

INSURANCE BUSINESS (CONTROL) REGULATIONS (APPEAL PROCEDURE) 5742-1981

By virtue of my powers under section 102 of the Insurance Business (Control) Law 5741-1941 (hereafter: the Law) and of section 46 of the Courts Law 5717-1957, and by virtue of the other powers lawfully vested in me I make these Regulations:

Method of submitting appeal

1. An appeal against a decision by the Commissioner under sections 25(c), 29(a), 51, 52, 62(a) or 100 of the Law shall be in writing and they shall be submitted to the Registrar's Office in the District Court within the jurisdiction of which the appellant's residence is located.

Stating the date of the appeal

2. When a writ of appeal is submitted, the date of submission shall be stated in the body of the writ.

Writ of appeal

3. The writ of appeal shall be submitted in four copies, signed by the appellant or his representative, and the following shall be specified in it:
 - (1) the appellant's name and address;
 - (2) the respondent's name and address;
 - (3) the date of the decision against which appeal is lodged, and whether it was made in the presence of the appellant or his representative;
 - (4) the date on which the appellant or his representative received notice of the decision, if it was not read to them in their presence;
 - (5) the grounds for the appeal, each stated concisely in a separate paragraph.

Service on the respondent

4. When a writ of appeal has been submitted, a copy thereof shall be served on the respondent.

Disqualification of writ of appeal

5. If a writ of appeal does not comply with one of the provisions of regulation 3, then the Registrar's Office of the District Court shall not accept it; however, when a writ of appeal has been accepted, the Court shall not disqualify it because of the failure to comply with a said provision, unless it concludes that it must disqualify it in order to prevent a miscarriage of justice.

Setting a date for the appeal

6. When the respondent has been served a copy of the appeal, the Registrar of the District Court shall set a date for hearing the appeal and he shall so inform the parties.

Procedure for hearing the appeal

7. The provisions of the Civil Law Procedure Regulations 5723-1963 shall apply, mutatis mutandis, to the joining of appeals, to hearing the appeal and to making the judgment.

Cancelling the appeal

8. Until a judgment on the appeal is handed down, the appellant may withdraw his appeal by written notice to the Court and service of a copy thereof to the respondent, or by an oral statement when the appeal is heard; when he has done that, the appeal shall be void and the appellant shall - on the respondent's request - pay him the costs that the Court shall set.

Service of documents

9. Notices and documents shall be served in accordance with the service rules in the Civil Law Procedure Regulations 5723-1963.

Transitional provision

10. If the Commissioner's decision was handed down after July 1, 1981, but before these regulations went into effect, then an appeal against that decision may be submitted within 30 days after these regulations go into effect.

September 21, 1981

Moshe Nissim
Minister of Justice