

# REGULATIONS

## Interpretation

1. In these Regulations:
  - 1.1 'Centre Council' means that body of Members who organise and regulate the affairs and facilitate the administration of a Centre;
  - 1.2 'Centre Councillors' means and shall consist of Elected Centre Councillors, Ex-Officio Centre Councillors and Honorary Centre Councillors as determined from time to time pursuant to these Regulations;
  - 1.3 'Centre Members' means Members whose registered addresses fall within the geographic area allocated to the Centre concerned;
  - 1.4 'Centre Regulations' means those Regulations set out in Part II hereof;
  - 1.5 'Disciplinary Regulations' means those Regulations set out in Part IV hereof;
  - 1.6 'General Regulations' means those Regulations set out in Part I hereof; and
  - 1.7 'Professional Conduct Regulations' means those Regulations set out in Part III hereof.

**PART I: GENERAL REGULATIONS**

**Supplementary provisions relating to qualification and election to the class of Fellow and Honorary Fellow**

2.1 Applications for election to the class of Fellow and nominations for the class of Honorary Fellow may be made by either:

2.1.1 a Centre Council, signed by both the Chairman and the Honorary Centre Secretary;

2.1.2 any three Fellows; or

2.1.3 any six Corporate Members.

2.2 Applications for election to the class of Fellow shall be submitted to the Chief Executive Officer on the appropriate application form and must be signed by the nominators and the applicant.

2.3 Nominations for election to the class of Honorary Fellow shall be submitted in writing to the Chief Executive Officer and must be signed by the nominators.

2.4 The Education, Training and Membership Committee shall establish a Fellows Assessment Panel and the Chairman and Vice Chairman of the Education, Training and Membership Committee shall be members ex-officio of such Panel.

2.5 Each Centre is invited to nominate or re-nominate three representatives for the purpose of membership of such Panel.

2.6 The Fellows Assessment Panel shall be constituted by Corporate Members drawn from as wide a cross section of the wastes management industry as possible.

2.7 Each representative will serve a term of three years and may be re-nominated at the end of the three year term.

2.8 The panel shall meet at appropriate times to be determined by its chairman.

2.9 The applications for election to the class of Fellow and nominations for the class of Honorary Fellow shall be considered at a meeting of at least six members of the Fellows Assessment Panel, one of whom shall be the Chairman or Vice Chairman of the Education, Training and Membership Committee who shall be the Chairman of the meeting. Attendance at the meeting may be either in person or via remote link.

2.10 The Fellows Assessment Panel will consider each application and nomination and, in the case of election to the class of Fellow, may arrange for the applicant to be interviewed if necessary.

2.11 Applications and nominations are to be voted upon by means of a secret ballot of the Fellows Assessment Panel. Applicants and nominees must achieve at least two-thirds of the votes of those taking part in the Panel.

2.12 The Fellows Assessment Panel shall report their decisions to the next meeting of the Education, Training and Membership Committee, who will report to the General Council for information.

### **Non-Corporate Members**

3. In addition to those classes of Non-Corporate Membership listed in paragraph 10 of the Bye-Laws there are as at the date of adoption of these Regulations the following classes of Non-Corporate Membership:

3.1 Student Member;

3.2 Affiliate Member;

3.3 Life Member;

3.4 Retired Member; and

3.5 Affiliated Organisation.

### **Election to Non-Corporate Membership**

#### **Student Member**

4. The General Council may, in its absolute discretion, elect and admit as a Student Member any person who is undertaking a course of study and examination relevant to wastes management.

#### **Affiliate Member**

5. The General Council may, in its absolute discretion, elect and admit as an Affiliate Member a person who is concerned with wastes management but who is not eligible for any other class of membership.

#### **Life Member**

6. A Corporate Member of the Institution who ceases to be actively engaged in wastes management may be transferred to the class of Life Member with the approval of the General Council. A candidate for election to Life Member shall normally have rendered exceptional service to either the wastes management industry or the Institution.

#### **Retired Member**

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7. A Member of the Institution who ceases to be actively engaged in wastes management may transfer to the class of Retired Member with the approval of the General Council.

### **Affiliated Organisation**

8. The General Council may, in its absolute discretion, elect and admit as an Affiliated Organisation a firm, company or organisation concerned with wastes management which supports the Objects. Affiliated Organisations will not be subject to the Institution's Disciplinary Regulations but may be excluded from the Institution by decision of General Council under Bye-Law 27.

### **Designations**

9. Members in the following classes shall be entitled to place appropriate designatory letters after their names as hereunder:

- |     |                   |  |
|-----|-------------------|--|
| 9.1 | Fellow            | FCIWM;   |
| 9.2 | Member            | MCIWM;   |
| 9.3 | Licentiate        | LCIWM;   |
| 9.4 | Honorary Fellow   | HonFCIWM;  |
| 9.5 | Graduate Member   | GradMCIWM;   |
| 9.6 | Associate Member  | AssocMCIWM; and  |
| 9.7 | Technician Member | TechMCIWM  |
| 9.8 | Retired Member    | “(Ret.)” following any of the designations<br>contained in paragraphs 9.1 to 9.7 above |

and Corporate Members entitled to place the designatory letters FCIWM and MCIWM after their names shall be entitled to call themselves ‘Chartered Waste Managers’.

