation of the arguments of fact or law supporting each ground of appeal; and

(iv) the relief or directions (if any) sought by the appellant;

(c) must be signed and dated by the appellant, or on his behalf by his authorised representative or legal representative; and

(d) must be accompanied by —

(i) a copy of the appealable decision (including the code of practice or standard of performance, where applicable);

(ii) any documents supporting the arguments of fact or law; and

(iii) a fee of \$500.

(2) Without prejudice to the generality of paragraph (1)(b)(ii), in the case of an appeal against a price control determination relating to a regulatory period, the notice of appeal may also refer to any re-classification of services and facilities pursuant to —

(a) any certification under rule 5 of the Civil Aviation Authority of Singapore (Price Control for Aeronautical Charges) Rules 2009 (G.N. No. S 298/2009) that takes effect in that regulatory period;

(b) any cancellation of such a certification that takes effect in that regulatory period; or

(c) any recommendation under rule 5(3) of those Rules affecting that regulatory period.

(3) Unless the Minister otherwise directs, the appellant must lodge the duly signed original of the notice of appeal and its accompanying documents with the Minister together with 5 copies thereof, each certified by the appellant, or his authorised representative or legal representative, to be in conformity with the original.

(4) An appellant cannot raise or rely on any ground of appeal which is not stated in the notice of appeal during the hearing of the appeal unless the appellant has permission to amend his notice of appeal to include that ground.

Defective notices of appeal

8.—(1) If the Minister considers that a notice of appeal is not lodged in accordance with rule 7, is materially incomplete, unduly prolix or lacking in clarity, the Minister may give such directions to the appellant as may be necessary to remedy the notice.

(2) The Minister may, if he considers that the efficient conduct of the appeal proceedings so requires, instruct the Appeals Secretary to defer forwarding a copy of the notice of appeal to the other parties concerned until after the directions given under paragraph (1) have been complied with.

Summary disposal of appeal

9.—(1) Where the only parties to an appeal are the appellant and the Authority, the Minister may, after giving the parties an opportunity to be heard, at any stage in the appeal proceedings and without calling for a defence from the Authority, determine the appeal by confirming the appealable decision of the Authority if —

(a) he considers that the notice of appeal discloses no valid ground of appeal;

(b) he considers that the appellant is not a person entitled to appeal under section 55(1) or (2) of the Act;

(c) he is satisfied that the appellant has habitually and persistently, and without any reasonable ground —

(i) made vexatious appeals to the Minister; or

(ii) made vexatious applications in the appeal proceedings or other appeal proceedings before the Minister;
or

(d) the appellant has, without reasonable excuse, failed to comply with the time delimited by any provision of these Rules for the submission of any notice, document or other information in the appeal proceedings, or with any direction of the Minister under these Rules.

(2) Where the Minister determines an appeal under paragraph (1), he may make such consequential order as he considers appropriate.

Amendment of notice of appeal

10.—(1) The appellant may, with the permission of the Minister, amend his notice of appeal.

(2) Where the Minister grants permission under paragraph (1), he may do so on such terms or conditions as he thinks fit to impose, and he shall give such further or consequential directions as he may consider necessary.

(3) No permission to amend a notice of appeal in order to add a new ground of appeal shall be granted unless the Minister is satisfied that —

- (a) such ground is based on any matter of fact or law which came to light after the notice of appeal was lodged;
- (b) it was not practicable to include such ground in the notice of appeal at the time the notice of appeal was lodged; or
- (c) there are exceptional circumstances to do so.

Withdrawal of appeal

11.—(1) The appellant may, with the permission of the Minister, withdraw his appeal.

(2) Where the Minister grants permission under paragraph (1), he may require the Appeals Secretary to publish a notice of the withdrawal of the appeal on the Authority's website or in such other manner as the Minister may direct.

Division 2 — Response to appeal proceedings

Appeal number, etc.

