



# **The Ontario Special Education (English) Tribunal**

## **Code of Conduct**

### **For**

## **Chairs, Vice-Chairs and Members**

## Table of Contents

Introduction-----	3
Good Conduct-----	3
Fairness -----	3
Accessibility -----	4
Timeliness -----	4
Quality and Consistency -----	5
Transparency -----	5
Expertise -----	6
Cost -----	6
Respect -----	6
Collegiality -----	7
Impartiality -----	7
Conflict of Interest-----	8
Acknowledgement-----	9
Appendix A – Ontario Regulation 381/07-----	10

## INTRODUCTION

The primary objective of a code of conduct is to provide guidance to members of the Tribunal on appropriate standards of conduct.

The Code of Conduct does not stand alone. It complements and supplements the Tribunal's Rules of Procedure, Guide for Members and policies. Training will be provided to assist all appointees in meeting the high standards of conduct expected.

The Code of Conduct constitutes an important element of the accountability framework within which both the Tribunal and the individual members appointed to the Tribunal operate. At the same time, the Code of Conduct is founded on the recognition that the conduct of members must be governed by the requirements of fairness, integrity and independence in decision-making.

## GOOD CONDUCT

**Members are expected to conduct themselves in accordance with the highest ethical standards both within and outside the adjudicative proceedings.**

Members should conduct their hearings with respect for the parties, demonstrated by their dress (business attire), courtesy, attention, and reserve.

A member should immediately bring to the attention of the Chair any circumstance or change in circumstance relative to that member that may have an adverse impact on the public perception of the Tribunal.

## FAIRNESS

**To act fairly, members must follow the law, including all relevant statutes and common law. All proceedings must be conducted in accordance with the principles of natural justice.**

Tribunals have a duty to act fairly. Fairness is a broad concept that eludes simple definition but is recognizable in the conduct of adjudicative proceedings and, specifically, in the actions of a Tribunal member. Fairness is a matter of how the proceedings as a whole are conducted; the concept of procedural fairness embodies the method by which the Tribunal achieves natural justice, i.e., substantive fairness. It embraces a complex set of elements, including matters of law and matters of attitude and demeanour. At a minimum, fairness refers to a person's right to know the case against him or her, the right to respond and the right to an unbiased hearing.

Fairness requires that the process be transparent and accessible, and that the persons be accorded their rights without discrimination or favouritism.

Fairness requires that proceedings be conducted in an effective, expert and timely fashion. Proceedings must be conducted efficiently without sacrificing fairness and a just resolution.

Beyond these requirements, the varied nature of tribunals dictates that the means to achieve procedural fairness will vary from case to case and situation to situation.

## **ACCESSIBILITY**

**The Panel Chair should state clearly the procedure to be followed in the proceeding.**

The public has a right to information about the procedures and practices of the Tribunal in a format that is understandable and accessible. Parties before a Tribunal, whether or not they have legal representation, are often unfamiliar with the adjudicative process. Parties who are unrepresented must not be unduly disadvantaged when participating in Tribunal processes.

While a member cannot act as representative or counsel for the unrepresented party or parties, in the course of the proceeding, the Panel Chair may, in clear and simple language, outline for the party or parties the relevant evidentiary and procedural rules (Tribunal Rules of Procedure and Information for Parties).

Tribunal processes should be as informal and non-confrontational as the law and subject reasonably permit.

Members should consider the atmosphere of the room and general comfort, and minimize use of legal or technical language. Similarly, decisions should be issued in plain language, avoiding technical language and legal terminology, where possible.

Members must be sensitive to potential barriers to accessibility. Members should immediately take steps to alleviate any accessibility problems.

## **TIMELINESS**

**The Tribunal should act expeditiously in the best interests of the child.**

Timeliness requires that proceedings be conducted as quickly as the circumstances, considerations of fairness and the requirements for a just resolution permit.

Parties are entitled to be informed of the decision as soon as possible.

Ideally, members should reach a decision and prepare their reasons as soon as possible after the hearing is completed, when all of the evidence and arguments are still fresh in their minds. Members should strive to publish the decision with reasons within ninety days after completion of the hearing (Tribunal Rules of Procedure).

Tribunal members should make themselves available for Tribunal working groups, hearings and throughout the decision writing process. Timeliness standards are a critical aspect of the performance of members and they further the Tribunal's goals in the administration of justice.

