

Chartered Banker

CHARTERED BANKER INSTITUTE

ROYAL CHARTER, RULES, REGULATIONS AND CODES

2018

V09/18

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Contents

Letter from the Privy Council	1
Royal Charter	2
Schedule – Rules	7
Board Regulations	20
Appendix 1: Code of Professional Conduct	55
Appendix 2 Discipline: Complaint Handling	57
Appendix 4: Discipline: Appeals Procedure	63

Letter from Privy Council

At the Court at Buckingham Palace

THE 11th DAY OF JULY 2018

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

The following Report of a Committee of the Privy Council dated 5th day of July 2018 was today considered:-

"YOUR MAJESTY having been pleased, by Your Order of the 24th day of April 2018, to refer this Committee a Petition of The Chartered Institute of Bankers in Scotland praying for the grant of a Supplementary Charter:

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the Petition into consideration, do this day agree humbly to report, as their opinion, to Your Majesty, that the Supplementary Charter may be granted by Your Majesty in terms of the annexed Draft."

HER MAJESTY, having taken into consideration the Report and the Draft Supplementary Charter accompanying it, was pleased, by and with the advice of Her Privy Council, to approve thereof and to order, and it is hereby ordered, that the Right Honourable the First Minister for Scotland do cause a Warrant to be prepared for Her Majesty's Royal Signature, for passing under Her Majesty's Seal appointed by the Treaty of Union to be kept and used in Scotland in place of the Great Seal of Scotland a Supplementary Charter in conformity with the annexed Draft.

Richard Tilbrook

Royal Charter

ELIZABETH THE SECOND

by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith:

TO ALL TO WHOM THESE PRESENTS SHALL COME,
GREETING!

WHEREAS on the 20th day of December, in the year of our Lord One thousand nine hundred and seventy-six, we did by Royal Charter (hereinafter called "the original Charter") constitute a Body Corporate and Politic by the name of "The Institute of Bankers in Scotland".

AND WHEREAS the said Institute has by an humble Petition represented unto Us that it is desirable for the better government of the said Institute and the furtherance of its objects that the original Charter should be revoked, except insofar as it incorporates the said Institute, and has prayed that We might be graciously pleased to grant unto the said Institute a Supplementary new Charter:

NOW, THEREFORE, KNOW YE that We, having taken the said Petition into Our Royal Consideration, and being minded to accede thereto, have, of Our especial grace, certain knowledge and mere motion, been pleased to grant and declare and do by these Presents for Us, Our Heirs and Successors, grant and declare as follows:-

1. The said Institute shall henceforth be known as the "Chartered Banker Institute " (hereinafter referred to as "the Institute") and by the same name shall have perpetual succession and a Common Seal, with power to break, alter and make anew the said Seal from time to time at the will and pleasure of the Institute and by the same name shall and may sue and be sued in all Courts, and in all manner of actions and suits, and shall have power to do all other matters and things incidental or appertaining to a Body Corporate.
2. The provisions of the original Charter (except insofar as they incorporate the Institute) are hereby revoked but nothing in this revocation shall affect the legality or validity of any act, deed or thing lawfully done or executed under the provisions of the original Charter.
3. The object for which the Institute is constituted is to advance education and in the furtherance thereof:
 - (a) to encourage the highest standards of professionalism and conduct amongst its members in the public interest;
 - (b) to improve and extend the knowledge and expertise of those engaged in banking and financial services;
 - (c) to conduct examinations and promote the continued study of banking and financial services in all their aspects and to award certificates to candidates who meet the standards laid down by the Institute;

- (d) to establish links and to co-operate with other professional or educational bodies with a view to the pursuit of common objectives and to represent the banking profession both nationally and internationally;
4. In pursuance of the said objects, the Institute shall have power:
- (a) to provide facilities for students and members in the study of such subjects as are relevant to banking and financial services with a view to completing the examinations prescribed by the Institute;
 - (b) to promote the dissemination and exchange of information on matters of professional interest through the maintenance of a library, the publishing of a journal and other books and pamphlets, the holding of conferences, meetings and seminars all in the interests of promoting the efficiency and raising the standards of members;
 - (c) to accept gifts and endowments in the furtherance of the interests of the Institute;
 - (d) to make gifts or contributions for national, public, educational or charitable purposes;
 - (e) to merge with or absorb any other body whose objects are similar to the objects of the Institute and where the interests of the banking and financial services profession would best be served by such action: provided that the exercise of the powers conferred by this paragraph shall be subject to approval by resolution of the members of the Institute in General Meeting passed by not less than three-fourths of those present, entitled to vote and voting, and to the approval of the Lords of Our Most Honourable Privy Council;
 - (f) to purchase, lease, rent, hold and dispose of any land and premises;
 - (g) to undertake, execute and perform any trusts or conditions affecting any heritable or moveable property of any description acquired by the Institute;
 - (h) to promote the extension of Institute interests and activities throughout the United Kingdom and elsewhere through a regional structure in accordance with the Rules;
 - (i) to invest monies of the Institute in accordance with the Rules;
 - (j) to borrow on such terms and on such security as may be thought fit for the furtherance of the objects of the Institute;
 - (k) to levy fees and subscriptions in accordance with the Rules;
 - (l) to do anything else within the law which is calculated to further the objects set forth in this Our Charter, or any of them, or is conducive or incidental to doing so.
5. The income and property of the Institute shall be applied solely towards the promotion of its objects as set forth in this Our Charter as amended or added to in the manner hereinafter provided and no member shall have any personal claim on any of the said income or property. No part of the income or property

of the Institute shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise howsoever by way of profit to its members.

6. There shall be a Chair of the Board of Trustees (the "Chair") and two Vice-Chairs of the Board of Trustees (the "Vice-Chairs") who shall be appointed in accordance with the Rules.
7. The management and administration of the Institute, its property and affairs, shall be under the control of the Board of Trustees of the Institute (hereinafter referred to as "the Board") and all the powers of the Institute shall be vested in the Board except where this Our Charter or the Rules expressly prescribe that approval is required by the Institute in General Meeting.
8. The Board shall consist of such members, with such qualifications and to be appointed in such manner and to hold office for such periods and on such terms as to re-appointment and re-election and otherwise, as may be prescribed by the Rules.
9. The Institute shall have such employees and others providing a service as the Board may determine and shall pay them such salaries, pensions, expenses and other sums as may be permitted within the Rules.
10. The members of the Institute shall consist of such classes of membership as are prescribed in the Rules and shall collectively be referred to as "members".
11. The qualifications for and the method of election to membership and the rights, privileges, obligations and conditions of membership and the manner in which the same may be determined or suspended shall be such as the Rules shall prescribe.
12. The existing Rules of the Institute are hereby revoked and the Rules set forth in the Schedule to this Our Charter shall henceforth be the Rules of the Institute unless and until amended or replaced in accordance with the procedure hereinafter given. The Rules may from time to time be revoked, amended or added to by the Institute in General Meeting (of which meeting not less than twenty-eight clear days' notice in writing shall have been given) by resolution passed by not less than three-fourths of the members entitled to vote and voting on such resolution, provided that no such revocation, amendment or addition shall have any force or effect if it be repugnant to the laws of Scotland or to any of the provisions of this Our Charter or until the same has been submitted to and approved by the Lords of Our Most Honourable Privy Council (of which approval a certificate under the hand of the Clerk of Our said Privy Council shall be conclusive evidence).

13. (a) The Board may from time to time make such regulations as they think fit for the purpose of carrying any Rules into effect or otherwise for regulating the affairs of the Institute and may amend or add to any such regulations provided always that no such regulations shall be in any way inconsistent with any of the provisions of this Our Charter or of the Rules.

(b) Any regulations may be made for all or any of the following purposes:

- (i) prescribing the mode in which the Board is to conduct and transact its duties and business, including the giving of a second or casting vote;
- (ii) prescribing the mode and time of summoning and holding general meetings of the members of the Institute, and the conduct and transaction of business at such meetings, including the giving of a second or casting vote;
- (iii) the appointment, remuneration and conditions of office or service of officers and employees of the Institute;
- (iv) the appointment, resignation and removal of members of the Board, including the reasons for which removals may be made, and the disqualification of members of the Board;
- (v) the appointment and powers of committees of the Board and the conduct of business by such committees;
- (vi) the preparation and keeping and auditing of the accounts of the Institute and the custody of the Institute's assets.

14. The Institute in General Meeting (of which meeting not less than twenty-eight clear days' notice in writing shall have been given) may from time to time amend, revoke or add to the provisions of this Our Charter by resolution passed by not less than three-fourths of the members entitled to vote and voting on such resolution and any such revocation, amendment or addition shall, when allowed by Us, Our Heirs or Successors in Board, become effectual so that this Our Charter shall thenceforth continue and operate as though it had been originally granted and made accordingly. This provision shall apply to this Our Charter as amended in the manner aforesaid.

15. It shall be lawful for the Institute in General Meeting (of which meeting not less than twenty-eight clear days' notice in writing shall have been given) with the sanction of not less than three-fourths of the members entitled to vote and voting thereat to surrender this Our Charter subject to the sanction of Us, Our Heirs or Successors in Council and upon such terms as We or They may consider fit and to wind up or otherwise deal with the affairs of the Institute in such manner as shall be directed by such General Meeting or in default of such direction as the Board shall think expedient having due regard to the liabilities of the Institute for the time being; And if on the winding up or the dissolution of the affairs of the Institute there shall remain, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid or distributed among the members of the Institute or any of them but shall, subject to any special trusts affecting the same, be given and

transferred to some association or associations having objects similar to the objects of the Institute and which shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as is imposed on the Institute under Article 5 hereof, such association or associations to be determined by the Council at or before the time of dissolution.

IN WITNESS whereof We have ordered the Seal appointed by the Treaty of Union to be kept and used in Scotland in place of the Great Seal of Scotland to be appended hereto.

GIVEN at Our Court at Buckingham Palace the Eighteenth day of October in the Sixty-seventh year of Our Reign.

Schedule

RULES

Interpretation

Words used in the Rules bear the same meaning as the same words used in the Charter. "The Charter" means the Charter of the Institute granted in the year 1976 as amended by the Supplemental Charters granted in 1991 and 2018 to which these rules are annexed.

"Chief Executive" means the employee appointed by the Board to be responsible for the management of the Institute under the direction of the Board.

"Firm" means the whole or part of any body corporate, a partnership or a limited liability partnership concerned with the business of banking or providing other related services.

"Chartered Member" means a person in the Chartered Member category of Membership, whilst "member" means a member of the Institute in any category, including a student.

"Nominations Committee" means the committee established by the Board to identify and recommend candidates for appointment as Board members, including the Chair and two Vice-Chairs.

Headings are shown for convenience only and shall not affect the meaning.

Words importing the singular shall include the plural and vice versa; and words importing the masculine gender shall include the feminine and vice versa, unless the context otherwise requires

MEMBERSHIP

1. Membership of the Institute shall be open to employees and former employees of organisations providing banking, financial and associated support services, and other individuals who share the aims and objects of the Institute.

2. The Institute shall consist of voting and non-voting members elected or admitted by the Board as follows:

(1) Voting members

(a) Fellows who shall be persons elected by the Board from among those

(i) who are Chartered Members or Associates

or

(ii) who have significant relevant experience at a senior level, accepted by the Board for this purpose.

provided that candidates under (i) and (ii) above shall be considered by the Board to have made a significant contribution to banking and to the objects of the Institute.

Fellows must participate in and annually complete the Institute's Continuing Professional Development (CPD) programme or the CPD programme of a similar institute recognised for this purpose by the Board and shall be entitled to use after their names the following words and designatory letters:

"Fellow of the Chartered Banker Institute"—F.C.B.I.

Fellows who are also Chartered Members as set out in Rule 2(i)(b) below shall be entitled to use after their names the following words:

"Chartered Fellow of the Chartered Banker Institute"

- (b) Chartered Members shall be admitted by the Board from those who have passed the examinations of the Institute, or such other examinations prescribed by the Board for this purpose. Chartered Members must participate in and annually complete the Institute's CPD programme or the CPD programme of a similar institute recognised for this purpose by the Board and shall be entitled to use after their names the following words and designatory letters:

"Chartered Member of the Chartered Banker Institute"—M.C.B.I.

- (c) Associate members shall be admitted by the Board from those who have passed the examinations of the Institute, or such other examinations prescribed by the Board for this purpose. Associates must participate in and annually complete the Institute's CPD programme or the CPD programme of a similar institute recognised for this purpose by the Board and shall be entitled to use after their names the following words and designatory letters:

"Associate member of the Chartered Banker Institute"—A.C.B.I.

