



Institute
and Faculty
of Actuaries

APS X3 : The Actuary as an Expert

Questionnaire

Publication Date: 9 October 2013

Closing date: 9 December 2013

1. About You

Name:	Yvonne Lynch
Position held:	Director of Professional Affairs

2. Are you a member of the IFoA?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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3. If yes, which category of membership?

Student	<input type="checkbox"/>	Fellow	<input checked="" type="checkbox"/>
Affiliate	<input type="checkbox"/>	Honorary Fellow	<input type="checkbox"/>
Associate	<input type="checkbox"/>		<input type="checkbox"/>

4. Do you want your name to remain confidential?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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5. Do you want your comments to remain confidential?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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6. About your organisation

Name:	Society of Actuaries in Ireland
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7. Do you want the name of your organisation to remain confidential?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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8. Do these comments represent your own personal views or your organisation's views?

Personal views		Organisation's views	
Both personal views and organisation's views			√

We would be particularly interested in hearing your views on the following:

9. Is the purpose in the APS sufficiently wide in its scope?

Yes		No	√
Comments: The "Purpose" is inconsistent with the "Target Audience" / definitions of "Proceedings" and "Non UK Proceedings" – the definitions refer to proceedings "of a legal nature" whereas the "Purpose" refers only to "legal proceedings". We suggest that "Purpose" be amended to be consistent with the definitions of "Proceedings" and "Non UK Proceedings".			

10. Do you agree that the APS should apply to a broad range of proceedings not just civil court proceedings? If you do not agree, what types of proceedings do you think the APS should cover?

Yes	√	No	
Comments:			

11. Do you think the APS should be limited to UK jurisdictions? Please state your reasons for your choice.

Yes		No	
Comments:			

12. Do you think that the wording of the APS is sufficiently clear?

Yes		No	√
Comments: There seems to be an anomaly between 2.2 and 2.3. 2.2 says that members " must be satisfied that they have the necessary level of relevant knowledge and skill" (<i>emphasis added</i>), but 2.3 seems to envisage that a member could sometimes act even if he/she does not meet this requirement – would he/she not then be in breach of 2.2? We suggest that 2.2 be re-worded.			

13. Do you agree that the principles in the APS are sufficiently high level and principles-based to allow a degree of flexibility?

Yes	No	
Comments:		

14. Do you think the APS and the Guide are helpful to an actuary taking on the role of expert witness or expert advisor?

Yes	No	
Comments:		

15. Do you think the APS and Guide sufficiently cover questions or issues that may arise when considering whether to accept the appointment of as an expert witness or expert advisor?

Yes	No	
Comments:		

16. Are the definitions of expert witness and expert advisor sufficiently clear?

Yes	No	
Comments:		

17. Do you or have you ever acted in the capacity of expert witness or expert advisor in relation to legal proceedings? If so, in which jurisdiction(s) and in which type(s) of proceedings were you instructed?

Yes	No	
Comments:		

18. Do you think that the guidance provided in the Guide is accurate? If not, then what aspects of the Guide do you believe to be inaccurate?

Yes	No	
Comments:		

19. Do you think that the TASs should be applied in relation to expert work in connection with legal proceedings?

Yes	No	√
<p>Comments: The main body of the Guide is not specific to any jurisdiction. However, paragraph 5.2 states that (i)the actuary should consider whether his or her report should adhere to the principles of one or more TASs and (ii)the report should adhere to the principles of the TASs. This may be appropriate for UK work (we do not wish to comment on that). However, we do not consider these to be appropriate stipulations for non-UK work. The jurisdiction of the TASs is very specific (“TASs are drafted in the context of prevailing United Kingdom legislation” – <i>Scope and Authority of Technical Actuarial Standards</i>). We consider it unreasonable to expect actuaries performing work in other jurisdictions to have sufficient familiarity with TASs to observe this guidance. Furthermore, in the performance of their work, those actuaries may already be subject to professional codes and standards of other International Actuarial Association member associations.</p>		

20. Do you agree that the main body of the Guide should be general and not specific to any particular UK jurisdiction and that the procedural requirements for each of the UK jurisdictions should be set out in appendices? If not, can you explain how you think the guidance should be set out?

Yes	No	
<p>Comments:</p>		

21. Are there any specific jurisdictions or proceedings about which you think it would be helpful to have additional guidance for experts?

Yes	No	
<p>Comments:</p>		

22. Do you think Appendix 1: England and Wales is sufficiently explained?

Yes	No	
<p>Comments:</p>		

23. Do you think Appendix 2: Scotland is sufficiently explained?

Yes		No	
Comments:			

24. Do you think Appendix 3: Northern Ireland is sufficiently explained?

Yes		No	
Comments:			

25. Should there be more detailed guidance in terms of the position in relation to the Rest of the World (currently set out at Appendix 4)?

Yes		No	
Comments:			

26. Do you think there are any other issues that should be covered in the APS or the Guide?

Yes	√	No	
Comments: (This is not a suggestion re other issues <i>per se</i> , but there is no “general comments” section on this form). The Guide uses the word “must” frequently. We suggest that it be reviewed to check whether all instances of the word “must” are appropriate – mindful that this is a <u>Guide</u> , not an APS. There are some inconsistencies – e.g. 3.1 of the APS says that members “ should ensure that any advice they provide is . . . independent and objective”, whereas paragraph 5.2 of the Guide says that “you must be objective” (<i>emphasis added in both quotes</i>).			

27. Do you think the IFoA should develop professional skills training in relation to expert work in the context of legal proceedings?

Yes		No	
Comments:			