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Under section 63 of the *Financial and Consumer Services Commission Act*, the Lieutenant-Governor in Council makes the following Regulation:

Citation

1 This Regulation may be cited as the *Financial and Consumer Services Tribunal Regulation – Financial and Consumer Services Commission Act*.

Definition of “Act”

2 In this Regulation, “Act” means the *Financial and Consumer Services Commission Act*.

Interpretation

3 For greater certainty, the requirements of this regulation relating to the publication of the practice and procedure of the Tribunal do not apply to Practice Directions issued by the Registrar.

Publication of notice of proposed practice and procedure

4(1) Before establishing the practices and procedures of the Tribunal under section 38.1 of the Act, or making material amendments to the existing practices and procedures of the Tribunal, the chair of the Tribunal shall:

- (a) publish a notice on the Tribunal’s website, containing

- (i) the text of the proposed practice and procedure and an explanation for it,
- (ii) a statement that comments in writing may be made to the Registrar in respect of the proposed practice and procedure within 30 days after the date on which the notice was published under this paragraph,
- (iii) the name, address and telephone number of the Registrar, to whom comments referred to in subparagraph (ii) may be made, and
- (iv) a statement that a printed copy of the proposed practice and procedure may be obtained from the Registrar;

(b) publish a notice in the *Royal Gazette*, containing:

- (i) the text of the proposed practice and procedure and an explanation for it,
- (ii) a statement that comments in writing may be made to the Registrar in respect of the proposed practice and procedure within 30 days after the date on which the notice was published under paragraph (a),
- (iii) the name, address and telephone number of the Registrar, to whom comments referred to in subparagraph (ii) may be made,
- (iv) a statement that a printed copy of the proposed practice and procedure may be obtained from the Registrar, and
- (v) the website on which the proposed practice and procedure is published; and

(c) send a notice to the Law Society of New Brunswick advising it of the publications made under this section.

4(2) After the expiry of the 30-day period following the publication of the notice on the Tribunal website, the chair of the Tribunal shall

- (a) publish a summary of the comments received in response to a notice published under this section on the Tribunal's website until the proposed amendments are established under section 6, and
- (b) publish on the Tribunal's website the Tribunal's responses to the comments received in response to a notice published under this section.

4(3) The proposed practice and procedure need not be published more than once, whether or not it has been amended as a result of comments received in response to a notice published under this section.

Exemption

5 The chair of the Tribunal is not required to comply with the requirements of section 4 if the proposed practice and procedure would be an amendment or variation that in the opinion of the chair of the Tribunal would not materially change the existing practice and procedure.

Establishment and notice of practice and procedure

6 After the expiry of the 30-day period referred to in section 4, if all of the requirements of section 4 are met,

- (a) the chair of the Tribunal may establish the new practice and procedure or make a material amendment to the existing practice and procedure, as the case may be, and
- (b) the chair of the Tribunal shall publish on the Tribunal's website a notice containing the text of the new or amended practice and procedure established under paragraph (a).

Commencement of practice and procedure

7 A practice and procedure of the Tribunal comes into force on the day it is published under paragraph 6(b), or on a later date that is specified in the practice and procedure.

Investigation costs

8 The following investigation costs are prescribed for the purposes of section 44 of the Act:

- (a) costs incurred in respect of services provided by an expert, an investigator or other consultant;
- (b) costs incurred in connection with legal services provided to the Commission;
- (c) \$50 per hour for time spent by each employee of the Commission on an investigation; and
- (d) disbursements properly incurred by the Commission for an investigation.

Hearing costs

9 The following hearing costs are prescribed for the purposes of section 44 of the Act:

- (a) costs incurred in respect of services provided by an expert, an investigator or other consultant;
- (b) costs incurred in connection with legal services provided to the Commission;
- (c) disbursements properly incurred by the Commission or an employee of the Commission for a hearing;
- (d) fees and disbursements paid to a witness as follows:
 - (i) an attendance allowance of \$50 for each day of necessary attendance at the hearing,
 - (ii) if a witness resides in the Province but outside the municipality where the hearing is held, a fee of \$0.41 per kilometre between the witness' residence and the place of hearing and return,

- (iii) if a witness resides outside the Province of New Brunswick, a fee representing the minimum return air fare plus \$0.41 per kilometre to and from airports, the witness' residence and the place of hearing, and
- (iv) if the witness resides outside the municipality where the hearing is to be held and is required to remain overnight in the municipality where the hearing is being held, a fee representing reasonable hotel accommodations in the municipality where the hearing will be held;
- (e) \$50 per hour for each employee of the Commission for time spent
 - (i) preparing for a hearing, and
 - (ii) attending a hearing; and
- (f) up to \$2,000 for each day or partial day of a hearing.

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