- (d) Certificated members shall be admitted by the Board from those who have passed the examinations of the Institute, or such other examinations prescribed by the Board for this purpose. Certificated members must participate in and annually complete the Institute's CPD programme or the CPD programme of a similar institute recognized for this purpose by the Board and shall be entitled to use after their names the following words and designatory letters:

"Certificated member of the Chartered Banker Institute" - C.C.B.I

- (e) Student members shall be admitted by the Board from those who have presented acceptable qualifications for entry to the examinations of the Institute.
- (f) Fellows, Chartered Members, Associates and Certificated members who have retired from business life may be exempted from CPD. The Board shall publish guidance in this area for members.

(2) Non-Voting members

- (a) International members shall be admitted by the Board from those who have passed examinations conducted by the Institute or equivalent bodies and prescribed by the Board for this purpose. International members must participate in and annually complete the Institute's CPD programme or the CPD programme of a similar institute recognized for this purpose by the Board.
- (b) Affiliates shall be admitted by the Board from those who do not qualify under any of the foregoing categories of membership but support the objects of the Institute.

CHARTERED BANKER STATUS

- 3. (1) In addition to the words and designatory letters permitted by Rules 2(1)(a) and 2(1)(b) above, Fellows and Chartered Members shall be entitled to use the "Chartered Banker" designation, subject to continued participation in and annual completion of the Institute's CPD programme or the CPD programme of a similar institute recognised for this purpose by the Board.

(2) In addition to the words and designatory letters permitted by Rule 2(1)(c) above, Associates shall be entitled to use the "Associate Chartered Banker" designation, subject to continued participation in and annual completion of the Institute's CPD programme or the CPD programme of a similar institute recognised for this purpose by the Board.

(3) The Board may authorise a Firm that is composed wholly or partly of, or employs, members who are entitled to use one of the designations specified in Rule 2 to describe itself using the words "A Firm of Chartered Bankers", subject to that Firm's compliance with such requirements as may be set out in regulations.

BOARD

4. (1) The Board shall consist of:
- (a) the Chair, and two Vice-Chair who shall be elected in accordance with Rules 6 and 7 from among the Board members appointed under (b) to (c) below;
 - (b) up to 11 individuals who are members of the Institute, appointed in accordance with the Rule 4(2) below.
 - (c) two or more individuals who are not members of the Institute, appointed in accordance with Rule 4 (2) below,
- (2) Nominees for positions on the Board shall be identified by a process of open selection conducted by the Nominations Committee in accordance with such regulations as the Board may from time to time determine. The recommendations of the Nominations Committee shall be approved at the Annual General Meeting and shall be published in advance of the Annual General Meeting.
- (3) Each Board member shall hold office for three years from the date of election, following which he or she shall retire.
- (4) A Board member retiring from office shall be eligible for re-appointment provided that no Board member shall serve for a consecutive period of more than six years save with the express approval of the Nominations Committee and subsequent approval at the Annual General Meeting.
- (5) Any vacancy on the Board arising for whatever reason before the expiry of the term of office may be filled by the Board by co-option of a successor whose tenure shall subsist until the date of the Annual General Meeting following their co-option.

(6) Disqualification, Resignation or Removal of Board members

The office of a Board member shall be vacated if:

- (a) he or she becomes prohibited by law from being a charity trustee;
- (b) in the case of a member, he or she ceases to be a member of the Institute;
- (c) he or she resigns by notice to the Board (but only if at least eight Board members remain in office when the notice of resignation is to take effect);
- (d) the Board reasonably believe he or she is suffering from mental or physical disorder and is incapable of acting as a trustee and they resolve that he or she be removed from office;
- (e) he or she fails to attend three consecutive meetings of the Board and in the opinion of the Board there are no mitigating circumstances for that failure and the Board resolve that he or she be removed for this reason; or
- (f) a resolution is passed by at least two thirds of the Board members present at a meeting of the Board, provided that:

- (i) the Board member proposed to be removed shall have received at least 14 clear days' notice in writing of the proposed resolution and the reasons for the proposal;
- (ii) the Board member or, at the option of the Board member, the Board member's representative, who need not be a Board member or a member of the Institute, has been permitted to make representations to the meeting; and
- (iii) the Board members passing the resolution determine that it is in the best interests of the Institute to do so.

5. Powers of Board

In addition to any powers and duties conferred on the Board by the Charter or elsewhere in these Rules, the Board shall in particular have power:

- (a) to determine the content of the syllabus for the examinations of the Institute, to have full responsibility for and ultimate control over those examinations, including the power to grant exemptions from parts of the examinations on educational grounds; and to make regulations in pursuance of these powers;
- (b) to determine the subscriptions payable by members in accordance with Rule 23;
- (c) to determine the criteria for admission or re-admission of members;
- (d) to make provision in respect of the Institute's obligations under any relevant legislation or regulation;
- (e) to establish, regulate and dissolve such committees as may be required for the conduct of its business, and to delegate to those committees such powers and functions as it may think fit, provided that the exercise by any committee of any power or function delegated to it shall be reported to the Board as soon as practicable. Such committees may include persons who are not members of the Board or of the Institute, and shall have power to establish sub-committees where necessary.

OFFICE BEARERS AND EMPLOYEES

6. Appointment of Chair and Vice-Chairs

At each Annual General Meeting there shall be appointed a Chair, and two Vice-Chairs, and members of the Board. Those elected shall hold office for two years following the Annual General Meeting at which they were elected and shall not be eligible for re-election.

7. Nominations

Nominations for the position of Chair and the positions of Vice-Chair shall be sought and considered by the Nominations Committee, and the recommendations of that Committee published in advance of the Annual General Meeting.

8. Annual General Meetings

- (1) The Institute shall each year hold a general meeting as its Annual General Meeting in addition to any other meetings that year, and shall specify the meeting as such in the notices calling it.
- (2) Not more than 15 months shall elapse between the date of one Annual General Meeting of the Institute and the next.
- (3) The Annual General Meeting shall be held at such time and place as the Board shall appoint.
- (4) The business of the Annual General Meeting shall include the submission of the annual report and audited statement of accounts for the previous financial year, the election of office bearers and members of the Board when appropriate, the appointment of auditors for the ensuing year and any other business competent to be dealt with at a General Meeting.

GENERAL MEETINGS AND MEETINGS OF THE BOARD

9. General meetings

The Board may at any time call a general meeting of the Institute to consider any question that may arise; and it shall be bound to do so within thirty days after receiving a requisition signed by not less than fifty voting members of the Institute, specifying the business to be transacted.

10. Notice of general meetings

- (1) Not less than 14 clear days' notice shall be given in advance of a general meeting. A notice convening the meeting shall state the nature of the business to be transacted and shall be sent to all voting members of the Institute.
- (2) The Institute may deliver a notice to a member:
 - (a) by delivering it by hand or sending it by post or other delivery service to an address provided by the member for that purpose; or
 - (b) in electronic form to an address notified by the member for that purpose.
- (3) If a notice is:
 - (a) delivered by hand, it is treated as being delivered at the time it is handed to or left for the member;
 - (b) sent by post or other delivery service it is treated as being delivered 48 hours after it was posted or given to delivery agents, provided that it can be proved that the notice was properly addressed and sent with postage or delivery paid;
 - (c) sent in electronic form it is treated as being delivered at the time it was sent, provided that it can be shown that it was sent to the electronic address provided by the member.

11. Proceedings at general meetings

- (1) The chairman of a general meeting shall be the Chair of the Board, or in his or her absence the one of the Vice-Chairs, or in their absence, a member of the Board to be chosen by those present at the meeting.
- (2) The quorum for a general meeting shall be fifteen voting members entitled to vote upon the business to be transacted. In the event of a quorum not being present within half an hour after the time appointed for the meeting, it shall stand adjourned to such time as the voting members present shall determine. At least seven days' notice in writing of such adjourned meetings shall be given.

12. Attendance and speaking at general meetings

- (1) A person is able to exercise the right to speak at a general meeting when that person is in a position, during the meeting, to communicate to all

those attending the meeting any information or opinions which that person has on the business of the meeting.

- (2) A person is able to exercise the right to vote at a general meeting when:
 - (a) that person is able to vote, during the meeting, on resolutions put to the vote at the meeting; and
 - (b) that person's vote can be taken into account in determining whether or not such resolutions are passed at the same time as the votes of all the other persons attending the meeting.
- (3) The Board may make whatever arrangements it considers appropriate to enable those attending a general meeting to exercise their rights to speak or vote at it.
- (4) In determining attendance at a general meeting, it is immaterial whether any two or more members attending it are in the same place as each other.
- (5) Two or more persons who are not in the same place as each other attend a general meeting if their circumstances are such that if they have (or were to have) rights to speak and vote at that meeting, they are (or would be) able to exercise them.

13. Voting at general meetings

- (1) Except where otherwise provided in the Charter or these Rules, all questions brought before general meetings of the Institute shall be determined by a majority of those voting members present and voting by a show of hands unless a poll is demanded either by the Chairman or by not fewer than ten voting members present at the meeting. Unless a poll is duly demanded, a declaration by the Chairman as to the result of the vote by a show of hands shall be final.
- (2) If a poll is duly demanded, it shall be conducted in such manner (including the use of voting papers) as the Chairman may direct, and the Chairman may adjourn the meeting to some other place and time for the purpose of declaring the result of the poll, and the result shall be deemed to be the decision of the meeting at which the poll was demanded.

- (3) Every voting member not attending a general meeting shall be entitled to appoint another voting member as his or her proxy for the purpose of any general meeting and in respect of any or all resolutions tabled for any general meeting, provided that a proxy notice, a copy of which shall be made available to each voting member, shall have been delivered to the Institute at least two days before the meeting in question. The proxy notice shall be in such form as the Board may from time to time determine.
- (4) Proxies shall not be used where a vote is taken by a show of hands. In respect of a poll, a proxy holder shall have one personal vote and one additional vote for each voting member for whom he holds a proxy in respect of the resolution before the meeting.
- (5) In the event of an equality of votes, whether on a show of hands or a poll, the Chairman shall have a second and casting vote.
- (6) International members and Affiliates may attend and speak at General meetings but shall not be entitled to vote.

14. Proceedings and decisions of the Board

- (1) Subject to the Charter and these Rules, the Board may regulate its proceedings as it thinks fit.
- (2) Seven days' notice of a meeting of the Board shall be given to each Board member, but need not be in writing. Notice of any meeting of the Board shall indicate the nature of the business to be transacted.
- (3) Any Board member may participate in a meeting of the Board by means of video conference, telephone or any suitable electronic means agreed by the Board whereby all persons participating in the meeting can communicate with all the other participants and participation in such a meeting shall constitute presence in person at that meeting.
- (4) The quorum for decision-making by the Board shall be seven. A Board member shall not be counted in the quorum present at a meeting in relation to a resolution on which he or she is not entitled to vote.
- (5) The Chair, or, in his or her absence, one of the Vice-Chairs or, in their absence, a member of the Board to be chosen by those present, shall chair the meeting.
- (6) Questions arising at a meeting shall be decided by a majority of votes. In the event of an equality of votes, the person chairing the meeting shall have a casting as well as a deliberative vote.

15. Minutes

The Board shall ensure that the Institute keeps records, in writing, comprising minutes of all proceedings at general meetings, and minutes of meetings of the Board and committees of the Board, including the names of the Board members present at the meeting.

FINANCE

16. (a) The Board shall have complete control of all the assets and liabilities of the Institute and shall exercise that control in promoting and protecting the objects of the Institute by such means as it may consider suitable.
- (b) The Chief Executive shall be responsible for keeping proper accounts and records.
- (c) All monies of the Institute not immediately required for the purposes of the Institute shall be placed on deposit with a Bank, Building Society, Public Authority or such other organisation in the United Kingdom as authorised by the Board and which includes the acceptance of such deposits as part of its normal business. Where monies are not required in the short term by the Institute or where a prize fund is involved the Board may authorise other investments.
- (d) The accounts of the Institute shall be made up annually as at the 28th day of February or such other date as the Board may decide and, having been audited by the auditor appointed under the following Rule, shall be submitted for approval at the subsequent Annual General Meeting.

17. Auditor

The auditor shall be qualified to act as an auditor in accordance with the Companies Acts and shall be appointed annually by the members at the Annual General Meeting. His or her report shall be read before the Institute in General Meeting and shall be open to inspection by any member. The auditor shall be eligible for re-appointment. If a vacancy for an auditor should occur between two General Meetings the Board may appoint an auditor to the vacancy. The Board shall have authority to fix the auditor's remuneration.

