

# Disciplinary Regulations 2017

## **1. APPLICATION**

- 1.1 These Regulations are made under Bye-Laws 32 - 33 and shall apply in the circumstances set out in Bye-Law 33, namely where a complaint or allegation is made to the Institute that a Member has been guilty of Misconduct or where it otherwise appears to the Institute that a Member may have been guilty of Misconduct.
- 1.2 These Regulations shall apply to Former Members in respect of their acts or omissions during the period of their membership as they apply to Members and all references to "Members" in these regulations shall accordingly be read as referring equally to Former Members.
- 1.3 For the avoidance of doubt, where the Investigations Secretariat receives a complaint or information regarding the conduct of an individual who is a Member who was at the time of the matters to which the complaint or information relates employed by or engaged to work on behalf of a Company, the Investigations Secretariat shall send notices under regulation 3.3 to both the individual and the Company, and may bring proceedings under these Regulations against the individual member or the Company or both as it considers appropriate in light of all the circumstances, provided that the Investigations Secretariat may elect to await the outcome of proceedings against one before commencing proceedings against the other.

## **2. CONSTITUTIONAL STRUCTURE OF THE DISCIPLINARY SCHEME**

- 2.1 Allegations of Misconduct, whether founded on a complaint by a person or on any other information which becomes known to the Institute, shall be received, investigated, formulated and determined only by the Investigations Secretariat, the Investigations Panel, the Professional Conduct Committee and the Appeal Committee in accordance with the terms of reference of each of these bodies or Committees as set out in Bye-Law 34 and these Regulations.
- 2.2 The Defendant shall provide his full and prompt co-operation to the Investigations Secretariat and in particular but without limitation to the generality of the foregoing shall upon receipt of notification of proposed charges under regulation 4.2 provide the Investigations Secretariat with all information and with copies of all documents within the Defendant's control, or to which he can reasonably gain control, which are relevant to the investigation and the proposed charges, and upon the request of the Investigations Secretariat shall grant any consent or authorisation required by the Investigations Secretariat to obtain such documents and/or information from a third party. A failure by the Defendant to cooperate with the Investigations Secretariat in the conduct of its investigation may result in further proceedings for misconduct being instituted against the Defendant.
- 2.3 Any Member (not being the Defendant) requested to do so shall provide his full and prompt co-operation to the Investigations Secretariat in connection with any investigation being conducted by the Investigations Secretariat and in particular, but without limitation to the generality of the foregoing, shall provide the Investigations Secretariat with all information and copies of documents relevant to any such investigation which are within the Member's control, or to which he can reasonably gain control.
- 2.4 The Audit & Risk Committee shall audit and oversee the application of these Regulations. The Investigations Secretariat shall present a report on disciplinary activities at each meeting of the Audit & Risk Committee.

### **3. SCREENING**

- 3.1 The Investigations Secretariat shall consider all representations and complaints made to the Institute regarding the conduct of a Member and all other information on the conduct of a Member which comes to the attention of the Institute, and shall determine whether the information before it discloses matters which are capable of constituting Misconduct as defined in Bye-Law 33.
- 3.2 The Investigations Secretariat shall not be prevented from considering whether the conduct of a Member is capable of constituting Misconduct by the fact that such conduct is connected with the exercise of professional functions by the Member, including but not limited to adjudication, arbitration or mediation. For the avoidance of doubt, a disagreement with the outcome of any adjudication, arbitration or mediation shall not be considered under these Regulations unless Misconduct is alleged.
- 3.3 Prior to making any determination under regulation 3.1, the Investigations Secretariat shall, to the extent it considers appropriate, inform any Member whose conduct is referred to in the information received of the receipt of the information and of the nature of the determination that may be made by the Investigations Secretariat under regulation 3.1, and shall also inform the Member that he may, but is not required to, comment on that information before that determination is made.
- 3.4 Prior to making any determination under regulation 3.1, the Investigations Secretariat may request such further information from any Complainant or other third party as it considers appropriate.
- 3.5 Where the Investigations Secretariat determines that the matters to which the information received under regulation 3.1 relates is not within the scope of Bye-Law 33 as it is not capable of constituting Misconduct, the Investigations Secretariat shall take no further action under these Regulations in relation to the complaint or other information.
- 3.6 Where the Investigations Secretariat determines that the information received under regulation 3.1 is within the scope of Bye-Law 33 as it is capable of constituting Misconduct, the Investigations Secretariat shall conduct further investigations under regulation 4.
- 3.7 Where it comes to the attention of the Institute that legal proceedings associated with a complaint or information received under regulation 3.1 have been instituted against or involving the Member, the Investigations Secretariat may consider whether to suspend its investigations until such proceedings are completed and in so doing may invite representations from the Member and/or any Complainant.

### **4. INVESTIGATION**

- 4.1 Following a determination under regulation 3.6 or referral under regulation 5.3, the Investigations Secretariat shall carry out such as it considers appropriate to enable the Investigations Secretariat to formulate allegations to be put to the Defendant in accordance with regulation 4.2 and to enable the Investigations Panel to make a determination under regulation 5 in relation to those allegations.
- 4.2 The Investigations Secretariat shall by notice inform the Defendant of the allegations it proposes to refer to the Investigations Panel under regulation 5 and shall require the Defendant to respond to those allegations within 14 days of service (or such longer period as the Investigations Secretariat may determine) by providing the Investigations Secretariat with any information and documentation requested pursuant to regulation 2.2 and with such comment on the charges and his conduct as the Defendant wishes to make. The allegations put to the Defendant shall contain such information about the conduct under investigation as is necessary to enable the Defendant to respond substantively to the allegations in accordance with this regulation 4.2 and shall be

accompanied by copies of all materials obtained by the Investigations Secretariat during its investigations.

4.3 Following the expiry of the 14 days (or longer period) under regulation 4.2 the Investigations Secretariat shall consider the Defendant's response (if any) and shall decide whether there is a case for the Defendant to answer and if so whether any additional allegations should be put to the Defendant.

4.3.1 In the event that additional allegations are to be put to the Defendant the Investigation Secretariat will send a further notice to the Defendant pursuant to regulation 4.2.

4.3.2 Following receipt of any further response from the Defendant to the additional allegations and a further decision of whether there is a case to answer in relation to those additional allegations, or where no additional allegations have been put, the Investigations Secretariat shall refer the matter to the Investigations Panel by providing the Investigations Panel with all relevant material obtained during its investigations, the allegations put to the Defendant and the Defendant's response(s) (if any).