### **Establishment of the General Council**

10. The General Council shall consist of Corporate Members to be known as General Councillors and/or Trustees as follows:

- 10.1 the Honorary Officers listed in paragraph 59.1 of the Bye-Laws and the Honorary Vice Treasurer as determined by General Council under Bye-Law 59.3;
- 10.2 the immediate past President shall be a member of the General Council as of right for a period of one year only after retiring as President.
- 10.3 past President(s) pursuant to paragraph 22 hereof;
- 10.4 elected General Councillors;

- 10.5 Chairman of Education, Training and Membership Committee
- 10.6 Chairman of Scientific and Technical Committee; and
- 10.7 Chairman of the IWM BS Ltd Board

### **Honorary Officers and General Councillors**

11. The Honorary Officers referred to in paragraph 10.1 hereof shall be elected as set out in the Practice Directions and the elected General Councillors referred to in paragraph 10.4 hereof shall be elected as set out in paragraphs 15-18 hereof.

### **Centre Representatives**

12. Each Centre shall be entitled to elect representatives to the General Council. The registered addresses of such General Councillors as are elected must be within the geographic area of the Centre which they represent and a General Councillor shall forthwith resign his seat upon this ceasing to be the case. The Centre concerned shall immediately elect or appoint a General Councillor in substitution thereof in accordance with procedures laid down in these Regulations.

13. The figures for the number of Corporate Members in each Centre to be used in the allocation of seats on the General Council for the year following shall be those existing at the 1<sup>st</sup> September and the number of General Councillors so elected by each Centre shall be as follows:-

- 13.1 From 1 to 99 inclusive – one representative;
- 13.2 From 100 to 399 inclusive – two representatives; and
- 13.4 From 400 upwards – three representatives.

### **Casual vacancies**

14. Casual vacancies arising on the General Council shall be filled as follows:

14.1 Should the casual vacancy occur within the last year of a General Councillor's term of office the Centre Council in relation to which the vacancy has arisen may appoint any Corporate Member registered with the Centre concerned to fill the vacancy within eight weeks of it arising, but the Chief Executive Officer shall cause a Bye-Election to be held should the unexpired term of office exceed one year;

14.2 If the Centre Council fails to make an appointment within the period of eight weeks specified in paragraph 14.1 above the General Council may forthwith appoint any Corporate Member of the Institution to fill the vacancy.

### **Elections to the General Council**

15. Elections for General Councillors shall be held separately for each Centre on the occasion of the termination of the term of office of a General Councillor. Nominations for General Councillors must be made in writing to the Chief Executive Officer proposed and seconded by Corporate Members having a registered address within the geographic area of the Centre to which the nomination refers and must be received in accordance with a timetable agreed by the Board of Trustees, accompanied by the written consent of the nominee, who must be a Corporate Member. Should there be no nominations within the required period then the casual vacancy process, specified in Regulation 14, shall be followed.

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16.1 When the number of persons nominated exceeds the number of vacancies, the Chief Executive Officer shall provide ballot papers, bearing the list of nominees, to each Corporate Member registered with the Centre concerned no later than twenty one days before the date fixed for the Centre Annual General Meeting.

16.2 Electors shall be entitled but not obliged to vote for as many nominees as there are vacancies to be filled and no more and must return the ballot papers to the Chief Executive Officer within the prescribed time period.

16.3 The accidental omission to send a Corporate Member a ballot paper shall not invalidate the result of the ballot.

17. The returned ballot papers shall be opened, under supervision of the Chief Executive Officer, by three scrutineers who shall normally be Corporate Members provided none of those selected is a candidate for election.

18. The candidates up to the number of vacancies who shall receive most votes shall be declared elected and, in the case of two or more nominees receiving an equal number of votes, the chairman of the relevant Centre shall have a second or casting vote. The results of the elections shall be declared at the Centre Annual General Meeting and be effective on and from the first meeting of the newly constituted General Council. Provided all candidates are informed prior to the ballot, the number of votes cast for each candidate may be declared at the Centre Annual General Meeting.

19. Centre Chairmen, or in their place, Honorary Centre Secretaries who are not General Councillors may attend meetings of the General Council but shall not be entitled to vote on any matter arising.

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### **Existing Past Presidents as at 11th June 1991**

22. Existing past Presidents as at the 11th June 1991 who have been in continuous membership of the General Council since that date may retain their position as a General Councillor for such period of time as they wish. During such period such persons shall not be included as a representative of any Centre for the purposes of paragraph 12 hereof.