PROFESSIONAL CONDUCT

18. (1) The Institute shall maintain a Code of Professional Conduct setting out the ethical and professional attitudes and behaviours expected of members. All members, including student and affiliate members, are bound by the Code.
 - (2) The Code of Professional Conduct and related guidance shall be published by the Institute and will be periodically updated by Board.
 - (3) The Institute may investigate members alleged to have breached the Code of Professional Conduct and take disciplinary action against members found to have breached the Code.
19. (1) A complaint in relation to an alleged breach of the Code of Professional Conduct by a member shall be investigated in the first instance by the Chief Executive, or his or her nominated deputy.
 - (2) Where the complaint falls within the jurisdiction and competence of the Institute, and appears to be substantiated by *prima facie* evidence that a member has materially breached the Code of Professional Conduct, the Chief Executive, or his or her nominated deputy, shall refer the matter to a Disciplinary Committee established in accordance with the Institute's Disciplinary Regulations.
 - (3) Where the Chief Executive, or his or her nominated deputy, is satisfied that there is sufficient evidence to determine that a complaint involves only a minor breach of the Code of Professional Conduct, he may admonish the member concerned and/or ask for written assurances that similar breaches will not occur in the future.
 - (4) Where the complaint does not fall within the jurisdiction and competence of the Institute, or there is a lack of *prima facie* evidence that a member has materially breached the Code of Professional Conduct, the Chief Executive, or his or her nominated deputy, may determine that no further action should be taken.
20. Sanctions may be imposed by a Disciplinary Committee on members who are found to have breached the Code of Professional Conduct. Details of sanctions shall be set out in the Institute's Disciplinary Regulations.
21. Members may appeal against the findings of a Disciplinary Committee, and any sanctions imposed, in accordance with the Appeals Process set out in the Institute's Disciplinary Regulations.

22. (1) The Chartered Banker Code of Conduct sets out Board's expectations of Institute members' conduct, and requires members to avoid conduct that could bring the Institute, and the banking profession more widely, into disrepute.
- (2) All members (including student members) are required to inform the Institute within 14 days if they are known to be the subject of an investigation by their employer, a regulator, legal authority, or other competent body, relating specifically to their personal conduct, that could, if proven, lead to a finding that they have committed an offence and/or breached the PRA and FCA's Individual Conduct Rules¹ In addition, members are required to inform the Institute within 14 days of being informed of the outcome(s) of any such investigation, and any sanctions that may have been, or expect to be imposed.
- (3) Members are not required to inform the Institute where an investigation relates to more general matters of an institutions' policies, procedures and actions, except where issues of the member's personal conduct are likely to form a specific and personal part of such an investigation.
- (4) The Institute may, in circumstances where an individual is under personal investigation for an offence and/or breach of the PRA and FCA's Individual Conduct Rules², suspend an individual from membership (charging no subscription fees for the period of suspension) whilst an investigation is ongoing. In such cases, suspension will be considered by a Disciplinary Committee convened for that purpose, and members will have the right to appeal any decisions of that Committee to an Appeals Committee.
- (5) Failure to inform the Institute of an investigation and/or failure to inform the Institute of the outcome(s) of any investigation within 14 days, will be considered a material breach of the Chartered Banker Code of Conduct, and will be referred to a Disciplinary Committee.

¹ Or national equivalents, where members are regulated by non-UK financial services regulators

² Or national equivalents.

OTHER MATTERS

23. Subscription and Fees

(1) Every member shall be required to pay an annual subscription fee appropriate to his or her class of membership. The subscription rates and the period applicable shall be such as may from time to time be prescribed by regulations made by the Board.

(2) Examination and other fees shall be fixed by the Board.

24. Resignation

Any member of the Institute may resign at any time by giving notice in writing to the Chief Executive. A resigning member shall not be entitled to reimbursement in respect of any unexpired portion of his or her subscription.

25. Non-Payment of Subscription

Any member who has failed to pay the appropriate subscription shall cease to be a member and his or her name shall be removed from the Roll of Members of the Institute.

26. Restoration of Membership

The Board shall have power at its sole discretion to reinstate to membership any person who has resigned or whose membership has ceased through non-payment of subscriptions, provided that such member makes payment of the subscription due on the date of re-admission together with such proportion of any unpaid subscriptions due as the Board may deem appropriate in each particular case.

27. Indemnity

The members of the Board and officers of the Institute shall be indemnified by the Institute from all losses and expenses incurred by them in or about the discharge of their respective duties, except in consequence of wilful default or deceit, provided they have acted in good faith for the benefit of the Institute. No member of the Board or officer of the Institute shall be liable for the actions of any other member of the Board or officer of the Institute.

28. Transition Provisions

The members of the Board holding office at the time this Rule 28 comes in to force shall remain in office (subject to the provisions of Rule 4(6)) until the end of the Annual General Meeting following the adoption of this Rule, when the Board shall be constituted in accordance with Rule 4. The members currently serving shall be eligible for election to the Board in accordance with Rule 4.

Board Regulations

Words used in these regulations shall have the same meanings assigned to them as are applicable under the "Interpretation" clause in the Rules.

1. Procedure for Election or Admission

Voting Members

(a) Fellows

Nominations for Fellowship shall be submitted to the Chief Executive of the Institute in such form and at such time as the Board may require. Nominations shall be signed by two existing Fellows of the Institute. Nominations shall be considered by the Nominations Committee, which shall submit to the Board those nominations recommended for Fellowship, ensuring that these meet the requirements of Rule 2. The Board shall then vote on whether to approve nominations received. Voting shall be by ballot or otherwise as the Board may determine and no person shall be elected unless three-fourths of those present at the meeting have voted in favour. Those who have been nominated for election and approved by the Board shall then be invited to become Fellows.

(b) Members and (c) Associates

Individuals who have passed the relevant examinations of the Institute or such other examinations of at least equivalent standard, as prescribed by the Board, shall be elected to membership of the Institute. A list of members admitted will be prepared by the Chief Executive for submission to the Board, on an annual basis.

(d) Certificated members

Individuals who have passed the relevant examinations of the Institute or such other examinations of at least equivalent standard, as prescribed by the Board, shall be elected to membership of the Institute.

Certificated members holding such qualifications who participate in and annually complete the relevant CPD programme of the Institute, or the CPD programme of a similar institute recognized for this purpose by the Board, and who pay the appropriate annual subscription shall be entitled to use after their names any words and designatory letters agreed by the Board.

(b) Student members

Non Voting Members

(f) International members, and (g) Affiliates

All applications for International, Student and Affiliate membership shall have satisfied the conditions specified by the Charter and Rules in such a manner as the Board shall require.

2. Examinations

The Board shall have full responsibility for and ultimate control over the examinations of the Institute including the power to make, alter, amend or revoke the rules appertaining to the examinations. The Board also has authority to grant exemptions from parts of the examinations on educational grounds.

The Chief Executive shall keep records of candidates and their results.

3. Continuing Professional Development (CPD)

The Board shall have full responsibility for and ultimate control over the Institute's CPD schemes for members, including the power to make, alter amend or revoke the rules appertaining to these.

Fellows, Members, Associates and Certificated members who have retired from business life may be exempted from CPD. Such members shall be entitled to describe themselves with the appropriate membership grade and designatory letters, but may not use any associated professional designations e.g. Chartered Banker.

Retirement from business life shall be taken to mean that a member is no longer working in a professional capacity on a full or part-time basis as an employee, business partner, contractor or self-employed consultant. Unpaid voluntary work shall not be viewed as employment.

Business life shall not be restricted to financial services and a member who takes up an occupation outside of financial services shall not be considered retired or be eligible to pay the retired member subscription.

A retired member who takes up new employment shall be expected to notify the Institute which will apply the standard subscription rate for their grade of membership with effect from the next renewal date. Such individuals shall become subject to the standard CPD requirements for their grade of membership and shall be eligible to use the professional designation and designatory letters associated with their grade of membership.

A retired member who has chosen to opt out of the CPD scheme may, upon application to the Institute, opt back in to the scheme and regain eligibility to use the professional designation and designatory letters associated with their grade of membership.

A retired member who opts back into the CPD scheme shall provide evidence that they have met the Institute's CPD requirements during the previous 12 months.

4. Graduation, Awards, Prizes and Scholarships

The Board may use the funds belonging to or held by the Institute to award certificates, prizes, scholarships or such other suitable forms of recognition to individuals who have passed or distinguished themselves in the examinations of the Institute.

The Board has overall responsibility for the administration and allocation of prizes including the ultimate decision on how the awards are granted and presented.

5. Code of Professional Conduct

Members should abide by the basic principles laid down in the Code of Professional Conduct. The Code and related guidance is published by the Institute and will be periodically updated by the Board.

6. Discipline

6.1 Definitions

(a) In these Disciplinary Regulations:-

"Alleged Breach" means the Disciplinary Breach (or alleged Disciplinary Breach) in respect of which a Relevant Complaint is made, and where a Relevant Complaint is made in respect of more than one Disciplinary Breach (or more than one alleged Disciplinary Breach) those Disciplinary Breaches (or those alleged Disciplinary Breaches) are referred to as **"Alleged Breaches"**;

"Appeals Committee" means an Appeals Committee established pursuant to Regulation 15;

"Chief Executive" means the Chief Executive from time to time and for the time being of the Institute;

"Complainant" means in respect of a Relevant Complaint the person by whom that Relevant Complaint has been made;

"Board" means the Board of the Institute;

"Chair" means the Chair from time to time and for the time being of the Institute;

"Code of Professional Conduct" means the Code of Professional Conduct of the Institute from time to time and for the time being (a) approved by the Board and (b) posted on the website of the Institute;

"Declined Complaint" means a Relevant Complaint in respect of which a determination is made by an Investigating Officer pursuant to either paragraph (c) or paragraph (d) of Regulation 3;

"Disciplinary Breach" has the meaning ascribed to it in paragraph (b) of Regulation 2;

"Disciplinary Committee" means a Disciplinary Committee established pursuant to Regulation 8;

"Disciplinary Committee Nomination Committee" means a committee whose members are (a) the Chief Executive, (b) the Disciplinary Committee Panel Chairman and (c) such other person or persons (or the holder of such office or position or the holders of such offices or positions) as the Board shall nominate to be a member, or members, of that committee;

"Disciplinary Committee Panel" has the meaning ascribed to it in paragraph (a) of Regulation 6;

"Disciplinary Committee Panel Chairman" means the member of the Disciplinary Committee Panel who is the Chairman of the Disciplinary Committee Panel;

"

"Institute" means Chartered Banker Institute;

"Institute's Nomination Committee" means the nomination committee of the Institute, appointed by the Board;

"Investigating Officer" means (i) the Chief Executive or (ii) any other person (whether or not being an employee of the Institute) nominated by the Chief Executive to investigate and assess (and if appropriate to prosecute) Relevant Complaints or to investigate and assess (and if appropriate to prosecute) any specific Relevant Complaint;

"Legal Professional" means someone who is or has been a solicitor, advocate or barrister;

"member" means (unless otherwise stated) a member of the Institute;

"Relevant Complaint" means a complaint or allegation that there is or has been a Disciplinary Breach, or that there are or have been Disciplinary Breaches, by or in respect of a member; and

"Vice-Chair" means a Vice-Chair from time to time and for the time being of the Institute.

- (b) A reference in these Disciplinary Regulations to a Regulation is, unless otherwise stated in the reference, a reference to a Regulation in these Disciplinary Regulations.

6.2 Introduction

(a) All members are bound by the Code of Professional Conduct.

(b) A Disciplinary Breach by or in respect of a member occurs when:-

- i) criminal sanctions have been imposed on the member; or
- ii) sanctions have been imposed on the member by a regulator or other competent body; or
- iii) the member is lawfully dismissed by the member's employer for misconduct; or
- iv) the member breaches, or does not comply with, the Institute's continuing professional development (CPD) requirements; or
- v) the member acts in breach of the Institute's course rules and regulations, including providing false information with respect to existing qualifications, plagiarism and/or collusion in respect of course assignments and breaching examination conditions; or
- vi) the member brings the Institute into disrepute (there must be a clear and direct relationship between the member's actions and the reputation of the Institute); or
- vii) the member is in breach of one or more provisions of the Code of Professional Conduct.

- (c) Disciplinary proceedings may be begun against a member under these Disciplinary Regulations if and when a Relevant Complaint is made in respect of that member.
- (d) Sanctions may be imposed on a member pursuant to these Disciplinary Regulations if:-
 - (i) the member admits that there is or has been a Disciplinary Breach, or that there are or have been Disciplinary Breaches, by or in respect of the member; or
 - (ii) it is found pursuant to these Disciplinary Regulations that there is or has been a Disciplinary Breach, or that there are or have been Disciplinary Breaches, by or in respect of the member.
- (e) A Relevant Complaint, other than a Relevant Complaint by or on behalf of the Institute, shall be made in writing to the Institute.
- (f) A Relevant Complaint by or on behalf of the Institute shall be made in writing to the Chief Executive or to the Chair or to a Vice-Chair.