4.4 The Investigations Secretariat shall not make recommendations to the Investigations Panel as to the disposal of the case, nor shall it provide summaries of evidence or materials in place of or in addition to original documentation and materials.

## **5. INVESTIGATIONS PANEL**

5.1 The Investigations Panel shall consider all material provided by the Investigations Secretariat under regulation 4.3 and shall determine whether that material contains prima facie evidence that facts or circumstances have occurred which constitute Misconduct under Bye-Law 33.

5.2 The Investigations Panel shall conduct its business in private via meetings and/or through the use of writing, video conferencing facilities, telephone, electronic mail or any other form of communication as it considers appropriate, provided that every member of the Investigations Panel participating in the determination shall be afforded the opportunity to receive, consider and respond to all comments, views and opinions expressed by other participating members and any Legal Assessor before any determination or decision composing part of a determination is reached.

5.3 If the Investigations Panel considers that it has insufficient information to make a determination under 5.1, it may adjourn consideration of a case and refer the matter back to the Investigations Secretariat for further investigation under regulation 4. When requiring such further investigation the Investigations Panel may specify any particular information it wishes to be obtained by the Investigations Secretariat.

5.4 If the Investigations Panel determines under regulation 5.1 that the materials before it do not contain prima facie evidence of Misconduct, the Investigations Panel shall dismiss the case against the Defendant and no further action shall be taken under these Regulations in relation to the information on which the charges against the Defendant were founded without further complaint or information.

5.5 If the Investigations Panel determines under regulation 5.1 that the materials before it contain prima facie evidence of Misconduct, the Investigations Panel shall refer the matter to the Professional Conduct Committee.

5.6 When referring a matter to the Professional Conduct Committee under regulation 5.5 the Investigations Panel may make recommendations to the Investigations Secretariat as to further investigation or preparation to be carried out under regulation 6 prior to consideration of the case by the Professional Conduct Committee.

## **6. PREPARATION FOR HEARING**

- 6.1 Where a case has been referred to the Professional Conduct Committee by the Investigations Panel under regulation 5.5, the Investigations Secretariat shall carry out whatever further investigation is necessary to enable the Investigation Panel Chair to comply with regulation 9 and present the case to the Professional Conduct Committee, including any further investigation required by the Investigations Panel under regulation 5.6.

## **7. PROFESSIONAL CONDUCT COMMITTEE**

- 7.1 Following referral of a case from the Investigations Panel the Professional Conduct Committee shall either refer the case back to the Investigations Panel for further investigation or assess the gravity of the alleged Misconduct. In assessing the gravity of the Misconduct the Professional Conduct Committee shall take into account any subsisting entry on the record of the Defendant and having regard to any previous finding of Misconduct or liability under these Regulations or the Bye-Laws, provided that in relation to previous findings of Misconduct or liability the Committee shall also take account of the time which has elapsed since any previous finding. Where the Professional Conduct Committee has not referred the case back to the Investigations Panel, the Professional Conduct Committee shall;

7.1.1 Where the Committee considers that the Misconduct is not sufficiently serious that, if the relevant facts and circumstances referred to in the charges against the Defendant were proved, it would warrant the imposition of a penalty no more serious than those referred to in regulation 7.2, the Professional Conduct Committee shall either take no further action or shall seek the Defendant's consent to the making of a finding of Misconduct and either the imposition of one of the penalties set out in regulation 7.2 or the agreement of a Consent Order pursuant to regulation 7.3.

7.1.2 If the Defendant refuses his consent to a penalty or an order under regulation 7.1.1, or if the Committee considers that the Misconduct is sufficiently serious that, if the relevant facts and circumstances referred to in the charges against the Defendant were proved, it might warrant the imposition of a penalty more serious than those referred to in regulation 7.2 or is such that a Consent Order is not appropriate, the Professional Conduct Committee shall proceed to a hearing in accordance with regulation 7.4.

- 7.2 The penalties which may be imposed by the Professional Conduct Committee under regulation 7.1.1 are:

7.2.1 A Reprimand;

7.2.2 A Reprimand with an undertaking.

- 7.3 A Consent Order may be entered into between the Institute and the Defendant by which the Defendant agrees to take such steps as may be specified within the Consent Order and to pay the costs incurred by the Institute in connection with the investigation and the determination of the disciplinary action, such costs not to exceed £250.

- 7.4 If the Professional Conduct Committee proceeds to a hearing under regulation 7.1.2, the Committee shall consider those matters referred to it by the Investigations Panel under regulation 5.5, and shall determine in accordance with regulation 7.5 whether the facts or circumstances referred to in the charges against the Defendant have been proved and whether the Defendant is guilty of Misconduct, and if so shall impose such penalty or penalties on the Defendant as it considers appropriate.

- 7.5 The Professional Conduct Committee shall conduct hearings in accordance with regulation 10. Prior to a hearing by the Professional Conduct Committee the Defendant and the Investigations Secretariat shall comply with the requirements of regulation 9.
- 7.6 At the conclusion of a hearing, the Professional Conduct Committee shall withdraw to deliberate on the case and applying the standard of proof set out in regulation 12, shall in relation to each charge against the Defendant determine which facts have been proved and then make one of the following determinations:
- 7.6.1 that the evidence does not prove that facts or circumstances have occurred which the Committee considers constitute Misconduct on the part of the Defendant; or
- 7.6.2 that the evidence proves that facts or circumstances have occurred which the Committee considers constitute Misconduct on the part of the Defendant.
- 7.7 Where the Professional Conduct Committee makes a determination under regulation 7.6.1 in respect of each and every charge against the Defendant the Professional Conduct Committee shall dismiss the case against the Defendant and may make a Costs Order against the Institute.
- 7.8 Where the Professional Conduct Committee makes one or more determinations within regulation 7.6.2 the Committee shall either take no further action or shall impose on the Defendant such penalty referred to in regulation 7.9 as it considers appropriate having regard to the nature and extent of the Misconduct found proved under regulation 7.6.2 and may in addition make a Costs Order against the Defendant.
- 7.9 The penalties which the Professional Conduct Committee may impose are:
- 7.9.1 Reprimand; or
- 7.9.2 Suspension, with or without conditions attached; or
- 7.9.3 Expulsion; or
- 7.9.4 in addition to any other penalty, an Undertaking.
- 7.10 In considering what penalty to impose upon the Defendant under regulation 7.9 the Professional Conduct Committee shall take into account any previous finding of Misconduct or liability under these Regulations or the Bye-Laws, provided that in relation to previous findings of Misconduct or liability the Committee shall also take account of the time which has elapsed since any previous finding.
- 7.11 The Defendant may appeal against the determination of the Professional Conduct Committee in his case, on the grounds set out in regulation 8.

