

45.12 applies has or had its principal place of business a notice specifying a date, not being earlier than three months after the publication of the notice, on or before which claims for compensation from the Fidelity Fund, in relation to the person specified in the notice, may be made and a copy of such notice shall be sent to every Member. All claims shall be made in writing to the Exchange on or before the date specified in the notice and any claim that is not so made shall be deemed to be barred unless the Board in its absolute discretion shall determine otherwise.

**Power of Board to Settle Claims**

- 45.16 (a) Subject to the provisions of this Article, the Board may allow and settle a proper claim for compensation from the Fidelity Fund at any time after the occurrence of the pecuniary loss in respect of which the claim arose.
- (b) If the Board disallows a claim either wholly or partly it shall serve notice of the disallowance on the claimant or his solicitor.
- (c) The Board, if satisfied that there was a defalcation or fraudulent misuse of property on which to found the claim, may allow the claim and act accordingly, notwithstanding that the person against whom the defalcation or fraudulent misuse of property is alleged has not been convicted or prosecuted or that the evidence on which the Board acts would not be sufficient to establish the guilt of that person in a criminal trial in respect of the defalcation or fraudulent misuse of property.

**Power of Board to Require Production of Securities, etc.**

- 45.17 The Board may at any time require a person to produce and deliver any securities, documents or statements of evidence necessary to support a claim made or necessary for the purpose either of exercising its rights against a Member or an agent of the Member or any other person, or of enabling criminal proceedings to be taken against a person in respect of a defalcation or fraudulent misuse of property, and in default of delivery of any such securities, documents or statements of evidence by the first-mentioned person, the Board may disallow any claim by him.

**Subrogation of Exchange to Rights of Claimant**

- 45.18 On payment out of the Fidelity Fund of any moneys in respect of a claim, the Exchange shall be deemed to be subrogated to the extent of that payment to all the rights and remedies of the claimant in relation to the loss suffered by him from the defalcation or fraudulent misuse of property.

**Payment of Claims only from Fidelity Fund**

- 45.19 Money or other property belonging to the Exchange, other than the Fidelity Fund, shall under no circumstances be available for the payment of a claim under this Article except as provided in clause 39.10.