

## Constitution of Regulatory Tribunal Rules

These Rules are made by the Standards and Regulation 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 Regulatory Tribunal, Regulatory Tribunal Steering Committee and individuals responsible for making disciplinary and registration and appeal decisions.

In these Rules 'Regulatory Tribunal' is the name given to the 'Conduct Committee' incorporating the 'Conduct Panel' and 'Appeal Panel' as defined in Bye-Law 1.

### Standards and Regulation Policy Board

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

### Regulatory Tribunal

2. All appointments to the Regulatory Tribunal shall be made in accordance with an independent appointment process and on terms and conditions approved by the Standards and Regulation Board.
3. The period of office for Regulatory Tribunal 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 Regulatory Tribunal, including the Presiding Chair of the Regulatory Tribunal, may be reappointed for a further consecutive period of up to three years. The decision to reappoint a member of the Regulatory Tribunal will be the responsibility of the Presiding Chair of the Regulatory Tribunal, according to a process approved by the Standards and Regulation Board. Decisions relating to the reappointment of the Presiding Chair of the Regulatory Tribunal will be made in accordance with an independent appointment process.
5. No member of Governing Council or of the Standards and Regulation Board may be appointed to the Regulatory Tribunal for the purposes of these Rules.
6. No Regulatory Tribunal 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 Single Member in relation to that case; or
  - c. sat as a member of a Registration, Disciplinary or Appeal Tribunal in relation to the case; save in relation to interim measures applications where an interim measure is imposed for a maximum of eighteen months.

7. All appointments to a Disciplinary, Registration and Appeal Panel 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 Standards and Regulation Board.
8. The Presiding Chair of the Regulatory Tribunal will hear cases relating to Appeals only.
9. In any case where the Presiding Chair of the Regulatory Tribunal is unavailable, a Deputy Chair may perform the function of the Presiding Chair of the Regulatory Tribunal as set out in these rules and the Regulatory Tribunal Rules.

## **Regulatory Tribunal Steering Committee**

10. The Regulatory Tribunal Steering Committee shall consist of five members of the Regulatory Tribunal who shall comprise:
  - a. The Presiding Chair, who shall be a non-member of RICS
  - b. two non-members of RICS appointed as Deputy Chairs of the Regulatory Tribunal and to the Steering Committee; and
  - c. two members of RICS appointed as Deputy Chairs of the Regulatory Tribunal and to the Steering Committee.

## **Role of Regulatory Tribunal Steering Committee**

11. The Regulatory Tribunal Steering Committee shall be responsible for securing the appointment to, and the maintenance of:
  - a. A list of Panel members from the Regulatory Tribunal eligible to sit on the Disciplinary, Registration and Appeal Panels; and
  - b. a list of Fixed Penalty Reviewers from the Regulatory Tribunal.
12. The Regulatory Tribunal Steering Committee shall develop and oversee the delivery of programmes of education and training for the Regulatory Tribunal.
13. The Regulatory Tribunal Steering Committee shall remove from the lists kept for the purposes of Rule 11.a and 11.b the name of any person:
  - a. whose term of appointment has concluded unless her/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 Regulatory Tribunal Steering Committee, has ceased to be an appropriate person to be appointed to the relevant list.

# Regulation



14. The Regulatory Tribunal Steering Committee shall, subject to Rule 15 below, appoint and keep a list of Panel members eligible to act as Chair to the Disciplinary, Registration and Appeal Panels from the list kept for the purposes of Rule 11.a.
15. No person shall be appointed as a chair of a Disciplinary, Registration and Appeal Panel unless they have demonstrated that they possess the necessary competencies to fulfil the post.
16. The Regulatory Tribunal Steering Committee shall remove from the list of Chairs kept for the purposes of Rule 14 the name of any person:
  - a. removed from the list by Rule 13; or
  - b. who, in the opinion of the Regulatory Tribunal Steering Committee, has ceased to be an appropriate person to act as Chair.
17. Members of the Regulatory Tribunal Steering Committee shall be eligible to sit as members of the Disciplinary, Registration and Appeal Panel and/or as a Fixed Penalty Reviewer and be appointed to the list of Chairs kept for the purposes of Rule 14.
18. The Regulatory Tribunal Steering Committee shall oversee the appeals process against regulatory and disciplinary decisions for the purposes of Bye-Law 5.5.1.

## **Quorum and Procedure**

19. The quorum for any meeting of the Regulatory Tribunal Steering Committee shall be three which shall include the Presiding Chair, one Deputy Chair who is a member of RICS and one Deputy Chair who is a non-member.
20. Subject to the provisions of these Rules the Regulatory Tribunal Steering Regulatory Tribunal may regulate their own procedure.

## **Complaints**

21. Subject to Rule 22 below, any complaint about the conduct or performance of a member of a Tribunal or a Fixed Penalty Reviewer shall be referred for consideration by the Presiding Chair of the Regulatory Tribunal.
22. Any complaint about the conduct or performance of the Presiding Chair of the Regulatory Tribunal shall be referred to the Standards and Regulation Board for consideration.

## **Validity of proceedings**

23. The validity of any proceedings of any of the Regulatory Tribunal or a decision of a Fixed Penalty Reviewer shall not be affected by any vacancy among any of the members of the Regulatory Tribunal or, by any defect, in the election or appointment of a member, Panel list or Fixed Penalty Reviewer.

## **Disciplinary Panel**

24. The role of the Disciplinary Tribunal 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 Regulatory Tribunal Rules.
25. Disciplinary Panel shall be appointed from the lists kept for the purposes of Rule 11.a and Rule 14, and subject to Rule 87 of the Regulatory Tribunal Rules, shall comprise a chair and two other Tribunal members, at least two of whom shall be non-Members of RICS.

## **Registration Panel**

26. 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 Regulatory Tribunal Rules.
27. A Registration Panel shall be appointed from the lists kept at Rule 11.a and Rule 14 and shall comprise a chair and two other Tribunal members, at least two of whom shall be non-Members of RICS.

## **Fixed penalty reviewers**

28. 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 Regulatory Tribunal Rules.
29. A Fixed Penalty Reviewer shall be appointed to consider reviews from the list kept for the purposes of Rule 11.b.

## **Appeal Panel**

30. 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 Regulatory Tribunal Rules.
31. An Appeal Panel shall be appointed from the list kept for the purposes of Rule 11a and 15 and shall comprise the Presiding Chair of the Regulatory Tribunal, who will sit as Chair of the Appeal Panel, and two other Tribunal members, at least one of whom shall be a non-member of RICS.