## **8. APPEAL COMMITTEE**

- 8.1 The Appeal Committee shall consider appeals lodged by a Defendant against determinations of the Professional Conduct Committee, and shall determine whether any of the grounds of appeal set out in this regulation 8 have been made out and accordingly confirm, vary or rescind any finding made or penalty imposed by the Professional Conduct Committee.
- 8.2 Appeals must be lodged in writing with the Institute within 28 days of service of notice by the Defendant of the Professional Conduct Committee's determination.
- 8.3 Appeals against a determination of the Professional Conduct Committee will only be considered if they fall within one or more of the following grounds:

- 8.3.1 The determination is flawed because of a material irregularity in the proceedings before the Professional Conduct Committee;
- 8.3.2 The determination of the Professional Conduct Committee is so unreasonable that it could not have been reached by any reasonable Professional Conduct Committee in light of the facts and evidence before it;
- 8.3.3 The Defendant has acquired new evidence which could not have been submitted to the Professional Conduct Committee at the date of the determination(s) to which the appeal relates but which would, if submitted to the Professional Conduct Committee, have been likely to have had a material impact on the Professional Conduct Committee's determination of one or more of the charges against the Defendant;
- 8.3.4 The penalty or penalties imposed by the Professional Conduct Committee was or were excessive in the light of the Professional Conduct Committee's findings of fact, the seriousness of the Misconduct and/or the Defendant's circumstances.
- 8.4 Any notice of appeal must set out the ground or grounds of appeal relied upon and, in relation to each such ground, must set out a brief description of the basis on which the Defendant considers that the ground of appeal is made out. In particular but without limitation to the generality of the foregoing, in the case of an appeal under regulation 8.3.3 the Defendant shall set out the nature of the new evidence on which he relies, shall explain why it was not and could not have been available to him at the time of the hearing by the Professional Conduct Committee and shall explain the basis on which he considers that the evidence would have been material to the Professional Conduct Committee's determination(s) to which the appeal relates.
- 8.5 The Appeal Committee may not re-open any issue of fact decided by the Professional Conduct Committee or re-hear any oral evidence as to the facts which were considered by the Professional Conduct Committee.
- 8.6 Where the Defendant appeals under regulation 8.3.3, the Appeal Committee shall consider whether it is necessary to review or hear the new evidence on which the Defendant seeks to rely in order to determine the appeal under that ground. It shall be the responsibility of the Defendant to secure that the evidence is produced at the hearing of the appeal. Except as provided for in this regulation 8.6, or unless it otherwise orders, the Appeal Committee shall not receive evidence (including that of witnesses) which was not before the Professional Conduct Committee.
- 8.7 A decision under regulation 8.6 regarding the nature of the evidence which the Appeal Committee considers it necessary for them to consider in order to determine the appeal shall be taken by the Committee prior to the hearing and notified to the Investigations Secretariat and the Defendant in the Notice of Hearing, provided that either the Investigations Secretariat or the Defendant may at the start of the hearing renew any request to adduce evidence under regulations 8.6.
- 8.8 The Appeal Committee shall conduct its business in accordance with regulation 11. Prior to a hearing by the Appeal Committee the Defendant and the Investigations Secretariat shall comply with the requirements of regulation 9.
- 8.9 On conclusion of the hearing and any further deliberations, the Appeal Committee shall determine whether the grounds of appeal relied upon by the Defendant have been made out and shall assess the severity of any remaining findings of Misconduct. The Committee will then accordingly confirm, rescind or vary the penalty imposed by the Professional Conduct Committee.
- 8.10 When making a determination under regulation 8.9 as to the penalty to be imposed on the Defendant the Appeal Committee may impose any of the penalties which could be imposed by the Professional Conduct Committee and in so doing the Appeal Committee shall have regard to the considerations set out in regulation 7.9.

- 8.11 The Appeal Committee may impose a Costs Order against the Institute in respect of the costs of the appeal if the appeal is upheld in whole or in part. The Appeal Committee may impose a Costs Order against the Defendant in respect of the costs of the appeal if the determination(s) of the Professional Conduct Committee to which the appeal relates is upheld without any alteration. The Appeal Committee may also confirm, rescind or vary any Costs Order made by the Professional Conduct Committee in respect of proceedings before that Committee.
- 8.12 The decision of the Appeal Committee is final and cannot be further appealed.

## **9. PROCEDURE PRIOR TO HEARINGS OF THE PROFESSIONAL CONDUCT AND APPEAL COMMITTEES**

- 9.1 The provisions of this regulation 9 shall apply in relation to all hearings conducted by the Professional Conduct Committee and the Appeal Committee.
- 9.2 As soon as practicable after a case has been referred to a Committee under regulations 5.5 or 8.2 (as appropriate), the Investigations Secretariat shall send the Defendant a Notice of Hearing. A Notice of Hearing shall be sent to the Defendant in accordance with regulation 21 and not less than 28 days prior to the proposed date of the hearing. In the case of a hearing before the Professional Conduct Committee the Notice of Hearing shall specify in the form of a charge or charges the matters into which the inquiry is to be held.
- 9.3 The Investigations Secretariat shall send any Complainant a copy of the regulation 9.2 notice.
- 9.4 The Notice of Hearing sent to the Defendant shall:
- 9.4.1 be accompanied by copies of all the documents upon which the Investigations Panel Chair intends to rely at the hearing;
  - 9.4.2 in the case of a hearing before the Professional Conduct Committee, be accompanied by the names of the witnesses which the Investigations Panel Chair intends to call to give evidence at the hearing and any witness statements taken from those witnesses; and
  - 9.4.3 in the case of a hearing before the Appeal Committee, include notice of any determinations regarding evidence which have been made by the Appeal Committee under regulation 8.6.
- 9.5 At least 14 days before the date of the hearing the Defendant shall:
- 9.5.1 provide the Investigations Secretariat with copies of all the documents or other evidence upon which he intends to rely at the hearing;
  - 9.5.2 provide the Investigations Secretariat with the name, address and professional qualifications (if any) of any representative or adviser who will be attending and the names of any witnesses who will be attending to give evidence on behalf of the Defendant; and
  - 9.5.3 in relation to each witness statement served on him by the Investigations Secretariat under regulation 9.4, inform the Investigations Secretariat as to whether the contents of the statement are agreed or whether the witness is required to attend the hearing. In the absence of any response, the contents of any statement served under regulation 9.4 shall be deemed to be agreed. In the case of hearings before the Appeal Committee, reference to witnesses on behalf of the Defendant includes those witnesses whose attendance has been authorised by the Appeal Committee under regulation 8.6 and/or in



respect of whom the Defendant intends to make a renewed application for an order under regulation 8.6.

