Disciplinary Rules and Regulations



The Institution of Structural Engineers



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REGULATIONS – SECTION 4

CODE OF CONDUCT AND DISCIPLINARY POWERS AND PROCEDURES [1]

Section 4 of the Regulations sets out the regulations relevant to the disciplinary powers ('the Regulations') and the rules governing the disciplinary procedures ('the Rules') of the Institution of Structural Engineers ('the Institution'). The full Regulations are to be found in a document entitled 'Royal Charter, Byelaws, Regulations and Standing Orders' which is available on the Institution's website or on request.

4.1 Code of Conduct

4.1.1 **Members of the Institution shall**

1. Act with integrity and fairness and in accordance with the principles of ethical behaviour
2. Have regard to the public interest as well as to the interests of all those affected by their professional activities
3. Uphold the reputation of the profession
4. Maintain and broaden their competence and, where appropriate, assist others to do so
5. Undertake only those tasks and accept only those appointments for which they are competent
6. Exercise appropriate skill and judgement
7. Not maliciously or recklessly injure or attempt to injure the reputation of another person
8. Avoid conflicts of interest

4.1.2 The articles listed above ('the Articles') constitute the Institution's Code of Conduct ('the Code of Conduct') as incorporated into the Laws of the Institution defined in the Byelaws.

4.1.3 Members shall comply with the Laws of the Institution as described by the Charter, Byelaws, Regulations and associated Rules

4.1.4 Members shall comply with the Statement of Ethical Principles published by the Engineering Council and the Royal Academy of Engineering

4.1.5 Members shall comply with the legislation of the country in which they are working and that relevant to the project location

4.1.6 Members shall disclose to the Institution upon being declared bankrupt and/or disqualified as a Company Director and/or Charity Trustee

4.1.7 Members shall disclose to the Institution if they have been convicted of a criminal offence (other than a motoring offence which did not result in disqualification)

4.1.8 Members shall disclose to the Institution if they have been subject to an adverse finding before any tribunal, court or other competent authority in respect of an allegation or offence relevant to membership of the Institution

4.1.9 The term 'Member' shall include all grades of membership as set out in the Byelaws.

[1] Section 4 of the Regulations must be read together with the Procedural Rules.

4.2 Professional Conduct Committee ('PCC')

4.2.1 Terms of reference

4.2.1.1 To investigate and determine and, where deemed necessary, to prescribe sanctions in relation to any matter governed by the Laws of the Institution as defined in the Byelaws including but not limited to the Code of Conduct, in accordance with the PCC's constitution and procedures

4.2.1.2 Without prejudice to the generality of Regulation 4.2.1.1 – to investigate and determine any complaint ('Complaint') made in writing by any person (the 'Complainant') against a Member, in accordance with the PCC's constitution and procedures

4.2.1.3 To investigate and determine any matter brought to the attention of the Institution concerning a Member's fitness to practise, in accordance with the PCC's constitution and procedures

4.2.1.4 To keep the Code of Conduct, the disciplinary procedures and any relevant documentation under review and as and when thought fit, or when instructed by the Board of the Institution, to recommend revisions to the Code of Conduct and/or the documentation relating thereto

4.2.1.5 To investigate any misrepresentation of membership of the Institution, and to authorise action to be taken on behalf of the Institution

4.2.1.6 To decide, and keep under review, the terms on which a Member may be licensed to display the Institution's logo and, in the event of misuse, to authorise action to be taken on behalf of the Institution

4.2.1.7 To investigate and determine any matter relating to the professional conduct of a Member which is brought to the attention of the PCC by the Board or otherwise including, but not limited to, matters under Regulations 4.1.3 to 4.1.8

4.2.2 Powers

4.2.2.1 If the PCC decides that a Member has failed to comply with the Laws of the Institution including, but not limited to, the any failure to comply with any Article of the Code of Conduct and any failure to comply with a decision of the PCC or the Disciplinary Board, it may take any one or more of the following courses of action:

(1) Give guidance to the Member

(2) Direct the Member to issue an apology

(3) Issue a training order to the Member, which order may include the nature of the training and the period in which it is to be undertaken and completed, and for any such training to be approved by the PCC and/or to be supervised by a person appointed or alternatively approved by the PCC

(4) Direct the Member to provide an Undertaking in such terms as the PCC may consider appropriate

(5) Issue a Warning to the Member

(6) Issue a Reprimand to the Member

(7) In exceptional cases the PCC may make no order as to sanction

4.2.2.2 In addition, or in the alternative, to any of the courses of action above, if the PCC decides that a Member has a case to answer that there may have been a failure to comply with the Laws of the Institution including but not limited to any Article of the Code of Conduct, and that the matter requires further investigation at a hearing, the PCC may refer all or any part of the matter to a Disciplinary Board (see below)

4.2.2.3 If the PCC decides that there has been no failure by the Member to comply with the Laws of the Institution including but not limited to any Article of the Code of Conduct, it shall dismiss the matter to the extent that there has been no failure. The PCC may, if it so chooses, give informal advice to the Member on any matter in relation to the Complaint against them, and such guidance will not form part of the Member's disciplinary record

4.2.2.4 In any complaint the PCC shall, having regard to the Code of Conduct and the evidence before it in the Complaint, be entitled to determine the complaint as submitted or, subject to giving reasonable notice of its intention to the Member and (if deemed appropriate) the Complainant and as provided for the in the Rules below, to amend or add to the Complaint in such manner as it considers appropriate

including but not limited to adding allegations of the Member's failure to comply with any Laws of the Institution which are not relied upon by the Complainant.

The power to amend or add to a Complaint as above shall not be exercised in circumstances where, in the opinion of the PCC, it would not be in the interests of justice to do so. Where the PCC adds an allegation and/or an article, the Member shall be notified in writing and permitted to respond within 30 calendar days of that notice. The response, if any, will be considered, where practicable, at the next meeting of the PCC after the end of the 30-day period, and a decision made.

4.2.2.5 If any Complaint received by the PCC is subsequently withdrawn by the Complainant, the PCC shall, having regard to the Code of Conduct and the evidence before it in the Complaint, be entitled to adopt the Complaint and determine the Complaint as submitted. In such circumstances the Complaint shall then be brought in the name of the Institution.

4.2.2.6 The PCC, having regard to any matter concerning the behaviour of a Member which comes to it from any source, may initiate a Complaint against the Member. In such circumstances the Complaint shall be brought in the name of the Institution.

4.2.2.7 The PCC, having regard to any matter concerning the fitness to practise of a Member, including but not limited to practise as a structural engineer being impaired due to illness or declining health, which comes to its attention from any source, may initiate a confidential investigation into the Member's fitness to practise. In such circumstances, the investigation shall be conducted in the name of the Institution. Any medical information or documentation considered by the PCC in its investigation shall remain confidential and shall not be disclosed to a Complainant (other than the PCC).

4.2.2.8 In the case of a criminal conviction of a Member by a court or other tribunal of competent jurisdiction, which forms the basis of a Complaint or which otherwise comes to the attention of the PCC, and subject to taking the steps prescribed under Rule 3.1 to obtain proof of the conviction of the Member:

The PCC shall have power to decide if, by reason of the nature of the conviction, there has been a failure by the Member to comply with the Laws of the Institution and, if so, the sanction (if any) to be imposed on the Member.

The PCC shall, in addition to its powers under Regulations 4.2.2.1 and 4.2.2.2, have power to impose the sanctions of the Disciplinary Board set out in Regulations 4.3.2.1(3) and (4), including publication of the decision as provided for in Rule 8.3.

4.2.2.9 If a Member shall fail to comply with a decision of the PCC or the Disciplinary Board (below), as the case may be, the Professional Conduct Department of the Institution ('the Professional Conduct Department') may give the Member not less than 40 calendar days' notice of the PCC's intention to consider such failure and invite the Member to provide an explanation, which shall be received not less than 21 calendar days before the date on which the PCC intends to consider the matter. The PCC, after taking into account the Member's explanation (if any), shall have power to take such steps as it considers appropriate without further recourse to the Member including, among others, the following:

1. exercise any of the powers under Regulations 4.2.2.1 and 4.2.2.2; and/or
2. order the suspension of a Member to the date of the next meeting of the PCC and, if considered reasonably necessary, order continuation of the suspension above pending inquiry by the PCC into the Member's failure to comply with the decision; and
3. in the case of any order made under Regulation 4.2.2.9(2), the PCC may revoke such order at any time.

4.2.2.10 In the case of the PCC ordering three consecutive suspensions of a Member for non-compliance with a decision of the PCC or the Disciplinary Board; in the event that the Member thereafter continues not to comply with that decision, the PCC shall, upon giving the Member 30 calendar days-notice in writing during which period the Member may make written representations to the Professional Conduct Department and subject to taking the steps prescribed under Rule 3.2, have the power to impose the sanctions of the Disciplinary Board set out in Regulations 4.3.2.1(3) and (4), including publication of the decision as provided for in Rule 8.5.

4.2.2.11 In the case of any sanction imposed by the PCC in exercise of its powers under Regulation 4.2.2.8(2) or 4.2.2.9(2) or 4.2.2.10, the Professional Conduct Department, on behalf of the PCC, shall give notice in

writing of the PCC's decision to the Board.

4.2.2.12 Subject to the Byelaws and Regulations, the PCC shall have power to regulate its own practice and procedure.

4.2.2.13 The Chair of the PCC has authority to dispense with matters arising and / or completion of actions in-between PCC meetings where previously agreed by the PCC.

4.2.2.14 The PCC has authority to dispense with matters arising and / or completion of actions in between PCC meetings, where previously agreed by the PCC. This may be as an extraordinary meeting or through written submissions.

