

BANKING ENQUIRY

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GUIDELINES TO THE ENQUIRY'S SECOND PUBLIC HEARINGS COMMENCING IN APRIL 2007

To ensure that stakeholders understand the Banking Enquiry's adopted procedure for its **second public hearings** that will commence on **Tuesday, 3rd April 2007** and to assist stakeholders invited to appear at such hearings, the Enquiry releases the following Guidelines and information.

1. The second public hearings will all be held in the **Red Room, at the Competition Commission Offices, DTI Campus, 77 Meintjies Street, Pretoria.**
2. The Enquiry will at these hearings mainly focus on the following specific subjects:
 - 2.1 ATM Fees, Customer Allocation and other ATM related issues;
 - 2.2 Payment Cards and Interchange Fees;
 - 2.3 The National Payment System;
 - 2.4 Level and Structure of Charges
 - 2.5 Customer Protection Issues

So far as practicable, the Panel will on specific days deal only with one subject.

3. Only parties specifically requested by the Enquiry to make oral presentations and/or answer questions on specific subjects will be entitled to appear before the Panel at these second public hearings.
4. In dealing with any of the above subjects during the hearings,, the Panel may at any time ask any question, or raise and refer to any issue, that is relevant to the Enquiry's terms of relevance, the provisions of the Competition Act, competition law in general or any other matter which the Panel considers to be of importance to the Enquiry.

5. In addition the Panel may refer to any submission or presentation made to the Enquiry by any stakeholder and to any portion of any transcript relating to the Enquiry's previous public hearings.
6. It is intended that hearings in respect of the various subjects will be held on the following dates:
 - 6.1 3rd, 4th & 11th April 2007 : ATM Fees, Customer Allocation and other ATM related issues;
 - 6.2 17th, 18th & 19th April 2007 : Payment Cards and Interchange
 - 6.3 25th, 28th & 29th May 2007 : The National Payment System
 - 6.4 5th & 7th June 2007 : Level and Structure of Charges
 - 6.5 12th & 13th June 2007 : Customer Protection Issues
 - 6.6 18th, 19th & 21st June 2007 : Closing Presentations as may be requested by the Panel
7. If circumstances dictate, the Enquiry may alter these arrangements in detail and may also decide to hold further hearings.
8. The following Guidelines that were applicable to the first public hearings shall also apply to these hearings:
 - 8.1 The hearings will be conducted in an orderly and respectful manner with the Panel of the Enquiry, acting through the Chairperson, being in control of the proceedings at all times. The Panel will deal with the substantial merits of the issues with due regard to the rules of natural justice but with a minimum of legal formalities.

- 8.2 Subject to the provisions of Paragraphs 9.3 and 9.4 hereunder, all hearings will be open to the public.
- 8.3 The Panel may decide to conduct any portion of the hearings in private if that portion involves subject matter in respect of which a claim of confidentiality has been duly made or is made at the hearing as contemplated by the Competition Act and in paragraph 11 of the Enquiry's Terms of Reference.
- 8.4 If the Panel is of the opinion that this is necessary for the effective conduct of the Enquiry, it may decide to restrict or exclude public access to any portion of the hearings; provided that the record of such portion shall nevertheless be made available to the public on the basis contemplated in paragraph 11 of the Terms of Reference.
- 8.5 As far as practicable the hearings will be conducted in English. However, the Enquiry re-iterates its respect for all eleven official languages. Accordingly, should any party elect to make any oral presentation in any of the other official languages, an interpreter will be provided by the Enquiry, provided that at least three days' notice before the oral presentation has been given to the Enquiry Manager of the need for such interpreter.
- 8.6 All proceedings at the hearings will be recorded and transcribed.
- 8.7 Subject to the preservation of confidentiality provided for in the Terms of Reference, the Enquiry Manager will make the transcripts of the hearings available to the public as soon as is reasonably possible.
- 8.8 The interaction by the Panel with those appearing at the hearings before the panel will be intended to clarify and test the significance and reliability of the submissions and presentations made, but will be conducted in an informal manner.
- 8.9 The general rule at the public hearings will be that only the Panel members will be entitled to put questions directly to anyone making a submission or presentation. Any deviation from this rule will only be allowed if the Panel is of the opinion that compelling reasons exist for doing so.

- 8.10 Anyone appearing before the Panel will be entitled to assistance when they present their submissions.
- 8.11 The Panel may:
- 8.11.1 determine any matter of procedure not specifically dealt with in these guidelines;
 - 8.11.2 make rulings or interpret the meaning of any of these guidelines;
 - 8.11.3 in cases of uncertainty or for the sake of convenience, give direction on how the hearing is to proceed;
 - 8.11.4 condone any technical irregularities at any time during the hearings;
 - 8.11.5 amend these guidelines during the hearings.
9. It is the duty of any party who has claimed confidentiality to bring it to the attention of the Chairperson of the Enquiry should any question be raised which may infringe the abovementioned claim of confidentiality

Dated at Pretoria this the 14th day of March 2007

Charles Frank
Enquiry Manager