9.5.4 Where the Defendant seeks to rely on evidence which the Investigations Secretariat considers the Complainant ought in the interests of fairness to have an opportunity to respond, the Investigations Secretariat shall provide the Complainant with a copy of such evidence and require a response within 7 days. Any response received from the Complainant shall be provided to the Defendant at least 3 days in advance of the hearing.

9.6 Upon the application of the Defendant, the Investigations Panel Chair or the Investigations Secretariat, or on his own initiative the Chair of the Committee may postpone the hearing. In those circumstances the Investigations Secretariat shall as soon as practicable send notification of the decision to postpone the hearing and of any date fixed for the postponed hearing to all persons to whom the original Notice of Hearing was sent.

## **10. PROCEDURE AT HEARINGS BEFORE THE PROFESSIONAL CONDUCT COMMITTEE**

10.1 The hearing shall be open to the public unless in the opinion of the Professional Conduct Committee fairness or the public interest requires otherwise, and provided that the Committee's deliberations shall be held in private. The Committee may deny entry to the hearing to any person or expel any person from the hearing if that person is disrupting or is likely to disrupt the hearing or where fairness otherwise requires. Where a hearing is open to the public the Committee may exclude the public for any part of the hearing where this is appropriate and fairness so allows or requires.

10.2 The Defendant may attend the hearing unaccompanied, may be accompanied by a representative or adviser of his choice, or may send a representative of his choice instead of attending in person. The Investigations Panel Chair shall attend the hearing or be appropriately represented. References to the Defendant, the Investigations Panel Chair in this regulation 10 shall be read as referring equally to the representatives of the Defendant or the Investigations Panel Chair if any.

10.3 Where the Defendant does not appear and is not represented at the hearing, the Committee may nevertheless proceed with the inquiry if the Investigations Secretariat satisfies the Committee that all reasonable efforts have been made to serve the Notice of Hearing on the Defendant in accordance with regulations 9.2 and 21.

10.4 The procedure at the hearing shall be as follows, provided that where any matter regarding procedure is not covered by this regulation 10 it shall be determined by the Chair of the Committee:

10.4.1 The hearing shall commence with the reading of the charge or charges to the Committee in the presence of the Defendant or his representative (save where regulation 10.3 applies).

10.4.2 The Defendant may then object on legal grounds to any of the charges or any part of a charge, and where such an objection is raised the Investigations Panel Chair may reply to such an objection.

10.4.3 To the extent that any objection raised under regulation 10.4.2 is upheld by the Committee, no further proceedings shall be taken with regard to the charge or part thereof to which that objection related.

10.4.4 The Chair of the Committee shall ask the Defendant whether all or any part of the charge or charges are admitted. If all or any part of the charges are admitted the Chair shall announce a finding of fact and/or Misconduct (as appropriate) in respect of the relevant charges.

- 10.4.5 The Investigations Panel Chair shall then present the case against the Defendant in respect of the outstanding charges. In that regard the Investigations Panel Chair shall read the statements of those witnesses who are not in attendance at the hearing and may call witnesses and adduce evidence of any matters not admitted by the Defendant and of any matter connected with the charge or charges which may be relevant to the issues before the Committee. Any witness so called may be questioned by the Defendant and by the Committee. The Investigations Panel Chair may re-examine witnesses following questioning by the Defendant and/or the Committee.
- 10.4.6 If, in respect of any charge, no evidence is adduced the Committee shall record and the Chair shall announce a finding that the Defendant is not guilty of Misconduct in respect of the matter to which that charge relates.
- 10.4.7 At the close of the case against him the Defendant may submit that the evidence called by the Investigations Panel Chair is insufficient to establish all of some of the charge or charges and where any such submission is made the Investigations Panel Chair may respond to the submission and the Defendant may reply to that response. The Committee shall then consider and determine the submission and the Chair shall announce the determination of the Professional Conduct Committee in respect of that submission.
- 10.4.8 If no submission is made under regulation 10.4.7, or if any such submission is not upheld, the Defendant may then present his defence against the charges, and in that regard may make submissions, call witnesses and adduce evidence. Any witness called by the Defendant may be questioned by the Investigations Panel Chair and by the Committee. The Defendant may re-examine witnesses following questioning by the Defendant and/or the Committee.
- 10.4.9 At the close of the Defendant's evidence, the Investigations Panel Chair and the Defendant may each make a closing statement to the Committee.
- 10.5 The Committee shall then deliberate in private and, in accordance with regulation 7.6 shall decide in relation to each charge which remains outstanding whether that charge has been proved. The Chair shall announce the Committee's findings to all those present at the hearing and shall further proceed as follows:
- 10.5.1 Where the Committee determines that no charge has been proved against the Defendant the Chair shall invite the Defendant and the Investigations Panel Chair to make representations as to whether a Costs Order should be imposed on the Institute as provided for in regulation 7.7.
- 10.5.2 Where the Committee finds that one or more charge(s) is proved the Chair shall:
- (i) invite the Investigations Panel Chair to make representations as to the imposition of a penalty or penalties including adducing evidence of the circumstances leading up to the matters covered by the charge(s), and the character and previous history of the Defendant;
  - (ii) invite the Defendant to make representations as to mitigation in respect of the imposition of a penalty or penalties, including adducing any evidence relevant to mitigation and his circumstances and representations on any matter referred to in regulation 10.5.2(i) above.
  - (iii) invite both the Investigation Panel Chair and the Defendant to make representations as to whether any Costs Order should be imposed as provided for in regulation 7.8.
- 10.5.3 The Committee shall then deliberate in private and determine in accordance with regulations 7.8 and 7.10 whether to impose on the Defendant any one or

more of the penalties detailed in regulation 7.9 and/or a Costs Order as provided for in regulation 7.8.