## **QUALITY AND CONSISTENCY**

**Tribunal members must be prepared and competent to hear the matter before them.**

Public confidence in the competence and fairness of the Tribunal is enhanced when members present themselves as prepared and capable of undertaking the responsibilities assigned to them.

During the proceedings, members should conduct themselves in a manner that is courteous, patient, fair and respectful to all hearing participants and observers, while ensuring that the proceedings are orderly and efficient.

Panel Chairs should require similar conduct of others present at a hearing. It is also important that the Panel Chair maintain control over the proceedings to ensure that parties have an equal and fair opportunity to present their cases and that the hearing unfolds expeditiously.

In conducting a hearing, members must approach every issue with an open mind and avoid doing or saying anything that could cause a person to think otherwise. One member's inappropriate behaviour could seriously impair a party's right to a fair hearing, raise bias concerns and adversely affect public confidence in the administration of justice.

Members should always maintain a patient, attentive and positive visual presence.

Members must listen carefully to the views and submissions of the parties and their representatives. Although members can instil confidence in the decision-making process by ensuring that the parties are provided with a fair and reasonable opportunity to be heard, it is also important for Panel Chairs to keep the hearing flowing at a reasonable pace, to keep it focused on relevant evidence and to discourage protracted arguments and submissions that delay the proceeding unnecessarily.

The public has the right to expect thoughtful, fair and reasoned decision-making from all members of the Tribunal.

## **TRANSPARENCY**

**Transparency requires that the Panel Chair conduct proceedings in a manner that enables the parties to understand the process and its potential implications for them.**

This may require the Panel Chair to state the Tribunal's process, the members' roles and the parties' procedural rights and responsibilities, particularly where a party is not represented (Tribunal Rules of Procedure and Information for Parties).

Transparent Tribunal processes build public confidence in the justice system and strengthen the confidence of a party to a proceeding in the outcome of that appeal. It is not enough that the member act in a manner that is fair, the parties must be able to see for themselves that the process is fair. Proceedings conducted in a transparent and open

manner will provide assurance that the entire decision making process is impartial and fair.

Transparency also requires that the parties should be able to ascertain the Tribunal's reasons and the logic used in making the decision.

Members should act in a transparent and accountable manner regarding their personal and professional actions, in such a fashion that actions would bear close public scrutiny.

## **EXPERTISE / COMPETENCE**

**Tribunal members are entrusted with the power to make decisions that have a significant impact on pupils, the parties and the public.**

To meet this responsibility fully and effectively, decision-makers should develop and maintain specialized skills, a breadth of knowledge, a grasp of legislative objectives and an awareness of the social implications of their decisions.

In addition, Tribunal members should use discretion and their own judgment, rather than to merely adhere to rigid rules.

## **COST**

**The adjudicative process should be both efficient and fair.**

Parties before a Tribunal should have their problems resolved fairly, at the earliest possible time, and at the least possible cost.

Members should respect the use and treatment of public funds.

## **RESPECT**

**Tribunal members demonstrate their respect for the parties, representatives, witnesses, observers and for the Tribunal process itself through their demeanour, timeliness, dress and conduct throughout the proceeding.**

The Tribunal hears cases about issues which profoundly affect student's lives. Issues before the Tribunal are often of a personal nature.

Members should demonstrate a high degree of sensitivity to issues of gender, age, ability, race, sexual orientation, marital status, language, culture and religion. These issues may, for example, affect the affirmation/swearing-in of witnesses, the scheduling and time of the hearing and the attire of the participants, among other things.

In considering the demeanour of a party or witness in the context of an assessment of credibility, the member should take into consideration the cultural norms affecting the manner of the witness. Members should be sensitive to the possibility that significant differences in demeanour or body language accorded to different parties could be misinterpreted by them and may lead to a claim of bias.

Members should also consider that a person's demeanour and understanding of the proceeding may be affected by physical, sensory, developmental and learning disabilities.

## **COLLEGIALITY**

**Adjudication by the Tribunal relies for its success in large part on the fact that the members are conversant with the law, policy and general background pertaining to special education. This expertise is enhanced by ongoing collegial discussion and exchanges of views and information among members as they carry out their daily responsibilities.**

### *Relations with Staff*

Members should foster effective relations with Tribunal staff based on respect, co-operation and courtesy. Members should recognize the contributions of staff to the work of the Tribunal, and should work to enable them to perform their duties.

