

# **The Chartered Institute of Building**

## **Membership Regulations 2007**

*(approved 31 October 2007)*

### **1. APPLICATION OF THESE REGULATIONS**

- 1.1 These Regulations are made under Bye-Laws 13 – 29 and shall apply to all applications for membership of the Institute and any termination of Membership by the Institute, save for those covered by regulation 18 of the Disciplinary Regulations 2005 which are delegated by the Board of Trustees to the Professional Conduct Committee under Bye-Law 33(c).
- 1.2 These Regulations apply to applications to membership both individual and Chartered Building Company / Consultancy membership, transfer between classes of membership and applications for re-admission to membership following an earlier resignation or termination, and references to “applications for membership” shall be read accordingly.

### **2. CATEGORIES OF MEMBERSHIP**

- 2.1 In accordance with Bye-Law 3 there shall be 2 categories of member, non-corporate and corporate. These categories shall be divided into membership classes as defined by Bye-Laws 4 – 11.
- 2.2 In addition to paragraph 2.1 above there will be 2 Honorary titles of membership:
  - 2.2.1 Honorary Fellowship – as defined in Bye-Law 7, the Honorary Fellow is selected in accordance with the procedures set at Appendix ....to these regulations and ratified by the Board of Trustees.
  - 2.2.2 Honorary Life Membership – a distinguished and eminent member who has render an outstanding service to the Institute is nominated by corporate members with the decision ratified by the Board of Trustees. There shall be no subscription charge for this category of membership.
- 2.3 A company, who has a defined proportion of corporate members may call themselves a ‘Chartered Building Company’ or ‘Chartered Building Consultancy’ in accordance with Bye-Law 12.
  - 2.3.1 All Chartered Building Company and Chartered Building Consultancy members must abide by their ‘Code of Professional Conduct and Rules’.
- 2.4 A member shall forthwith refrain from using the affixes and designations if membership is terminated in accordance with regulation 9.

### **3. FORM OF APPLICATIONS FOR MEMBERSHIP (BYE-LAWS 8-11)**

- 3.1 The current ‘Routes to Membership’ shall be available on the Institute’s website. The Board of Trustees has the authority to amend these as they see fit from time to time.

- 3.2 An application shall be conditional upon payment of the appropriate fee and compliance with the requirements of continuing professional development in accordance with Bye-Law 6.
- 3.3 An application for membership shall contain the following information:
- 3.3.1 the class of membership for which the Applicant is applying, if known;
  - 3.3.2 the basis on which the Applicant considers that he meets the criteria for membership set out in the 'Routes to Membership' and Bye-Laws 8-11, including all documentary evidence of status, qualifications or other criteria;
  - 3.3.3 in the case of an application under Bye-Law 9, copies of the nominations required by regulation 3.5 below;
  - 3.3.4 any other information or documentation which the Applicant wishes the Institute to take into account when determining his application.
- 3.4 All applications for membership shall be addressed to Membership at the Institute.
- 3.5 The provisions of this regulation 3 regarding the information required to be included in an application for membership is without prejudice to the Institute's right to seek additional information in respect of any application prior to determining that application.
- 3.6 The following are the categories of persons acceptable as nominators for applications for membership under Bye-Law 9: a corporate member of any Chartered Institute or Institution (including but not limited to the CIOB, RIBA, RICS, ICE, APM, ACCA, ICMA, CIBSE, IMechE or any equivalent professional bodies based in the UK or overseas); a solicitor; a barrister; a commissioner of oaths; a senior teacher; a university lecturer; a Member of Parliament; an elected borough, county or other local councillor; a Justice of the Peace; a Minister of a recognised religion; an Officer of the Armed Forces of the rank of Captain or above (whether active or retired); a senior Police Officer of the rank of Inspector, (whether active or retired).
- 3.7 To achieve the membership status of Bye-Law 9, a Professional Review shall be completed which will examine occupational and managerial competence, and the commitment to professionalism. Examination shall be by interview and assessment.
- 3.7.1 The Grievance and Appeals Board shall consider any appeals to the membership processes, including Professional Review.
- 3.8 In accordance with Rule 13 of the Rules and Regulations of Professional Competence and Conduct, all members shall show a commitment to continuing professional development (CPD) and keep themselves informed of the current thinking and developments appropriate to the type and level of responsibility. The Institute reserves the right to request a CPD record from a member, regardless of membership grade, at any time.