6.3 Investigation and assessment of Relevant Complaints

- (a) Any Relevant Complaint made pursuant to paragraph (e) or paragraph (f) of Regulation 2 shall be investigated and assessed (and if appropriate prosecuted) by an Investigating Officer, and an Investigating Officer shall determine whether:-
 - i) dealing with the Relevant Complaint falls within the jurisdiction and competence of the Institute and should be dealt with by the Institute;
 - ii) the Alleged Breach or Alleged Breaches in respect of which the Relevant Complaint has been made is or are being, or is or are likely to be, considered by a court of law or any regulatory tribunal, professional body or similar with prior or superior jurisdiction to the jurisdiction of the Institute;
 - iii) the Relevant Complaint, or the Alleged Breach or Alleged Breaches in respect of which the Relevant Complaint has been made, should be dealt with not by the Institute but by the employer of the member in respect of whom the Relevant Complaint has been made;
 - iv) the Relevant Complaint is of a vexatious or frivolous nature and/or unworthy of further investigation by the Institute;
 - v) there is no substance in, or no justification for, the Relevant Complaint;
 - vi) the Alleged Breach or Alleged Breaches in respect of which the Relevant Complaint has been made would, if proven, not be a material Disciplinary Breach or would not be material Disciplinary Breaches; and

- vii) the Alleged Breach or Alleged Breaches in respect of which the Relevant Complaint has been made would, if proven, be a material Disciplinary Breach or would be material Disciplinary Breaches.
- (b) If an Investigating Officer determines that dealing with the Relevant Complaint falls outwith the jurisdiction and competence of the Institute, an Investigating Officer shall advise the Complainant of that determination within 30 days of the determination being made.
- (c) If an Investigating Officer determines that the Alleged Breach or Alleged Breaches in respect of which the Relevant Complaint has been made is or are being, or is or are likely to be, considered by a court of law or any regulatory tribunal, professional body or similar with prior or superior jurisdiction to the jurisdiction of the Institute, an Investigating Officer shall advise the Complainant of that determination within 30 days of the determination being made.
- (d) If an Investigating Officer determines that the Relevant Complaint, or the Alleged Breach or Alleged Breaches in respect of which the Relevant Complaint has been made, should be dealt with by the employer of the member in respect of whom the Relevant Complaint has been made (and not by the Institute), an Investigating Officer shall advise the Complainant of that determination within 30 days of the determination being made.
- (e) Any determination in respect of a Relevant Complaint pursuant to paragraph (c) or pursuant to paragraph (d) of this Regulation 3 shall not prejudice the right of the Complainant, or the Institute, to make a further or subsequent Relevant Complaint pursuant to paragraph (e) or paragraph (f) of Regulation 2 in respect of the same member and on the same grounds as the member in respect of whom and the grounds on which that Declined Complaint was made.
- (f) If an Investigating Officer determines that the Relevant Complaint is of a vexatious or frivolous nature and/or unworthy of further investigation by the Institute, an Investigating Officer shall advise the Complainant of that determination within 30 days of the determination being made.
- (g) If an Investigating Officer determines that there is no substance in, or no justification for, the Relevant Complaint, an Investigating Officer shall advise the Complainant of that determination within 30 days of the determination being made.
- (h) If an Investigating Officer determines that:-
 - (i) dealing with the Relevant Complaint falls outwith the jurisdiction and competence of the Institute; or
 - (ii) the Alleged Breach or Alleged Breaches in respect of which the Relevant Complaint has been made is or are being, or is or are likely to be, considered by a court of law or any regulatory tribunal, professional body or similar with prior or superior jurisdiction to the jurisdiction of the Institute; or

- (iii) the Relevant Complaint, or the Alleged Breach or Alleged Breaches in respect of which the Relevant Complaint has been made, should be dealt with by the member's employer and not by the Institute; or
- (iv) the Relevant Complaint is of a vexatious or frivolous nature and/or unworthy of further investigation by the Institute; or
- (v) there is no substance in, or no justification for, the Relevant Complaint

and that the Relevant Complaint should accordingly not be dealt with by the Institute, then an Investigating Officer may, at his or her discretion, advise the member in respect of whom the Relevant Complaint was made:-

- (i) that the Relevant Complaint has been made;
- (ii) of the Alleged Breach or Alleged Breaches in respect of which the Relevant Complaint has been made; and
- (iii) of the determination by an Investigating Officer in respect of the Relevant Complaint

and if an Investigating Officer does so advise the member the Investigating Officer may at his or her discretion, but need not, also advise the member of who has made the Relevant Complaint.

- (i) An Investigating Officer shall when investigating and assessing a Relevant Complaint pursuant to this Regulation 3 and when investigating and assessing any evidence supporting that Relevant Complaint be entitled to have regard to and to take into account such evidence, representations, statements and submissions, and to undertake such investigations and to make such enquiries, as the Investigating Officer sees fit.
- (j) A Relevant Complaint in respect of which a determination is made by an Investigating Officer pursuant to any of paragraphs (b), (c), (d), (f) or (g) of this Regulation 3 shall be deemed (subject always to the provisions of paragraph (e) of this Regulation 3) to have been declined.

6.4. Dealing with Non-Material Breaches

- (a) If an Investigating Officer determines that the Alleged Breach or Alleged Breaches in respect of which a Relevant Complaint has been made:-
 - (i) falls or fall within the jurisdiction and competence of the Institute;
 - (ii) should be dealt with by the Institute; and
 - (iii) would, if proven, not be a material Disciplinary Breach or would not be material Disciplinary Breaches

then an Investigating Officer shall within 30 days of the determination being made:-

- (i) notify the Complainant of that determination; and

- (ii) notify the member against whom the Relevant Complaint has been made (1) that the Relevant Complaint has been made, (2) of the Alleged Breach or Alleged Breaches in respect of which the Relevant Complaint has been made and (3) that dealing with the Relevant Complaint falls within the jurisdiction and competence of the Institute and that the Relevant Complaint is to be dealt with by the Institute

and an Investigating Officer shall when notifying the member (1) that the Relevant Complaint has been made, (2) of the Alleged Breach or Alleged Breaches in respect of which the Relevant Complaint has been made and (3) that dealing with the Relevant Complaint falls within the jurisdiction and competence of the Institute and that the Relevant Complaint is to be dealt with by the Institute also:-

- (i) notify the member that an Investigating Officer has determined that the Alleged Breach or Alleged Breaches in respect of which the Relevant Complaint has been made would if proven not be a material Disciplinary Breach or would not be material Disciplinary Breaches;
- (ii) at the discretion of the Investigating Officer, notify the member of who has made the Relevant Complaint;
- (iii) give the member such details and information regarding the Relevant Complaint as it is reasonable for the Investigating Officer to do;
- (iv) ask the member to reply in writing to an Investigating Officer, within 30 days (or any longer period allowed by an Investigating Officer) of the receipt by the member of the notice given by an Investigating Officer to the member pursuant to this paragraph (a), advising an Investigating Officer whether the member:-
 - (a) admits that there is or has been a Disciplinary Breach, or that there are or have been Disciplinary Breaches, by or in respect of the member as claimed or alleged in the Relevant Complaint; or
 - (b) denies that there is or has been a Disciplinary Breach, or that there are or have been Disciplinary Breaches, by or in respect of the member as claimed or alleged in the Relevant Complaint;
- (v) notify the member that if the member does not notify an Investigating Officer, within the period of 30 days (or any longer period allowed by an Investigating Officer) referred to in subparagraph (iv) of this paragraph (a), that the member admits or denies that there is or has been a Disciplinary Breach, or that there are or have been Disciplinary Breaches, by or in respect of the member as claimed or alleged in the Relevant Complaint the member shall be deemed to have denied that there is or has been a Disciplinary Breach, or that there are or have been Disciplinary Breaches, by or in respect of the member as claimed or alleged in the Relevant Complaint; and

- (vi) advise the member that if the member denies (or is deemed to have denied) that there is or has been a Disciplinary Breach, or that there are or have been Disciplinary Breaches, by or in respect of the member as claimed or alleged in the Relevant Complaint then an Investigating Officer shall, unless an Investigating Officer accepts the member's denial, refer the Relevant Complaint to a Disciplinary Committee for assessment and determination.
- (b) If the member in respect of whom a Relevant Complaint has been made notifies an Investigating Officer, in response to the notice given by an Investigating Officer to that member pursuant to paragraph (a) of this Regulation 4, that the member admits that there is or has been a Disciplinary Breach, or that there are or have been Disciplinary Breaches, by or in respect of the member as claimed or alleged in that Relevant Complaint, then an Investigating Officer may admonish the member in respect of the Disciplinary Breach or Disciplinary Breaches by the member.
- (c) An Investigating Officer may, in admonishing a member pursuant to paragraph (b) of this Regulation 4, warn the member regarding the future conduct of the member and of the importance of the member complying with the Code of Professional Conduct, and an Investigating Officer may make the admonition by an Investigating Officer of the member pursuant to paragraph (b) of this Regulation 4 conditional on the member giving to the Institute such undertaking or undertakings as to the member's future conduct and compliance with the Code of Professional Conduct as an Investigating Officer requires (such undertaking or undertakings to be given by the member to the Institute within 30 days, or any longer period allowed by an Investigating Officer, of the receipt by the member of an Investigating Officer's request for the undertaking or undertakings).
- (d) If an admonition does not become unconditional in accordance with paragraph (c) of this Regulation 4, the admonition shall be deemed not to have been given and the Relevant Complaint shall be referred by an Investigating Officer to a Disciplinary Committee for assessment and determination.
- (e) The admonition pursuant to paragraph (b) of this Regulation 4 of a member in respect of whom a Relevant Complaint has been made may include one or more of the following penalties:-
 - (i) the reduction of any mark awarded by the Institute to the member;
 - (ii) the requirement that the member resubmits or resits any assessment; and/or
 - (iii) the requirement that the member undertakes a new assessment.
- (f) If within 45 days of the receipt by the member of the notice of the penalty imposed on the member pursuant to paragraph (e) of this Regulation 4 the member notifies an Investigating Officer that the member objects to that penalty:-
 - (i) an Investigating Officer may accept that objection and, in place of and in substitution for the penalty to which the member has

objected, impose a lower, reduced or different penalty on the member (provided always that the member has agreed to the lower, reduced or different penalty); or

- (ii) refer the Relevant Complaint against the member to a Disciplinary Committee for assessment and determination.
- (g) If the admonition of a member by an Investigating Officer is unconditional, an Investigating Officer shall within 30 days of an Investigating Officer notifying that member that the member has been admonished, notify the Complainant who had made the Relevant Complaint against the member that the member has been admonished.
- (h) If the admonition of a member by an Investigating Officer becomes unconditional in accordance with paragraph (c) of this Regulation **4**, an Investigating Officer shall within 30 days of that admonition becoming unconditional in accordance with paragraph (c) of this Regulation **4** notify the Complainant who had made the Relevant Complaint against the member that the member has been admonished.
- (i) If the member in respect of whom a Relevant Complaint has been made, in response to the notice given by an Investigating Officer to that member pursuant to paragraph (b) of this Regulation **4**, advises an Investigating Officer that the member denies that there is or has been a Disciplinary Breach, or that there are or have been Disciplinary Breaches, as claimed or alleged in that Relevant Complaint then an Investigating Officer may:-
 - (i) accept the member's denial; or
 - (ii) refer the Relevant Complaint to a Disciplinary Committee for assessment and determination.
- (j) If the member in respect of whom a Relevant Complaint has been made is deemed to have denied that there is or has been a Disciplinary Breach, or that there are or have been Disciplinary Breaches, as claimed or alleged in that Relevant Complaint, then an Investigating Officer may refer the Relevant Complaint to a Disciplinary Committee for assessment and determination.
- (k) An Investigating Officer shall, within 30 days of an Investigating Officer's decision pursuant to paragraph (i) of this Regulation **6.4** to accept a member's denial or to refer a Relevant Complaint against a member to a Disciplinary Committee for assessment and determination, notify that decision to both the Complainant who had made that Relevant Complaint and that member.
- (l) An Investigating Officer shall, within 30 days of an Investigating Officer's decision pursuant to paragraph (j) of this Regulation **6.4** to refer a Relevant Complaint against a member to a Disciplinary Committee for assessment and determination, notify the Investigating Officer's decision to both the Complainant who had made that Relevant Complaint and that member.
- (m) Any referral pursuant to this Regulation **6.4** by an Investigating Officer of a Relevant Complaint to a Disciplinary Committee for assessment and

determination shall be made by that Investigating Officer (or by another Investigating Officer) within six months of the referral falling to be made in terms of this Regulation 6.4, and the referral pursuant to this Regulation 6.4 of a Relevant Complaint to a Disciplinary Committee for assessment and determination shall fall to be made in terms of these Disciplinary Regulations:-

- (i) upon an Investigating Officer deciding pursuant to paragraph (i) or paragraph (j) of this Regulation 6.4 to refer the Relevant Complaint to a Disciplinary Committee for assessment and determination; or
 - (ii) where a Relevant Complaint falls pursuant to paragraph (d) of this Regulation 6.4 to be referred to a Disciplinary Committee for assessment and determination, on that Relevant Complaint so falling to be referred to a Disciplinary Committee.
- (n) An Investigating Officer may when communicating with a member pursuant to this Regulation 6.4, communicate with that member through the Secretary of the Disciplinary Committee Panel.

