



**Constitution of Conduct
and Appeal Committee Rules
01 April 2009**

Version 4 with effect from
01 January 2017



Constitution of Conduct and Appeal Committee Rules

These Rules are made by the Regulatory Board under powers delegated to it by the Governing Council under Bye-Law 7.2.1 and Regulation 7.2.4(b). The Rules set out the constitution, roles and responsibilities of the committee, steering committee, panels and individuals responsible for making disciplinary and registration decisions.

In these Rules 'Disciplinary Panel' is the name given to the Conduct Panel as defined in Bye-Law 1.

Regulatory Board

1. The Regulatory Board shall ensure that the Conduct and Appeal Committee and the Conduct and Appeal Steering Committee are appointed and maintained in accordance with these Rules.

Conduct and Appeal Committee

2. All appointments to the Conduct and Appeal Committee shall be made in accordance with an independent appointment process and on terms and conditions approved by the Regulatory Board.
3. The period of office for Committee members shall be three years or the remainder of such period, if filling a casual vacancy.
4. Upon completion of their period of office, members of the Conduct and Appeal Committee, including the Chair, may be reappointed for a further consecutive period of up to three years. The decision to reappoint a member of the Committee will be the responsibility of the Chair, according to a process approved by the Regulatory Board. Decisions relating to the reappointment of the Chair will be made in accordance with an independent appointment process.
5. No member of Governing Council or of the Regulatory Board may be appointed to any of the Committees for the purposes of these Rules.
6. No Committee member may sit in adjudication on a hearing of any case if he has:
 - a. previously been appointed as a Fixed Penalty Reviewer on that case; or
 - b. sat as a member of any other Committee or Panel in relation to that case; or
 - c. has adjudicated on the case elsewhere in any other capacity.
7. All appointments to panels or appointments of a Fixed Penalty Reviewer to determine individual cases will be made by RICS staff, from the lists maintained at Rule 9, following selection criteria set by the Regulatory Board.

Conduct and Appeal Steering Committee

8. The Conduct and Appeal Steering Committee shall consist of five members of the Conduct and Appeal Committee who shall comprise:
 - a. the Chair who shall be a non-member of RICS
 - b. two Vice Chairs; and
 - c. two members of the Committee.

Role of Conduct and Appeal Steering Committee

- 9.** The Conduct and Appeal Steering Committee shall be responsible for securing the appointment to, and the maintenance of:
 - a.** lists of panel members from the Conduct and Appeal Committee eligible to sit on the Disciplinary Panel, Appeal Panel and Registration Panel; and
 - b.** a list of Fixed Penalty Reviewers from the Conduct and Appeal Committee.
- 10.** The Conduct and Appeal Steering Committee shall develop and oversee the delivery of programmes of education and training for the Conduct and Appeal Committee.
- 11.** The Conduct and Appeal Steering Committee shall remove from the lists kept for the purposes of Rule 9.a and 9.b the name of any person:
 - a.** whose term of appointment has concluded unless his appointment to the relevant list is renewed; or
 - b.** who resigns from the relevant list by giving notice; or
 - c.** who, in the opinion of the Conduct and Appeal Steering Committee, has ceased to be an appropriate person to be appointed to the relevant list.
- 12.** The Conduct and Appeal Steering Committee shall, subject to Rule 13 below, appoint and keep a list of panellists eligible to act as chair of the Disciplinary Panel, Appeal Panel and Registration Panel from the list kept for the purposes of Rule 9.a.
- 13.** No person shall be appointed as a chair of a Disciplinary Panel, Appeal Panel or Registration Panel unless they have demonstrated they possess the necessary competencies to fulfil the post.
- 14.** The Conduct and Appeal Steering Committee shall remove from the list of chairs kept for the purposes of Rule 12 the name of any person:
 - a.** removed from the list by virtue of Rule 11; or
 - b.** who, in the opinion of the Conduct and Appeal Steering Committee, has ceased to be an appropriate person to act as chair.
- 15.** Members of the Conduct and Appeal Steering Committee shall be eligible to sit as members of the Disciplinary Panel, Appeal Panel, Registration Panel or as a Fixed Penalty Reviewer and be appointed to the list of chairs kept for the purposes of Rule 12.
- 16.** The Conduct and Appeal Steering Committee shall oversee the appeals process against regulatory and disciplinary decisions for the purposes of Bye-Law 5.5.1.