### *Relations with Member Colleagues*

Members should conduct themselves in a manner which demonstrates respect for the views and opinions of colleagues. Members should not criticize their colleagues in public.

## **IMPARTIALITY**

**Fairness requires that adjudicators must be impartial and independent of any improper influences.**

During the term of appointment, a member should strive to conduct himself or herself in a manner that would be perceived as impartial, in the eyes of an objective third party reasonably informed of the facts.

Bias is a lack of neutrality or impartiality on the part of a decision-maker regarding an issue to be decided. A biased decision-maker is one who is predisposed to decide a case on the basis of considerations extraneous to the evidence or the applicable law, policy or argument made in the case. A party's claim of bias on the part of a decision-maker may form the grounds for an application for judicial review (i.e., a court challenge) on the basis that the party's rights to natural justice have been infringed.

Under the law, an apprehension of bias by a reasonable observer is as detrimental to the hearing process as actual bias. Members should therefore not only be unbiased, but appear to be so. Whether or not there is a reasonable apprehension of bias will be determined by the situation and the nature of the Tribunal.

## CONFLICT OF INTEREST

Conflict of interest is any situation where a tribunal member's interests may be in conflict with his/her public service responsibilities. Tribunal members are in a position of trust and are accountable for fulfilling their duties with integrity. Conflict of interest rules assist tribunal members to act honestly and honourably in all situations.

In addition to complying with these rules, all members shall comply with the conflict of interest rules set out in Ontario Regulation 381/07 attached hereto.

Where a provision in these rules is inconsistent with a provision of the Regulation, the provision of the Regulation prevails.

For the purpose of the above paragraph, a provision in these rules is inconsistent with a provision of the Regulation where a provision in the rules establishes a degree of conduct that is lower than is established by the Regulation. An inconsistency does not arise where a provision in these rules exceeds the degree of ethical conduct established by the Regulation.

Tribunal conflict of interest rules prohibit tribunal members from engaging in situations of conflict of interest which include but are not limited to the following:

- using their position to benefit themselves, their spouse or their children;
- accepting gifts;
- disclosing confidential information;
- giving preferential treatment;
- hiring their spouse, children, parents or siblings;
- engaging in outside activities that conflict with their tribunal duties;
- making personal use of government resources; and
- after leaving the Tribunal,
  - disclosing confidential information even after they have left the Tribunal
  - accepting post-service employment for 12 months after leaving the Tribunal, if that employment would create a conflict.
  - lobbying any ministry or public body they worked at during the 12 months before leaving the public service

The onus is on each tribunal member to disclose an actual or potential conflict promptly to his/her ethics executive.

The ethics executive is responsible for:

- promoting ethical conduct by current and former tribunal members
- answering questions about the application of conflict of interest rules
- determining whether a conflict of interest exists
- providing direction where there is a conflict of interest or potential conflict of interest
- referring any matter to the Conflict of Interest Commissioner

The Tribunal Chairs are the ethics executive for the Tribunal members. The Conflict of Interest Commissioner is the ethics executive for the Tribunal Chairs.

## ACKNOWLEDGEMENT

Each member must adhere to this code of conduct and commit to supporting standards set out in applicable legislation, policies or guidelines.

Members should review and reaffirm their commitment to and compliance with the tribunal's Code of Conduct upon initial appointment and on a regular basis thereafter.

I ACKNOWLEDGE that I have read and understand the Code of Conduct of the Ontario Special Education Tribunal and agree to conduct myself in accordance with the Code of Conduct.

\_\_\_\_\_  
Signature of Tribunal Member

\_\_\_\_\_  
Signature of Witness

Date:

Date:

# APPENDIX A: O. REG. 381/07

## ONTARIO REGULATION 381/07

made under the

### PUBLIC SERVICE OF ONTARIO ACT, 2006

### CONFLICT OF INTEREST RULES FOR PUBLIC SERVANTS (MINISTRY) AND FORMER PUBLIC SERVANTS (MINISTRY)

#### CONTENTS

##### PART I

##### **RULES FOR PUBLIC SERVANTS WHO WORK IN A MINISTRY**

###### INTERPRETATION

- 1. Definitions
- 2. Application

###### PROHIBITED CONDUCT

- 3. Benefiting self, spouse or children
- 4. Accepting gifts
- 5. Disclosing confidential information
- 6. Giving preferential treatment
- 7. Hiring family members
- 8. Engaging in business, etc.
- 9. Participating in decision-making