6.5. Dealing with Material Breaches

If an Investigating Officer determines that the Alleged Breach or Alleged Breaches in respect of which a Relevant Complaint has been made:-

- (i) falls or fall within the jurisdiction and competence of the Institute;
- (ii) should be dealt with by the Institute; and
- (iii) would, if proven, be a material Disciplinary Breach or would be material Disciplinary Breaches

then an Investigating Officer shall within 30 days of the determination being made:-

- (i) notify the Complainant of that determination; and
- (ii) notify the member against whom the Relevant Complaint has been made (1) that the Relevant Complaint has been made, (2) of the Alleged Breach or Alleged Breaches in respect of which the Relevant Complaint has been made and (3) that dealing with the Relevant Complaint falls within the jurisdiction and competence of the Institute and that the Relevant Complaint is to be dealt with by the Institute

and an Investigating Officer shall when advising the member (1) that the Relevant Complaint has been made, (2) of the Alleged Breach or Alleged Breaches in respect of which the Relevant Complaint has been made and (3) that dealing with the Relevant Complaint falls within the jurisdiction and competence of the Institute and that the Relevant Complaint is to be dealt with by the Institute also:-

- (i) notify the member that an Investigating Officer has determined that the Alleged Breach or Alleged Breaches in respect of which the Relevant Complaint has been made would if proven be a material Disciplinary Breach or be material Disciplinary Breaches;

- (ii) at the discretion of the Investigating Officer, notify the member of who has made the Relevant Complaint;
- (iii) give the member such details and information regarding the Relevant Complaint as it is reasonable for the Investigating Officer to do; and
- (iv) ask the member to reply in writing to an Investigating Officer, within 30 days (or any longer period allowed by an Investigating Officer) of the receipt by the member of the notice given by an Investigating Officer to the member pursuant to this paragraph (a), advising an Investigating Officer whether the member:-
 - (a) admits that there is or has been a Disciplinary Breach, or that there are or have been Disciplinary Breaches, by or in respect of the member as claimed or alleged in the Relevant Complaint; or
 - (b) denies that there is or has been a Disciplinary Breach, or that there are or have been Disciplinary Breaches, by or in respect of the member as claimed or alleged in the Relevant Complaint;
- (v) notify the member that if the member does not notify an Investigating Officer, within the period of 30 days (or any longer period allowed by an Investigating Officer) referred to in subparagraph (iv) of this paragraph (a), that the member admits or denies that there is or has been a Disciplinary Breach, or that there are or have been Disciplinary Breaches, by or in respect of the member as claimed or alleged in the Relevant Complaint the member shall be deemed to have denied that there is or has been a Disciplinary Breach, or that there are or have been Disciplinary Breaches, by or in respect of the member as claimed or alleged in the Relevant Complaint;
- (vi) advise the member that the Relevant Complaint is to be referred to a Disciplinary Committee for assessment and determination;
- (vii) advise the member that the member is entitled to require that the members of the Disciplinary Committee which is to assess and determine the Relevant Complaint include a member of the Disciplinary Committee Panel who is a Legal Professional;
- (viii) advise the member that the Disciplinary Committee assessing and determining the Relevant Complaint against the member may order the member to pay all or any of the costs and expenses of the Institute (including any professional fees incurred by the Institute and the fees for being a member of the Disciplinary Committee assessing and determining the Relevant Complaint of any Legal Professional who is a member of that Disciplinary Committee) in the assessment and determination by that Disciplinary Committee of the Relevant Complaint; and
- (ix) advise the member that the Institute is entitled to recover, and may therefore recover, from the member any costs, expenses and

professional fees ordered by a Disciplinary Committee to be paid by the member in connection with the assessment and determination by that Disciplinary Committee of the Relevant Complaint against the member.

6.6. Disciplinary Committee Panel

- (a) The panel from which the members of a Disciplinary Committee shall be appointed shall be known as the Disciplinary Committee Panel.
- (b) There shall be such number of members of the Disciplinary Committee Panel as the Board from time to time determines.
- (c) Unless and until otherwise determined by the Board, there shall be not less than 10 members of the Disciplinary Committee Panel. The members of the Disciplinary Committee Panel shall, subject to paragraphs (d), (e), (f) and (g) of this Regulations **6.6**, be appointed by the Disciplinary Committee Nomination Committee.
- (d) A member of the Disciplinary Committee Panel shall, other than a member of the Disciplinary Committee Panel who is a Legal Professional, be a member of the Institute.
- (e) A member of the Board may not, for so long as he or she is a member of the Board, be a member of the Disciplinary Committee Panel.
- (f) There shall at any one time be at least one member of the Disciplinary Committee Panel who is a Legal Professional.
- (g) The Disciplinary Committee Nomination Committee may appoint any Legal Professional as a member of the Disciplinary Committee Panel, provided always that the Disciplinary Committee Nomination Committee shall not appoint any Legal Professional as a member of the Disciplinary Committee Panel unless the Disciplinary Committee Nomination Committee is satisfied that that Legal Professional has appropriate experience and skills to be a member of the Disciplinary Committee Panel.
- (h) The Disciplinary Committee Nomination Committee shall fix or agree the terms on which any Legal Professional is appointed as a member of the Disciplinary Committee Panel.
- (i) Any casual vacancy in the membership of the Disciplinary Committee Panel may, subject to paragraphs (d), (e), (f) and (g) of this Regulation **6.6**, be filled by the Disciplinary Committee Nomination Committee appointing a new member of the Disciplinary Committee Panel.
- (j) A member of the Disciplinary Committee Panel (including a Legal Professional who is a member of the Disciplinary Committee Panel) may resign as a member of the Disciplinary Committee Panel by notice in writing to the Disciplinary Committee Panel Chairman or to the Chief Executive, and the resignation of a member of the Disciplinary Committee Panel as a member of the Disciplinary Committee Panel shall take effect as from the time that the resignation is delivered to the Disciplinary Committee Panel Chairman or to the Chief Executive (as the case may

be) or with effect from such later time as shall be specified in the notice of resignation.

- (k) The Disciplinary Committee Nomination Committee may remove any member of the Disciplinary Committee Panel (including any Legal Professional who is a member of the Disciplinary Committee Panel) from the Disciplinary Committee Panel by giving notice in writing to that member of the Disciplinary Committee Panel, and the removal by the Disciplinary Committee Nomination Committee of any member of the Disciplinary Committee Panel shall take effect as from the time that the notice of removal is delivered to that member of the Disciplinary Committee Panel or with effect from such later time as shall be specified in the notice of removal.
- (l) A member of the Disciplinary Committee Panel shall, subject to the policy (and at such rate or scale and subject to such maximum, if any) from time to time determined by the Board for the reimbursement of expenses to members of the Disciplinary Committee Panel, be entitled to payment of all travelling, hotel and other expenses reasonably and properly incurred by that member of the Disciplinary Committee Panel in travelling to and from and attending meetings of the Disciplinary Committee Panel and/or of any Disciplinary Committee or otherwise in connection with the fulfilment and performance of the duties of that member of the Disciplinary Committee Panel as a member of the Disciplinary Committee Panel and/or as a member of any Disciplinary Committee and/or as a member of any Appeals Committee.
- (m) The Chief Executive, or a person nominated by the Chief Executive, shall act as Secretary of the Disciplinary Committee Panel.

6.7. Chairman of the Disciplinary Committee Panel

- (a) The Institute's Nomination Committee shall appoint one of the members of the Disciplinary Committee Panel as the Disciplinary Committee Panel Chairman.
- (b) The Disciplinary Committee Panel Chairman shall cease to be the Disciplinary Committee Panel Chairman upon he or she ceasing to be a member of the Disciplinary Committee Panel.
- (c) The Institute's Nomination Committee may at any time terminate the appointment of any member of the Disciplinary Committee Panel as the Disciplinary Committee Panel Chairman. The termination by the Institute's Nomination Committee of the appointment of any member of the Disciplinary Committee Panel as the Disciplinary Committee Panel Chairman shall take effect as from the time that the notice of the termination of the appointment of that member of the Disciplinary Committee Panel as the Disciplinary Committee Panel Chairman is given to that member of the Disciplinary Committee Panel or with effect from such later time as shall be specified in the notice of termination.
- (d) The Disciplinary Committee Panel Chairman may resign as the Disciplinary Committee Panel Chairman by notice in writing to the Chair or to the Chief Executive, and the resignation of the Disciplinary Committee Panel Chairman shall take effect as from the time that his or her

resignation as the Disciplinary Committee Panel Chairman is received by the Chair or, as the case may be, the Chief Executive or with effect from such later time as shall be specified in the notice of resignation.

- (e) The Institute's Nomination Committee may appoint another member of the Disciplinary Committee Panel to be the Disciplinary Committee Panel Chairman in place of any Disciplinary Committee Panel Chairman whose appointment as the Disciplinary Committee Panel Chairman is terminated by the Institute's Nomination Committee or who resigns as or who otherwise ceases to be the Disciplinary Committee Panel Chairman.
- (f) The Disciplinary Committee Panel Chairman may not be a member of a Disciplinary Committee, but may be a member of an Appeals Committee.

6.8 Disciplinary Committee

- (a) A Relevant Complaint shall be referred to a Disciplinary Committee for assessment and determination by an Investigating Officer notifying the Secretary of the Disciplinary Committee Panel that the Relevant Complaint has been referred to the Disciplinary Committee.
- (b) If a Relevant Complaint is referred to a Disciplinary Committee for assessment and determination, the Disciplinary Committee Panel Chairman shall within 30 days of the referral of that Relevant Complaint to a Disciplinary Committee:-
 - (i) nominate from amongst the members of the Disciplinary Committee Panel, subject always to paragraphs (d), (e) and (f) of this Regulation 8, the members of that Disciplinary Committee; and
 - (ii) nominate one of those members of the Disciplinary Committee Panel as the Chairman of that Disciplinary Committee.
- (c) There shall be not less than three members of the Disciplinary Committee which is to assess and determine any Relevant Complaint.
- (d) If an Investigating Officer has determined that the Alleged Breach or Alleged Breaches in respect of which a Relevant Complaint has been made would if proven be a material Disciplinary Breach, or would be material Disciplinary Breaches, then the member in respect of whom the Relevant Complaint was made is entitled to require that a member of the Disciplinary Committee to assess and determine that Relevant Complaint is a member of the Disciplinary Committee Panel who is a Legal Professional.
- (e) An Investigating Officer is entitled, if an Investigating Officer has determined that the Alleged Breach or Alleged Breaches in respect of which that Relevant Complaint has been made would if proven be a material Disciplinary Breach or would be material Disciplinary Breaches, to require that a member of that Disciplinary Committee is a member of the Disciplinary Committee Panel who is a Legal Professional.

(f) If:-

- (i) the member in respect of whom a Relevant Complaint referred to a Disciplinary Committee for assessment and determination was made requires (pursuant to paragraph (d) of this Regulation **8**) that a member of that Disciplinary Committee is a Legal Professional; or
- (ii) an Investigating Officer requires (pursuant to paragraph (e) of this Regulation **8**) that a member of that Disciplinary Committee is a Legal Professional

then the Disciplinary Committee Panel Chairman shall, either on the nomination pursuant to paragraph (b) of this Regulation **8** of the members of that Disciplinary Committee or subsequent to that nomination, nominate a member of the Disciplinary Committee Panel who is a Legal Professional to be a member of that Disciplinary Committee.