Quorum and procedure

17. The quorum for any meeting of the Conduct and Appeal Steering Committee shall be three which shall include the chair or a vice chair and one Member and one non-Member of RICS.
18. Subject to the provisions of these Rules the Conduct and Appeal Steering Committee may regulate their own procedure.

Complaints

19. Subject to Rule 20 below, any complaint about the conduct or performance of a member of a panel or a Fixed Penalty Reviewer shall be referred for consideration by the Chair of the Conduct and Appeal Steering Committee.
20. Any complaint about the conduct or performance of the Chair of a Committee shall be referred to the Regulatory Board for consideration.

Validity of proceedings

21. The validity of any proceedings of any of the Committees or Panels or a decision of a Fixed Penalty Reviewer shall not be affected by any vacancy among any of the members of the Committees or, by any defect, in the election or appointment of a member, panellist or Fixed Penalty Reviewer.

Disciplinary panel

22. The role of the Disciplinary Panel shall be to hear disciplinary cases and exercise the disciplinary powers of RICS as set out in the Bye-Laws and Rules in accordance with the powers and procedures set out in the Disciplinary, Registration and Appeal Panel Rules.
23. A Disciplinary Panel shall be appointed from the lists kept for the purposes of Rule 9.a and Rule 12, and subject to Rule 36 of the Disciplinary, Registration and Appeal Panel Rules, shall comprise a chair and two other panellists, at least one of whom shall be a non-Member of RICS.

Registration panel

24. The role of the Registration Panel shall be to review decisions relating to the registration of Firms or Members in accordance with the powers and procedures as set out in the Bye-Laws, Rules and the Disciplinary, Registration and Appeal Panel Rules.
25. A Registration Panel shall be appointed from the lists kept at Rule 9.a and Rule 12 and shall comprise a chair and two other panellists, at least one of whom shall be a non-Member of RICS.

Fixed penalty reviewers

26. The role of a Fixed Penalty Reviewer shall be to review administrative decisions to issue Fixed Penalty Notices in accordance with the powers and procedures as set out in the Bye-Laws, Rules and the Disciplinary, Registration Rules and Appeal Panel Rules.
27. A Fixed Penalty Reviewer shall be appointed to consider reviews from the list kept for the purposes of Rule 9.b.

Appeal panel

28. The role of an Appeal Panel shall be to hear appeals arising from Disciplinary and Registration Panel decisions in accordance with the powers and procedures set out in the Disciplinary, Registration and Appeal Panel Rules.
29. An Appeal Panel shall be appointed from the list kept for the purposes of Rule 9a and 17 and shall comprise a lay chair and two other panellists.

Addendum to the Constitution of Conduct and Appeal Committee Rules with effect from 1 January 2017

Addendum dated 9 January 2020

Transitional Provisions:

- 1** At the point of commencement of the Standards and Regulation Board, the Conduct and Appeal Committee and any panels appointed by it will cease to exist and be replaced by the Regulatory Tribunal. This shall be the point of transition.
- 2** From its commencement, the Regulatory Tribunal shall be responsible for convening new panels in accordance with the Regulatory Tribunal Rules.
- 3** Where a case and/or proceedings before a panel of the Conduct and Appeal Committee have not, at the point of transition, been completed, the case and/or proceedings will transfer to a successor panel convened by the Regulatory Tribunal and shall be constituted of the same panel member(s) who were appointed to consider the case prior to transition, subject to Rule 7 of the *Constitution of Conduct and Appeal Committee Rules* and Rule 36 of the *Disciplinary, Registration and Appeal Panel Rules*.
- 4** In accordance with Bye-Law 5.6, in all respects save for the changes of name the case and/or proceedings shall continue as though it or they had commenced and finished before the point of transition.
- 5** The Regulatory Tribunal will deal with cases and/or proceedings ongoing at the time prior to transition with reference to the Rules, Charter, Bye-Laws and Regulations in force at the time the complaint or allegation was brought to RICS' attention.
- 6** For the avoidance of doubt, complaints or allegations brought to RICS' attention prior to the point of transition will continue to be progressed with reference to the Rules, Charter, Bye-laws and Regulations in force at the time the complaint or allegation was brought.



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