###### MATTERS THAT MIGHT INVOLVE THE PRIVATE SECTOR

- 10. Interpretation
- 11. Duty to declare certain financial interests
- 12. Prohibition on certain purchases
- 13. List of positions

##### PART II

##### **RULES FOR FORMER PUBLIC SERVANTS WHO WORKED IN A MINISTRY**

###### INTERPRETATION

- 14. Definition
- 15. Application

###### PROHIBITED CONDUCT

- 16. Seeking preferential treatment, etc.
- 17. Disclosing confidential information
- 18. Restriction on lobbying
- 19. Restriction on employment, etc.
- 20. Restriction re certain transactions

##### PART III

##### **COMMENCEMENT**

- 21. Commencement

##### PART I

##### **RULES FOR PUBLIC SERVANTS WHO WORK IN A MINISTRY**

###### INTERPRETATION

###### **Definitions**

- 1. In this Part,

“confidential information” means information that is not available to the public and that, if disclosed, could result in harm to the Crown or could give the person to whom it is disclosed an advantage;

“gift” includes a benefit of any kind;

“spouse” means,

- (a) a spouse as defined in section 1 of the *Family Law Act*, or
- (b) either of two persons who live together in a conjugal relationship outside marriage.

**Application**

- 2. This Part applies to every public servant who works in a ministry.

PROHIBITED CONDUCT

**Benefiting self, spouse or children**

3. (1) A public servant shall not use or attempt to use his or her employment by the Crown to directly or indirectly benefit himself or herself or his or her spouse or children.

(2) A public servant shall not allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her duties to the Crown.

**Accepting gifts**

4. (1) A public servant shall not accept a gift from any of the following persons or entities if a reasonable person might conclude that the gift could influence the public servant when performing his or her duties to the Crown:

- 1. A person, group or entity that has dealings with the Crown.
- 2. A person, group or entity to whom the public servant provides services in the course of his or her duties to the Crown.
- 3. A person, group or entity that seeks to do business with the Crown.

(2) Subsection (1) shall not operate to prevent a public servant from accepting a gift of nominal value given as an expression of courtesy or hospitality if doing so is reasonable in the circumstances.

(3) A public servant who receives a gift in the circumstances described in subsection (1) shall notify his or her ethics executive.

**Disclosing confidential information**

5. (1) A public servant shall not disclose confidential information obtained during the course of his or her employment by the Crown to a person or entity unless the public servant is authorized to do so by law or by the Crown.

(2) A public servant shall not use confidential information in a business or undertaking outside his or her work for the Crown.

(3) A public servant shall not accept a gift directly or indirectly in exchange for disclosing confidential information.

**Giving preferential treatment**

6. (1) When performing his or her duties to the Crown, a public servant shall not give preferential treatment to any person or entity, including a person or entity in which the public servant or a member of his or her family or a friend has an interest.

(2) When performing his or her duties to the Crown, a public servant shall endeavour to avoid creating the appearance that preferential treatment is being given to a person or entity that could benefit from it.

(3) A public servant shall not offer assistance to a person or entity in dealing with the Crown other than assistance given in the ordinary course of the public servant's employment.

**Hiring family members**

7. (1) A public servant shall not, on behalf of the Crown, hire his or her spouse, child, parent or sibling.

(2) A public servant shall not, on behalf of the Crown, enter into a contract with his or her spouse, child, parent or sibling or with a person or entity in which any of them has a substantial interest.

(3) A public servant who hires a person on behalf of the Crown shall ensure that the person does not report to, or supervise the work of, the person's spouse, child, parent or sibling.

(4) A public servant who reports to, or supervises the work of, his or her spouse, child, parent or sibling shall notify his or her ethics executive.