23. Following the resignation of such a person described in paragraph 22 hereof that person shall only thereafter be eligible to be a General Councillor as a result of election by a Centre under the provisions of paragraph 12 hereof.

### **Employees**

24. The employees of the Institution shall be a Chief Executive Officer and such other persons as the General Council may from time to time appoint and they shall be paid such salaries as the General Council may from time to time determine.

25. The General Council may, as it thinks fit, make such provision for pensioning retired employees, whether by agreement at the time of appointment or otherwise.

### **Chief Executive Officer**

26. The Chief Executive Officer shall act under the direction of the General Council. He shall head the Institution's employees and be responsible to the General Council and its committees and shall undertake such other executive duties as the General Council may from time to time determine. He shall keep formal records of the proceedings of meetings and attendance thereat.

27. Should it be required at any time that the General Council has to appoint a temporary substitute for the Chief Executive Officer the person so appointed shall be deemed during the term of his appointment to be the Chief Executive Officer.

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### **Secretary**

28.1 The secretary shall be appointed by the General Council for such term, at such remuneration and upon such conditions as it may think fit and any secretary so appointed may be removed by it.

28.2 The post of secretary shall not be held by the Chief Executive Officer.



## **PART II: CENTRE REGULATIONS**

### **Establishment of Centres**

29. In pursuance of its powers under the Bye-Laws, the General Council shall, in its absolute discretion, determine from time to time the formation or dissolution of Centres and their geographic boundaries and the General Council shall be obliged to convene to consider exercising such powers on receipt of a petition signed by no fewer than thirty Corporate Members whose registered addresses fall within the same geographic area.

30. Centres are established to facilitate the Objects at a regional and local level. In particular, the role of the Centres will include the following:

30.1 the organisation and co-ordination of the activities of Centre Members at both regional and local levels;

30.2 the holding of open meetings at least twice annually for the purpose of promoting scientific, technical and managerial knowledge and expertise in wastes management;

30.3 to act as a conduit between Centre Members and the General Council to facilitate the dissemination of Institution business and policy and to effectively communicate the views of Centre Members on all issues affecting the operation of the Institution;

30.4 the holding of elections to Centre Councils; and

30.5 to fulfil such other functions and duties as the General Council may from time to time lawfully direct.

31. Centre Councils shall at all times act in the best interests of the Institution and comply with the Constitution.

### **Centre Meetings**

32. Each Centre shall hold a general meeting of Centre Members in every calendar year as its annual general meeting at such time between 1<sup>st</sup> January and 30th April and at such place as may be determined by the Centre Council.

33. All other general meetings of the Centre Members shall be called extraordinary general meetings and may be called by the General Council or the Centre Council or on the requisition of not less than one tenth of the Centre's Corporate Members, the convening of such a requisitioned meeting to follow the

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requirements of the Companies Act 1985. Full details of such meetings shall be forwarded to the Chief Executive Officer.

34. Centre Members shall be given no less than twenty-one days' notice in writing of all general meetings, such notice stating the business to be considered at the meeting. No other business shall be considered.

35. A quorum at any general meeting shall be constituted by the attendance of either ten per cent or fifteen of the Centre's Corporate Members, whichever is the fewer.

36. The chairman of the Centre Council, as elected in accordance with the Regulations set out herein or in his absence any other Centre Councillor, shall take the chair at every general meeting of the Centre. Every Corporate Member eligible to attend shall have one vote which may be exercised in person or by his proxy.

37. The provisions relating to proxies contained in paragraphs 49-54 inclusive of the Bye-Laws shall apply in all relevant respects except the reference to 'Chief Executive Officer' may be substituted with 'Honorary Centre Secretary', 'Chartered Institution of Wastes Management' may be substituted with the relevant Centre Council and the form of proxy may be deposited at the address of the Honorary Centre Secretary as opposed to the Chief Executive Officer's office.

38. Non-Corporate Members shall not be eligible to vote at any Centre Council meeting.

### **Centre Councils**

39. The affairs of each Centre shall be managed by a Centre Council which shall comprise the following:

39.1 'Elected Centre Councillors' being no fewer than four and no more than nine Corporate Members elected to the Centre Council by the Centre's Corporate Members or any General Councillor filling a casual vacancy pursuant to paragraph 46 hereof;

39.2 'Ex-Officio Centre Councillors' being General Councillors whose registered addresses fall within the Centre's geographic area and who are not Elected Centre Councillors; and

39.3 'Honorary Centre Councillors' being an Honorary Centre Secretary, an Honorary Centre Treasurer and such other honorary officers or co-opted Corporate Members as the Centre Council may from time to time appoint from Centre Members who are not General Councillors.

40. Nothing shall prevent an Honorary Centre Councillor from holding more than one honorary post although he shall nevertheless be only entitled to a maximum of one vote at meetings of the Centre Council. Honorary Centre Councillors who are not Corporate Members shall not be eligible to vote at meetings of the Centre Council.