12. On receiving a notice of appeal, the Appeals Secretary must —

- (a) affix to the notice an official stamp showing the date on which the notice was received;
- (b) enter the appeal in a list and assign a number thereto, which shall constitute the title of the appeal;
- (c) inform the appellant of the title of the appeal; and
- (d) subject to rules 8, 9 and 10, forward a copy of the notice of appeal to the Authority.

Defence

13.—(1) The Authority must file with the Minister a defence within a period of 21 days after receiving a copy of the notice of appeal from the Appeals Secretary.

(2) The defence —

- (a) must state —
 - (i) the name and address of the Authority;
 - (ii) the name and address of the Authority's legal representative; and
 - (iii) an address in Singapore for the service of documents;
- (b) must contain —
 - (i) a succinct presentation of the arguments of fact or law upon which the Authority will rely in responding to each ground of appeal; and
 - (ii) the relief or directions (if any) sought by the Authority; and
- (c) must be signed and dated by a duly authorised officer or the legal representative of the Authority.

(3) To file a defence, the Authority must send the duly signed original of the defence and its accompanying documents to the Appeals Secretary together with 5 copies thereof, each certified by a duly authorised officer or the legal representative of the Authority to be in conformity with the original.

(4) The Minister may, on the application of the Authority, in his discretion, extend the period delimited under paragraph

(1) for the sending of the defence.

(5) On receiving the defence, the Appeals Secretary must forward a copy to the appellant.

Defective defence

14.—(1) If the Minister considers that a defence is not sent in accordance with rule 13, is materially incomplete, unduly prolix or lacking in clarity, the Minister may give such directions to the Authority as may be necessary to remedy the defence.

(2) The Minister may, if he considers that the efficient conduct of the appeal proceedings so requires, instruct the Appeals Secretary to defer forwarding a copy of the defence to the appellant until after the directions given under paragraph (1) have been complied with.

Amendment of defence

15.—(1) The Authority may, with the permission of the Minister, amend its defence.

(2) Where the Minister grants permission under paragraph (1), he may do so on such terms or conditions as he thinks fit to impose, and shall give such further or consequential directions as he may consider necessary.

(3) No permission to amend a defence will be granted unless the Minister is satisfied that —

(a) there exists any matter of fact or law which came to light after the defence was sent to the Minister;

(b) it was not practicable to include in or omit from the defence, as the case may be, the subject-matter of the amendment proposed by the Authority at the time the defence was sent to the Minister; or

(c) there are exceptional circumstances to do so.

Division 3 —Reply and rejoinder

Reply by appellant

16.—(1) The appellant may file with the Minister a reply to the Authority's defence, not later than 21 days after the date on which the copy of the defence was sent by the Appeals Secretary to the appellant.

(2) The appellant's reply —

(a) must contain a succinct presentation of the arguments of fact or law in reply to the Authority's defence;

(b) must be signed and dated by the appellant, or on his behalf by his authorised representative or legal representative; and

(c) must be accompanied by any documents supporting those arguments of fact or law in reply.

(3) To file a reply, the appellant must lodge the duly signed original of the reply and any accompanying documents with the Minister, each certified by the appellant, or his authorised representative or legal representative, to be in conformity with the original, and must also send the copies thereof to the Authority.

Rejoinder by Authority

17.—(1) The Authority may file with the Minister a rejoinder to the appellant's reply under rule 16, not later than 21 days after the date it received the copies of the appellant's reply and the accompanying documents under rule 16(3) from the appellant.

(2) The Authority's rejoinder —

(a) must contain a succinct presentation of the arguments of fact or law in reply to the appellant's reply;

(b) must be signed and dated by a duly authorised officer or the legal representative of the Authority; and

(c) must be accompanied by any documents supporting those arguments of fact or law in reply to the appellant's reply.

(3) To file a rejoinder, the Authority must lodge the duly signed original of its rejoinder and any accompanying documents with the Minister, each certified by a duly authorised officer or the legal representative of the

Authority to be in conformity with the original, and must also send the copies thereof to the appellant.