4.2.2.15 The PCC shall have the power to vary the procedural rules in what it considers to be extenuating circumstances.

4.2.2.16 The PCC shall have no power to order the payment of compensation or the reimbursement of any legal costs or disbursements, loss of earnings or any other costs incurred by a Member, Complainant, witness or other party, or to impose a financial penalty on the Member.

4.2.2.17 The PCC and the Institution shall not be liable to any Member, Complainant, witness or other person in respect of any legal costs or disbursements or claims for financial loss of any kind.

4.3 Disciplinary Board

4.3.1 Terms of reference

4.3.1.1 To investigate and determine and, where necessary, prescribe sanctions in relation to any matter governed by the Laws of the Institution as defined in the Bye-Laws including, but not limited to, the Code of Conduct that is referred to the Disciplinary Board by the PCC, in accordance with the Disciplinary Board's constitution and procedures.

4.3.1.2 Without prejudice to Regulation 4.3.1.1, to investigate and determine any Complaint made in writing against a Member that is referred to the Disciplinary Board by the PCC, in accordance with the Disciplinary Board's constitution and procedures.

4.3.2 Powers

4.3.2.1 If the Disciplinary Board decides that a Member has failed to comply with the Laws of the Institution, including but not limited to any failure to comply with an Article of the Code of Conduct, and any failure to comply with any sanction imposed by the PCC or the Disciplinary Board, it may:

1. Take any one or more of the courses of action in Regulations 4.2.2.1 (1) to (6); and/or
2. issue a severe reprimand (Severe Reprimand') to the Member; and/or
3. impose a period of suspension on the Member for a period of up to 5 years (Suspension'), which Suspension shall be subject to the terms set out in Regulation 4.5.1; or
4. expel the Member from the Institution (Expulsion').

4.3.2.2 If the Disciplinary Board decides that there has been no failure by the Member to comply with the Laws of the Institution including, but not limited to, any Article of the Code of Conduct, it shall dismiss the matter to the extent that there has been no such failure. The Disciplinary Board may, if it so chooses, give informal guidance to the Member on any matter in relation to the complaint against them. Such informal guidance shall not form part of the Member's disciplinary record.

4.3.2.3 If a Member fails to comply with a decision of the Disciplinary Board, Regulation 4.2.2.9 shall apply.

4.3.2.4 The Disciplinary Board shall have power to order that the Institution shall pay any reasonable travelling and overnight expenses of the Complainant and any witnesses relied on by the Complainant or the Disciplinary Board. Except as above, the Disciplinary Board shall have no power to order the payment of compensation or the reimbursement of any legal costs or disbursements, loss of earnings or other costs incurred by any Member, Complainant, witness or other person, or to impose a financial penalty on the Member.

4.3.2.5 Subject to Regulation 4.3.2.4 the Disciplinary Board and the Institution shall not be liable to any Member, Complainant, witness or other person in respect of any legal costs or disbursements or claims for financial loss of any kind.

4.4 Records of Sanctions

4.4.1 All sanctions imposed by the PCC or the Disciplinary Board, as the case may be, shall be published in accordance with the procedural rules and recorded on the Member's confidential record on the Institution's database.

4.4.2 The time periods for which sanctions shall remain published and for which sanctions remain on a Member's record, are prescribed in Appendix 1.

4.5 Suspension and Permanent Exclusion

4.5.1 A Member who is suspended from membership, shall immediately return the membership certificate to the Institution. Such a Member shall not, during the Suspension, be entitled to exercise any of the rights or privileges of membership of the Institution or to use any title, designatory letters, logo or description implying membership, but shall remain in all other respects subject to the Laws of the Institution and to the exercise of the Institution's disciplinary powers in respect of any contravention by the Member of the Laws of the Institution during the Suspension.

4.5.2 In the case of Expulsion, the Member shall forthwith cease for all purposes to be a Member of the Institution and shall immediately return the membership certificate to the Institution and shall not be entitled to use any title, designatory letters, logo or description implying membership or former membership of the Institution.

4.6 Member Not Entitled To Resign

4.6.1 On receipt by the Institution of a Complaint (or, if earlier, any written notification of an intended complaint) against a Member, the Member shall not be entitled to resign from the Institution for a period of 3 months, being the deadline for the Complainant to submit the alleged breaches of the Code to the Institution. Any purported resignation shall have no effect and the Member shall be deemed to remain in membership and be bound by the Laws of the Institution until the PCC or the Disciplinary Board declares that the Member's resignation is effective, which will usually be after a final decision regarding the complaint has been reached by the PCC or the Disciplinary Board.

4.6.2 In the case of a decision to impose a sanction of Expulsion, the Member shall not be removed from membership of the Institution until all proceedings have been concluded.

4.7 Confidentiality

4.7.1 Except in the case of the appointment of Preliminary Assessors, or Review Assessors, or an appeal to an appeal tribunal in accordance with the procedural rules , or an order for disclosure by a tribunal of competent jurisdiction, or with the permission of the PCC, the investigative proceedings of the PCC and the Disciplinary Board, as the case may be, including and limited to, communications and submissions, shall be confidential to the Complainant, the Member, any representatives, witnesses or advisers of the Complainant or the Member, and the Members and advisers (if any) of the PCC or the Disciplinary Board, as the case may be. The Decision, as issued by the PCC and/or the Disciplinary Board, may be shared in circumstances where the express permission of the PCC has been given.

4.7.2 Notwithstanding Regulation 4.7.1, in relation to any previous failure(s) of the Member to comply with the Laws of the Institution, when considering the sanction (if any) to impose on the Member:

4.7.2.1 the PCC shall, subject to Regulation 4.4.1, be entitled to see any previous decision(s) of the PCC and/or the Disciplinary Board; and

4.7.2.2 the Disciplinary Board shall, subject to Regulation 4.4.1, be entitled to see any previous decision(s) of the PCC and/or Disciplinary Board.

4.7.3 notwithstanding Regulation 4.7.1, decisions of the PCC or the Disciplinary Board, as the case may be, are subject to Rule 2.54 and Rules 8.1 to 8.8.

4.8 The Complainant's Obligations

4.8.1 The PCC and the Disciplinary Board shall be entitled not to consider a Complaint unless the Complainant agrees in writing to be bound by these regulations and procedures and that:

- all documents supplied to the Institution by or on behalf of the Complainant may be disclosed by the Institution to the Member and/or to any other person necessary for the proper consideration of the Complaint by the PCC or a Disciplinary Board, in accordance with these regulations and procedures.
- the Complainant shall fully co-operate with the investigation and consideration of the Complaint.
- the Complainant shall be bound by the Institution's disciplinary rules and regulations, process and procedures; and
- the Complainant shall keep the Complaint before the PCC or the Disciplinary Board, as the case may be, confidential as prescribed by Regulation 4.7.1 other than in respect of the Complainant's legal advisers and representatives and/or technical or expert advisers or consultants, all of whom the Complainant shall require to maintain the same confidentiality as that required of the Complainant.

The Complainant's obligation of confidentiality under (4) above is owed to the Institution and also to the Member.

4.9 Compliance with Decisions of the PCC and the Disciplinary Board

4.9.1 Members shall comply with any decision of the PCC or the Disciplinary Board, as the case may be, subject to any revised decision on appeal and/or following a review in accordance with rule 2.62.

4.10 Reckoning Periods of Time

4.10.2 Where an act is required to be done within a specified period after or from a specified date, the period begins immediately after that date.

4.10.3 Where reference is made to calendar days, this excludes UK public holidays and / or periods where the offices of the Institution are closed.

4.10.4 The Professional Conduct Department, or the Chair of the PCC, or the Disciplinary Board, as the case may be, shall be entitled to extend the time prescribed for any step in the proceedings.

4.11. Glossary of terms

4.11.1 A glossary of terms is provided in Appendix 2 of the Regulations. The appendix is provided for guidance only and does not form any part of the Regulations.

CONSTITUTION AND PROCEDURAL RULES OF THE PCC

1. Constitution of the Professional Conduct Committee

1.1 The Professional Conduct Committee (PCC) shall comprise a Chair (the Chair of the PCC) together with not less than four other Chartered Members of the Institution.

1.2 The Chair of the PCC, who shall ordinarily be a Past-President of the Institution, shall be appointed from time to time by the Board (or the President on its behalf). The Chair of the PCC may from time to time appoint another Member of the Institution, who shall be a Member of the PCC, to act in the Chair's absence.

1.3 The Chair of the PCC and other Members of the PCC considering a Complaint shall not have any connection with the Complainant or the Member against whom the Complaint is made or knowledge of the Complaint such as would give rise to a conflict of interest or affect their independence and impartiality. The foregoing does not apply where the PCC is the Complainant. However, any Member of the PCC who has a conflict or potential conflict of interest shall be removed from any discussion and decision-making in relation to the Complaint.

1.4 The PCC may sit with a legal adviser ('the PCC's Legal Adviser') who shall not be a Member of the PCC and shall have no vote on any decision.

1.5 The PCC may appoint any adviser as in its sole discretion it deems necessary to assist it in its consideration of a Complaint. Any adviser (if appointed) shall not be a Member of the PCC and shall have no vote on any decision.

2. The Procedural Rules of the PCC

2.1 On receipt by the Institution of a Complaint the Professional Conduct Department will review the submission including supporting evidence to determine if the complaints are a Code of Conduct matter. Should the matter be determined to fall outside of the Code of Conduct, the Complaint will be closed and Complainant advised.