41. Notwithstanding the provisions of the foregoing paragraphs the aggregate number of Honorary Centre Councillors and Ex-Officio Centre Councillors shall at no time exceed the number of Elected Centre Councillors.

42. Any Centre Councillor who ceases for whatever reason to be a Member shall be deemed to have resigned from the Centre Council.

#### **Election of Centre Councillors**

43. Elections of Elected Centre Councillors shall be held annually in accordance with any procedure prescribed by the Constitution or by directions issued from time to time by the General Council and otherwise at the discretion of the Centre Council.

44. Elected Centre Councillors shall ordinarily hold office for three years although they shall thereafter be eligible for re-election. For those Centres where it is relevant, at every annual general meeting, one third of the Elected Centre Councillors shall retire from office with those who have been longest in office since election or re-election retiring first.

45. A Corporate Member wishing to stand for election as an Elected Centre Councillor must, within the time limits so prescribed by the Centre Council, serve a notice on the Honorary Centre Secretary indicating the Member's willingness to be elected and signed by two other Corporate Members prepared to support his application.

#### **Casual Vacancies**

46. The Centre Council may from time to time appoint a Corporate Member to the Centre Council to fill a casual vacancy provided always that any prescribed maximum be not thereby exceeded. Any Member so appointed shall retain his office only until the next annual general meeting of the Centre but he shall then be eligible for election.

#### **Proceedings of the Centre Council**

47. Centre Councillors shall meet from time to time and regulate their proceedings as they see fit. The quorum for Centre Council meetings shall be four Elected Centre Councillors.

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48. Centre Councillors shall appoint an Elected Centre Councillor as chairman and may, at any time, remove him from this office. The chairman shall preside at every meeting at which he is present and in his absence the Centre Council shall appoint another Elected Centre Councillor to preside. Questions shall be decided by a majority of votes and in the event of an equality of votes the chairman shall have a casting vote.

49. The Centre Council may delegate any of its powers to committees consisting of such Members as it sees fit and the proceedings of such committees shall be governed by these Regulations so far as applicable and any other directions of the Centre Council. Resolutions of such committees shall be reported to the Centre Council as soon as possible.

### **Honorary Centre Secretary**

50. The Honorary Centre Secretary shall act only on the authority of the Centre Council and his duties shall include:

- 50.1 responsibility for all routine administrative matters;
  - 50.2 convening general meetings and meetings of the Centre Council;
  - 50.3 recording and circulating minutes of all meetings and sending copies to the Chief Executive Officer;
  - 50.4 preparation and presentation to the Centre's annual general meeting of a report of the Centre's activities throughout the preceding year, such report to include a record of Centre Councillors' attendance at Centre Council meetings;
  - 50.5 the performance of such other lawful duties as directed by the Centre Council;
- and
- 50.6 at the conclusion of his term of office, the handing over of all books, records, papers and other property of the Centre under his control to a person authorised to accept them by the Centre Council.

### **Honorary Centre Treasurer**

51.1 It shall be the duty of the Honorary Centre Treasurer to ensure that the highest possible standards of financial prudence are maintained and he must comply with all directions relating to financial matters which are from time to time issued by the Chief Executive Officer.

51.2 The Honorary Centre Treasurer's duties shall include:

- 51.2.1 management of the Centre's bank accounts;

51.2.2 maintenance of a true and proper record of the Centre's income and expenditure;

51.2.3 provision of such financial and accounting information as may from time to time be reasonably required by the Chief Executive Officer;

51.2.4 preparation of quarterly financial statements for the periods ending 31<sup>st</sup> March, 30<sup>th</sup> June, 30<sup>th</sup> September and 31<sup>st</sup> December and an annual statement of accounts for the period to 31st December for submission to the Chief Executive Officer;

51.2.5 presentation of an examined annual statement of accounts to the annual general meeting of the Centre for approval; and

51.2.6 at the conclusion of his term of office, the handing over of all books, records, papers and other property of the Centre under his control to a person authorised to accept them by the Centre Council.

### **Finance**

52. All cheques and receipts shall be signed by two Centre Councillors, one of whom must be an Elected Centre Councillor and the other must be either the Honorary Centre Treasurer or the Honorary Centre Secretary.

53. The annual financial statement of the Centre must be examined and ratified by two Corporate Members of the Centre who are not Centre Councillors and must be received by the Chief Executive Officer by 30th April of the year following.

### **Dissolution**

54. On the dissolution of the Centre for whatever reason, any assets owned, controlled or otherwise allocated to it shall be transferred to the Institution and may be re-allocated at the absolute discretion of the General Council.

### **PART III: PROFESSIONAL CONDUCT REGULATIONS**

#### **Purpose**

55. The purpose of the Professional Conduct Regulations is to maintain the standard of integrity, self-discipline and professional competence required of Members in the interests of the Institution and the community generally.

#### **Condition of Membership**

56. Acceptance of both the Professional Conduct Regulations and Disciplinary Regulations is a condition of membership of the Institution. A disciplinary tribunal of the General Council, acting according to the Disciplinary Regulations, may impose such penalties as are set out therein.