- (g) Any Legal Professional who is nominated pursuant paragraph (f) of this Regulation **8** to be member of the Disciplinary Committee to assess and determine any Relevant Complaint may be one of, or be in addition to, the minimum of three members of that Disciplinary Committee nominated pursuant to paragraph (b) of this Regulation **6.8**.
- (h) Any member of a Disciplinary Committee shall cease to be a member of that Disciplinary Committee on that member ceasing to be a member of the Disciplinary Committee Panel.
- (i) Any casual vacancy in the membership of a Disciplinary Committee (including any vacancy caused by the resignation or removal of a member of that Disciplinary Committee as a member of the Disciplinary Committee Panel) may be filled by the Disciplinary Committee Panel Chairman appointing a new member of that Disciplinary Committee.
- (j) A Disciplinary Committee shall when assessing a Relevant Complaint be entitled to have regard to and to take into account such evidence, representations, statements and submissions, and to undertake such investigations and to make such enquiries, as that Disciplinary Committee sees fit.
- (k) The proceedings of the Disciplinary Committee assessing and determining any Relevant Complaint shall, subject to those proceedings being in compliance with these Disciplinary Regulations, be determined by the Chairman of that Disciplinary Committee.
- (l) The Disciplinary Committee to assess and determine any Relevant Complaint shall be deemed to have been established on the nomination of the members of that Disciplinary Committee pursuant to paragraph (b) of this Regulation **6.8**.
- (m) The Chief Executive, or a person nominated by the Chief Executive, shall act as Secretary of any Disciplinary Committee.

6.9 Disciplinary Committee - Overriding Principle

The overriding principle of any hearing of a Disciplinary Committee is that the assessment and determination of any Relevant Complaint by that Disciplinary Committee should be fair and that the member in respect of whom that Relevant Complaint has been made shall:-

- (a) be informed promptly and fairly of the nature and cause of the accusation against the member;
- (b) have adequate time and facilities for the preparation of the member's defence;
- (c) have the right to defend himself or herself in person or through representation by a third party whether or not any third party representing the member is legally qualified or is himself or herself a member; and
- (d) have the right to examine or have examined witnesses against the member and to obtain the attendance and examination of witnesses on the member's behalf under the same conditions as witnesses against the member.

6.10 Disciplinary Committee – Procedure in Advance of Hearings

(a) Within 30 days of the establishment of the Disciplinary Committee to assess and determine any Relevant Complaint, the member against whom the Relevant Complaint has been made shall be notified in writing by the Secretary of the Disciplinary Committee of (1) the Alleged Breach or Alleged Breaches in respect of which the Relevant Complaint has been made and (2) the member's rights:-

- (i) to appear and be represented at the hearing of the Disciplinary Committee;
- (ii) to speak at that hearing either personally or through a representative;
- (iii) to call and cross-examine witnesses;
- (iv) to submit evidence; and
- (v) to submit details of mitigating circumstances which the member wishes the Disciplinary Committee to consider

at the hearing of the Disciplinary Committee convened to assess and determine the Relevant Complaint, and that member shall within those 30 days be provided by the Secretary of the Disciplinary Committee with:-

- (i) a copy of the Institute's Rules and Regulations (including the Rules and Regulations pertinent to disciplinary proceedings); and
- (ii) a copy of the Code of Professional Conduct in force at the time the Alleged Breach or Alleged Breaches in respect of which the

Relevant Complaint has been made is or are claimed or alleged in the Relevant Complaint to have occurred.

(b) No later than 30 days before the hearing of a Disciplinary Committee to assess and determine a Relevant Complaint, the member against whom the Relevant Complaint has been made (or a representative of that member) shall (1) be notified in writing by the Secretary of that Disciplinary Committee of the time, date and place of that hearing and (2) be provided by the Secretary of that Disciplinary Committee with:-

- (i) a summary of the Relevant Complaint;
- (ii) a copy of any witness statements and any other written evidence pertinent to the Relevant Complaint which the Secretary of the Disciplinary Committee then has for consideration by the Disciplinary Committee; and
- (iii) the assessment of, and report on, the Relevant Complaint by an Investigating Officer

and the Secretary of the Disciplinary Committee shall in such notification ask the member (or a representative of that member) to confirm in writing to the Secretary of the Disciplinary Committee whether the member intends to appear in person and/or to be represented at the hearing of the Disciplinary Committee.

(c) The period of 30 days referred to in paragraph (b) of this Regulation **10** may be extended to such longer period as the Chairman of the Disciplinary Committee determines on the request of the member against whom the Relevant Complaint has been made or on the request of a representative of that member.

(d) The Secretary of a Disciplinary Committee shall not less than seven days prior to the hearing of that Disciplinary Committee to assess and determine a Relevant Complaint advise:-

- (i) the members of that Disciplinary Committee; and
- (ii) an Investigating Officer

of the time, date and place of that hearing.

(e) The member in respect of whom the Relevant Complaint has been made (or a representative of that member) shall no later than 14 days before the hearing of the Disciplinary Committee which is to assess and determine that Relevant Complaint (1) confirm in writing to the Secretary of that Disciplinary Committee whether the member intends to appear in person and/or to be represented at that hearing and (2) provide the Secretary of that Disciplinary Committee with:-

- (i) details of any witnesses the member proposes to call at that hearing of the Disciplinary Committee;

- (ii) a copy of any witness statements and any other written evidence on which the member proposes to rely at that hearing of the Disciplinary Committee; and
 - (iii) details of any mitigating circumstances which the member wishes the Disciplinary Committee to consider.
- (f) The Secretary of a Disciplinary Committee which is to assess and determine any Relevant Complaint shall not less than seven days before the hearing of that Disciplinary Committee to assess and determine that Relevant Complaint provide each member of that Disciplinary Committee with:-
- (i) a copy of the Institute's Rules and Regulations (including the Rules and Regulations pertinent to disciplinary proceedings);
 - (ii) a copy of the Code of Professional Conduct in force at the time the Alleged Breach or Alleged Breaches in respect of which the Relevant Complaint has been made is or are claimed or alleged in the Relevant Complaint to have occurred;
 - (iii) a summary of the Relevant Complaint;
 - (iv) a copy of any witness statements and other written evidence pertinent to the Relevant Complaint which the Secretary of the Disciplinary Committee then has for consideration by the Disciplinary Committee;
 - (v) the assessment of, and report on, the Relevant Complaint by an Investigating Officer; and
 - (vi) details of any mitigating circumstances which the member in respect of whom the Relevant Complaint has been made (or any representative of that member) has provided to the Secretary of that Disciplinary Committee for consideration by that Disciplinary Committee

and shall provide an Investigating Officer with:-

- (i) a copy of any witness statements or other written evidence pertinent to the Relevant Complaint provided to the Secretary of that Disciplinary Committee by the member (or by any representative of the member) in respect of whom the Relevant Complaint has been made; and
- (ii) details of any mitigating circumstances which that member (or any representative of that member) has provided to the Secretary of that Disciplinary Committee for consideration by that Disciplinary Committee.

6.11 Disciplinary Committee – Hearings

- (a) Any Relevant Complaint referred to a Disciplinary Committee shall be the subject of a public hearing except where the Chairman of that Disciplinary Committee decides otherwise. Both the member against whom the

Relevant Complaint to be assessed and determined by a Disciplinary Committee has been made (or a representative of that member) and an Investigating Officer shall be entitled to make representations to the Chairman of that Disciplinary Committee on why the hearing of that Disciplinary Committee should not be held in public. The Chairman of a Disciplinary Committee may exclude any person from a hearing of that Disciplinary Committee if in the opinion of the Chairman the exclusion of that person from the hearing would be in the interests of justice. A hearing of a Disciplinary Committee may be adjourned.

- (b) A hearing of the Disciplinary Committee may, at the discretion of the Chairman of that Disciplinary Committee, proceed in the absence of the member in respect of whom the Relevant Complaint to be assessed and determined by the Disciplinary Committee was made or in the absence of any representative of that member or in the absence of any witness or witnesses. Arrangements may be made, where practicable and at the discretion of the Chairman of the Disciplinary Committee, for the member, any representative of the member and any witness to participate in a hearing of the Disciplinary Committee via teleconference.
- (c) At the commencement of the hearing of a Disciplinary Committee the Chairman of the Disciplinary Committee shall:-
 - (i) introduce the members of the Disciplinary Committee;
 - (ii) ensure that the member (or a representative of the member) against whom the Relevant Complaint to be assessed and determined by the Disciplinary Committee has been made has received a copy of:-
 - (1) the Institute's Rules and Regulations (including the Rules and Regulations pertinent to disciplinary proceedings);
 - (2) the Code of Professional Conduct in force at the time the Alleged Breach or Alleged Breaches in respect of which the Relevant Complaint has been made is or are claimed or alleged in the Relevant Complaint to have occurred;
 - (3) a summary of the Relevant Complaint; and
 - (4) any witness statements and any other written evidence pertinent to the Relevant Complaint to be produced to that hearing of the Disciplinary Committee by the Investigating Officer in respect of that Relevant Complaint; and
 - (iii) state and explain the procedure to be followed by the Disciplinary Committee.
- (d) The Chairman of a Disciplinary Committee shall state at the commencement of the hearing of the Disciplinary Committee that minutes of the Disciplinary Committee's hearing will be taken and that a summary of those minutes (in the form of the Disciplinary Committee's findings and decisions) shall be made available to the member (or to a representative of the member) against whom the Relevant Complaint being assessed and determined by the Disciplinary Committee has been made.

- (e) The Chairman of the Disciplinary Committee shall then invite an Investigating Officer to set out the nature of the Relevant Complaint against the member and the evidence on which the Relevant Complaint is based. The Chairman of the Disciplinary Committee and other members of the Disciplinary Committee may question that Investigating Officer on the nature of the Relevant Complaint and on the evidence on which the Relevant Complaint is based.
- (f) The Chairman of the Disciplinary Committee shall then invite the member against whom the Relevant Complaint has been made (or the member's representative) to respond to the Relevant Complaint and the evidence on which the Relevant Complaint is based, and the member (or the member's representative) shall be given the opportunity to question the Investigating Officer on the nature of the Relevant Complaint and on the evidence on which the Relevant Complaint is based.
- (g) The member may choose to admit that there is or has been a Disciplinary Breach, or that there are or have been Disciplinary Breaches, by or in respect of the member as claimed or alleged in the Relevant Complaint or to admit some Disciplinary Breach or Disciplinary Breaches by or in respect of the member as claimed or alleged in the Relevant Complaint or to deny that there is or has been a Disciplinary Breach, or that there are or have been Disciplinary Breaches, by or in respect of the member as claimed or alleged in the Relevant Complaint.
- (h) The Chairman of the Disciplinary Committee, other members of the Disciplinary Committee and an Investigating Officer may question the member against whom the Relevant Complaint has been made (or the member's representative) regarding the Relevant Complaint and the member's response to the evidence submitted.
- (i) The Chairman of the Disciplinary Committee shall then call witnesses, if available, to give evidence. No witness may be called unless:-
 - (i) a witness statement signed by the witness has been provided either:-
 - (a) pursuant to sub-paragraph (ii) of paragraph (b) of Regulation **6.10** by the Secretary of the Disciplinary Committee to the member (or to a representative of the member) in respect of whom the Relevant Complaint has been made; or
 - (b) pursuant to sub-paragraph (ii) of paragraph (e) of Regulation **6.10** by that member (or by a representative of that member) to the Secretary of the Disciplinary Committee.
 - (ii) the Chairman of the Disciplinary Committee, at his or her discretion, considers that it is in the interests of justice for the witness to be called and heard without a statement having been so provided.

- (j) The Chairman of the Disciplinary Committee, other members of the Disciplinary Committee, the Investigating Officer and the member against whom the Relevant Complaint has been made (or any representative of that member) may put questions to and cross-examine witnesses.
- (k) Once satisfied that all relevant evidence has been heard and cross-examined, the Chairman of the Disciplinary Committee shall invite the Investigating Officer and then the member against whom the Relevant Complaint has been made (or any representative of that member) to make a closing statement, if wished.
- (l) The Disciplinary Committee shall then retire to assess the evidence presented to the Disciplinary Committee (including witness statements) and to consider whether there has on the balance of probabilities, in the Disciplinary Committee's assessment, been a Disciplinary Breach or have been Disciplinary Breaches by or in respect of the member as claimed or alleged in the Relevant Complaint made against the member.
- (m) In most cases, it is anticipated that a Disciplinary Committee will reach a decision via consensus on whether or not there has been a Disciplinary Breach or have been Disciplinary Breaches by or in respect of a member as claimed or alleged in a Relevant Complaint, although the Chairman of a Disciplinary Committee may choose to call a vote if consensus is not reached. All members of a Disciplinary Committee shall be entitled to vote and shall have one vote each, with, in the case of a tied vote, the Chairman of a Disciplinary Committee having a second or casting vote.
- (n) Once a decision has been reached by a Disciplinary Committee on whether or not there has been a Disciplinary Breach or have been Disciplinary Breaches by or in respect of a member as claimed or alleged in the Relevant Complaint against the member, the Disciplinary Committee shall reconvene to announce the decision of the Disciplinary Committee.
- (o) If the Disciplinary Committee decides that there has not been any Disciplinary Breach by or in respect of a member as claimed or alleged in the Relevant Complaint made against the member, that member will be acquitted in respect of that Relevant Complaint.
- (p) Where any part of the Relevant Complaint against a member has been found by a Disciplinary Committee to have been proven then the Disciplinary Committee will consider the imposition on that member of one or more sanctions as set out in Regulation **6.12**, and the extent of any publicity as set out in Regulation **6.13**.
- (q) Before a Disciplinary Committee considers what, if any, sanctions to impose on a member, the Chairman of the Disciplinary Committee shall ask the member (or the member's representative) for details of any mitigating circumstances which the member, or the member's representative, wishes the Disciplinary Committee to take into account and shall give the member (or the member's representative) and an Investigating Officer the opportunity of addressing the Disciplinary Committee on sanctions and publicity.