2.2 A Complaint to the PCC shall be set out in writing in the form prescribed by the PCC ('the Complaint Form'). The Complaint shall be submitted to the Professional Conduct Department, and the Complaint Form shall provide a concise summary of the Complainant's case and state the relevant Laws of the Institution including, but not limited to, the Articles of the Code of Conduct, with which the Member has allegedly failed to comply. Evidence of each alleged breach of the Code must be provided and cross referenced on the complaint form. Any documents or other evidence relied on by the Complainant shall be submitted with, and constitute part of, the Complaint.

2.3 A Complaint against a Member shall be received in writing by the Institution either within 3 years of the date of discovery of the last event(s) alleged to give rise to the Complaint, or within 1 year after the conclusion of any legal or other proceedings relevant to the Complaint, whichever is the later.

2.4 The Professional Conduct Department shall provide the Member against whom the complaint is made with a copy of the Complaint. The date of receipt of the Complaint by the Member shall be deemed to be 2 days after the date of submission of the Complaint to the Member. The Member shall provide a response in writing (the Response') to the Complaint in the form prescribed by the PCC and shall ensure that such response is received by the Professional Conduct Department within 30 calendar days of receipt by the Member of the Complaint. The Response shall contain a detailed answer to each allegation in the Complaint together with any documents or other evidence on which the Member relies.

2.5 The Professional Conduct Department shall within 15 calendar days of receipt of the Response provide the Complainant with a copy of the Response. If the Member fails to provide a Response within the prescribed time, the PCC shall be entitled to consider and determine the Complaint without further recourse to the Member.

2.6 The Complainant may provide a reply in writing (the Reply') to the Response in the form prescribed from time to time by the PCC within 20 calendar days of the date of the Complainant's receipt of the

Response. The Professional Conduct Department shall provide any Reply to the Member within 15 calendar days of its receipt by the Professional Conduct Department. If the Complainant does not provide a Reply within the prescribed time, the PCC shall be entitled to consider and determine the Complaint without further recourse to the Complainant.

2.7 The Reply (if any) shall be limited to any new matters raised by the Response. Any further documents or other evidence relied on by the Complainant shall be submitted with, and form part of, the Reply.

2.8 Except where the PCC shall consider it necessary and give permission, neither party shall be entitled to make any further submissions or submit further evidence after the Complainant Reply (the Reply).

2.9 In terms of form and content, the Complaint, the Response and the Complainant's Reply shall comply with the requirements below. The Professional Conduct Department, on behalf of PCC, shall be entitled to refuse to place any submission before the PCC which does not comply with the prescribed requirements.

2.10 The Complaint Form, the Response and the Reply shall each ordinarily not exceed 10 single-sided pages excluding any documents relied on by a party. An index is to be provided with the Complaint Form, the Response and the Reply listing all the documents which have been submitted.

2.11 The Complaint Form shall set out the Complainant's allegations in separate numbered paragraphs under the heading of each Allegation which shall include the Law of the Institution and/or, article(s) of the Code of Conduct, with which the Complainant alleges the Member has failed to comply.

2.12 The Response shall, by adopting the same numbering as the Complaint, specifically answer each of the allegations set out in the Complaint Form, and in further numbered paragraphs set out any new matters on which the Member relies.

2.13 The Reply, if any, shall address only the new matters (if any) raised in the Response by reference to the same paragraph numbers used in the Response.

2.14 The Complaint, the Response and the Reply (if any) must include, at the end, a statement of truth in the form 'I believe that the facts stated in my submission to the Professional Conduct Committee are true" and be signed by the Complainant or the Member, as the case may be, and dated.

2.15 The Complaint, the Response and the Reply (if any) shall include cross-references to any documentary or other evidence relied on. In the case of documentary evidence, each page shall be paginated at the bottom right-hand corner, and the cross-references above shall be to the relevant page number(s). In the case of any emails relied on, only one copy of each email shall be provided and in the case of sequential emails, the copies must be placed in chronological order, with the earliest first.

2.16 The Professional Conduct Department shall be entitled to reformat any Complaint, Response or Reply such that it complies with the required format above. Additionally, The Professional Conduct Department may redact any documentation, including evidence, where it discloses personal details. In undertaking any reformatting, the content of the Complaint, Response and Reply shall otherwise remain unchanged, and the Professional Conduct Department shall be entitled to liaise with the Complainant and/or Member accordingly.

2.17 In the absolute discretion of the Professional Conduct Department the Complaint, together with the Response (if any) and the Reply (if any) may be referred either directly to the PCC or to two assessors ("the Preliminary Assessors") appointed by the Professional Conduct Department from a panel of Preliminary Assessors comprising former Members of the PCC and/or Disciplinary Board, established from time to time by the PCC. The Preliminary Assessors shall be independent of the PCC and shall act impartially.

2.18 The Preliminary Assessors (if appointed) shall consider the Complaint, the Response (if any) and the Reply (if any) and within 30 calendar days of the date of their appointment, provide an opinion to the Professional Conduct Department as to whether there may be a case for the Member to answer such that the Complaint should be placed before the PCC for decision or not.

2.19 If the Preliminary Assessors' opinion is that there may be a case for the Member to answer, the Professional Conduct Department shall place the Complaint before the PCC for decision.

2.20 If the Preliminary Assessors' opinion is that the complaint is entirely without merit, the Professional Conduct Department shall, within 10 calendar days, inform the Complainant of the Preliminary Assessors' opinion and the matter will be concluded. If the Preliminary Assessors are unable to reach a unanimous opinion as to whether or not there may be a case for the Member to answer, the Professional Conduct Department shall refer the Complaint to the PCC for decision.

2.21 In the absolute discretion of the PCC Chair, a minimum of 2 Members of the PCC may be appointed to consider the Complaint, the Response (if any) and the Reply (if any) ("the PCC Assessors") who shall make a non-binding recommendation at a meeting of the whole PCC.

2.22 The PCC Assessors and/or the PCC shall be entitled to request the Complainant and/or the Member to provide any document or other information which the PCC Assessors and/or the PCC may consider relevant to the Complaint or investigation under Regulation 4.2.2.6. If the Complainant or Member fails to provide, without good reason, any document requested by the PCC Assessors and/or the PCC, the PCC shall be entitled to draw such inferences from such failure as it deems appropriate in all circumstances.

2.23 In any case where the Complaint has been amended by the PCC under Regulation 4.2.2.4, or alternatively where the Complaint has been initiated by the PCC on behalf of the Institution under Regulation 4.2.2.6, the PCC shall, through the Professional Conduct Department, provide the Member (and, if applicable and at the discretion of the PCC, the original Complainant) with the amendments to the Complaint or the Complaint as initiated by the PCC, as the case may be. The Member shall provide the Response prescribed by Rule 2.4. The Complainant may provide the Reply under Rule 2.6. The PCC shall be entitled to request the Member to provide further information about the Response.

2.24 In any Complaint, if the Response or the Reply are not provided within the respective prescribed periods above, the Professional Conduct Department shall be entitled to take such steps as the it deems to be appropriate. In particular, the Professional Conduct Department may proceed to refer the Complaint to the PCC or to the Preliminary Assessors as above.

2.25 The PCC shall consult in private and, except as provided for under Rule 2.44 and/or 2.55, decide the Complaint based on the documents submitted by the parties, and neither the Member nor the Complainant shall be entitled to be present or represented.

2.26 In any case where the PCC initiates an investigation under Regulation 4.2.2.7 the procedure below shall apply:

2.27 The PCC shall, through the Professional Conduct Department, inform the Member that it will be investigating and of its concerns causing it to do so. The Member shall be invited to provide the Professional Conduct Department (within such time as may be specified) with representations as to those concerns. The Professional Conduct Department shall be entitled (within such time as may be specified) to require the Member to provide further information to clarify or supplement the representations.

2.28 The Professional Conduct Department shall provide the PCC with any representations and further information received from the Member.

2.29 The PCC shall consider the representation alongside any further information and shall decide whether it requires the Member to undergo a medical examination or assessment (which it shall specify) conducted by an independent medical practitioner approved by the PCC.

2.30 In any case where the PCC initiates an investigation under Regulation 4.2.2.7 because of matters raised during the investigation of a complaint, the Complainant, except where the Complainant is the PCC, will not be provided with information pertaining to the above investigation.

2.31 In any case where the PCC initiates an investigation under Regulation 4.2.2.7 because of matters raised during the investigation of a Complaint, the investigation of the Complaint will be suspended until such time that the investigation under Regulation 4.2.2.7 is concluded.

2.32 In the case of an investigation under Regulation 4.2.2.7 the following procedure shall apply:

The PCC shall decide whether the Member's state of health prevents or hinders the ability to fulfil the professional obligations as a Member of the Institution such that fitness to practise as a structural engineer is impaired.

2.33 In the event that the PCC decides that the Member's fitness to practise as a structural engineer is impaired by reason of a medical condition it may:

1. provide guidance;
2. require evidence of continuing medical assessment and/or treatment;
3. require the Member to provide and abide by undertakings (the terms of which it shall specify);
4. suspend the Member's membership of the Institution for such period as it may determine up to 12 months, before which the PCC shall decide if a further period of suspension of up to 12 months is required;

2.34 To facilitate the PCC deciding if a further period of suspension is required it may require the Member to undergo a further medical examination or assessment and to be provided with evidence of the findings and/or conclusions of such examination or assessment.

2.35 If the PCC determines that a further period of suspension is required of up to 12 months it may, before the end of that period, require the Member to undergo a further medical examination or assessment and to be provided with evidence of the findings and/or conclusions of such examination or assessment and it may thereupon decide that the Member shall be suspended from membership of the Institution for 2 years subject to the Member having the right after two years from the date of suspension to apply for restoration to membership. If the Member does not apply for restoration to membership, the Member will be resigned.