#### **Duties**

57. A Member shall uphold the reputation and standing of the Institution and the professional practice of wastes management. A Member shall not, whether by act or omission, do anything which may bring the Institution, any Member thereof or the professional practice of wastes management into disrepute or behave in any way which is inconsistent with, conflicts with, or is detrimental to the Objects.

58. A Member shall, in the application of his professional skills, be dedicated to the protection of the environment and act honestly and diligently to achieve high standards.

59. A Member shall not improperly communicate to any third party information of a privileged or confidential nature relating to the work of the Institution or its Members.

60. A Member shall uphold the law relating to his duties in respect of wastes management and all related matters and shall not allow himself to be placed in a position where his integrity or that of the Institution might be questioned or compromised.

61. A Member shall not allow his professional judgment or compliance with these Professional Conduct Regulations to be influenced by any improper pressure howsoever arising.

## **PART IV: DISCIPLINARY REGULATIONS**

### **Purpose**

62. Any investigation into an alleged breach of the Professional Conduct Regulations shall be conducted in accordance with the following Disciplinary Regulations.

### **Investigation Panel, Disciplinary Tribunal and the Appeals' Panel**

63. In discharge of its disciplinary powers the Board of Trustees authorises the Chief Executive Officer together with at least two members of the Corporate Governance and Professional Ethics Committee of the Institution to assemble when required an investigation panel (“the Investigation Panel”), a disciplinary tribunal (“the Tribunal”) and an appeals’ panel (“the Appeals’ Panel”). None of the members of the Appeals’ Panel shall be a Member of the Institution as defined in clause 2.6 of the Charter but the Panel may be assisted by a Member and, where appropriate, a Barrister or Solicitor with experience relative to the nature of the appeal.

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### **Complaints**

65.1 Should the Chief Executive Officer receive a written complaint or become aware by other means of any action, omission or failure which appears to him to indicate that a Member or holder of a certificate, diploma or other qualification (hereafter called in either case ‘the Respondent’) may have been guilty of:

65.1.1 a breach of the Professional Conduct Regulations being in force at any material time;

65.1.2 conduct which might be considered to be prejudicial to the interests of the Institution; or

65.1.3 a breach of any term or condition of a certificate, diploma or other qualification

65.2 then he shall as soon as reasonably practicable:

65.2.1 assemble the readily available facts for presentation to not less than two members of the Corporate Governance and Professional Ethics Committee who shall decide whether an investigation is warranted.

65.3 In the event of the Members of the Corporate Governance and Professional Ethics Committee in conjunction with The Chief Executive Officer deciding that an

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investigation is warranted they shall set up an Investigation Panel consisting of three Trustees with knowledge and experience appropriate to the nature of the investigation.

65.4 No member from the same Centre as a Respondent or who has any linked interest with the Respondent or his business may participate in the Investigation Panel or the Tribunal.

65.5 The Chief Executive Officer shall use his best endeavours to bring to the attention of the Respondent the nature of the complaint and ensure the Respondent has access to a copy of these Disciplinary Regulations. He shall not be obliged to ensure that the Respondent has a copy of the complaint in writing but may do so if such action is necessary to allow a fair and accurate assessment of the facts.

66. In the event of legal action being taken in relation to the case, whether civil or criminal, no further disciplinary action shall be taken until that has been concluded and if the result is a conviction for a serious criminal offence the matter will be referred to the Board of Trustees for consideration of action under Bye-Law 27. Such consideration to have regard to Guidance on the use of Bye-Law 27 detailed in the Practice Directions.

### **Investigation Panel**

67. The Respondent may, within twenty-one days of receipt of the notice, respond in writing to the Chief Executive Officer giving his answer to and/or comments upon the complaint. The Chief Executive Officer shall pass any such response to the Investigation Panel.

68. The Investigation Panel shall, as soon as reasonably practicable, gather any further information/evidence that may be available, investigate the complaint as it sees fit and consider the written response (if any) from the Respondent. If the Investigation Panel considers it necessary or desirable it may invite the Respondent to appear before it (sitting in private) and allow him to comment upon the complaint.

69. Having considered the complaint and any response received from the Respondent, the Investigation Panel shall as it sees fit:

69.1 dismiss the complaint;

69.2 order that no further action be taken; or

69.3 direct that the complaint, or any part of it, be the subject of a charge or charges brought before the Tribunal.



70. Where the matter of which the complaint is made is admitted by the Respondent and the Panel is of the opinion that the matter should be disposed of in accordance with paragraphs 69.1 or 69.2 above, it may direct the Respondent to attend on the Chairman of the Board of Trustees at his convenience so as to be admonished by him and/or given advice as to future conduct.

### **Charges**

71. If the Investigation Panel directs that any charges be brought then the Chief Executive Officer, as soon as is reasonably practicable, shall formulate the charge or charges in writing and serve a copy thereof upon the Respondent together with a notice of the date and place appointed for the Hearing.