#### **4. DETERMINATION OF APPLICATIONS FOR MEMBERSHIP (BYE-LAWS 8-11)**

- 4.1 An application for membership shall not be determined save in accordance with this regulation 4.
- 4.2 Membership shall review all applications for membership which it receives. In particular Membership shall:

- 4.2.1 request any information required under regulation 3 which the Applicant has not included in his application;
  - 4.2.2 request any additional information which Membership considers may be useful to the Board of Trustees in determining the application;
  - 4.2.3 check the Institute's records to confirm whether the Applicant has previously been a member of the Institute and, if so, whether the Applicant's membership record contains any information regarding proceedings under the Disciplinary or the Competency Regulations (or any Bye-Laws) which might be relevant to the Board of Trustees's determination of the application.
- 4.3 Membership shall then refer the application to the Board of Trustees for determination. When the application is so referred it shall be accompanied by any additional information obtained by Membership under regulation 4.1 and by a note from Membership indicating whether it considers that the application meets the relevant criteria set out in Bye-Laws 8 to 11 and any relevant Regulations.
- 4.4 The application shall be determined by the Board of Trustees who shall consider whether it is satisfied that the Applicant meets the relevant criteria set out in Bye-Laws 8 to 11 and any relevant Regulations and shall determine under Bye-Law 13 whether it is satisfied that the Applicant is a fit and proper person to be a member of the Institute.
- 4.5 The Board of Trustees may ask Membership to obtain additional information from the Applicant or any other person before it determines an application.
- 4.6 Without prejudice to the absolute discretion granted to the Board of Trustees under Bye-Law 13, an application for membership may be refused under that Bye-Law where:
- 4.6.1 an order of expulsion from the Institute made under the Disciplinary Regulations remains in force. Applications for re-admission following expulsion shall be made to and determined by the Professional Conduct Committee in accordance with regulation 1 and regulation 18 of the Disciplinary Regulations;
  - 4.6.2 in the case of an Applicant who has previously been a member of the Institute, there remains in force an order of suspension made under the Disciplinary Regulations;
  - 4.6.3 in the case of an Applicant who has previously been a member of the Institute, the Board of Trustees considers that on admission to Membership the member would fall within the terms of Bye-Law 35;
  - 4.6.4 In the case of an Applicant who has previously been a member of the Institute and fees or other payments from the Applicant remain outstanding, the Board of Trustees may grant the application for membership on condition that the outstanding sums are settled prior to membership becoming effective;
  - 4.6.5 In the case of an Applicant who has previously been a member of the Institute and any disciplinary proceedings in respect of that period of membership or sanctions remain outstanding, the Board of Trustees may grant the application for membership on condition that the proposed member complies with the requests of the Professional Conduct Committee under the Disciplinary Regulations.

- 4.7 The Board of Trustees' determination shall be notified to the Applicant. If the application is refused, the application shall contain a brief description of the reasons for the refusal.

## **5. FORM OF APPLICATION FOR CBC MEMBERSHIP (Bye-Law 12)**

- 5.1 The current 'Route to Chartered Building Company / Consultancy (CBC) Membership' shall be available on the Institute's website. The Board of Trustees has the authority to amend these as they see fit from time to time. The Board of Trustees delegates the running of the CBC Scheme to the CBC Board.
- 5.2 An application shall be conditional upon the payment of the appropriate fee and compliance with the requirements for the Scheme.
- 5.3 The application for membership shall be returned in writing and shall contain the following information:
- 5.3.1 the application must be signed by the Applicant who must be a corporate member of the CIOB.
  - 5.3.2 accompanied by the enrolment fee and subscription.
  - 5.3.3 details of the proposed CBC's management team including relevant directors and partners with their qualifications; average annual turnover with breakdown, and; membership of other organisations.
  - 5.3.4 if the business has been running less than five (5) years, then references will be requested.
  - 5.3.5 any other information or documentation which the Applicant wishes the Institute to take into account when determining the application.
- 5.4 All applications for membership, both from the UK and International, shall be addressed to Membership at the Institute.
- 5.5 The provisions of this regulation 5 regarding the information required to be included in an application for membership is without prejudice to the Institute's right to seek additional information in respect of any application prior to determining that application.
- 5.6 The Grievance and Appeals Board shall consider any appeals to the membership process.