2.36 Any application for restoration to membership following resignation will be subject to a confidential investigation into the Members fitness to practise.

2.37 In any case where a Member reports to the Institution under Regulation 4.1.6 and/or 4.1.8 the following procedure shall apply:

2.38 The Member shall provide the disclosure in writing to the Professional Conduct Department within 30 calendar days of the date on which the disqualification and/or conviction and/or adverse finding was made, or on the expiry of the period for lodging an appeal (if no appeal shall be lodged), or on the day of the completion of the appeal process (if an appeal should be lodged and be unsuccessful).

2.39 In any case where the PCC initiates an investigation under Regulation 4.2.1.7 the procedure below shall apply:

2.40 The PCC shall, through the Professional Conduct Department, inform the Member that it will be conducting an investigation and of its concerns causing it to do so. The Member shall be invited to provide the Professional Conduct Department (within such time as may be specified) with representations as to those concerns. The Professional Conduct Department shall be entitled (within such time as may be specified) to require the Member to provide further information to clarify or supplement the representations.

2.41 The Professional Conduct Department shall provide the PCC with any representations and further information received from the Member.

2.42 The PCC shall decide whether, based on the representations and any further information received from the Member, there may be a case to answer in respect of the Member's professional conduct

2.43 In the event that the PCC decides that there may be a case to answer in respect of the Member's professional conduct it may initiate a complaint against the Member in accordance with Regulation 4.2.2.6

2.44 The PCC may, at its sole discretion, appoint a minimum of two Members of the PCC to interview the Member against whom the Complaint has been made and/or an investigation under Regulation 4.2.2.7 and/or investigation under Regulation 4.2.1.7 is underway. The Member shall be entitled to decline to take part in such an interview, in which case the PCC shall be entitled to draw such inferences from the Member's refusal as it deems appropriate in all the circumstances. The Member shall be entitled to attend the interview with a legal representative or other person either of whom (if any) shall not be entitled to address the interviewers without their permission (which will ordinarily not be given).

2.45 The PCC may, exceptionally and on giving reasonable notice, request a Member against whom the Complaint has been made and/or an investigation under Regulation 4.2.2.7 and/or an investigation under Regulation 4.2.1.7 is underway, to attend before the PCC.

In such circumstances, the Member shall be entitled to attend with a legal representative or other person either of whom (if any) shall not be entitled to address the PCC without its permission (which will ordinarily not be given).

A Member who is requested to attend before the PCC shall state within 20 calendar days of the date of such request whether they intend to attend and state in the confirmation who (if anyone) will be attending with the Member and in what role.

If the Member declines to attend or, having provided confirmation as above, fails to attend the PCC on the day set for the Member's attendance, the PCC shall be entitled to draw such inferences from the Member's refusal or failure, as the case may be, as it deems appropriate in all the circumstances.

2.46 In the case of a Complaint, or a Complaint amended by the PCC under Regulation 4.2.2.4, or a Complaint adopted by the PCC under Regulation 4.2.2.5, or a Complaint initiated by the PCC on behalf of the Institution under Regulation 4.2.2.6, alternatively an investigation under Regulation 4.2.2.7, or an investigation under Regulation 4.2.1.7, the PCC shall reach its decision based on the written submissions and the evidence of the Complainant and/or the Member, as the case may be.

The PCC shall not be bound by the judicial rules of evidence and, except where it would be unjust to the Member, may take into account any evidence before it which, in the PCC's view, is relevant to the Complaint.

2.47 In the case of a Complaint, or a Complaint that has been amended by the PCC under Regulation 4.2.2.4, or the Complaint has been adopted by the PCC under Regulation 4.2.2.5, or the Complaint has been initiated by the PCC on behalf of the Institution under Regulation 4.2.2.6, the following procedure shall apply:

2.48 The PCC shall make its decision as to whether the Member has failed to comply with the Laws of the Institution, including any article of the Code of Conduct, on the balance of probabilities by a simple majority vote.

No Member of the PCC shall be entitled to abstain.

Without prejudice to Regulation 4.2.2.3, if there is no finding by a majority vote in respect of any allegation of a failure to comply with the Laws of the Institution including, but not limited to, any Article of the Code of Conduct, such allegation shall be dismissed.

2.49 If the Member admits the allegations in the Complaint or if the PCC decides that the Member has failed to comply with the Laws of the Institution, the Chair of the PCC shall make enquires of the Professional Conduct Department to establish whether there has been any previous complaint against the Member in which the decision of the PCC and/ or the Disciplinary Board was that the Member had failed to comply with the Laws of the Institution. Subject to Regulation 4.4.1, the Professional Conduct Department shall inform the PCC of any such decisions.

2.50 When deciding on the sanction to impose in respect of a Complaint of which all or part is upheld, and subject to Regulation 4.4.1, the PCC shall be entitled to take into account any previous decision or decisions of the PCC and/or the Disciplinary Board that the Member had failed to comply with the Laws of the Institution.

2.51 When deciding on the sanction to impose in respect of a Complaint of which all or part is upheld, and subject to Regulation 4.4.1, the PCC shall be entitled to take into account any findings and/or decisions of the PCC as a result of an investigation under Regulation 4.2.2.7 and/or Regulation 4.2.1.7.

2.52 The PCC's decision shall be issued in writing to the Member and the Complainant, or in the case of an investigation under Regulation 4.2.2.7 and/or Regulation 4.2.1.7 only to the Member, within 40 calendar days of the date on which the PCC made the decision. The decision shall take effect in accordance with Rule 8.1.

2.53 The PCC may, at its sole discretion, give reasons for its decision.

2.54 A summary of the decision of the PCC prepared by or on behalf of the Professional Conduct Department shall be published. In the case of a Reprimand and/or Severe Reprimand and/or, Suspension and/or Expulsion, the Member's name will be disclosed including publication in the Institution's membership communications, including but not limited to the electronic newsletter and on the Institution's website.

2.55 In publishing the PCC decision the Complainant's name shall not be disclosed under any circumstance.

2.56 In the case of a decision by the PCC to refer a Complaint (or other matter) to the Disciplinary Board the procedure below shall apply.

2.57 The Professional Conduct Department may appoint counsel or a solicitor as its representative ('the PCC's Representative') to present and conduct the case before the Disciplinary Board;

2.58 The Professional Conduct Department may nominate a Member of the PCC, and/or the Head of Professional Conduct, to support counsel and/or solicitor appointed to conduct the case before the Disciplinary Board.

2.59 The PCC, through the Professional Conduct Department, shall refer the Complaint (or other matter) to the Disciplinary Board and provide it with the documents which were before the PCC, including the Complaint Form, the Response (if any), and the Reply (if any), together with the PCC's Decision that the Member may have a case to answer; and

2.60 The Professional Conduct Department shall initiate the procedures for the appointment of the Disciplinary Board.

2.61 The decision by the PCC to refer a Complaint (or other matter) to the Disciplinary Board will not be provided with reasons other than that the PCC considers that there may be a case to answer, and evidence of the PCC's considerations will not be disclosed.

2.62 The PCC shall have no power to reconsider or revise any decision it has made except where the decision has been referred back to the PCC by the Review Assessors (as provided for in rule 2.71)

2.63 In respect of a decision of the PCC and/or Disciplinary Board which imposes on a Member the sanction of Guidance and/or Apology and/or Training Order and/or Undertaking and/or Warning, and/or any sanction imposed in accordance with Regulation 4.2.2.9 and/or Regulation 4.2.2.10 the Member shall have a right to make an application to have the decision reviewed.

2.64 In respect of any opinion of the Preliminary Assessors that there is no case for the Member to answer or any decision by the PCC and/or Disciplinary Board to dismiss all or part of the Complaint, the Complainant shall have a right to make an application to have the decision reviewed. The foregoing does not apply where the Preliminary Assessors or the PCC or the Disciplinary Board, as the case may be, find a complaint to be "wholly without merit".

2.65 The right to a review of a decision or opinion, as the case may be, shall be limited to one or more of the grounds below.

2.66 The Preliminary Assessors, the PCC or the Disciplinary Board, as the case may be, incorrectly interpreted the Laws of the Institution or the decision was not reached in accordance with natural justice; or

2.67 New evidence becomes available, and such evidence could not reasonably have been provided to the Preliminary Assessors or the PCC or Disciplinary Board, as the case may be, at the time it reached its decision.

2.68 The Complainant's and the Member's entitlement to make an application to have a decision reviewed shall be limited to one application during the course of any Complaint and the application must be made within 30 calendar days of notification of the date of the opinion of the Preliminary Assessors, or the decision of the PCC or Disciplinary Board, as the case may be. The application must be made through completion of the prescribed form as supplied by the Professional Conduct Department.

2.69 The Professional Conduct Department shall determine if the grounds for a Request for a Review have been set out and are supported with evidence. No action shall be taken until such time as the Professional Conduct Department determines that these requirements have been met.

2.70 In the event that a Member or Complainant make an application for review in accordance with rule 2.38, the Professional Conduct Department pursuant to rule 4.1 shall refer the application for review to two reviewers ("the Review Assessors") appointed by the Professional Conduct Department from a panel of Review Assessors comprising former Members of the PCC and/or Disciplinary Board, established from time to time by the PCC. The Review Assessors shall be independent of the PCC and shall act impartially.

