

## FAQ'S

### Question 30

MCA Ex-Parte Process – how does this work?

*Lizel Jacobs replies*

- MCA Constitution 11.13.1 The Executive Officer shall after receiving an ex-parte request, and disposing of all criteria and processes set by the Code, appoint from amongst the members of the Adjudicating committee, an Ex-Parte Committee consisting of at least three persons (or any odd number of persons) and shall document the substantiation for the selection, provided that at least 50% or more of the committee members thus appointed are au fait with the specific industry to which the specific ex parte request relates.
- Code clause 57. Be limited to the question posed by the Ex Parte applicant, i.e. whether a particular activity would be in line with the Marketing Code and/or Guidelines, within the circumstances as outlined by the applicant; - Pay ex-parte fee R5000 +VAT, complete he application form, send all relevant information & supporting documentation. The adjudicating committee will review the information and provide an ex-parte (non-binding) opinion within the timelines as set out for an adjudication.
- Remember that an ex-parte opinion is not a means to avoid the complaints' process - An Adjudication Committee may refuse to admit a matter on the basis that the applicant is attempting to address a dispute with another member of the MCA and/or on the basis that a member is using the Adjudication Committee in its Ex Parte role to avoid lodging an appeal.