Extension of time

18. The Minister may, on the application of the appellant or the Authority, in his discretion, extend the period delimited under rule 16 or 17 for the sending of the reply or the rejoinder, as the case may be.

No new grounds to be raised

19.—(1) Any reply of the appellant or rejoinder of the Authority under rule 16 or 17 must not raise any new ground of appeal or defence, as the case may be, except with the permission of the Minister.

(2) Where any new ground of appeal or defence is raised without the permission of the Minister, the Minister may disregard it in his consideration of the appeal.

Division 4 — Case management

Consolidation, etc.

20.—(1) Where 2 or more appeal proceedings are pending in relation to the same decision of the Authority, or involve the same or similar issues, the Minister may at any time, on the request of a party or of his own initiative, direct that the proceedings or any particular issue or matter raised in the proceedings be consolidated or heard together.

(2) All the parties to the relevant proceedings shall be entitled to make their submissions thereon before a direction under paragraph (1) is made.

Directions

21.—(1) The Minister may at any time, whether at a case management conference or otherwise, on the request of a party or of his own initiative, give one or more of the directions referred to in paragraph (2), or such other directions as he thinks fit to secure the just, expeditious and economical conduct of the appeal proceedings.

(2) Without prejudice to the generality of paragraph (1), the Minister may give directions —

- (a) as to the manner in which the proceedings are to be conducted;
- (b) as to the issues on which he requires evidence, the nature of the evidence required, and the manner in which the evidence is to be placed before him;
- (c) for the preparation and exchange of skeletal arguments;
- (d) for the filing by the appellant or the Authority of a core bundle or core bundles comprising a copy of every document on which the appellant or the Authority (as the case may be) rely, including the written statements of all witnesses of fact and expert witnesses (if any);
- (e) requiring any person to attend and give evidence or to produce documents to the Minister or to a Panel established in respect of an appeal;
- (f) inviting parties to make any submission on certain aspects of the proceedings;
- (g) as to the submission of witness statements or expert reports before the hearing;
- (h) as to the examination or cross-examination of witnesses;
- (i) as to the abridgement or extension of any time limit;
- (j) to enable the decision which is the subject of the appeal to be referred back in whole or in part to the Authority;
- (k) for the disclosure between, or the production by, the parties of documents or classes of documents;
- (l) for the appointment and instruction of experts by the parties, and the manner in which expert evidence is to be given;
- (m) requesting parties or persons who are not parties for information or particulars or for any document relating to the appeal to be produced; and
- (n) for hearing a person who is not a party where, in any proceedings, it is proposed to give a direction in

relation to that person.

- (3) The Minister may, in particular, of his own initiative —
- (a) put questions to the parties and the witnesses;
 - (b) invite the parties to make written or oral submissions on certain aspects of the proceedings;
 - (c) ask the parties or third parties for information or particulars;
 - (d) ask for any document relating to the appeal to be produced; and
 - (e) summon the parties or their representatives to meetings.
- (4) A request by a party for directions must be —
- (a) made in writing without delay; and
 - (b) served by the Appeals Secretary on any other party who may be affected by such directions, as determined by the Minister after taking into account the submissions (if any) of the parties.

Case management conference

22.—(1) The Minister may at any time, on the request of a party or of his own initiative, give directions for a case management conference to be held before the Appeals Secretary where it appears to the Minister that any appeal proceedings would be facilitated by holding such a conference and, in particular —

- (a) to ensure the efficient conduct of the appeal proceedings;
- (b) to determine the points on which the parties have to present further arguments or which call for further evidence to be produced;
- (c) to clarify the terms of the orders sought by the parties, their arguments of fact and law and the points at issue between them;
- (d) to ensure that all agreements reached between the parties about the matters in issue and the conduct of the proceedings are recorded; or
- (e) to facilitate the settlement of the proceedings.

(2) In holding a case management conference under paragraph (1), the Appeals Secretary shall act in accordance with such general or specific instructions as the Minister may issue with regard thereto.