2.71 The Review Assessors shall consider the application and any supporting documentation together with the Complaint, the Response (if any) and the Reply (if any), the opinion of the Preliminary Assessors or the decision of the PCC or the Disciplinary Board, as the case may be, and within 30 calendar days of the date of their appointment, decide whether the grounds for a review have been met.

2.72 If the Review Assessors' opinion is that the grounds for a review have been met the Professional Conduct Department shall refer the matter to the PCC for reconsideration and/or determination.

2.73 If the Review Assessors' opinion is that the grounds for a review have not been met, the Professional Conduct Department shall, within 10 calendar days, inform the Complainant and the Member of the Review Assessors' opinion and the matter will be closed.

2.74 In the event that the Review Assessors are unable to reach a unanimous opinion as to whether the grounds for review have been met the Professional Conduct Department shall refer the matter to a third Review Assessor for a final decision.

2.75 The power to reconsider or revise a decision of the PCC does not apply in respect of a decision by the PCC to refer a complaint (or any matter) to the Disciplinary Board.

2.76 In respect of a decision by the PCC which imposes on a Member the sanction of Reprimand, or Severe Reprimand or Suspension of the Member's rights and privileges or Expulsion, in accordance with regulations 4.2.2.1 and 4.2.2.8 the Member shall have a right of appeal as described by Rule 9.

The right of Appeal does not apply to sanctions imposed in accordance with regulations 4.2.2.9 and/or 4.2.2.10, in which case the Member shall have the right to have the decision reviewed in accordance with Rule 2.63.

2.77 In respect of a decision by the PCC to publish the Member's name in accordance with rule 2.54, the Member shall have a right of appeal as described by Rule 9; Appeals from a Decision of the PCC and/or Disciplinary Board.

2.78 Except where it appears to the PCC that it would not be in the interests of justice to do so, the PCC may, at its sole discretion, and after giving notice in writing to the parties, consolidate and consider and determine at the same time any Complaints arising out of the same or substantially the same facts made by one Complainant against two or more Members, or made by two or more Complainants against the same Member.

2.79 Where it is considered that legal proceedings relevant to the subject matter of the complaint would prejudice the investigation or assessment of the complaint then the PCC may consider postponement. Notwithstanding the above the PCC may, at its sole discretion, postpone consideration of a Complaint in any circumstances.

2.80 If legal or other proceedings have not commenced within 60 calendar days of the PCC's decision to postpone consideration of the Complaint and/or the Complainant fails to provide reasonably sufficient information pertaining to those proceedings related to the complaint, the PCC may, at its sole discretion, decide to dismiss the complaint without consideration of the merits.

2.81 In the event of a complaint being dismissed pursuant to 2.80 the Complainant may not make a new or renewed complaint on substantially the same grounds and alleged facts (this being without prejudice to the power of the PCC in its sole discretion to make its own complaint against the Member). Whether a new or renewed complaint is on substantially the same grounds and alleged facts shall be determined by the Professional Conduct Department and if that determination is, within 20 calendar days, objected to in writing by the Complainant, the determination of the Professional Conduct Department shall be reviewed and then determined by the PCC.

3. Enhanced powers of the PCC

3.1 In the case of the PCC receiving notice of the criminal conviction of a Member:

3.2 The PCC shall make reasonable endeavours to obtain proof of the conviction of the Member (if not already available) from the relevant jurisdiction or by other means.

3.3 The documentary proof of the conviction shall be deemed to be conclusive evidence that the Member committed the offence.

3.4 In the case of the PCC ordering three consecutive suspensions of a Member and before proceeding to impose the sanctions which would otherwise be in the powers of the Disciplinary Board:

The PCC shall make reasonable endeavours to obtain documentary proof of receipt of the decision by the Member; and the PCC shall make reasonable endeavours to obtain information relevant to the Member's ability to respond to the decision.

CONSTITUTION AND PROCEDURAL RULES OF THE DISCIPLINARY BOARD

4. Constitution of the Disciplinary Board

4.1 The Disciplinary Board shall comprise a Chair ("the Chair") and two other persons appointed by the Professional Conduct Department from a list of persons approved by the President.

The Chair shall not be a Member of the Institution but shall be a Member of another construction-related professional body. The two other persons shall be Members of the Institution but shall not be Members of the PCC or of the Board.

4.2 No Member of the Disciplinary Board considering a complaint shall have any connection with the Complainant or the Member against whom the complaint is made or knowledge of the complaint such as would give rise to a conflict of interest or affect their independence and impartiality.

4.3 The Professional Conduct Department may, if deemed appropriate, appoint a practising barrister or solicitor to sit with the Disciplinary Board as Legal Adviser ('the Board's Legal Adviser') for the purpose of advising it on the exercise its functions.

This will either be by being on standby by telephone, attending remotely or, at the discretion of the Professional Conduct Department, in person.

The Board's Legal Adviser shall not be a Member of the Disciplinary Board and shall have no vote on any decision.

4.4 The Disciplinary Board may appoint any other adviser as in its sole discretion it deems necessary to assist it in its consideration of a Complaint. An adviser (if appointed) shall not be a Member of the Disciplinary Board and shall have no vote on any decision.

4.5 Except where the Complaints referred to the Disciplinary Board have been consolidated by the PCC in accordance with Rule 2.78, a separate Disciplinary Board shall be constituted for each Complaint. Consolidated complaints will be dealt with by a single Disciplinary Board.

4.6 A person who has been appointed to one Disciplinary Board may properly serve on another Disciplinary Board, save that such a person shall not sit on a Disciplinary Board hearing a Complaint against a Member if that person had sat on another Disciplinary Board in respect of a previous Complaint against the same Member.

5. Procedural Rules of the Disciplinary Board

5.1 The Professional Conduct Department shall, within 45 calendar days (or such other period as is reasonably practicable) from receipt of a decision from the Chair of the PCC that the PCC has referred the Complaint to the Disciplinary Board, commence the appointment of a Disciplinary Board and, if so advised by the PCC, shall also appoint counsel or a solicitor to act as the PCC's Representative.

5.2 The Professional Conduct Department shall give the Complainant and the Member notice of the Members of the Disciplinary Board and the date on which the Complaint has been set down for hearing by the Disciplinary Board, not less than 45 calendar days before the date of such hearing.

5.3 The Professional Conduct Department, after Consulting with the Member and the Chair, shall decide on a case-by-case basis, whether the Disciplinary Board will take place in person or online, prioritising the Member's preference where possible.

5.4 The Professional Conduct Department shall provide the Disciplinary Board, the Member and the Complainant with copies of the documents which were before the PCC, including the Complaint Form, the Response (if any) and the Reply (if any), together with the PCC's Decision, at the same time that the notice of the hearing date is given to the Member and the Complainant.

5.5 The Member may, within 15 calendar days of receipt of the notice referred to in Rule 5.2, inform the Professional Conduct Department of any reasonable objection to any person appointed to the

Disciplinary Board and state the reasons for such objection.

If an objection is submitted, the Head of Professional Conduct shall consider it and inform the Member in writing whether the Member of the Disciplinary Board, to which objection has been made, is to be replaced or not.

The decision of the Head of Professional Conduct on a replacement (if any) shall be final.

In the event that the Head of Professional Conduct's decision is that a Member of the Disciplinary Board shall be replaced, the decision shall state the name of the replacement. The Member's entitlement to exercise the right of objection above shall be limited to one occasion.

5.6 The Disciplinary Board shall be entitled to hold discussions with the Board's Legal Adviser (if appointed) and any adviser(s) (if appointed) at such times as in its sole discretion it deems appropriate.

5.7 The Member and the Complainant shall each be entitled to appear before the Disciplinary Board.

For the avoidance of doubt, and notwithstanding the Complainant's entitlement to appear and be represented as below, the standing of the Complainant in a hearing before the Disciplinary Board shall be as a witness, including where the PCC has since adopted a Complaint.

5.8 The Member and the Complainant may each, at their own cost, be legally or otherwise represented.

5.9 A Member who intends to appear and/or to be represented before the Disciplinary Board shall give notice in writing to the Professional Conduct Department accordingly, such notice to be received by the Professional Conduct Department not less than 60 calendar days before the date of the hearing. If the Member intends to be represented, the notice shall state the name and business address (if any) of the Member's intended representative. The Professional Conduct Department shall provide the Complainant with a copy of the notice.

5.10 The Disciplinary Board, at its sole discretion, may consider and determine a Complaint and determine whether or not documentary or other evidence should be admitted, notwithstanding that the prescribed time limits have not been met.

5.11 Without prejudice to the generality of Rule 5.10, the Chair, after consulting with the other Members of the Disciplinary Board, may, prior to the hearing, give such directions for the just, expeditious and proportionate disposal of the Complaint as the Disciplinary Board deem appropriate, provided such directions are not unfair to the Member.

5.12 If the PCC's Representative intends to call any witness(es), then the PCC's Representative shall give notice in writing to the Professional Conduct Department. This notice shall include a request to the Disciplinary Board for permission to call the witness(es).

The notice and request shall be received by the Professional Conduct Department not less than 60 calendar days before the date of the hearing.

The notice shall state the name and contact details of the intended witness(es) and outline the reason for calling them.

The Professional Conduct Department shall provide the Member and the Disciplinary Board with a copy of the notice and request. If any witness called does not wish to attend the hearing the Disciplinary Board may, at its discretion, accept a written witness statement signed and dated by the witness and give such weight to that statement as it deems appropriate.

5.13 A Member who wishes to call any witness(es) to give evidence, where those witness(es) have not previously contributed to the papers before the Board, shall give notice in writing to the Professional Conduct Department and include a request to the Disciplinary Board for permission to call the witness(es).