### **Disciplinary Tribunal**

72. The Tribunal for the hearing of any particular charge or charges shall consist of three Trustees provided that none of them shall have served on the Investigation Panel investigating the initial complaint.

73. The three Trustees to sit shall be approved by at least two members of the Corporate Governance and Professional Ethics Committee.

74. Members of the Tribunal shall appoint one of their number to act as Chairman. The chairman shall preside at any Hearing and shall determine the day upon which the Tribunal will sit.

75. If, after the start of the Hearing, any member of the Tribunal shall not be available to continue sitting then, provided that the Tribunal continues to consist of at least two members, the Tribunal may continue the Hearing in the absence of such member who will then cease to take any part in the Hearing. Should the two remaining members fail to agree upon a decision at the conclusion of the Hearing the complaint shall be re-heard by a newly constituted Tribunal.

### **Hearing**

76. So far as is reasonably practicable but subject always to the provisions of these Disciplinary Regulations and saving always that the Tribunal shall be master of its own procedure, the Hearing shall correspond to established, industry standard disciplinary procedures.

77. The Hearing shall be in private and no person shall be present apart from those provided for by these Disciplinary Regulations unless the chairman so permits. The

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Respondent may appear by himself or upon notice in writing being received by the Chief Executive Officer not less than seven days before the date fixed for the Hearing, the chairman shall permit the Respondent to be assisted by one other identified person.

78. The case against the Respondent shall be presented by the Chief Executive Officer or by any other person whom the Chief Executive Officer considers is a fit and proper person to present the case. The Chief Executive Officer or his agent presenting the case shall be entitled to open the case to the Tribunal and make a closing speech upon the facts as well as any submissions on the constitution.

79. The Tribunal shall keep a record of the Hearing, to include any evidence given. Such record may consist of a note containing a reasonably accurate synopsis of the proceedings, a shorthand note or a mechanical or digital recording.

80. The Tribunal may sit with a clerk for recording purposes and a member of the Corporate Governance and Professional Ethics Committee who shall be able to demonstrate a good working knowledge of the Constitution who may advise the Tribunal and who will have access to appropriate legal advice should that be deemed necessary at any time during the proceedings.

81. The chairman may, at any time, adjourn the Hearing and appoint such other date for the resumed Hearing as he sees fit.

82. At the commencement of the Hearing the charge or charges shall be read in the presence of the parties provided that if the Respondent does not appear then the Tribunal may, if satisfied that the Respondent has had notice of the Hearing or that the Chief Executive Officer has taken reasonable steps to give such notice, proceed with the Hearing and the charge or charges shall be read in the absence of the Respondent.

83. After the charge or charges have been read:

83.1 if present, the Respondent may admit or deny any charge; or

83.2 in the absence of the Respondent, if the Tribunal is satisfied that it has before it a document which upon the face of it was prepared by or on behalf of the Respondent for submission to the Tribunal and by which the Respondent admits any charge, then the Tribunal shall direct the clerk to record such admission or admissions and that the appropriate charge or charges are proved whereupon the Tribunal may as it sees fit:

83.2.1 consider the consequences of such charge or charges being proved, in accordance with these Disciplinary Regulations; or

83.2.2 adjourn such consideration of consequences either to another date or until the completion of the hearing of any charge or charges which remain outstanding.

84. The Tribunal may hear at the same time as many charges against a Respondent as may to the Tribunal appear just and reasonable. Further, the Tribunal may hear charges against more than one Respondent at the same time provided that such charges concern and/or arise out of the same or substantially the same facts and these Disciplinary Regulations shall be read accordingly.

85. The Tribunal may receive oral, documentary or other evidence of any fact which appears to it to be relevant to the hearing of the case before it provided that:

85.1 any statement or other document in writing made for the purpose of presentation to the Tribunal:

85.1.1 is dated and the maker's name is clearly stated; or

85.1.2 purports to be signed by the maker and contains a statement to the effect that the maker believes the contents of the statement or document to be true; and

85.2 a copy of that statement or document was posted to the address of the Respondent not less than fourteen clear days previously and either the Respondent has not objected thereto by a notice in writing delivered to the Chief Executive Officer not less than seven days before the Hearing, or, if he has objected, the Tribunal is satisfied that it is reasonable and just to hear the evidence notwithstanding that objection.

86. If the Tribunal is so satisfied and hears that evidence then it shall become evidence in the Hearing for all purposes and the Tribunal may attach such weight to it as seems to it to be just.

87. The Tribunal may receive and proceed upon any oral admission as to any fact or matter which is made to it by the Respondent.

88. The Tribunal may, at any stage of the Hearing, allow such amendment of any charge as may seem to it to be just, provided that in so doing it shall consider whether it is desirable to adjourn the Hearing so as to give the Respondent time to consider the amended charge.