(3) Unless the Minister otherwise directs, a case management conference must be held as soon as practicable after the filing of the defence by the Authority unless a reply is filed within the time delimited by Division 3, in which case after the filing of the rejoinder.

(4) A case management conference must be held in private unless the Minister otherwise directs.

Division 5 — Hearing of appeals

Evidence

23.—(1) The Minister —

- (a) is not bound by the provisions of the Evidence Act (Cap. 97) or by any other written law relating to evidence; and
- (b) may give directions as to —
 - (i) the issues on which he requires evidence;
 - (ii) the nature of the evidence which he requires to decide those issues; and
 - (iii) the manner in which the evidence is to be placed before him.

- (2) The Minister may, in his discretion, receive new evidence on any matter relating to an appeal if he is satisfied that --
- (a) the evidence could not have been obtained with reasonable diligence at the time of the Authority's appealable decision;
 - (b) the evidence, if given, would have had an important influence on the result of the case, though it need not be decisive; and
 - (c) the evidence is credible.

Minister may obtain information

24. Where the Minister requires any person to provide information under section 55(4) of the Act in relation to an appeal, a copy of such information shall be given to the parties to the appeal, who shall be invited to make their submissions thereon.

Requests for confidential treatment

25.—(1) A request for the confidential treatment of a document or part of a document filed or provided in connection with any appeal proceedings before the Minister --

- (a) must be made in writing by the party who submitted the document or provided such a document when submitting or providing such a document;
- (b) must, where the request relates to part of a document, state the relevant words, figures or passages for which confidentiality is claimed; and
- (c) must contain the reasons for the request for withholding the document from the other party to the appeals proceedings and, where the request relates to part of a document, the reasons specific to each part thereof.

(2) The party making the request for the confidential treatment of a document or part of a document must also file with the Minister, if the party considers it possible to summarise or redact the material in the document, a non-confidential version of the document in a form which can be served on the other party.

(3) No request for confidential treatment will be considered if the request does not comply with paragraph (1), unless the Minister considers that the circumstances are exceptional.

(4) The Minister may grant confidential treatment in relation to any document or part thereof, on such terms and conditions as he thinks fit (including changes to the summary or redacting of material in any non-confidential version filed under paragraph (2)), if he is satisfied that the document or part thereof contains --

- (a) information the disclosure of which would, in his opinion, be contrary to the public interest;
- (b) commercial information the disclosure of which, in his opinion, would or may significantly harm the legitimate business interests of the undertaking to which it relates; or
- (c) information relating to the private affairs of an individual the disclosure of which, in his opinion, would or may significantly harm the interests of that individual.

(5) In the event of a dispute as to whether confidential treatment should be granted, the Minister must decide the matter after hearing the parties, taking into account the matters referred to in paragraph (4).

(6) The Minister must not rely on any document or part thereof to which confidential treatment has been granted, for the purposes of considering the appeal and making a determination for resolving it, but may rely on the non-confidential version filed (if any) under paragraph (2) or (7)(a), as the case may be.

(7) When the Minister grants confidential treatment in relation to any document or part thereof under this rule in connection with any appeals proceedings, the party making the request for the confidential treatment must, no later than 5 days after the Minister's decision --

- (a) in the case where the grant is subject to changes to the summary or redacting of material in any non-confidential version of that document filed under paragraph (2), accordingly change the non-confidential version of that document filed and file the revised non-confidential version with the Minister, and send to the other party to the appeals proceedings the revised non-confidential version, notifying the other party that it has been redacted or summarised; or
- (b) in any other case, send to the other party to the appeals proceedings the non-confidential version filed

under paragraph (2) (if any), notifying the other party that it has been redacted or summarised.

Failure to comply with directions or time limits

26.—(1) If a party to any appeal proceedings fails to comply with any direction given by the Minister in accordance with these Rules, the Minister may, if he considers that the justice of the case so requires, order that such party be debarred from taking any further part in the proceedings without the permission of the Minister.