## **6. DETERMINATION OF APPLICATIONS FOR CBC MEMBERSHIP (Bye-Law 12)**

- 6.1 An application for Membership shall not be determined save in accordance with this regulation 6.
- 6.2 Membership shall review all applications for membership which it receives. In particular, Membership shall:
- 6.2.1 request any information required under regulation 5, which the Applicant has not included in the application.
  - 6.2.2 Request any additional information which Membership considers may be useful to the Board of Trustees in determining the application.

- 6.2.3 Check all references if required.
- 6.2.4 Review Institute records to confirm whether the Applicant has any history regarding proceedings under the Disciplinary or Competency Regulations (or any Bye-Laws, rules or regulations) which might be relevant to the Board of Trustees in their determination of the application.
- 6.3 Membership shall produce an approval form and refer the application to the Board of Trustees for determination. On referral, Membership shall note whether it considers that the application meets the relevant criteria set out by Bye-Law 12 and any relevant scheme rules.
- 6.4 The Board of Trustees may ask Membership to obtain additional information from the Applicant or any other person before it determines an application.
- 6.5 The application shall be determined by the Board of Trustees who shall consider whether it is satisfied that the Applicant meets the relevant criteria set out in Bye-Law 12 and other Regulations, and shall determine under this Bye-Law whether the proposed CBC is a fit and proper business entity.
- 6.6 Without prejudice to the absolute discretion granted to the Board of Trustees under Bye-Law 13, an application may be refused where:
  - 6.6.1 an order of expulsion from the Institute of made under the Disciplinary Regulations remains in force. Applications for re-admission following expulsion shall be made to and determined by the Professional Conduct Committee in accordance with regulation 1 and regulation 18 of the Disciplinary Regulations;
  - 6.6.2 in the case of an Applicant who has previously been a CBC member of the Institute, there remains in force an order of suspension made under the Disciplinary Regulations;
  - 6.6.3 in the case of an Applicant who has previously been a member of the Institute, the Board of Trustees considers that on admission to Membership the Member would fall within the terms of Bye-Law 35;
  - 6.6.4 in the case of an Applicant who has previously been a member of the Institute any fees or other payments due from the Applicant in relation to that period of Membership or any disciplinary proceedings brought against him in respect of that period of Membership have not been paid, the Board of Trustees may grant the application for Membership on condition that the outstanding sums are settled before the Membership becomes effective.
  - 6.6.5 In the case of an Applicant who has previously been a member of the Institute and any disciplinary proceedings in respect of that period of membership or sanctions remain outstanding, the Board of Trustees may grant the application for membership on condition that the proposed member complies with the requests of the Professional Conduct Committee under the Disciplinary Regulations.
- 6.7 The Board of Trustees' determination shall be notified to the Applicant and a Registered User Agreement sent to the Applicant for signature. If the application is refused, a brief description of the reasons for refusal will be given.
- 6.8 Once in membership, the CBC must notify the Institute of any changes to their Directors / Partners. Membership shall examine the changes against the CBC criteria and determine

whether the CBC remains eligible for membership. Should the CBC not reach the eligibility, then at the discretion of the Board of Trustees a period of up to twelve (12) months may be given to resolve the issue.

## **7. DESCRIPTORS**

- 7.1 On election to membership, a member has the right to use affixes and descriptors as stated in Bye-Law 17 & 18.
- 7.2 In accordance with Bye-Law 12, if a director / partner of a CBC is subject to a suspension order under the Disciplinary or Competency Regulations, he shall not be counted as a corporate member for the purposes of determining whether the company can use the descriptor.