### **Decision**

89. All decisions of the Tribunal shall be by simple majority.

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90. After hearing all the evidence and any speeches and/or submissions by the parties the Tribunal shall consider its decision which shall be announced by the chairman and recorded.

### **Consequences**

91. Where any charge is proved the Tribunal shall, before imposing any penalty upon the Respondent:

91.1 if dealing with any charge which was admitted, hear from the Chief Executive Officer or his representative a summary of the facts of that charge;

91.2 hear from the Chief Executive Officer or his representative details of any previous breach of the Professional Conduct Regulations by the Respondent; and

91.3 consider any evidence and/or submission in mitigation which the Respondent shall reasonably wish to lay before it.

92. After hearing any mitigation the Tribunal shall consider what, if any, penalty to impose upon the Respondent in respect of each and any proven charge. The penalties available to the Tribunal in any case are any one or more of the following:

92.1 admonition in the case of any Respondent;

92.2 suspension from such privileges of membership of the Institution as may be appropriate in the case of any Respondent;

92.3 expulsion from membership of the Institution; and

92.4 revocation of the certificate, diploma or other qualification, if appropriate.

93. The Tribunal may impose any combination of penalties in respect of any proven charge as seems to it to be just. Further, the Tribunal may require the Respondent to contribute such sum towards the costs of the investigation and the Hearing as seems to it to be just. The chairman shall announce such penalty, if any, as is imposed together with any order for costs and they shall be recorded.

94. If the Tribunal shall dismiss any charge then, upon the application of the Respondent, the Tribunal may award the Respondent such sum, if any, in respect of his costs as seems just and such costs shall be paid by the Institution to the Respondent.

95. At the conclusion of the Hearing the Chief Executive Officer shall forthwith send a written notification of the outcome to the Respondent and in the case of any proven charge, if no notice of appeal is served upon him within the time allowed, a

notification to any relevant complainant.

### **Right of Appeal**

96. A Respondent may, within fourteen days of notification of the decision of the Tribunal, by a notice in writing delivered to the Chief Executive Officer, appeal against any finding that any charge was proven and/or any penalty. The grounds upon which the Respondent may appeal are that:

96.1 fresh evidence is available which could have materially affected the finding of the Tribunal but which was not laid before the Tribunal because it was not then available or there is some other substantial reason to justify it being received on appeal;

96.2 the Tribunal made a material error;

96.3 there was a material irregularity in the course of the Hearing;

96.4 or the finding of the Tribunal was not justified upon the evidence before it;

96.5 the penalty imposed was too severe.

97. The notice of appeal shall contain the ground or grounds of the appeal and the Respondent shall, at the time of delivering such notice, inform the Chief Executive Officer which, if any, parts of the record of the Hearing before the Tribunal he wishes to be made available for use at the appeal.

98. Upon receipt of any notice of appeal the Chief Executive Officer shall pass the same to the Tribunal who shall then, within a reasonable time and with legal advice if necessary, decide whether, in the case of 96.1, 96.2 or 96.3 above, the grounds for appeal warrant a review by the Tribunal of the decisions made.

99. If a review is warranted:

99.1 the Tribunal may be re-convened to consider the new evidence or the nature of the error or 99.2 the case may be re-heard by a newly constituted Tribunal.

100. Where no review is warranted, the Chief Executive Officer shall arrange for an Appeals' Panel to be convened.

101. The Appeals' Panel may, at its own discretion, consult with or co-opt a legal adviser at any time during the hearing of the appeal. Such adviser shall be a barrister or solicitor who shall advise the Appeals' Panel but shall have no vote.

102. The chairman of the Appeals' Panel may adjourn any Hearing as he sees fit and upon the hearing of an appeal the Appeals' Panel shall:

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102.1 make decisions by simple majority;

102.2 have the like powers to those enjoyed by the Tribunal; and

102.3 have power to make any decision or impose any penalty which was open to the Tribunal and to allow or dismiss appeals, vary penalties and orders for costs, remit any charge for re-Hearing before a differently constituted Tribunal and to do all such things as may be reasonably necessary for the hearing of the appeal.

103. At the hearing of an appeal, the Chief Executive Officer shall produce for the use of the Panel and the parties that part of the record of the Hearing as the Respondent shall have identified to the Chief Executive Officer in accordance with paragraph 97 of the Disciplinary Regulations and any other parts of the record as appear to him to be necessary or desirable.

104. The Appeals' Panel shall determine the appeal upon such parts of the record of the Tribunal as shall be before it, such other fresh evidence as it shall decide to admit, and on the submissions made by or on behalf of the Respondent and the Chief Executive Officer or his agent. At the conclusion of the hearing of an appeal the chairman of the Appeals' Panel shall announce its decision which shall be recorded.

### **Publication**

105. If the Chief Executive Officer does not receive any notice of appeal within the time limited as aforesaid or, in the alternative, at the conclusion of any appeal then he shall, as soon as is reasonably practicable, notify the Board of Trustees of the outcome of the Hearing and/or appeal.