(2) The Minister, in his consideration of an appeal, may disregard any notice, defence, reply, rejoinder or other submission or document served on the Minister after the expiry of the time limit for the service of such submission or document imposed by any provision of these Rules or any direction of the Minister.

Adjournment

27.—(1) The Minister may, in his discretion, adjourn any hearing of an appeal on any ground and may fix a date for a further hearing.

(2) The Minister may, on the conclusion of a hearing of an appeal, adjourn for any period of time for the purpose of considering his decision.

Non-attendance of parties

28. If, at the time appointed for the hearing of an appeal, any party to the proceedings does not appear, the Minister may, if he is satisfied that the party has been duly notified of the hearing, proceed with the hearing and make such order as he thinks fit.

Decision of Minister to be notified, etc.

29. The Appeals Secretary must notify the appellant, the Authority and any other party in the appeal of the Minister's decision in respect of the appeal, and the reasons for his decision.

PART III

APPEALS ADVISORY PANEL

Formation of Panel

30.—(1) If at any time after —

- (a) a reply and rejoinder is filed under Part II with respect to an appeal against an appealable decision; or
- (b) if no reply or rejoinder is filed, a notice of appeal is lodged with respect to an appeal against an appealable decision and a defence thereto is filed in accordance with Part II,

the Minister considers that the appeal involves issues of such nature or complexity that it ought to be considered and determined by persons with particular technical or other specialised knowledge, he may by direction establish a Panel to provide advice to the Minister with regard to the discharge of his functions under section 55 of the Act in respect of the appeal.

(2) Without prejudice to rule 27, once a direction is made under paragraph (1) to establish a Panel in respect of an appeal, the Minister must adjourn the appeal proceedings and fix a date for a further hearing after he receives the advice of the Panel on the appeal.

(3) Subject to rule 31(4), a Panel established in respect of an appeal shall comprise a chairperson and 2 or more other members as the Minister may appoint from among persons with such particular technical or other specialised knowledge as the Minister considers appropriate for that appeal.

(4) The Panel established in respect of an appeal shall dissolve immediately upon the withdrawal of the appeal or upon the Minister's decision on that appeal.

Conflict of interests

31.—(1) If the chairperson or a member of the Panel appointed with respect to an appeal to the Minister has or acquires an interest, direct or indirect, in the appeal referred to it by the Minister or other matter relating to the appeal which is before the Panel, he shall —

- (a) within 48 hours after receiving notice of his appointment as such or becoming aware of the acquisition of such interest, as the case may be, declare the nature, character and extent of his interest to the Minister; and
- (b) immediately not, or cease to, take part in the consideration or discussion of, or vote on any question with

respect to, that appeal or other matter.

(2) Upon receiving any declaration under paragraph (1)(a) from the chairperson or a member of the Panel appointed with respect to an appeal to the Minister, the Minister may appoint another person to be the chairperson or member of the Panel in substitution of that chairperson or member, as the case may be.

(3) A chairperson or member of a Panel is to be regarded as having an interest in an appeal or other matter relating to an appeal if —

(a) he holds any office or possesses any property whereby, directly or indirectly, duties or interests are or might be created in conflict with his duties or interests as the chairperson or member of the Panel in relation to the consideration of the appeal or matter;

(b) he has a direct or indirect interest in a contract or proposed contract with any party to the appeal or concerning any matter relating to the appeal and the interest does or could conflict with the proper performance of his duties as the chairperson or member of the Panel in relation to the consideration of the appeal or matter; or

(c) any of his immediate family members —

(i) holds any office or possesses any property whereby, directly or indirectly, duties or interests are or might be created in conflict with his duties or interests as the chairperson or member of the Panel in relation to the consideration of the appeal or matter; or

(ii) has a direct or indirect interest in a contract or proposed contract with any party to the appeal or concerning any matter relating to the appeal and the interest does or could conflict with the proper performance of his duties as the chairperson or member of the Panel in relation to the consideration of the appeal or matter.

