

## **BANKING ENQUIRY**

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## **GUIDELINES TO THE ENQUIRY'S FIRST PUBLIC HEARINGS COMMENCING IN NOVEMBER 2006**

To ensure that stakeholders understand the Banking Enquiry's adopted procedure for its first public hearings that commence on the 1<sup>st</sup> November 2006 and to assist stakeholders in presenting their submissions at such hearings, the Enquiry hereby releases the following information and Guidelines.

1. The first public hearings of the Enquiry will be held on the dates and in the cities set out hereafter:

1 <sup>st</sup> to 3 <sup>rd</sup> November 2006	-	Pretoria
9 <sup>th</sup> November 2006	-	Pretoria
13 <sup>th</sup> November 2006	-	Cape Town
29 <sup>th</sup> November 2006	-	Durban
30 <sup>th</sup> November 2006	-	Pretoria

2. If circumstances so dictate, the first public hearings will be extended.
3. Only parties who have furnished the Enquiry with written submissions by the closing date of the 27<sup>th</sup> October 2006 and who have been specifically requested by the Enquiry will be entitled to appear to make oral presentations at the public hearings. The Panel may also invite other persons to appear if it considers that this will assist the Enquiry.
4. 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.

5. Subject to the provisions of Paragraphs 6 and 7 hereunder, all hearings will be open to the public.
6. 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.
7. 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. 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.
9. All proceedings at the hearings will be recorded and transcribed.
10. 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.
11. 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.
12. Unless the Panel determines otherwise, all submissions or presentations at these first public hearings shall be limited to one hour.

13. The general rule at the first 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.
14. Anyone appearing before the Panel will be entitled to assistance when they present their submissions.
15. The Panel may:
  - 15.1 determine any matter of procedure not specifically dealt with in these guidelines;
  - 15.2 make rulings or interpret the meaning of any of these guidelines;
  - 15.3 in cases of uncertainty or for the sake of convenience, give direction on how the hearing is to proceed;
  - 15.4 condone any technical irregularities at any time during the hearings;
  - 15.5 amend these guidelines during the hearings.
16. These Guidelines shall only apply to the first public hearings to be held on the dates and in the cities referred to above.
17. Further Guidelines will be issued for the second public hearings which are currently scheduled to take place during March and April 2007.

Dated at Pretoria this 25<sup>th</sup> October 2006

**Charles Frank**  
**Enquiry Manager**