## **8. CERTIFICATES AND MEMBERSHIP CARD**

- 8.1 Certificates may be issued to members of any class of membership in a format agreed by the Board of Trustees. The certificate remains the property of the Institute but maybe retained by the member until membership ceases and should be returned.
- 8.2 On payment of the annual subscription fee, a member will receive a membership card. The card remains the property of the Institute but maybe retained by the member until membership ceases and should be returned. No cards shall be issued to CBC members.

## **9. TERMINATION OF MEMBERSHIP**

- 9.1 Membership of the Institute shall not be terminated save in accordance with this regulation 9.
- 9.2 Where the Institute receives any information which indicates that one of Bye-Laws 24 to 27 may apply to a Member or CBC, the matter shall be referred to Membership which shall obtain any relevant information in order to determine whether membership is to be terminated.

### Death

- 9.3 If Membership are notified that a member has died, Bye-Law 24 shall take effect and his name shall be removed from the register of members.
  - 9.3.1 If a death causes a CBC to fall below the requirements for Scheme, a period of up to twelve (12) months will be granted to the CBC in order to resolve their management structure.

### Resignation

- 9.4 This sub-section 9.4 applies where notice or purported notice of resignation is received under Bye-Law 25.
  - 9.4.1 Membership shall:
    - 9.4.1.1 request the membership certificate and card if this has not been enclosed with the notice;

- 9.4.1.2 establish whether any subscription is in arrears and / or whether the Member / CBC has any other debts to the Institute outstanding;
- 9.4.1.3 establish whether any disciplinary proceedings or any investigation which might lead to disciplinary proceedings against the Member / CBC are outstanding.
- 9.4.2 In the event that the Membership is satisfied that neither regulations 9.4.1.2 or 9.4.1.3 apply to the Member / CBC, Membership shall remove the Member's / CBC's name from the Institute's register of members / CBCs and shall write to the member / CBC confirming that his resignation has been accepted.
- 9.4.3 In the event that Membership considers that regulation 9.4.1.2 applies to the Member / CBC, Membership shall write to the Member / CBC explaining the provisions of Bye-Law 25 and requesting him to make good the outstanding amounts and then re-submit his resignation notice.
- 9.4.4 If the Member / CBC complies with the request made under regulation 9.4.3 the resignation notice shall be reconsidered in accordance with this regulation 9.4. If the Member / CBC does not comply with the request then Membership Office shall, if so requested by the Member / CBC or if it considers it appropriate in all the circumstances, refer the resignation request to the Board of Trustees, who shall in its absolute discretion determine whether it is prepared to allow the resignation notwithstanding the existence of the debts.
- 9.4.5 In the event that regulation 9.4.1.3 applies to the Member / CBC, or in the event that the Board of Trustees rejects any request referred to it under regulation 9.4.4, Membership shall write to the Member / CBC giving brief reasons for the Institute's decision that the resignation cannot be accepted.

### Termination

- 9.5 This sub-section 9.5 applies where it is considered that Bye-Law 26 may apply.
  - 9.5.1 Membership shall ensure that the Institute complies or has complied with the requirements of Bye-Law 26 regarding the notice to the Member / CBC of his subscription arrears.
  - 9.5.2 Membership shall notify the Member / CBC when his membership has been terminated and issue guidelines regarding reinstatement in force at that time.
    - 9.5.2.1 If an application for reinstatement is received within three (3) months of the termination, then the Member's membership shall be reinstated on receipt of the subscription and reinstatement fee.
    - 9.5.2.2 If an application for reinstatement is received three (3) months after termination, then the application shall be treated as a new application for membership and the Applicant shall have to meet the standards of entry to membership at the time of the new application.
    - 9.5.2.3 In the case of CBCs, written notice will be given of termination to the CBC and they will be asked to respond within twenty-eight (28) days with any extenuating circumstances.
  - 9.5.3 If the Member has an extenuating circumstance, this must be made in writing to Membership within 21 days of the termination.