The notice and request shall be received by the Professional Conduct Department not less than 60 calendar days before the date of the hearing.

The notice shall state the name and contact details of the intended witness(es) and outline the reason for calling them.

The Professional Conduct Department shall provide the Complainant and the Disciplinary Board with a copy of the Member's notice. If any witness called does not wish to attend the hearing the Disciplinary

Board may, at its discretion, accept a written witness statement signed and dated by the witness and give such weight to that statement as it deems appropriate.

5.14 In respect of any request by the PCC's Representative under Rule 5.12 or by the Member under Rule 5.13, the Disciplinary Board shall, not less than 40 calendar days before the hearing, inform the Professional Conduct Department in writing as to whether or not it will permit any additional witness(es) to appear at the hearing. The Professional Conduct Department shall, not less than 30 calendar days before the hearing, send the Member and the PCC's Representative a notice stating the names of the witnesses (if any) for which the Disciplinary Board has given permission to give evidence at the hearing.

5.15 The entitlement of the PCC's Representative or the Member to call witnesses to give evidence before the Disciplinary Board is conditional on compliance with Rule 5.12 or Rule 5.13 as appropriate, and permission for any witness being granted by the Disciplinary Board under Rule 5.14.

5.16 The Professional Conduct Department shall, not less than 60 calendar days before the hearing of the Disciplinary Board, seek confirmation of the Complainant's intention to attend and/or be represented before the Disciplinary Board.

The Complainant shall provide the Professional Conduct Department with such confirmation in writing not less than 50 calendar days before the date of the hearing. If the Complainant intends to be represented, the Complainant shall state the name and business address (if any) of the Complainant's intended representative.

The Professional Conduct Department shall provide the Member with a copy of the Complainant's confirmation above. Where the PCC is acting as Complainant, and intends to have external representation, the Member shall be informed of the name and business address of the intended representative.

5.17 The Professional Conduct Department, after consulting with the Member and the Chair, shall decide on a case-by-case basis whether the Disciplinary Board will take place in person or online.

5.18 The Head of Professional Conduct and the Professional Conduct Department may attend the Disciplinary Board hearing, and the Member and the Complainant shall each be entitled to have up to a maximum of two persons present at the hearing solely as observers. The persons above shall each be bound by the requirement of confidentiality prescribed by Regulation 4.7.1. Except to the extent any of the persons above may attend, the Disciplinary Board hearing shall be held in private.

5.19 The Disciplinary Board will be minuted and automated transcription tools may be used.

6. Procedure at the Disciplinary Board Hearing

6.1 The Disciplinary Board hearing shall be inquisitorial and subject to Rule 6.21, the procedure shall ordinarily be as set out below. Where the Hearing appears to become adversarial, the Chair may instruct all parties to recompose. Should an adversarial approach continue, the Chair shall have the power to remove the offending party from the duration of the hearing.

6.2 The Chair shall open the hearing and invite those present to identify themselves and their role (if any) in the proceedings. The Chair shall state that the hearing is being recorded (where appropriate) and minuted. The Chair shall also direct the attention of the Complainant and the Member to the requirement of confidentiality prescribed by Regulation 4.7.1.

6.3 The PCC's Representative shall present and conduct the case against the Member at the hearing of the Disciplinary Board. If the PCC's Representative is not legally qualified, the person undertaking the role may be assisted by a legal adviser.

6.4 The Chair shall invite the PCC's Representative to read out each Law of the Institution including, where appropriate, each Article of the Code of Conduct, with which it is alleged that the Member has failed to comply.

6.5 In respect of each alleged failure to comply with a Law of the Institution including, where appropriate, each Article of the Code of Conduct, the Chair shall ask whether the Member admits or does not admit the failure alleged. The Member shall state whether or not the alleged failure to comply with the Law of the Institution and/or where appropriate Article of the Code of Conduct is admitted or not admitted.

6.6 The Chair shall then call upon the PCC's Representative to present the case against the Member. The PCC's Representative shall make a brief opening statement summarising the case against the Member and identifying the principal evidence which supports such case.

6.7 If the Member admits all of the allegations in the Complaint, the Chair shall invite the Member or the Member's representative (if any) to make a closing statement to the Disciplinary Board, which statement shall include any submissions with regard to mitigation. At the end of the statement (if any), the Disciplinary Board shall withdraw to consider the sanction to be imposed and proceed in accordance with Rules 7.6 to 7.13.

6.8 If the Member does not admit all the allegations in the Complaint or admits only certain of the allegations, the Disciplinary Board shall proceed in accordance with Rules 6.9 to 6.23.

6.9 The Chair shall invite the Member or the Member's representative (if any) to make a brief opening statement to the Disciplinary Board summarising the Member's case in response to the Complaint and identifying the principal evidence on which the Member relies.

6.10 The PCC's Representative shall call the Complainant (if present) as a witness and may put questions to the Complainant relevant to the Complaint.

6.11 The Member or the Member's representative (if any) may then put questions to the Complainant (if present) relevant to the Complaint.

6.12 The PCC's Representative may put questions to the Complainant (if present) on matters arising out of the questions put by the Member or the Member's representative (if any).

6.13 The PCC's Representative may, subject to Rule 5.15, call other witnesses relied on in the support of the Complaint and put questions to such witnesses.

6.14 The Member or the Member's representative (if any) shall be entitled to ask any witnesses called by the PCC's Representative questions relevant to the case.

6.15 The PCC's Representative shall be entitled to ask further questions, by way of re-examination, of any witness called in support of the Complaint, but such questions shall normally be limited to any matter arising out of questions put by or on behalf of the Member or by the Disciplinary Board.

6.16 The Chair shall then ask the Member or the Member's representative (if any) if the Member wishes to give evidence and/ or call any witnesses for which permission has been given to give evidence. The Member may, subject to Rule 5.15, call one or more witnesses in support of the Member's case in response to the Complaint.

6.17 The PCC's Representative shall be entitled to ask the Member and any witnesses called by the Member questions relevant to the Complaint.

6.18 The Member or the Member's representative (if any) shall be entitled to ask further questions, by way of re-examination, of the Member or any witness called by the Member, but such questions (if any) shall be limited to any matter arising out of questions put by the Disciplinary Board or the PCC's Representative.

6.19 The Members of the Disciplinary Board shall be entitled to ask the Member, the Complainant or any other witness any question relevant to the case at any time during the course of the hearing.

6.20 After hearing the evidence, the Chair shall permit the PCC's Representative to make a closing statement summarising the case against the Member. The Chair shall then permit the Member or the Member's representative (if any) to make a closing statement to the Disciplinary Board summarising the Member's case in response to the Complaint.

6.21 If the particular circumstances of the case reasonably require, the Chair, after consulting with the other Members of the Disciplinary Board, shall be entitled to determine and/or vary the procedure of the Disciplinary Board including, but not limited to, adjourning the hearing at any time.

6.22 If the Member does not attend the hearing of the Disciplinary Board in person or otherwise by representation, the Disciplinary Board shall be entitled to proceed in any manner it considers appropriate, including, but not limited to, drawing such inferences as it deems appropriate in all the circumstances and making a decision on the Complaint.

6.23 If the Complainant does not attend the hearing, the Disciplinary Board shall be entitled to proceed in any manner it considers appropriate, including, but not limited to, drawing such inferences as it deems appropriate in all the circumstances and making a decision on the Complaint.

7. The Disciplinary Board's Decision

7.1 The Disciplinary Board may withdraw to consider its decision and, at the Disciplinary Board's discretion, in reaching its decision may seek assistance from any or all of the following: the Board's Legal Adviser (if any) and, if appointed, any other adviser.

7.2 The Disciplinary Board shall not be bound by the judicial rules of evidence but may take into account such oral, documentary and other evidence as it considers relevant to the Complaint, provided that it shall not take into account any evidence that would not be admissible in a court of law if it would be unjust to the Member to do so. For the avoidance of doubt, the Disciplinary Board considers a Complaint afresh and, except to the extent that the Complaint has been referred to the Disciplinary Board, it is not bound by any decision of the PCC in relation to the Complaint.

7.3 The Disciplinary Board shall make its decision as to whether or not the Member has failed to comply with the Laws of the Institution on the balance of probabilities, by a simple majority vote. No Member of the Disciplinary Board shall be entitled to abstain.

7.4 The Disciplinary Board shall, in the first instance, provide its decision on whether the Member has failed to comply with the Laws of the Institution or not, orally with concise reasons, at the hearing.

7.5 Without prejudice to Regulation 4.3.2.2, if the decision of the Disciplinary Board is that, in respect of any allegation, there has been no failure by the Member to comply with the Laws of the Institution including, but not limited to, any Article of the Code of Conduct, such allegation shall be dismissed.

7.6 If the Member admits the Complaint or if the Disciplinary Board decides that the Member has failed to comply with the Laws of the Institution, as the case may be, the Disciplinary Board shall proceed as below.

7.7 The Chair shall make enquires of the representative of the Professional Conduct Department to establish whether or not there has been any previous decision(s) of the PCC and/or the Disciplinary Board that the Member had failed to comply with the Laws of the Institution and which the Disciplinary Board is entitled to take into account. Subject to Regulation 4.4.1, the representative shall inform the Disciplinary Board of such decision(s) (if any).

7.8 The Member shall be entitled to make submissions on any mitigation which the Member wishes the Disciplinary Board to consider, such submissions shall normally be provided on the day of the Hearing.

7.9 The PCC's Representative shall be entitled to respond to the Member's submissions in mitigation at the request of the Disciplinary Board:

- in order to identify and make submissions on any statement of fact which is contested;
- and/or in relation to the Disciplinary Board's powers.

