

vacancy in its membership or appoint any additional member within the limits of Rule 20 (1) (a).

- (e) No member of the Disciplinary Committee who has reached the age of 70 years shall be eligible for appointment and any member of the Disciplinary Committee reaching that age shall retire from the Disciplinary Committee at the conclusion of the next annual meeting of the Exchange and shall not be eligible for reappointment.
- (f) The remuneration and expenses of the Disciplinary Committee shall be as agreed with the Board and shall be paid by the Exchange.

20 (2) *Lay Member*

- (a) The Board shall appoint one member of the public (not a barrister or solicitor) to be the lay member of the Committee.
- (b) Each appointment of a lay member shall be for a period of one year, but may also be renewed.
- (c) The appointment shall be advised by the Exchange to the Securities Commission, to whom the lay member shall report at least once in each year.

20 (3) *Quorum*

- (a) The quorum for a meeting of the Disciplinary Committee shall consist of the chairman and at least two other members of the Committee one of whom shall be the lay member.
- (b) If the chairman of the Disciplinary Committee, or the lay member or any other member through absence or any other cause, is unable to act, the Board shall as necessary appoint a suitably qualified person to act in his place during the period of his inability to act.

20 (4) *Members' Interests*

- (a) At the hearing of any charge against a member, no member of the Disciplinary Committee who is concerned or implicated in or whose firm is concerned or implicated in that charge shall be eligible to attend any meeting of the Disciplinary Committee in respect of that charge.
- (b) The lay member shall as soon is practicable after being advised of any charge, declare any interest in connection with the parties to or the subject matter of the charge. In such a case he shall not be eligible to attend any hearing of that charge and the Board shall appoint another lay member for that hearing only.

20 (5) *Powers of the Disciplinary Committee*

- (a) Without limiting or derogating from any other provisions of these Rules, the Disciplinary Committee shall have power to hear any charge made against any member and referred to it by the Board or its delegate.
- (b) The Disciplinary Committee may, by notice in writing signed by its chairman or by any person nominated by its chairman to act as its secretary, require any person (including any officer or employee of a company member) to attend and give evidence before it at the hearing of a charge and/or to produce for inspection all books, records, tapes, documents and papers that are in the custody or under the control of the person relating to the subject matter of any such hearing.
- (c) The Disciplinary Committee may, by notice in writing require any investigating committee appointed in terms of Rule 20 (6) (a) or any member thereof to appear before it and to produce all evidence arising from and any reports of the results of any investigation.
- (d) The Disciplinary Committee shall have power to enquire into any charge by the Board that a member
 - is in partnership with a non-member who has been guilty of, or

- has engaged as an employee a person who has been guilty of, or
- has engaged as a principal as defined in Rule 3 (9) a person who has been guilty of

conduct which if committed by a member would justify the Disciplinary Committee imposing on him any of the penalties referred to in Rule 20 (10).

- (e) If the Disciplinary Committee shall find any charge as contemplated by Rule 20 (5) (d) proved it may order
 - in the case of a non-member partner, that the partnership be dissolved;
 - in the case of a principal, that such person's engagement be terminated;
 - in the case of an employee, that such employee be dismissed.
 - (f) If any member fails to carry out an order of the Disciplinary Committee made under Rule 20 (5) (e), the Disciplinary Committee may suspend him until the order is complied with.
 - (g) At any time after a charge has been made against any member, the Disciplinary Committee may of its own motion and without the necessity of giving any prior notice to the member, make an order suspending his membership until the charge has been heard and disposed of. The Disciplinary Committee shall give public notice of the fact of interim suspension.
 - (h) The member in respect of whom any interim suspension order is made may at any time apply to the Disciplinary Committee for the revocation of the order and the Disciplinary Committee may grant, on such terms as it thinks fit, or refuse any such application.
 - (i) A member who has been suspended under Rule 20 (10) may apply to the Disciplinary Committee for revocation of his suspension and the Disciplinary Committee may grant on such terms as it thinks fit, or refuse such application.
 - (j) The Disciplinary Committee may require as a condition of granting an application under Rule 20 (5) (i) that the member pay, as well as his current year's subscription to the Exchange, an additional amount not exceeding a year's subscription together with the amount payable by a member to the fidelity guarantee fund during the period of the applicant's suspension. The additional amount payable, except that part due to the fidelity guarantee fund, shall be applied for the general purposes of the Exchange.
 - (k) The Disciplinary Committee shall hear and determine any appeal by a member from the decision of a complaints committee appointed in terms of Rule 20 (13) (a). Such appeal shall be by way of complete rehearing unless the Disciplinary Committee shall decide otherwise.
 - (l) Notwithstanding Rules 6 (6) and 6 (13) no charges against members shall be open to challenge on the grounds that the same, or substantially similar allegations, are made against one or more individual members and against a company member with which the individual members are associated. Charges against a company member may raise allegations as to conduct or omission by any natural persons employed by, or officers in, that company member.
- #### 20 (6) *Investigating Committee*
- (a) The Board or its delegate may appoint an investigating committee and cause or require it to conduct such further investigation as the Board or its delegate deems appropriate on any matter which has been the subject of a complaint.
 - (b) The composition of such investigating committee shall