- 10.5.4 If the Committee decide to impose a Costs Order the Defendant may then address the Committee as to the question of the time within which he shall be required to pay the amounts specified. The Committee shall deliberate and make an order specifying such date being not earlier than 28 days after service under regulation 21 of the Committee's determination. Failure to pay the Cost Order specified within the time period may result in a new matter being brought

## **11. PROCEDURE AT HEARINGS BEFORE THE APPEAL COMMITTEE**

- 11.1 The hearing shall be open to the public unless in the opinion of the Appeal Committee fairness or the public interest requires otherwise, and provided that the Committee's deliberations shall be held in private. The Committee may deny entry to the hearing to any person or expel any person from the hearing if that person is disrupting or is likely to disrupt the hearing or where fairness otherwise requires. Where a hearing is open to the public the Committee may exclude the public for any part of the hearing where this is appropriate and fairness so allows or requires.
- 11.2 The Defendant may attend the hearing unaccompanied, may be accompanied by a representative or adviser of his choice, or may send a representative of his choice instead of attending in person. The Investigation Panel Chair shall attend the hearing or be appropriately represented. References to the Defendant or the Investigations Secretariat in this regulation 11 shall be read as referring equally to the Defendant's, Investigation Panel Chair's representatives if any.
- 11.3 Where the Defendant does not appear and is not represented the Committee shall dismiss the appeal if the Investigation Secretariat satisfies them that all reasonable efforts have been made to serve the Notice of Hearing on the Defendant in compliance with regulations 9.2 and 21.
- 11.4 The Chair of the Appeal Committee shall determine the procedure to be followed at any hearing before the Appeal Committee, provided that:
- 11.4.1 At the start of the hearing the Appeal Committee will consider and determine any renewed application to adduce evidence under regulations 8.5 and/or 8.6;
- 11.4.2 The Investigation Panel Chair and the Defendant or their representative shall each have a reasonable opportunity to present their cases in relation to the appeal and any subsidiary applications, including the opportunity to respond to points raised by the other party and the Committee;
- 11.4.3 Any witnesses called by the Defendant may be questioned by the Defendant, the Investigation Panel Chair and the Committee, and any witnesses called by the Investigation Panel Chair may be questioned by the Investigation Panel Chair, the Defendant and the Committee;
- 11.5 When the Defendant and the Investigation Panel Chair have each completed their representations the Committee shall deliberate in private and decide in relation to each ground of appeal whether that ground has been made out. The Chair shall announce the Committee's findings to all those present at the hearing and shall further proceed as set out in regulations 11.6 and 11.7 below.
- 11.6 In the case of either an appeal which is made under regulation 8.3.4 only or an appeal which is made under regulation 8.3.4 and one or more other grounds but allowed only in respect of regulation 8.3.4, the Committee shall invite the Investigation Panel Chair and the Defendant to make such further representations regarding the circumstances

leading up to the charge, the character and previous history of the Defendant and any mitigating factors as they wish to make. The Committee shall then determine whether to confirm or rescind, or whether and how to vary, each of the penalties imposed by the Professional Conduct Committee and any Costs Order imposed by the Professional Conduct Committee, and whether to impose any further Costs Order in relation to the costs of the appeal proceedings.

11.7 In the case of any other appeal, the Committee shall proceed as follows:

11.7.1 Where the effect of the Committee's determination under regulation 11.5 is that no finding of Misconduct remains against the Defendant, the Committee shall rescind all penalties imposed by the Professional Conduct Committee, shall invite the Defendant and the Investigation Panel Chair to make representations as to whether any Costs Order imposed by the Professional Conduct Committee should be confirmed, varied or rescinded and as to whether a Costs Order should be imposed on the Institute in respect of the appeal proceedings as provided for in regulation 7.7, and shall make a determination as to whether such a Costs Order should be imposed;

11.7.2 Where the effect of the Committee's determination under regulation 11.5 is that the Professional Conduct Committee's findings as to Misconduct are upheld in full and there is no successful appeal under regulation 8.3.4, the Committee shall confirm the penalty or penalties and any Costs Order imposed by the Professional Conduct Committee, shall invite the Investigation Panel Chair and the Defendant to make representations as to whether any Costs Order should be imposed in respect of the appeal proceedings and shall make a determination as to whether such a Costs Order should be imposed;

11.7.3 Where the effect of the Committee's determination under regulation 11.5 is that one or more of the Professional Conduct Committee's findings of Misconduct have been overturned but one or more findings remain, it shall

- (i) invite the Investigation Panel Chair to make representations as to the imposition of a penalty or penalties in respect of the remaining findings of misconduct including adducing evidence of the circumstances leading up to the matters covered by the charges and the character and previous history of the Defendant;
- (ii) invite the Defendant to make representations as to mitigation in respect of the imposition of a penalty or penalties, including adducing any evidence relevant to mitigation and his circumstances and representations on any matter referred to in regulation 10.5.2(i) above.
- (iii) invite both the Investigation Panel Chair and the Defendant to make representations as to whether any Costs Order imposed by the Professional Conduct Committee should be confirmed, rescinded or varied and as to whether any Costs Order should be imposed by the Committee in respect of the appeal proceedings.

The Committee shall then deliberate in private and shall determine, in accordance with regulations 7.8 and 7.10 and having regard to the extent (if any) to which they have allowed the appeal, whether to confirm or rescind, or whether and how to vary, each of the penalties imposed by the Professional Conduct Committee detailed in regulation 7.9 and any Costs Order imposed by the Professional Conduct Committee, and whether to impose any further Costs Order in relation to the costs of the appeal proceedings.

11.7.4 If the Committee have imposed and/or confirmed or varied a Costs Order the Defendant may then address the Committee as to the question of the time within which he shall be required to pay the amounts specified. The Committee shall deliberate and make an order specifying such date being not

earlier than 28 days after service under regulation 21 of the Committee's determination. The Committee may direct at the time of making such an order that upon failure by the Defendant to make payment by the due date he shall be suspended from the Institute for such period as the Committee shall specify or he shall be expelled from the Institute.

## **12. STANDARD OF PROOF**

- 12.1 Subject only to regulation 13.3 before making a finding of Misconduct the Professional Conduct Committee must be satisfied that any alleged facts which it considers would constitute Misconduct are more likely than not to be true.

## **13. RELEVANT CRIMINAL CONVICTION**

- 13.1 Subject to regulation 13.2, the question of whether a criminal conviction is relevant for the purposes of Bye-Law 33(v) and these Regulations shall be determined by the Investigations Panel Chair or his representative, having regard to the circumstances that gave rise to the offence, the nature and seriousness of the offence, the penalty imposed, the lapse of time since the offence was committed and the extent to which the offence was related to the members professional practice.