**Engaging in business, etc.**

8. A public servant shall not become employed by or engage in a business or undertaking outside his or her employment by the Crown in any of the following circumstances:

1. If the public servant's private interests in connection with the employment or undertaking could conflict with his or her duties to the Crown.
2. If the employment or undertaking would interfere with the public servant's ability to perform his or her duties to the Crown.
3. If the employment is in a professional capacity and is likely to influence or detrimentally affect the public servant's ability to perform his or her duties to the Crown.
4. If the employment would constitute full-time employment for another person. However, this paragraph does not apply with respect to a public servant who is employed part-time by the Crown. This paragraph also does not apply with respect to a public servant who is on an authorized leave of absence from his or her position, but only if the employment is not contrary to or inconsistent with the terms of the leave of absence.
5. If, in connection with the employment or undertaking, any person would derive an advantage from the public servant's employment as a public servant.
6. If government premises, equipment or supplies are used in the employment or undertaking.

**Participating in decision-making**

9. (1) A public servant shall not participate in decision-making by the Crown with respect to a matter that the public servant is able to influence in the course of his or her duties if the public servant could benefit from the decision.

(2) Subsection (1) does not apply if the public servant obtains the prior approval of his or her ethics executive to participate in decision-making by the Crown with respect to the matter.

(3) A public servant who, in the course of his or her employment in a ministry, is a member of a body or group shall not participate in, or attempt to influence, decision-making by the body or group with respect to a matter if the public servant could benefit from the decision or if, as a result of the decision, the interests of the body or group could conflict with the interests of the Crown.

(4) A public servant described in subsection (3) shall inform the body or group if the circumstances described in that subsection exist.

MATTERS THAT MIGHT INVOLVE THE PRIVATE SECTOR

**Interpretation**

10. (1) Sections 11 and 12 apply to every public servant who works in a ministry, who routinely works on one or more matters that might involve the private sector and who has access to confidential information about the matter obtained during the course of his or her employment by the Crown.

(2) In this section and in sections 11 and 12,

“matter that might involve the private sector” means a matter,

(a) that relates to services currently provided under a program of the Crown or by a public body, an agency of the Crown or a corporation controlled by the Crown with respect to which it is possible that a private sector entity will provide all or part of the financing for the services or will provide some or all of the services, and

(b) that has been referred to a ministry, a public body or an agency of the Crown by the Executive Council or a member of the Executive Council for review or implementation.

**Duty to declare certain financial interests**

11. (1) When a public servant described in subsection 10 (1) begins work on a matter that might involve the private sector, he or she shall make a declaration to the Conflict of Interest Commissioner in which the public servant discloses the following matters respecting his or her financial interests:

1. A legal or beneficial interest of the public servant in securities or derivatives of corporations or governments, other than the Government of Ontario.
  2. A legal or beneficial interest of the public servant in a business entity or a commercial operation or in the assets of such an entity or operation.
  3. A legal or beneficial interest of the public servant in real property.
  4. A legal or beneficial interest of the public servant in a mutual fund that is operated as an investment club where,
    - i. its shares or units are held by not more than 50 persons and its indebtedness has never been offered to the public,
    - ii. it does not pay or give any remuneration for investment advice or in respect of trades in securities, except normal brokerage fees, and
    - iii. all of its members are required to make contributions in proportion to the shares or units each holds for the purpose of financing its operations.
- (2) Despite subsection (1), the public servant is not required to disclose his or her legal or beneficial interest in any of the following:
1. A mutual fund within the meaning of subsection 1 (1) of the *Securities Act* other than a mutual fund described in paragraph 4 of subsection (1) of this Regulation.
  2. Fixed-value securities issued or guaranteed by a government or a government agency.
  3. A guaranteed investment certificate or similar financial instrument issued by a financial institution entitled by law to issue such instruments.
  4. A registered pension plan, an employee benefit plan, an annuity or life insurance policy or a deferred profit sharing plan.
  5. Real property that the public servant, or a member of his or her family, uses primarily as a residence or for recreational purposes.
- (3) The public servant shall disclose the information required by subsection (1), with necessary modifications, in respect of his or her spouse and dependent children, but only to the extent that the legal or beneficial interests of the spouse or a child could create a conflict of interest.
- (4) For the purpose of subsection (3), the public servant shall make reasonable efforts to obtain information about the financial interests described in subsection (1) of his or her spouse and dependent children.
- (5) The public servant shall give the Conflict of Interest Commissioner a revised declaration whenever there is a change in any of the information required to be disclosed.