- 9.5.4 Following compliance with regulations 9.5.1 - 9.5.3, Membership shall refer the matter to the Board of Trustees. When the matter is so referred it shall be accompanied by any additional information obtained by Membership to determine the case.
- 9.5.5 The Board of Trustees shall consider whether there are extenuating circumstances which means that the membership should not be terminated. If the Board is not satisfied it shall direct that the Member's / CBC's name be removed from the Institute's register of members / CBCs.
- 9.5.6 The Member / CBC shall receive notice in writing of the Board of Trustee's decision under regulation 9.5.5.
- 9.5.7 If a CBC has been granted a period of time to resolve their management composition under regulation 6.8 and 9.3.1 and the CBC fails to reply, their membership will be terminated with immediate effect.

### Expulsion

- 9.6 Where it is considered that Bye-Law 27 may apply, Membership shall obtain a copy of the determination of the Professional Conduct Committee or the Appeals Committee (as appropriate) which orders the expulsion of the Member / CBC and shall, where the determination has been made only by the Professional Conduct Committee, confirm that the period for appealing against the determination has expired. Once the expulsion has been ordered under the Disciplinary Regulations, the Member's / CBC's name shall be removed immediately from the member's / CBC's listing.

## **10. LOGO**

- 10.1 In accordance with these Regulations and the Rules and Regulations of Professional Competence and Conduct, members may use the CIOB logo if they are:
  - 10.1.1 a Corporate Member of the Institute (MCIOB / FCIOB), and;
  - 10.1.2 operating in an individual capacity, and;
  - 10.1.3 trading under their own name.
- 10.2 In accordance with these Regulations, Chartered Building Companies and Chartered Building Consultancies may use the CBC logo,
- 10.3 The Chartered Institute of Building, CIOB and the Lion Logo are registered trade marks of the Institute.
- 10.4 Members shall abide by the logo guidelines attached at Appendix .....to these Regulations in relation to colour and size requirements.
- 10.5 A member shall forthwith refrain from using the logos when membership is terminated in accordance with regulation 9.

## 11. DEFINITIONS AND INTERPRETATIONS

11.1 In these Regulations unless the context otherwise requires, the following expressions shall have the following meanings:

- (a) "Appeal Committee" means the Committee established under Regulations 8 and 16 of the Disciplinary Regulations pursuant to Bye-Law 33;
- (b) "Applicant" means any person applying for Membership of the Institute whether for individual or company / consultancy;
- (c) "Bye-Laws" means the Bye-Laws of the Institute as amended from time to time;
- (d) "Charter" means the Royal Charter of the Institute as amended from time to time;
- (e) "Expulsion" means the expulsion of a member from membership of the Institute indefinitely subject to re-admission under regulation 18 of the Disciplinary Regulations [and, in relation to a former Member means an order that if the former Member at any time applies to be re-admitted to membership or studentship of the Institute the application shall be treated in accordance with the Institute's Membership Regulations as amended from time to time].
- (f) "Institute" means the Chartered Institute of Building;
- (g) "Member" means, for the purposes of these regulations only, a corporate or non-corporate member of the Institute elected in accordance with Bye-Laws 7 – 11 including for the avoidance of doubt any Chartered Building Company or Chartered Building Consultancy as defined in Bye-Law 12;
- (h) "Membership" means the team within the Institute dealing with the membership applications.
- (i) "Panel" means any one or more of the Competency Panel and the Competency Appeal Panel as is appropriate in the context;
- (j) "Professional Conduct Committee" means the Committee established by regulations 7 and 16 of the Disciplinary Regulations pursuant to Bye-Law 33;
- (k) "Student Member" means a Student member elected under Bye-Law 11;
- (l) "Suspension" means, in relation to a Member, suspension of membership of the Institute.

11.2 In these Regulations unless the context otherwise so requires, words and expressions not defined in regulation 5.1 shall have the meanings assigned to them by the Charter and the Bye-Laws.

11.3 Words importing the masculine shall include the feminine and neuter and words in the singular shall include the plural; and vice versa.