- 13.2 For the avoidance of doubt, convictions falling into one or more of the following categories shall be considered relevant for the purposes of the Bye-Law 33(v) and these Regulations:

13.2.1 Offences involving dishonesty and/or breach of trust

13.2.2 Offences of attempted or actual physical violence

13.2.3 Offences of a sexual nature

13.2.4 Offences for which a period of imprisonment was imposed, whether or not suspended.

13.2.5 Offences relating to terrorism

13.2.6 Offences relating to trafficking, slavery and immigration.

- 13.3 This regulation 13.3 applies in relation to any charge of Misconduct under Bye-Law 33(a)(v) (relevant criminal conviction). A certificate of conviction shall be accepted as proving the commission of the offence and where such a certificate is produced by the Investigations Secretariat the Professional Conduct Committee is not required to consider itself whether the facts or circumstances which constituted the offence did occur.

13.3.1 Where the Investigations Secretariat is in possession of the certificate of conviction and there are no other associated disciplinary matters involving the Defendant to be referred to the Investigations Panel, the Investigations Secretariat shall refer the matter directly to the Professional Conduct Committee for a hearing under regulation 10.

13.3.2 In such circumstances the particular requirements of regulations 4.2, 4.3, 5.1, 5.5, 9.2, 9.4, 9.5, 10.4.2 shall not apply and the Professional Conduct Committee shall move directly to consideration of the appropriate penalty and Costs Order under regulations 10.5.2 to 10.5.4 (the "Sanctions Hearing"). The Investigations Secretariat shall inform the Defendant of the date for the Sanctions Hearing at least 14 days in advance of that hearing. At least 7 days in advance of the Sanctions Hearing the Defendant shall inform the

Investigations Secretariat in writing whether he will attend the Sanctions Hearing or be appropriately represented, and if so the name, address and professional qualifications (if any) of his representative, and may provide the Investigations Secretariat with written submissions and copies of all documents or other evidence upon which he wishes to rely in mitigation.

#### **14. CPD**

- 14.1 In cases involving a breaches of rule 13 (Rules and Regulations of Professional Competence and Conduct prior to 31 December 2017) and 10 (failure to provide evidence CPD), where the Defendant has not responded to the notices issued pursuant to regulations 3.3 and 4.2, the matter shall not be referred to the Investigations Panel pursuant to regulation 5 but shall be considered by the Investigations Panel Chair or his representative.
- 14.2 If the Investigations Panel Chair or his representative considers that there is a case for the Defendant to answer, the matter will be referred to the Institute Secretary who shall exercise the functions set out in regulation 7.1.
- 14.3 If a penalty is imposed under regulation 7.2 and no response is received the matter shall be referred to the Professional Conduct Committee in accordance with regulation 7.4.

#### **15. DETERMINATIONS**

- 15.1 Written notice of determinations of the Investigations Secretariat under regulations 3.5 and 3.6, of the Investigations Panel under regulations 5.4 and 5.5 of the Professional Conduct Committee under regulations 7.1.1, 7.6 to 7.8 and of the Appeal Committee under regulations 8.9 to 8.11 shall be sent to the Defendant, to any Complainant, to the Investigations Secretariat and to such other interested persons or bodies who or which in the opinion of the Investigations Secretariat or the relevant Committee have a proper interest in being so informed of its determination.
  - 15.1.1 Written notice of the Consent Order by the Professional Conduct Committee under regulation 7.3 shall be sent to the Defendant only.
- 15.2 The Defendant, the Investigations Secretariat (where appropriate) and any Complainant shall be provided with a brief statement of the reasons for the Investigations Secretariat's or the Committee's determination.
- 15.3 All determinations referred to in regulation 15.1 shall be sent to the Defendant in accordance with regulation 21 and determinations of the Professional Conduct Committee under regulations 7,3 7.6 to 7.8 and of the Appeal Committee under regulations 8.9 to 8.11 shall normally be sent to the Defendant within 21 days after the date on which the hearing finished.
- 15.4 The Institute shall publish the determinations of the Professional Conduct Committee (with the exception of any decision under regulation 7.2.1 and 7.3) and the determinations of the Appeal Committee as it considers appropriate.

#### **16. LEGAL ADVICE**

- 16.1 The Legal Assessor shall be present at all hearings of the Professional Conduct Committee under regulation 9 or the Appeal Committee and may be in attendance at other hearings as a Committee so requires.

- 16.2 The Legal Assessor shall advise the Investigations Panel, the Professional Conduct Committee and the Appeal Committee on such legal or procedural matters that he considers in his professional opinion the Committee should be advised upon or upon which the Committee ask him to advise.
- 16.3 The advice of the Legal Assessor to the Professional Conduct Committee and the Appeal Committee in relation to a particular disciplinary matter shall be delivered at the hearing in the presence of the Defendant and/or his representative or if delivered in private shall be faithfully and accurately relayed to the Defendant and/or his representative. The Defendant or his representative shall be entitled to comment upon such advice.

## **17. PROCEEDINGS IN RESPECT OF STUDENT MEMBERS**

- 17.1 In considering any charges which are brought under these regulations alleging Misconduct by a Student Member:
- 17.1.1 the Investigations Panel, Professional Conduct Committee and the Investigations Secretariat in making any enquiries, investigations or determinations (including determinations as to penalty) shall have regard to the stage in training reached by the Student and the expectation of any person responsible for supervising the Student's education or training as to the level of knowledge competence and experience appropriate to such a stage and expected of a Student Member;
- 17.1.2 at any stage prior to determination, the Investigations Panel, the Professional Conduct Committee or Appeal Committee may request any person responsible for supervising the student's education or training to comment on any aspect of the student's training or conduct which may have a bearing on the Panel's or Committee's determinations in relation to the case.

## **18. COMPOSITION OF COMMITTEES**

- 18.1 A determination of a Committee shall not be invalidated only by reason of the absence of a member of the Committee for any continued or adjourned hearing as long as the Committee remains quorate during the resumed hearing.
- 18.2 Composition of the Investigations Panel:
- 18.2.1 The Investigations Panel shall act under a quorum of three members. No more than five members of the Investigations Panel shall be assigned to consider each professional conduct matter and they shall be appointed by the Investigations Panel Chair from amongst the Independent Members and Institute Members of the Investigations Panel.
- 18.2.2 Those members of the Investigations Panel not appointed to consider the particular case shall play no part in determining whether there is prima facie evidence that the facts or circumstances of the particular disciplinary matter to which the Panel has been assigned constitute Misconduct under Bye-Law 33.
- 18.2.3 The Investigations Panel Chair may be an Independent Member or an Institute Member.