- (r) In most cases, it is anticipated that a Disciplinary Committee will reach a decision via consensus on sanctions and publicity, although the Chairman of a Disciplinary Committee may choose to call a vote if consensus is not reached. All members of a Disciplinary Committee shall be entitled to vote and shall have one vote each, with the Chairman of the Disciplinary Committee having a second or casting vote.
- (s) Once a decision on sanctions and publicity has been reached by a Disciplinary Committee, the Disciplinary Committee shall reconvene to announce the sanctions to be imposed and the extent of any publicity.
- (t) A written record of a Disciplinary Committee's decision and of any sanction imposed on a member by the Disciplinary Committee at a hearing of the Disciplinary Committee shall, within 14 days of that hearing, be communicated by the Secretary of that Disciplinary Committee to each of:-
 - (i) the member (or a representative of that member) in respect of whom the decision of the Disciplinary Committee has been made;
 - (ii) an Investigating Officer; and
 - (iii) the Chief Executive (if the Chief Executive is not the Secretary of the Disciplinary Committee).
- (u) If the Disciplinary Committee finds that there has been a Disciplinary Breach or have been Disciplinary Breaches by or in respect of a member as claimed or alleged in the Relevant Complaint made against the member, the Chairman of that Disciplinary Committee shall remind the member (or a representative of that member) in respect of whom the decision of the Disciplinary Committee has been made of the member's right to appeal in accordance with Regulation **6.14** against the decision of the Disciplinary Committee and/or against any sanction imposed on the member by the Disciplinary Committee.
- (v) If the Disciplinary Committee decides that there has been a Disciplinary Breach or Disciplinary Breaches by or in respect of a member, then the Secretary of that Disciplinary Committee shall notify the Board, if and when the time has expired within which the member may (pursuant to paragraph (a) of Regulation **6.14**) appeal against the decision of the Disciplinary Committee without an appeal against that decision having been made by that member, of:-
 - (i) the identity of that member;
 - (ii) the Disciplinary Breach or Disciplinary Breaches by or in respect of that member found to have been proven by that Disciplinary Committee; and
 - (iii) any sanction or sanctions imposed on that member by the Disciplinary Committee and the extent of any publicity decided on by the Disciplinary Committee.
- (w) The Institute may appoint a solicitor, advocate or barrister to represent the Institute before a hearing of a Disciplinary Committee, and if a solicitor,

advocate or barrister is appointed by the Institute to represent the Institute before a hearing of a Disciplinary Committee then the references to an Investigating Officer in paragraphs (a), (e), (j), (k) and (q) of this Regulation 11 and in paragraph (d) of Regulation 6.12 shall be deemed to be references to that solicitor, advocate or barrister.

6.12 Sanctions

(a) Where a Disciplinary Committee finds that there is or has been a Disciplinary Breach, or that there are or have been Disciplinary Breaches, by or in respect of a member, the Disciplinary Committee may impose on that member one or more of the following sanctions:-

- (i) the member may be admonished by the Disciplinary Committee (the Disciplinary Committee shall determine the content and format of any admonition of the member);
- (ii) a record of the member's breach of the Code of Professional Conduct may be noted for a specified period on the member's record of membership of the Institute;
- (iii) all or any of the member's benefits and privileges of membership of the Institute may be withdrawn for a specified period;
- (iv) the member may be required at the member's own expense to attend such additional training or to complete such additional tests, examinations or assessments as directed by the Disciplinary Committee;
- (v) any passes by the member in current or previous diets of examinations or assessments of the Institute may be cancelled;
- (vi) the member may be required to resit one or more examinations or assessments of the Institute at the member's own expense;
- (vii) the member may be suspended from membership of the Institute for a specified period during which the benefits of membership of the Institute, including the use of professional titles and designatory letters, shall be withdrawn from the member;
- (viii) the member may be expelled from membership of the Institute (the Disciplinary Committee shall determine whether the member may be permitted to re-apply for membership of the Institute at some future date and, if so, what if any conditions should apply to the member's application for re-admission as a member of the Institute); and/or
- (ix) such other sanction that the Disciplinary Committee considers reasonable, proportionate and appropriate may be imposed on the member.

A member whose membership of the Institute is suspended by a Disciplinary Committee or a member whose is expelled from membership of the Institute by a Disciplinary Committee shall not be entitled to any

reduction, rebate or repayment of the subscription payable by that member to the Institute for membership of the Institute.

- (b) A Disciplinary Committee may set one or more conditions for the lifting of any suspension of a member from membership of the Institute and may set a procedure for checking whether any such condition has been satisfied.
- (c) A sanction imposed on a member by a Disciplinary Committee shall not take effect until the appeals procedure in Regulations **6.14**, **6.15**, **6.17** and **18** in respect of that sanction has been exhausted or the time within which the member may make an appeal against that sanction pursuant to paragraph (a) of Regulation **6.14** has expired without an appeal against that sanction having been made by that member.
- (d) If the Disciplinary Committee finds that there is or has been a Disciplinary Breach, or that there are or have been Disciplinary Breaches, by or in respect of a member, the Disciplinary Committee may (after hearing and taking into account any submissions made to the Disciplinary Committee on the question of costs and expenses by the member (or a representative of the member) against whom the Relevant Complaint assessed and determined by the Disciplinary Committee was made and/or by an Investigating Officer) order the member to pay all or any of the costs and expenses of the Institute (including any professional fees incurred by the Institute and the fees for being a member of the Disciplinary Committee of any Legal Professional who is a member of that Disciplinary Committee) in the assessment and determination by the Disciplinary Committee of the Relevant Complaint made against the member, and the Institute shall be entitled to recover from that member any costs, expenses and professional fees of the Institute which are so ordered by the Disciplinary Committee to be paid by that member.

6.13 Disciplinary Committee - Publicity

- (a) Details of the decision of a Disciplinary Committee on whether or not there is or has been a Disciplinary Breach, or that there are or have been Disciplinary Breaches, by or in respect of a member and details of any sanction or sanctions imposed on a member by a Disciplinary Committee:-
 - (i) shall be shared by the Institute with regulators and other professional bodies as may be required, consistent with the obligations of the Institute; and
 - (ii) may also be shared by the Institute with the member's employer, at the discretion of the Disciplinary Committee.
- (b) A summary of a Disciplinary Committee's decision on whether or not there is or has been a Disciplinary Breach, or that there are or have been Disciplinary Breaches, by or in respect of a member and of any sanction or sanctions imposed on a member by a Disciplinary Committee shall be made publicly available, at the discretion of the Disciplinary Committee. Any information published shall include:-
 - (i) the name of the member;

- (ii) the nature of the Relevant Complaint made against the member;
 - (iii) the Disciplinary Committee's decision in respect of the member;
 - (iv) the sanctions (if any) imposed by the Disciplinary Committee on the member; and
 - (v) such other information and details as the Disciplinary Committee determines.
- (c) Details of a Disciplinary Committee's decision on whether or not there is or has been a Disciplinary Breach, or that there are or have been Disciplinary Breaches, by or in respect of a member and of any sanction or sanctions imposed on a member by a Disciplinary Committee shall not be publicized until the appeals procedure in Regulations **6.14**, **6.15**, **6.17** and **6.18** in respect of that decision has been exhausted or the time within which the member may make an appeal against that decision pursuant to paragraph (a) of Regulation **6.14** has expired without an appeal against that decision having been made by that member.

6.14 Appeals Procedure

- (a) A member may, subject always to paragraph (d) of this Regulation **6.14**, appeal against the decision of a Disciplinary Committee that there is or has been a Disciplinary Breach, or that there are or have been Disciplinary Breaches, by or in respect of the member and/or against any sanction imposed on the member by a Disciplinary Committee, by notice in writing given to the Secretary of the Disciplinary Committee Panel within 30 days of the receipt by the member (or by a representative of the member) of the notification given to that member (or to a representative of that member) pursuant to paragraph (t) of Regulation **6.11** of that decision and/or of that sanction. The notice of appeal shall state both that the appeal is being made and the grounds of the appeal.
- (b) The only permitted grounds of an appeal by a member against the decision of a Disciplinary Committee that there is or has been a Disciplinary Breach, or that there are or have been Disciplinary Breaches, by or in respect of a member and/or against any sanction imposed on the member by a Disciplinary Committee is that the decision of the Disciplinary Committee and/or any sanction imposed by the Disciplinary Committee was:-
- (i) based on an error of law;
 - (ii) unjust because of a serious procedural error or irregularity; or
 - (iii) in the case of any sanction imposed, disproportionate to the Disciplinary Breach or Disciplinary Breaches admitted by the member or which the Disciplinary Committee found to have been proven

or that there is relevant evidence which could not reasonably have been presented to the Disciplinary Committee.

- (c) The Secretary of the Disciplinary Committee Panel shall, on receiving a notice of appeal pursuant to paragraph (a) of this Regulation **6.14**, give a copy of that notice of appeal to the Disciplinary Committee Panel Chairman.
- (d) If the Disciplinary Committee Panel Chairman considers that there is no substantive ground for an appeal by a member against the decision of a Disciplinary Committee that there is or has been a Disciplinary Breach, or that there are or have been Disciplinary Breaches, by or in respect of a member and/or against any sanction imposed on the member by a Disciplinary Committee then (1) the Disciplinary Committee Panel Chairman shall, within 14 days of the Disciplinary Committee Panel Chairman reaching his or her decision, notify the Secretary of the Disciplinary Committee Panel of the Disciplinary Committee Panel Chairman's decision and (2) the appeal may not proceed and will not be heard or assessed by an Appeals Committee, and within 14 days of being notified of the Disciplinary Committee Panel Chairman's decision the Secretary of the Disciplinary Committee Panel shall notify in writing:-
- (i) the member (or a representative of the member); and
 - (ii) an Investigating Officer

of the decision of the Disciplinary Committee Panel Chairman that there is no substantive ground for the appeal and that, accordingly, the appeal will not proceed and will not be heard or assessed by an Appeals Committee, and the appeal shall be deemed for the purposes of paragraph (v) of Regulation **6.11**, paragraph (c) of Regulation **6.12** and paragraph (d) of Regulation **6.13** not to have been made.

- (e) If an appeal to an Appeals Committee is withdrawn before the appeal is heard by an Appeals Committee, the appeal shall be deemed for the purposes of paragraph (v) of Regulation **6.11**, paragraph (c) of Regulation **6.12** and paragraph (d) of Regulation **6.13** not to have been made.

15. Appeals Committee

- (a) If the Disciplinary Committee Panel Chairman considers that there is any substantive ground for an appeal by a member against the decision of a Disciplinary Committee that there is or has been a Disciplinary Breach, or that there are or have been Disciplinary Breaches, by or in respect of the member and/or against any sanction imposed on the member by a Disciplinary Committee then the Disciplinary Committee Panel Chairman shall, within 14 days of the Disciplinary Committee Panel Chairman reaching his or her decision, notify the Secretary of the Disciplinary Committee Panel of the Disciplinary Committee Panel Chairman's decision, and within 14 days of being notified of the Disciplinary Committee Panel Chairman's decision the Secretary of the Disciplinary Committee Panel shall notify in writing:-
- (i) the member (or a representative of the member); and
 - (ii) an Investigating Officer

of the decision of the Disciplinary Committee Panel Chairman that there is a substantive ground for the appeal, and the Disciplinary Committee Panel Chairman shall within 30 days of his or her decision being made that there is a substantive ground for the appeal:-

- (i) nominate from amongst the members of the Disciplinary Committee Panel, subject always to paragraphs (b) and (c) of this Regulation **6.15**, the members of the Appeals Committee to assess and determine the appeal; and
 - (ii) nominate one of those members of the Disciplinary Committee Panel as the Chairman of that Appeals Committee.
- (b) There shall not be less than three members of an Appeals Committee which is to assess and determine any appeal against a decision of a Disciplinary Committee or against any sanction imposed by a Disciplinary Committee.
- (c) No member of an Appeals Committee shall have been a member of the Disciplinary Committee which made any decision or which imposed any sanction against which the appeal to be assessed and determined by the Appeals Committee is made.
- (d) The Disciplinary Committee Panel Chairman may, but need not, nominate a member of the Disciplinary Committee Panel who is a Legal Professional to be a member of an Appeals Committee.
- (e) Any member of an Appeals Committee shall cease to be a member of that Appeals Committee on that member ceasing to be a member of the Disciplinary Committee Panel.
- (f) Any casual vacancy in the membership of an Appeals Committee (including any vacancy caused by the resignation or removal of a member of that Appeals Committee as a member of the Disciplinary Committee Panel) may be filled by the Disciplinary Committee Panel Chairman appointing a new member of that Appeals Committee.
- (g) An Appeals Committee shall when assessing and determining any appeal against the decision of a Disciplinary Committee or against any sanction imposed by a Disciplinary Committee be entitled to have regard to and take into account such representations, statements and submissions, and to make such investigations and to make such enquiries, as that Appeals Committee sees fit.
- (h) The proceedings of an Appeals Committee assessing and determining any appeal against a decision of a Disciplinary Committee or against any sanction imposed by a Disciplinary Committee shall, subject to those proceedings being in compliance with these Disciplinary Regulations, be determined by the Chairman of that Appeals Committee.
- (i) The Appeals Committee to assess and determine any appeal against a decision of a Disciplinary Committee or against any sanction imposed by a Disciplinary Committee shall be deemed to have been established on the nomination of the members of that Appeals Committee pursuant to paragraph (a) of this Regulation **6.15**.