(4) No chairperson and no member of the Panel shall be a member, an employee or an officer of the Authority.

(5) In this rule, "immediate family members", in relation to the chairperson or a member, means a spouse, a child, an adopted child, a step-child, a sibling or step-sibling, a parent or step-parent of the chairperson or member, as the case may be.

Proceedings of Panel

32.—(1) The direction under rule 30(1) establishing a Panel with respect to an appeal will specify the terms of reference of the Panel, in particular the matters or issues the Minister requires advice on, and the procedure to be adopted by the Panel in considering the appeal referred to it.

(2) A Panel must start its proceedings no later than 28 days after the date of the direction under rule 30(1) establishing the Panel with respect to an appeal, and must submit a report of its advice to the Minister with respect to the appeal no later than 2 months after that date of the direction.

(3) After a direction under rule 30(1) is made with respect to an appeal, the Appeals Secretary must forward to the Panel copies of every notice of appeal, defence, reply and rejoinder filed in respect of the appeal, together with all such documents accompanying these documents sent to the Minister, except that where the Minister has granted confidential treatment in relation to any document or part thereof under rule 25, only the non-confidential version thereof filed under rule 25(2) or (7)(a) shall be forwarded.

(4) The Panel's proceedings must be private.

(5) The chairperson is responsible for the proper conduct of proceedings before the Panel.

(6) The Panel may of its own initiative require any party to answer any question, or produce any document or other material in his possession or under his control, which relate to any issue or matter in question in the appeal proceedings.

(7) The Panel must, so far as it appears to it to be appropriate, seek to avoid undue formality in its proceedings and must conduct its proceedings in such manner as it considers appropriate for the clarification of the issues before it and generally for the just, expeditious and economical conduct of the proceedings.

(8) Unless the Minister otherwise directs, no expert or witness of fact shall be heard by the Panel unless the relevant expert report or witness statement has been submitted before the direction under rule 30(1) establishing the Panel and in accordance with any direction of the Minister.

(9) The record of the proceedings before the Panel and its advice to the Minister in respect of any appeal shall be signed

by the chairperson.

PART IV

MISCELLANEOUS

Non-payment of fee for appeals

33.—(1) Unless otherwise directed by the Minister, the fee specified in rule 7 shall be paid to the Appeals Secretary, in such manner as the Minister may direct, at the time that the notice of appeal is lodged.

(2) Where the cheque or authorisation for the payment of any fee referred to in paragraph (1) is subsequently dishonoured and payment is not received by the Appeals Secretary within 7 days after the cheque is dishonoured, the notice of appeal to which that fee relates shall be deemed as not having been lodged.

Time

34.—(1) A period expressed in days or months after or from the happening of an event or the doing of any act or thing shall exclude the day on which the event happens or the act or thing is done.

(2) A period expressed in months shall end with the expiry of whichever day in the last month is the same day of the month as the day on which the event or the act or thing after or from which the period is to be calculated happens or is done.

(3) If, in a period expressed in months, the day on which it should expire does not occur in the last month, the period shall end with the expiry of the last day of that month.

(4) Where the time specified by the Minister, Panel or these Rules for doing any act expires on a Saturday, Sunday or public holiday, the act is in time if done on the next following working day.

Irregularities

35.—(1) Any irregularity resulting from a failure to comply with any provision of these Rules before the Minister has reached his decision shall not of itself render the proceedings void.

(2) Where any such irregularity comes to the attention of the Minister, he may give such directions as he thinks just to cure or waive the irregularity before reaching his decision if he considers that any person may have been prejudiced by the irregularity.

(3) The following may be corrected at any time by the chairperson by certificate under his hand:

(a) clerical mistakes in any document recording an advice of the Panel, or any proceedings under these Rules before the Panel; or

(b) errors arising in such a document from an accidental slip or omission.

Made this 31st day of July 2009.

CHOI SHING KWOK
*Permanent Secretary,
Ministry of Transport,
Singapore.*