### 18.3 Composition of the Professional Conduct Committee

- 18.3.1 The Professional Conduct Committee shall consist of at least seven members, each of whom may be either an Independent Member or an Institute Member.
- 18.3.2 The Professional Conduct Committee shall act under a quorum of five members.
- 18.3.3 In relation to proceedings under regulation 13 or in respect of Former Members a panel of three members may be appointed. Those members of the Professional Conduct Committee not appointed to the Professional Conduct Panel shall play no part in the investigation and determination of that particular disciplinary matter. These Regulations (other than regulations 18.3.1, 18.3.2 and 19.3) shall apply to a Professional Conduct Panel as they apply to the Professional Conduct Committee as a whole, with references to the Professional Conduct Committee and the Professional Conduct Committee Chair being read as references to the Professional Conduct Panel and the Professional Conduct Panel Chair.
- 18.3.4 The Professional Conduct Committee Chair may be an Independent Member or an Institute Member.
- 18.3.5 Any preliminary or procedural issue that arises prior to a hearing may be determined by the Chair of the Professional Conduct Committee or the Chair of any panel appointed under regulation 18.2.3.
- 18.3.6 The Board shall appoint a Chair, Vice-Chair or such other deputies as required. In the event of such appointment, the Vice Chair may exercise the functions of the Chair pursuant to these Regulations in the absence of the Chair or when the Chair is unable to act.

### 18.4 Composition of the Appeal Committee

- 18.4.1 The Appeal Committee shall consist of at least five members, each of whom may be either an Independent Member or an Institute Member, to be appointed by the Institute from time to time.
- 18.4.2 The Appeal Committee shall act under a quorum of three members.
- 18.4.3 The Appeal Committee Chair may be an Independent Member or an Institute Member.
- 18.4.4 The Appeal Committee may delegate to the Appeal Committee Chair the power to determine any preliminary or procedural issue that arises prior to a hearing.

- 18.5 No Institute Member or Independent Member may sit on more than one of the three Committees referred to in this regulation 18.

## 19. APPOINTMENT OF COMMITTEE MEMBERS

- 19.1 The Board shall appoint all members of the Investigations Panel, Professional Conduct Committee and the Appeal Committee from amongst those persons eligible to be members of these committees. From time to time the Board may delegate its function to the Audit and Risk Committee as it sees fit.
- 19.2 Members of the Investigations Panel and Professional Conduct Committee shall be appointed for a term of three years. Upon expiry of their first term of office each member of these Committees may be re-appointed for further terms of three years.



- 19.3 Any member of the Investigations Panel or Professional Conduct Committee who does not attend at least three meetings or hearings of the panels respectively during the course of their term of office shall not be eligible for reappointment until one year after the expiry of that term of office.
- 19.4 The Board may suspend or remove any member of the Investigations Panel or Professional Conduct Committee:
- 19.4.1 Upon receiving information that the member is incapable of performing his duties or unsuitable to sit as a member by reason of actions which have brought the Institute into disrepute and upon three-quarters of the members of the Board taking part in such determination voting for such suspension or removal; or
- 19.4.2 Upon that member ceasing to be eligible for appointment as an Independent Member or Institute Member (as the case may be) and upon a majority of the members of the Board taking part in such determination voting for such suspension or removal.
- 19.5 An Institute Member shall automatically be suspended from any Panel or Committee upon which he sits in the event that the Investigations Secretariat puts allegations to that person under regulation 4.2 and that Member shall remain suspended until the conclusion of any disciplinary proceedings under these Regulations.
- 19.6 A person is eligible to be appointed as an Independent Member if neither they nor any of their immediate family, including their spouse or the person with whom they are living as a life partner, are a Member, Former Member, employee or former employee of the Institute. Although not a requirement for eligibility, an Independent Member may be appointed on the basis of his employment in the construction industry and/or possession of a legal qualification.
- 19.7 A person is eligible to be appointed as an Institute Member if he is a Corporate Member of the Institute however not retired (RetMCIOB / RetFCIOB), he is not suspended from membership under Bye-law 36, he has not had any sanction imposed upon him under these Regulations or any antecedent Regulations within the last ten (10) years and disciplinary proceedings are not presently underway against him under these Regulations or any antecedent Regulations. For the purposes of this regulation only disciplinary proceedings under these Regulations shall be deemed to be underway if allegations have been put under regulation 4.2.
- 19.8 Independent Members may be paid such remuneration by the Institute as the Board may from time to time determine.

## **20. APPLICATIONS FOR RE-ADMISSION FOLLOWING EXPULSION**

- 20.1 A Former Member who has been expelled from the Institute pursuant to regulations 7.8, 7.9.3, 10.5.4 or 11.7.4 may apply to the Professional Conduct Committee in writing for re-admission to the Institute not less than five years after the date of the order of the Professional Conduct Committee expelling the Member or the conclusion of any appeal against such an order. The Professional Conduct Committee shall determine whether the Former Member meets the criteria and conditions for membership as specified in the Bye-Laws, including whether in the Committee's view the Former Member is currently a fit and proper person to be elected as a member of the Institute notwithstanding the circumstances that had led to his expulsion from the Institute.
- 20.2 As soon as practicable following receipt of an application for re-admission under regulation 20.1 the Investigations Secretariat shall convene a meeting of the Professional Conduct Committee to consider the application. The Former Member shall be notified of the time, date and place of the meeting when his application shall be

considered and he shall be afforded the opportunity of being heard by the Committee and of adducing evidence in support of his application for re-admission. The notice shall be sent at least 14 days prior to the meeting and in accordance with regulation 21. The notice shall be accompanied by copies of any evidence (including witness statements on which the Investigations Secretariat intends to rely at the hearing) and may require the Former Member to submit evidence and information by a specified date prior to the hearing.

