



CAPITAL MARKETS TRIBUNAL

Attendance and Representation Before the Capital Markets Tribunal

Title: *"Your Guide to Representation and Attendance at Tribunal Hearings"*

- **Who Can Attend Tribunal Hearings?**

1. **Appellants:**

- Individuals or entities filing an appeal.

2. **Respondents:**

- Individuals or entities responding to the appeal.

3. **Legal or Professional Representatives:**

- Parties may appear in person or appoint a representative such as:
 - Advocates (lawyers).
 - Registered market intermediaries.
 - Tax consultants, accountants, or auditors.

4. **Other Interested Parties:**

- Individuals or entities affected by the appeal may join the proceedings with approval.
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- **What Happens If You Don't Attend?**

1. **Appellant Fails to Appear:**

- If the appellant does not show up on the hearing date, the Tribunal may:
 - Dismiss the appeal (if there's no valid reason for absence).
 - Adjourn the hearing if deemed appropriate.
- **Consequence:** The appellant is barred from refiling the same appeal.

2. **Respondent Fails to Appear:**

- If the respondent fails to attend:
 - The appellant may request the Tribunal to proceed *ex parte* (in the absence of the respondent).

3. Both Parties Fail to Appear:

- If neither party attends:
 - The Tribunal may dismiss the appeal.
 - Alternatively, it may review the matter using submitted documents and inform the parties of the decision.
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- **Can an Ex Parte Decision Be Reversed?**

Yes, under certain conditions:

1. The respondent can apply to set aside the *ex parte* decision within **30 days** if there's a valid reason for their absence.
2. The application must:
 - Be made using *CMT Form No. 6*.
 - Include sufficient justification for the absence.

The Tribunal will review the application and, if accepted, schedule a new hearing.

- **Key Points for Parties to Remember**

1. **Hearing Notifications:**
 - The Tribunal issues a **14-day notice** for hearing dates through the Registrar.
 - It is your responsibility to confirm and prepare for attendance.
 2. **Summons for Witnesses or Experts:**
 - The Tribunal can summon witnesses or expert opinions if needed.
 - Witnesses summoned are eligible for travel allowances.
 3. **Representation and Participation:**
 - Choose a qualified representative if you cannot attend in person.
 - Ensure your representative is authorized to act on your behalf and is aware of the case details.
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- **Why Attendance Matters**

Your participation in Tribunal hearings ensures:

- A fair and just resolution of your dispute.
- Protection of your legal and financial interests.
- Representation of your voice in critical decisions.

Contact Information:

Capital Markets Tribunal (CMT)

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Disclaimer

This digest is intended to provide a simplified summary of the *Capital Markets and Securities Tribunal Rules, 2023* to help stakeholders understand key aspects of the procedures. While every effort has been made to ensure accuracy, this digest is for informational purposes only.

In the event of any conflict or discrepancy between the content of this brochure and the actual rules or the law, the provisions of the *Capital Markets and Securities Act* and the official *Capital Markets and Securities Tribunal Rules, 2023* shall prevail and take precedence. Stakeholders are advised to refer to the official legal documents or consult legal professionals for authoritative guidance.