7.10 After the submission of mitigation (if any) by the Member and the response (if any) by the PCC's Representative, the Disciplinary Board shall reserve its decision on the sanction to be imposed and the Chair shall close the hearing.

7.11 When deciding on the sanction to be imposed in respect of its decision on the Complaint:

the Disciplinary Board shall, subject to Regulation 4.4, be entitled to take into account any previous decision or decisions of the PCC and/or the Disciplinary Board, as the case may be, that the Member had failed to comply with the Laws of the Institution of which it is informed by the Professional Conduct Department, and the Disciplinary Board shall consider the mitigation (if any) submitted by or on behalf of the Member and shall give such weight to it as it considers appropriate before deciding on any sanction.

7.12 If the sanction to be imposed is suspension of the Member's rights and privileges or expulsion, the decision of the Disciplinary Board shall be unanimous. In the case of any other sanction or sanctions to be imposed, the Disciplinary Board may make its decision by a simple majority.

7.13 Within 30 calendar days of the day or last day, as the case may be, of the Disciplinary Board hearing, the Professional Conduct Department on behalf of the Chair shall send to the Member and to the Complainant and to the Chair of the PCC the Disciplinary Board's decision with reasons in writing, including the sanction or sanctions imposed on the Member. The decision shall be sent by any service for document delivery that provides for a signature upon receipt.

7.14 The Disciplinary Board shall not have power to review or set aside any decision it has made, other than in respect of the sanction following a successful appeal in accordance with Rule(s) 9.8.2 and/or 9.8.3. In any case where the Appeal Tribunal refers the Complaint back to the Disciplinary Board for re-consideration, the Disciplinary Board shall, at its sole discretion, be entitled to decide whether further submissions and/or a further hearing may be required or not.

8. Time from which a decision is effective and publication of a decision

8.1 Unless stated otherwise in the decision, any decision of the PCC or the Disciplinary Board, as the case may be, to uphold a complaint in whole or in part, including the sanction imposed, shall take effect and may be published in accordance with the Rules below.

8.2 In the case of decisions not encompassed by Rule 9.1, on the date of receipt of the written decision by the Member;

8.3 In respect of decisions encompassed by Rule 9.1, on the expiry of the period for lodging an appeal (if no appeal shall be lodged), or on the day of the completion of the appeal process (if an appeal should be lodged and be unsuccessful).

8.4 In the case of sanctions set out in regulations 4.2.2.1(1) to 4.2.2.1(5), a summary of the decision (without reasons) prepared by or on behalf of the Head of Professional Conduct, shall be published, without the Member's name, in the Institution's membership communications, including but not limited to the electronic newsletter and on the Institution's website.

8.5 In the case of a Reprimand, and/or Severe Reprimand, and/or Suspension and/or Expulsion, a summary (without reasons) of the PCC's or Disciplinary Board's decision, as the case may be, prepared by or on behalf of the Head of Professional Conduct shall be published, together with the Member's name in the Institution's membership communications, including but not limited to the electronic newsletter and on the Institution's website.

8.6 The Complainant's name shall not be disclosed or published by the Institution under any circumstances.

8.7 In the case of Suspension or Expulsion of a Registrant, the Professional Conduct Department shall inform the Engineering Council.

8.8 In the case of a Complaint which has been referred to the Institution by the Engineering Council, the Professional Conduct Department shall inform the Engineering Council of the Disciplinary Board's decision immediately on the expiry of the period for lodging an appeal (if no appeal is lodged), or (if any appeal is lodged), after the completion of the appeal process.

APPEALS

9. Appeals from a Decision of the PCC or Disciplinary Board

9.1 In respect of a decision of the PCC and/or Disciplinary Board which imposes on a Member the sanction of a Reprimand, and/or Severe Reprimand and/or Suspension of the Member's rights and privileges and/or Expulsion, and/or in respect of a decision by the PCC to publish the Member's name in accordance with rule 2.56, the Member shall have a right of appeal. The right of appeal does not apply to sanctions imposed in accordance with regulations 4.2.2.9 and 4.2.2.10, in which case the Member shall have the right to have the decision reviewed in accordance with Rule 2.65.

9.2 In the event that the PCC or the Disciplinary Board, as the case may be, dismiss a complaint the Complainant shall have no right of appeal.

9.3 Subject to Rule 9.11 (an appeal directly to the Engineering Council), the organisation to which the appeal is to be referred shall be an appeals tribunal of competent jurisdiction nominated and adopted from time to time by the Institution's Board (referred to below as 'the Appeal Tribunal').

9.4 The right of appeal under Rule 9.1 shall be limited to one or more of the grounds below.

1. The PCC or the Disciplinary Board, as the case may be, incorrectly interpreted the Laws of the Institution including, but not limited to, the Code of Conduct.
2. The PCC or the Disciplinary Board, as the case may be, unreasonably refused to consider new evidence before or during the hearing.
3. The decision of the PCC or the Disciplinary Board, as the case may be, was not reached in accordance with natural justice.
4. The sanction imposed by the PCC or the Disciplinary Board, as the case may be, was inequitable.

9.5 Subject to Rule 9.3 the Member shall deliver a written notice in the form prescribed by the Institution ("the Notice of Appeal") to the Professional Conduct Department within 30 calendar days after receipt of the decision of the PCC or the Disciplinary Board, as the case may be, by the Member.

9.6 The Notice of Appeal shall be delivered by registered post or other document delivery service (including email) and shall be valid only if a delivery receipt in respect of the notice is obtained at the time of delivery.

9.7 The Notice of Appeal shall set out the grounds of appeal and will include a completed prescribed form.

9.8 The Appeal Tribunal shall not be entitled to determine the substance of the Complaint other than in accordance with the powers below:

1. To decide whether or not the PCC or the Disciplinary Board, as the case may be, interpreted correctly the Laws, Rules or Regulations of the Institution.
2. To ratify, alternatively to recommend a variation or withdrawal of, any sanction imposed by PCC or the Disciplinary Board, as the case may be, and in any case where the Appeal Tribunal shall recommend a variation or withdrawal of a sanction, to refer the Complaint back to the PCC or the Disciplinary Board for re-consideration and final decision.
3. To refer the Complaint back to the PCC or the Disciplinary Board, as the case may be, if new evidence is produced that was not submitted to the Disciplinary Board, and the Appeal Tribunal shall consider that such evidence could not reasonably have been produced at the time for consideration by the PCC or the Disciplinary Board.
4. To decide whether the decision of the PCC or the Disciplinary Board, as the case may be, was reached in accordance with natural justice.

9.9 The Member, the Complainant and the Institution shall be bound by the decision of the relevant Appeal Tribunal.

9.10 In any case where the sanction imposed by the PCC or the Disciplinary Board, as the case may be, would result in the Member losing the right to be a Registrant of the Engineering Council, the appeal

may, subject to Rule 9.12 and at the election of the Member, be referred directly to the Board of the Engineering Council instead of the Appeal Tribunal and conducted in accordance with the Engineering Council's regulations in force at the time the appeal is delivered.

9.11 The right of appeal to the Engineering Council shall be limited to matters of process, as prescribed by the Engineering Council. The Engineering Council shall not be entitled to determine the substance of the Complaint.

9.12 In the case of an appeal to the Engineering Council, the Member must lodge a request to appeal in writing to the Engineering Council in accordance with its Regulations and provide a copy of such request to the Head of Professional Conduct of the Institution on the same day that it is lodged with the Engineering Council.

9.13 The Appeal Tribunal ("the Tribunal") shall be appointed by the Professional Conduct Department and shall comprise a Chair ("the Chair") and two other persons, one of whom shall normally be a Fellow of the Institution but none of whom shall be members of the PCC, or of the Disciplinary Board which has heard the complaint, or of the Institution Trustee Board. The appointment will be made from a list of persons approved by the President.

9.14 No member of the Tribunal shall have a connection with the Member or the Complainant, or knowledge of their complaint such as would give rise to a conflict of interest or affect their independence and impartiality.

9.15 The Professional Conduct Department may appoint a practicing barrister or solicitor to advise the Tribunal as Legal Adviser ("the Tribunal's Legal Adviser") for the purpose of advising it on the exercise of its functions and on any legal issues that may arise in connection with the appeal. This will either be by being on standby by telephone, attending remotely or, at the discretion of the Professional Conduct Department, in person.

9.16 A representative of the Professional Conduct Department shall attend the tribunal hearing for the purpose of providing administrative support to the Tribunal and the Tribunal's Legal Adviser.

9.17 The Professional Conduct Department shall, as soon as reasonably practicable, notify the Member and the PCC and the Disciplinary Board, of the identity of the Chair and the other members of the Tribunal and the date of the Tribunal hearing, not less than 130 calendar days before the date of the hearing.

9.18 On receipt of the notice of the Tribunal and the date of the Tribunal hearing, the Member shall make submissions in writing, in support of the grounds of appeal only. These submissions shall be made to the Professional Conduct Department no more than 30 days after the notification of the date of the Tribunal hearing.

9.19 The Professional Conduct Department shall provide the PCC and/or the Disciplinary Board with a copy of the Member's submissions within 10 calendar days of receipt of the submissions.

9.20 The PCC and/or the Disciplinary Board as the case may be, shall make submissions to be considered by the Tribunal, in response to the Member's submissions only. These submissions should be provided to the Professional Conduct Department no more than 30 calendar days after the receipt of the Member's submissions.

9.21 The Professional Conduct Department shall within 10 days of receipt of the PCC and/or the Disciplinary Board's submissions in response, send the same to the Member, and at the same time shall send the response and the application to Appeal to the Tribunal appointed in accordance with 9.13.