**Prohibition on certain purchases**

**12.** (1) A public servant described in subsection 10 (1) shall not purchase, or cause another person to purchase on his or her behalf, a legal or beneficial interest in an entity that is carrying on, or proposes to carry on, an activity relating to a matter that might involve the private sector.

(2) Despite subsection (1), a public servant may purchase an interest in a mutual fund (within the meaning of subsection 1 (1) of the *Securities Act*) that includes securities of a person or entity described in subsection (1) but not an interest in a mutual fund described in paragraph 4 of subsection 11 (1) of this Regulation that includes such securities.

- (3) The prohibition described in subsection (1) ceases to have effect with respect to the matter,
  - (a) six months after the date on which the action in respect of the matter is completed; or
  - (b) six months after the date the Crown ceases to work on the matter.

**List of positions**

**13.** (1) The Public Service Commission shall maintain a current list of positions in which public servants work in a ministry and routinely work on one or more matters that might involve the private sector.

(2) The Commission shall ensure that public servants employed by the Crown in the positions described in subsection (1) are advised of the duties and restrictions imposed upon them under sections 11 and 12.

(3) Every ethics executive shall notify the Commission of changes to be made to the list with respect to those persons for whom he or she is the ethics executive.

## **PART II RULES FOR FORMER PUBLIC SERVANTS WHO WORKED IN A MINISTRY**

### INTERPRETATION

#### **Definition**

**14.** In this Part,

“designated senior position” means any of the following positions:

1. The Secretary of the Cabinet.
2. Deputy minister, associate deputy minister or assistant deputy minister.
3. A position that is classified under subsection 33 (1) of the Act as SMG 2, XOFA 1, XOFA 2, ITX 2, ITX 3 or ITX 4.

#### **Application**

**15.** (1) This Part applies with respect to every former public servant who, immediately before he or she ceased to be a public servant, worked in a ministry.

(2) Despite subsection (1), this Part does not apply to a person who ceases to be a public servant before the day on which section 57 of the Act comes into force.

### PROHIBITED CONDUCT

#### **Seeking preferential treatment, etc.**

**16.** A former public servant shall not seek preferential treatment by, or privileged access to, public servants who work in a minister’s office, a ministry or a public body.

#### **Disclosing confidential information**

**17.** (1) A former public servant shall not disclose confidential information obtained during the course of his or her employment by the Crown to a person or entity unless the former public servant is authorized to do so by law or by the Crown.

(2) A former public servant shall not use confidential information in a business or undertaking.

#### **Restriction on lobbying**

**18.** (1) This section applies to a former public servant who, immediately before ceasing to be a public servant, was employed in a designated senior position.

(2) For 12 months after ceasing to be a public servant, the former public servant shall not lobby any of the following persons on behalf of a public body or another person or entity:

1. A public servant who works in a ministry or public body in which the former public servant worked at any time during the 12 months before he or she ceased to be a public servant.
2. The minister of any ministry in which the former public servant worked at any time during the 12 months before he or she ceased to be a public servant.
3. A public servant who works in the office of a minister described in paragraph 2.

#### **Restriction on employment, etc.**

**19.** (1) This section applies to a former public servant who, immediately before ceasing to be a public servant, was employed in a designated senior position and who, at any time during the 12 months before he or she ceased to be employed as a public servant, in the course of his or her employment as a public servant,

- (a) had substantial involvement with a public body or another person or entity; and
- (b) had access to confidential information that, if it were to be disclosed to the public body, person or entity, could result in harm to the Crown or could give the public body, person or entity an unfair advantage in relation to one or more third parties.

(2) For 12 months after ceasing to be a public servant, the former public servant shall not accept employment with the public body, person or entity or serve as a member of the board of directors or other governing body of the public body, person or entity.

**Restriction re certain transactions**

**20.** (1) This section applies to a former public servant who, when he or she was a public servant working in a ministry, advised the Crown about a particular proceeding, negotiation or other transaction.

(2) The former public servant shall not advise or otherwise assist any public body or any other person or entity in connection with the particular proceeding, negotiation or other transaction until the Crown ceases to be involved in it.

(3) Despite subsection (2), the former public servant may continue to advise or otherwise assist the Crown in connection with the particular proceeding, negotiation or other transaction.

**PART III  
COMMENCEMENT**

**Commencement**

**21. This Regulation comes into force on the day section 57 of the Act comes into force.**