- 20.3 The procedure at the hearing shall be as follows, provided that where any matter regarding procedure is not covered by this regulation 20 it shall be determined by the Committee Chair:
- 20.3.1 The Former Member and/or his representative may attend the hearing. The Investigations Secretariat shall attend or be appropriately represented at the hearing.
- 20.3.2 The Former Member may address the Committee and adduce oral or written evidence of identity, character, relevant mitigation, his conduct since he was expelled from the Institute and his current ability to comply with the current criteria and conditions for membership specified in the Bye-Laws. The former Member and/or any witness called by him may be questioned by the Investigations Secretariat and/or the Committee.
- 20.3.3 The Investigations Secretariat may address the Committee and adduce oral or written evidence on the matters referred to in regulation 20.3.2;
- 20.3.4 The Committee shall deliberate in private and determine whether or not to approve the application for re-admission. The Committee shall give brief reasons for its decision.
- 20.4 Where any application for re-admission has been denied, the former Member shall not be entitled to make any further application for a period of twelve months from the date of the determination.
- 20.5 A Former Member shall have the right to appeal the decision of the Professional Conduct Committee on application for re-admission on the grounds listed in regulation 8.3.

## **21. SERVICE OF NOTICES**

- 21.1 Any notice, determination or other document required by these Regulations shall be served in accordance with Bye-Law 56.

## **22. DEFINITIONS AND INTERPRETATION**

- 22.1 In these regulations:

- 22.1.1 Unless the context otherwise requires, the following expressions shall have the following meanings:

- (a) "Appeal Committee" means the committee established for the purposes set out in Bye-Law 34 and regulation 8.1 and in accordance with regulations 8 and 18.3;

- (b) "Audit and Risk Committee" means the Committee formed by the Board of Trustees with the oversight of the Professional Conduct Committee and Grievance and Appeals Board;
- (c) "Board of Trustees" means the Board of Trustees as established under the Bye-Laws of the Institute;
- (d) "Bye-Laws" means the Bye-Laws of the Institute as amended from time to time;
- (e) "Charter" means the Royal Charter of the Institute as amended from time to time;
- (f) "Company" means a company within the meaning of Bye-Law 13;
- (g) "Committee" means any one or more of the Investigations Panel, Professional Conduct Committee and the Appeal Committee as is appropriate in the context;
- (h) "Complainant" means any person who or body which makes an allegation to the Institute that a Member has been guilty of Misconduct;
- (j) Consent Order means an order agreed between the Institute and the defendant pursuant to regulation 7.3
- (k) "Corporate Member" means any person within the meaning of Bye-Laws 4, 8 and 9.
- (l) "Cost Order" means an award as to costs to be paid by either the Defendant or the Institute so as wholly or partially to reimburse the Institute or the Defendant such reasonable costs and expenses as that party has incurred in connection with the investigation and determination of the disciplinary action including any appeal;
- (m) "Defendant" means a Member who is subject to disciplinary proceedings under these regulations following a decision under regulation 3.6;
- (n) "Expulsion" means, in relation to a Member expulsion from membership of the Institute indefinitely subject to the right to apply for re-admission under regulation 20 and, in relation to a Former Member, means an order that if the Former Member at any time applies to be re-admitted to the Institute the application shall be treated in accordance with these Regulations as amended from time to time and in particular regulation 20;
  - (i) "Expulsion" means, in relation to a Company expulsion from company membership of the Institute indefinitely subject to the right to apply for re-admission under regulation 20 and the corresponding removal of any rights to use the designation and logo that were a consequence of membership of the Institute.
- (p) "Former Member" means any person who has previously been but has ceased to be a Member;
- (q) "Investigations Secretariat" means the division of the Institute whose task is to investigate disciplinary and competency matters or such external contractors, agents or representatives as the Institute may appoint to fulfil this function on its behalf;

- (r) "Independent Member" means a member of a Committee who meets the requirements of regulation 19.6 and other criteria as the Committee may determine at that time;
- (s) "Institute" means the Chartered Institute of Building;
- (t) "Institute Member" means a member of a Committee who meets the criteria in regulation 19.7;
- (u) "Investigations Panel" means the panel convened for the purposes set out in Bye-Law 34 and regulation 5.1 and in accordance with regulations 5 and 18.2;
- (v) "Investigations Panel Chair" means the Chair of the Investigations Panel or an elected member of the Investigations Panel in his absence.
- (t) "Legal Assessor" means a person appointed to provide legal advice to the Investigations Panel, the Professional Conduct Committee or the Appeal Committee and who shall be independent from the Investigations Secretariat;
- (w) "Member" means, for the purposes of these Regulations only, a corporate or non-corporate member of the Institute elected in accordance with Bye-Laws 8 - 12 including for the avoidance of doubt a Company as defined in Bye-Law 13;
- (x) "Misconduct" has the meaning given to it in Bye-Law 33;
- (y) "Notice of Hearing" means a written notice prepared by the Investigations Secretariat in accordance with regulation 9 which specifies the proposed date, time and place of a hearing of the Professional Conduct Committee or the Appeal Committee;
- (z) "Professional Conduct Committee" means the committee established in accordance with regulation 18.3
- (aa) "Regulations" means the Disciplinary Regulations of the Institute as amended from time to time.
- (bb) "Reprimand" means a reprimand to be recorded against the Member's record for a period of time to be specified by the Professional Conduct Committee, such period not to exceed two years from the date of imposition of the reprimand.
- (dd) "Sanctions Hearing" means a hearing to consider a 'relevant' criminal conviction as noted in regulation 13.3.2
- (ee) "Student Member" means a student member elected under Bye-Law 12;
- (ff) "Suspension" means
  - (i) in relation to a Member, suspension of membership from the Institute for a specified period of time or subject to conditions pursuant to regulation 7.9.2 and in relation to a Former Member means an order that any application received from that Former Member for re-admittance to membership during the specified period shall be rejected. Conditions may be attached to any order of suspension and which provide that the Member shall undertake further training or other actions during his period of suspension;

(ii) in relation to a Company suspension from company membership of the Institute for a period of time and / or conditions, and the corresponding suspension of the right to use any designation and logo that are a consequence of membership of the Institute.

(gg) "Undertaking" means an undertaking to comply in the future or by a specified date with any rule(s) or regulation(s) of the Institute or, other relevant undertaking in relation to the misconduct which the Committee may specify.

21.2 Unless the context otherwise so requires, other words and expressions shall have the meanings assigned to them by the Charter and the Bye-Laws. Words importing the masculine gender shall include the feminine and neuter and words in the singular shall import the plural; and vice versa.

## **Amendments**

1. Regulations approved by Board of Trustees – 31 October 2010
2. Amendment to 16.1.1 approved by Board of Trustees – 24 April 2013
3. Regulations approved by Board of Trustees – 24 April 2015. (change of Bye-Law numbers due to Grade Review; reference to 'Companies')
4. Regulations amended and approved by Board of Trustees – October 2017 and subsequently approved by the Institute's Legal Assessors.