9.22 The Tribunal shall, within 30 calendar days, decide whether the grounds for the application to Appeal are accepted as being in conformity with the Rules, and shall thereupon notify the Professional Conduct Department.

9.23 The Professional Conduct Department shall, within 10 calendar days of receipt of the Tribunal's decision, notify the member and the PCC and/or the Disciplinary Board, of the decision.

9.24 In the event that the Tribunal accepts one or more of the grounds for the application to appeal as being in conformity with the Rules, the hearing will proceed on the date notified in 9.17.

9.25 In the event that the Tribunal finds that none of the grounds for the application to appeal as being in conformity with the Rules, the matter will be concluded.

9.26 The Member and the PCC representative and/or the Disciplinary Board representative, as the case may be, shall be entitled to appear before the Tribunal and may, at their own cost, be legally or otherwise represented.

9.27 The parties who intend to appear and/or be represented shall give notice in writing to the Professional Conduct Department not less than 50 days before the date of the appeal hearing. The Professional Conduct Department shall provide the Tribunal with a copy of the notice(s).

9.28 The Tribunal Hearing ("the Hearing") shall be held in private.

9.29 Minutes of the Hearing will be taken.

9.30 The Chair shall open the Hearing as follows:

(i) state that the Tribunal has been convened to consider the appeal made by the appellant against the decision of the Institution's PCC or Disciplinary Board as the case may be, and state the Articles found to have been breached and the sanction imposed.

(ii) invite those present to identify themselves and their role (if any) in the proceedings.

(iii) remind the parties that the Hearing is to consider only the evidence that had previously been submitted to the Institution's PCC and/or Disciplinary Board, as the case may be, and any submissions made in accordance with rules 9.19 and 9.21.

(iv) inform the parties that they may request a suitable recess at appropriate points in the proceedings, if they wish to withdraw to confer.

9.31 The Chair will ascertain from the parties whether they require the Tribunal to consider the award of the Tribunal's costs against the other party. The Tribunal costs are those costs associated with the convening of the Tribunal and the costs of the Tribunal incurred through sitting in respect of the appeal, and do not include any other costs incurred by the parties.

9.32 The Chair will invite the Member or their representative to make a statement in support of the appeal to the Tribunal. Once the statement is complete the Chair will invite the members of the Tribunal, if they have any questions, to put them to the appellant or their representative.

9.33 The Chair will invite the Institution's PCC's and/or Disciplinary Board's representative, as the case may be, to make a statement in response to the appeal, to the Tribunal. Once the statement is complete, the Chair will ask the members of the Tribunal if they have any questions to put to the PCC and/or Disciplinary Board representative, as the case may be.

9.34 The Chair will invite the Member or their representative to make a concluding statement to the Tribunal. When the Member or their representative has finished their statement, the Chair will invite the PCC and/or Disciplinary Board representative, as the case may be, to make a concluding statement to the Tribunal.

9.35 The Tribunal shall withdraw to consider its substantive decision on the appeal, and at the Tribunal's discretion in reaching such decision, may seek advice from the Tribunal's Legal Adviser.

9.36 The Tribunal shall make its decision as to whether or not to uphold all or part of the Appeal by a simple majority vote. No member of the Tribunal shall be entitled to abstain.

9.37 After the Tribunal has completed its deliberations, the Hearing will resume, and the Chair will orally deliver the decision of the Tribunal as to whether the Appeal has been upheld in whole or in part. This will conclude the Hearing.

9.38 The Tribunal shall inform the Professional Conduct Department in writing of its decision within 10 calendar days. The Professional Conduct Department shall inform the member and the PCC and the Disciplinary Board, as the case may be, of the Tribunal decision within 10 calendar days of receipt of the Tribunal's decision.

9.39 A summary of the Tribunal's decision will be provided by the Tribunal's Legal Advisor and will be published on the Institution website and in the electronic newsletter.



APPENDIX 1: RECORDS OF SANCTIONS

The periods referred to in Regulation 4.4.1 for which sanctions shall remain on the Member's record.

Sanction	Period for which the sanction shall remain on the member's record
Guidance	2 years. The endorsement is removed from the Member's record two years after receipt by the Member of the Decision.
Apology	3 years. The endorsement is removed from the Member's record three years after evidence of the apology has been submitted by the Member which demonstrates to the PCC's reasonable satisfaction that there has been compliance with the terms of the sanction.
Training Order	3 years. The endorsement is removed from the Member's three years after evidence has been submitted by the Member which demonstrates to the PCC's reasonable satisfaction that there has been compliance with the terms of the sanction.
Undertaking	3 years. The endorsement is removed from the Member's record three years after evidence of the undertaking has been submitted by the Member which demonstrates to the PCC's reasonable satisfaction that there has been compliance with the terms of the sanction.
Warning	3 years. The endorsement is removed from the Member's record three years after receipt by the Member of the Decision.
Reprimand	3 years. The endorsement is removed from the Member's record three years after receipt by the Member of the Decision and on the expiry of the period for lodging an appeal (if no appeal shall be lodged), or on the day of the completion of the appeal process (if an appeal should be lodged and be unsuccessful).
Severe Reprimand	4 years. The endorsement is removed from the Member's record four years after receipt by the Member of the Decision.
Suspension	4 years. The endorsement is removed from the Member's record four years after the end of the period of suspension.
Expulsion	Permanently. The endorsement is not removed from the Member's record.

Notes:

An endorsement is placed on the Member's record by the Institution to indicate that the Member is the subject of a disciplinary investigation.

If more than one sanction is imposed on the Member, the period for all the sanctions shall be the longest period which applies in the case of any of the individual sanctions.

APPENDIX 2: GLOSSARY OF TERMS

1. ADVISER:

A professional person with relevant experience appointed by the Professional Conduct Department on behalf of the Professional Conduct Committee or the Disciplinary Board, as the case may be, to assist in the consideration of a complaint.

2. THE TRUSTEE BOARD:

The Institution's governing body.

3. COMPLAINANT:

A person or other legal entity which makes a complaint in writing in the prescribed form against a Member of the Institution.

4. COMPLAINT:

A complaint ('the Complaint') made in writing in the prescribed form against a Member which has been referred to the Professional Conduct Committee or to Disciplinary Board by the Professional Conduct Committee.

5. DISCIPLINARY BOARD:

The Disciplinary Board investigates and adjudicates complaints in relation to the conduct of Members referred to it by the Professional Conduct Committee.

6. ENGINEERING COUNCIL:

The Engineering Council, 10 Lower Thames Street, London EC3R 6EN.

7. HEAD OF PROFESSIONAL CONDUCT

The staff Member of the Institution who has overall responsibility for the regulations in relation to the process for the investigation of complaints against Members.

8. THE INSTITUTION:

The Institution of Structural Engineers (incorporated by Royal Charter and registered with the Charity Commission for England and Wales No. 233392 and in Scotland No. SC038263). Address: 47-58 Bastwick Street, London EC1V 3PS.

9. LAWS OF THE INSTITUTION:

The definition given in the Byelaws of the Institution.

10. LEGAL ADVISER TO THE PCC:

A solicitor or a barrister appointed by the Professional Conduct Department in consultation with the Professional Conduct Committee.

11. LEGAL ADVISER TO THE DISCIPLINARY BOARD:

A solicitor or a barrister appointed by the Professional Conduct Department.

12. PCC ASSESSORS

Two Members of the PCC appointed by the PCC Chair to consider the Complaint, the Response (if any) and the Reply (if any) who shall make a non-binding recommendation at a meeting of the whole PCC.

13. PCC'S REPRESENTATIVE:

The Member of the Institution nominated by the Professional Conduct Committee, alternatively the barrister or solicitor appointed by the Professional Conduct Department, to present and conduct a case before the Disciplinary Board.

14. REVIEW ASSESSORS

Members of the Institution, appointed by the Professional Conduct Department, who act independently of the Professional Conduct Committee, and who shall consider the application and any supporting documentation together with the Complaint, the Response (if any) and the Reply (if any), the opinion of the Preliminary Assessors or the decision of the PCC or the Disciplinary Board, as the case may be, to decide whether the grounds for a review have been met.

15. PRELIMINARY ASSESSORS:

Two Members of the Institution, appointed by the Professional Conduct Department, who act independently of the Professional Conduct Committee and after consideration of the Complaint, the Response (if any) and the Reply (if any), inform the Professional Conduct Department as to whether there may, based on an initial view, be a case for the Member to answer such that the Complaint should be referred to the Professional Conduct Committee for decision or not.

16. PROFESSIONAL CONDUCT COMMITTEE:

The Institution's Professional Conduct Committee which investigates and adjudicates on complaints relating to the professional conduct of Members.

17. PROFESSIONAL CONDUCT DEPARTMENT:

The department of the Institution responsible for the administration and management of the process for the investigation of complaints against Members.

18. REGISTRANT:

A Member of the Institution who is registered with the Engineering Council.

19. THE REGULATIONS:

The Regulations governing the Institution's procedures for investigating and deciding allegations of misconduct and the powers of the Professional Conduct Committee and the Disciplinary Board in relation to the sanctions which may be imposed on any Members who has not complied with the Laws of the Institution.

20. TRAINING ORDER:

An order issued by the Professional Conduct Committee or the Disciplinary Board, as the case may be, requiring the Member to undertake training to remedy a deficiency in the Member's competence and/or conduct identified by the Professional Conduct Committee or the Disciplinary Board.

21. WITNESS:

A person called to give evidence before the Disciplinary Board.





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The Institution of
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