

PRACTICE NOTICE

**APPOINTMENT OF ONE MEMBER PURSUANT TO SECTION 3.2 OF
THE CANADIAN INTERNATIONAL TRADE TRIBUNAL REGULATIONS**

Section 13 of the *Canadian International Trade Tribunal Act* (the CITT Act) provides that, subject to certain provisions of the CITT Act and the *Canadian International Trade Tribunal Regulations* (the Regulations), three members constitute a quorum of the Tribunal. The exceptions set out in the CITT Act are not relevant to this practice notice.

Section 3.2 of the Regulations provides that, for the efficient management of the resources and caseload of the Tribunal, the Chairman may determine that one member constitutes a quorum of the Tribunal for the following purposes:

- (a) conducting inquiries and reporting on requests for textile tariff relief made pursuant to the Minister of Finance's July 6, 1994, Textile Tariff Reference to the Tribunal;
- (b) hearing and determining appeals to the Tribunal under the *Customs Act*; or
- (c) hearing and determining appeals to the Tribunal under section 120 of the *Excise Tax Act*.

In deciding whether it would be appropriate to appoint only one member in respect of any given matter, the Regulations require the Chairman to take into account the "complexity and precedential nature" of that matter. Once appointed, a member has and may exercise all of the Tribunal's powers and has and may perform all of the Tribunal's duties and functions.

The Chairman recently appointed, for the first time, one-member panels to hear and determine appeals under the *Customs Act*. In the future, the Chairman will appoint, from time to time, one-member panels in appropriate circumstances.

In terms of notice, for textile tariff investigations, the requester will be notified prior to the commencement of an investigation if a one-member panel has been appointed. For appeals under the *Customs Act* and section 120 of the *Excise Tax Act*, it is the Tribunal's intention, where possible, to notify parties approximately three weeks prior to hearings if one-member panels have been appointed. No notice will be provided in cases where three-member panels have been appointed.

For additional information, please contact:

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Michel P. Granger,
Secretary

Dated at Ottawa, Ontario
this 3rd day of May 1996