106. At the conclusion of an appeal the Chief Executive Officer shall forthwith send a written notification of the outcome of that appeal to the Respondent and if any appeal against a proven charge is dismissed, the Chief Executive Officer shall notify any relevant complainant of the outcome of the proceedings.

## **PART V: TRUSTEES (AND OTHERS) CODE OF CONDUCT**

### **SECTION 1**

#### **General Provisions**

##### **Scope**

105. An Applicable Person (as defined in paragraph 107 hereof) must observe the Institution's code of conduct whenever they:-

105.1 conduct the business of the Institution;

105.2 conduct the business of the office to which they have been elected or appointed; or

105.3 act as a representative of the Institution.

106. Where an Applicable Person acts as a representative of the Institution on another relevant body, he must, when acting for that other body, comply with that other body's code of conduct except to the extent that it conflicts with the Institution's code of conduct.

107. This code applies to Trustees and Members of the Institution and all others serving from time to time on the councils and committees affiliated to the Institution including the subsidiary companies of the Institution (herein individually known as "an Applicable Person")

#### **General Obligations**

108. An Applicable Person must -

108.1 promote equality by not discriminating unlawfully against any person;

108.2 treat others with respect; and

108.3 when using or authorising the use by others of the resources of the Institution:-

108.3.1 act in accordance with the Institution's requirements; and

108.3.2 ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate the discharge of the functions of the Institution or of the office to which the person has been elected or appointed.

109. An Applicable Person must not -

109.1 disclose information given to him in confidence by anyone, or information acquired which he believes is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so; nor

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109.2 prevent another person from gaining access to information to which that person is entitled by law; nor

109.3 conduct himself in a manner which could reasonably be regarded as bringing the Institution into disrepute; nor

109.4 use his position improperly to confer on or secure for himself or any other person, an advantage or disadvantage.

109.5 do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the Institution.

110. An Applicable Person may, if he becomes aware of any conduct by another such person which he reasonably believes involves a failure to comply with the Institution's code of conduct, make a written allegation to that effect to the Chairman of the Corporate Governance and Professional Ethics Committee as soon as it is practicable for him to do so.



## **SECTION 2**

### **Interests**

#### **Personal Interests**

111. An Applicable Person should regard himself as having a personal interest in any matter if the matter relates to an interest in respect of which notification must be given in accordance with the Practice Direction relating to Trustees' Interests or if a decision upon it might reasonably be regarded as affecting to a greater extent than others who may be affected, the well-being or financial position of himself, a relative or partner (by marriage or otherwise) or a friend or arising under paragraph 117 hereof and being in relation to

111.1 any employment or business carried on by such persons;

111.2 any person who employs or has appointed such persons, or any firm in which they are a partner, or any company of which they are directors;

111.3 any corporate body in which such persons have a beneficial interest in a class of securities.

#### **Disclosure of Personal Interests**

112. An Applicable Person with a personal interest in a matter who attends any meeting of the Institution at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

#### **Prejudicial Interests**

113. An Applicable Person with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a Member of the Institution with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement. A Trustee, and all others subject to this code of conduct, may regard himself as not having a prejudicial interest in a matter if that matter relates to -

113.1 another relevant professional association of which he is a member;

113.2 another body in which he holds a position of general control or management;

113.4 a body to which he has been appointed or nominated by the Institution as its representative;

**Participation in Relation to Disclosed Interests**

114. An Applicable Person with either a personal or prejudicial interest in any matter must -

114.1 withdraw from a meeting (by leaving the room in which such meeting is taking place) whenever it becomes apparent that the matter is being considered at that meeting, unless he has obtained a written dispensation from the Chairman of the Corporate Governance and Ethics Committee; and

114.2 not seek to influence a decision about that matter.

115. For the purposes of this Code of Conduct, "meeting" means any duly convened meeting of any of the bodies set out in paragraph 107 above.

116. Any dispensation granted by the Corporate Governance and Ethics Committee under the provisions of paragraph 114.1 hereof shall only be valid to the extent that it has been supplied with the full relevant facts in relation to a request for such dispensation.

**SECTION 3****The Register of Interests****Registration of Financial and Other Interests**

117. Within 28 days of his election or appointment to office (whichever shall be the later), an Applicable Person must register his financial interests in the Institution's register of interests by providing written notification to the Chief Executive of the Institution of any interest of the type referred to in Practice Directions of the constitution of the Institution. An Applicable Person must, within 28 days of becoming aware of any change to the interests specified under this Code of Conduct, provide written notification to the Chief Executive of the Institution of that change.

**Registration of Gifts and Hospitality**

118. An Applicable Person, when involved in those activities described in paragraph 105 hereof, must within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the Chief Executive of the Institution of the existence and nature of that gift or hospitality.

**Definitions**

119. In this Code references to either gender shall include the other and references to the plural shall include the singular and vice versa.