- (j) The Chief Executive, or a person nominated by the Chief Executive, shall act as Secretary of any Appeals Committee.

6.16. Appeals Committee - Overriding Principle

The overriding principle of any hearing of an Appeals Committee is that the assessment and determination of an appeal by that Appeals Committee should be fair and that the member by or in respect of whom the appeal is made shall:-

- (i) have adequate time and facilities for the preparation of the member's appeal; and
- (ii) have the right to be represented at the hearing of the appeal either by himself or herself in person or by a third party whether or not any third party representing the member is legally qualified or is himself or herself a member.

6.17. Appeals Committee - Procedure in Advance of Hearings

- (a) Within 30 days of the establishment of the Appeals Committee to assess and determine any appeal against a decision of a Disciplinary Committee or against any sanction imposed by a Disciplinary Committee:-

- (i) the member by or in respect of whom the appeal is made;
- (ii) any representative of that member; and
- (iii) an Investigating Officer

shall be notified in writing by the Secretary of the Appeals Committee that the Appeals Committee has been established, and the Secretary of the Appeals Committee shall when notifying that member (and any representative of that member) that the Appeals Committee has been established also notify that member (and any representative of that member) in writing of the member's rights:-

- (i) to appear and be represented at the hearing of the Appeals Committee;
- (ii) to speak at that hearing either personally or through a representative; and
- (iii) to submit details of mitigating circumstances which the member wishes the Appeals Committee to consider.

- (b) No later than 30 days before the hearing of an Appeals Committee to assess and determine the appeal against any decision of a Disciplinary Committee or against any sanction imposed by a Disciplinary Committee:-

- (i) the members of that Appeals Committee;
- (ii) the member by or in respect of whom the appeal is made;
- (iii) any representative of that member; and

- (iv) an Investigating Officer

shall be notified in writing by the Secretary of that Appeals Committee of the time, date and place of that hearing, and shall be provided by the Secretary of that Appeals Committee with a copy of:-

- (i) the minutes of the decision of the Disciplinary Committee against which the appeal is made;
 - (ii) the notification of the appeal pursuant to paragraph (a) of Regulation 14; and
 - (iii) any written statement in support of, or against, the appeal by then received by the Secretary of the Appeals Committee.
- (c) The member by or in respect of whom the appeal is made (or a representative of that member) shall no later than 14 days before the hearing of the Appeals Committee which is to assess and determine the appeal (1) confirm in writing to the Secretary of the Appeals Committee whether the member intends to appear in person and/or be represented at that hearing of the Appeals Committee and (2) provide the Secretary of that Appeals Committee with details of any mitigating circumstances which the member wishes the Appeals Committee to consider.
- (d) The Secretary of the Appeals Committee shall no later than seven days before the hearing of the Appeals Committee which is to assess and determine the appeal provide:-
- (i) the members of the Appeals Committee; and
 - (ii) an Investigating Officer

with the details of any mitigating circumstances submitted to the Secretary of that Appeals Committee for consideration by the Appeals Committee.

6.18 Appeals Committee – Hearings

- (a) The hearing of an appeal by an Appeals Committee shall be public except where the Chairman of that Appeals Committee decides otherwise. Both the member who has made the appeal to be assessed and determined by the Appeals Committee (or a representative of that member) and an Investigating Officer shall be entitled to make representations to the Chairman of that Appeals Committee on why the hearing of that Appeals Committee should not be held in public. A hearing of an Appeals Committee may be adjourned.
- (b) A hearing of an Appeals Committee may, in the discretion of the Chairman of that Appeals Committee, proceed in the absence of the member by whom or in respect of whom the appeal has been made or in the absence of any representative of that member. Arrangements may be made, where practicable and at the discretion of the Chairman of the Appeals Committee, for the member and any representative of the member to participate in a hearing of the Appeals Committee via teleconference. The Chairman of an Appeals Committee may exclude any person from a hearing of that Appeals Committee if in the opinion of

the Chairman the exclusion of that person from the hearing would be in the interests of justice.

- (c) At the commencement of the hearing of an Appeals Committee the Chairman of the Appeals Committee shall:-
 - (i) introduce the members of the Appeals Committee; and
 - (ii) state and explain the procedure to be followed by the Appeals Committee.
- (d) The Chairman of the Appeals Committee shall state at the commencement of the hearing of the Appeals Committee that minutes of the Appeal Committee's hearing will be taken and that a summary of those minutes (in the form of the Appeal Committee's findings and decision) shall be made available to the member (or to a representative of the member) by whom or in respect of whom the appeal being assessed and determined by the Appeals Committee has been made.
- (e) The Chairman of the Appeals Committee shall then invite the member by whom the appeal is made, or a representative of that member, to set out the grounds of the appeal.
- (f) The Chairman of the Appeals Committee shall invite an Investigating Officer to respond to the appeal and to question the member and/or any representative of the member on the appeal.
- (g) The Chairman of the Appeals Committee and other members of the Appeals Committee may question:-
 - (i) the member (or a representative of the member); and
 - (ii) an Investigating Officeron the grounds of the appeal and why the appeal should be allowed or should be dismissed.
- (h) Once satisfied that the member, any representative of the member and an Investigating Officer have been given the opportunity to speak, respond and ask questions, the Chairman of the Appeals Committee shall invite an Investigating Officer and then the member (or any representative of the member) to make a closing statement, if wished. The Chairman of the Appeals Committee shall also invite the member (or any representative of the member) to address the Appeals Committee on any mitigating circumstances which the member, or the member's representative, wishes the Appeals Committee to take into account and shall give the member (or a representative of the member) and an Investigating Officer the opportunity of addressing the Disciplinary Committee on sanctions, costs and publicity.
- (i) The Appeals Committee shall then retire to consider the Appeals Committee's decision on whether to allow or to dismiss the appeal.

- (j) An Appeals Committee may uphold or overturn any decision of a Disciplinary Committee that there has been a Disciplinary Breach by or in respect of a member and may uphold, vary or revoke any sanction imposed on a member by a Disciplinary Committee.
- (k) In most cases, it is anticipated that an Appeals Committee will reach a decision via consensus on whether to uphold or to overturn a decision of a Disciplinary Committee that there has been a Disciplinary Breach by or in respect of a member and/or to uphold, vary or revoke any sanction imposed on a member by a Disciplinary Committee, although the Chairman of an Appeals Committee may choose to call a vote if consensus is not reached. All members of an Appeals Committee shall be entitled to vote and shall have one vote each, with, in the case of a tied vote, the Chairman of an Appeals Committee having a second or casting vote.
- (l) Once a decision has been reached by an Appeals Committee in respect of any appeal, the Appeals Committee shall reconvene to announce the decision of the Appeals Committee.
- (m) If the Appeals Committee overturns the decision of a Disciplinary Committee that there has been a Disciplinary Breach by or in respect of a member as claimed or alleged in a Relevant Complaint made against the member, that member will be acquitted in respect of that Relevant Complaint.
- (n) An Appeals Committee shall decide the extent of any publicity as set out in Regulation **6.19**.
- (o) A written record of an Appeals Committee's decision and of any sanction upheld or imposed by an Appeals Committee at a hearing of the Appeals Committee shall, within 14 days of that hearing, be communicated by the Secretary of that Appeals Committee to each of:-
 - (i) the member (or to a representative of the member) in respect of whom the decision of the Appeals Committee has been made;
 - (ii) an Investigating Officer; and
 - (iii) the Chief Executive (if the Chief Executive is not the Secretary of the Disciplinary Committee).
- (p) If the Appeals Committee upholds the decision of a Disciplinary Committee that there has been a Disciplinary Breach by or in respect of a member, then the Secretary of that Appeals Committee shall notify the Board of:-
 - (i) the identity of that member;
 - (ii) the Disciplinary Breach or Disciplinary Breaches by or in respect of that member found to have been proven by that Disciplinary Committee and upheld by that Appeals Committee; and

- (iii) any sanction or sanctions imposed on that member by that Disciplinary Committee which is or are upheld by that Appeals Committee or which is or are imposed by that Appeals Committee.
- (q) The Institute may appoint a solicitor, advocate or barrister to represent the Institute before a hearing of an Appeals Committee, and if a solicitor, advocate or barrister is appointed by the Institute to represent the Institute before a hearing of an Appeals Committee then the references in paragraphs (a), (f), (g) and (h) of this Regulation **6.18** shall be deemed to be references to that solicitor, advocate or barrister.
- (r) If an Appeals Committee dismisses an appeal against the decision of a Disciplinary Committee or against any sanction imposed by a Disciplinary Committee, the Appeals Committee may (after hearing and taking into account any submissions made to the Appeals Committee on the question of costs and expenses by the member (or a representative of the member) by whom the appeal was made or by an Investigating Officer) order the member to pay all or any of the costs and expenses of the Institute (including any professional fees incurred by the Institute and the fees for being a member of the Appeals Committee of any Legal Professional who is a member of that Appeals Committee) in the assessment and determination by the Appeals Committee of the appeal made by the member, and the Institute shall be entitled to recover from that member any costs, expenses and professional fees of the Institute which are so ordered by the Appeals Committee to be paid by that member (including legal representation expenses).

6.19 Appeals Committee – Publicity

- (a) Details of the decision of an Appeals Committee on whether or not there is or has been a Disciplinary Breach, or that there are or have been Disciplinary Breaches, by or in respect of a member and details of any sanction or sanctions on a member which is or are upheld by an Appeals Committee or which is or are imposed on a member by an Appeals Committee:-
 - (i) shall be shared by the Institute with regulators and other professional bodies as may be required, consistent with the obligations of the Institute; and
 - (ii) may also be shared by the Institute with the member's employer, at the discretion of the Appeals Committee.
- (b) A summary of an Appeals Committee's decision on whether or not there is or has been a Disciplinary Breach, or that there are or have been Disciplinary Breaches, by or in respect of a member and of any sanction or sanctions on a member which is or are upheld by an Appeals Committee or which is or are imposed on a member by an Appeals Committee shall be made publicly available, at the discretion of the Appeals Committee. Any information published shall include:-
 - (i) the name of the member;
 - (ii) the nature of the Relevant Complaint made against the member;

- (iii) the Appeal Committee's decision in respect of the member;
 - (iv) the sanction or sanctions imposed by the Disciplinary Committee which is or are upheld by the Appeals Committee or which is or are imposed by the Appeals Committee on the member; and
 - (v) such other information and details as the Appeals Committee determines.
- (c) Details of an Appeals Committee's decision may be made together with, or combined together with, details given pursuant to Regulation **6.13** of the Disciplinary Committee's decision and/or any sanction or sanctions imposed by the Disciplinary Committee against which the appeal to the Appeals Committee was made.

6.20 Notices

Any notice given pursuant to these Disciplinary Regulations by post shall be deemed, unless the contrary is proved, to have been received two days after the notice was posted.

6.21 Alterations

The Board may alter or vary these Disciplinary Regulations, or adopt new Regulations in place of and in substitution for these Disciplinary Regulations, as, and with effect from such date as, the Board sees fit, provided that no alteration or variation of these Disciplinary Regulations, and no adoption of new Regulations in place of and in substitution for these Disciplinary Regulations, shall have retrospective effect.

7. Property

Subject to the provisions of the Charter and the Rules the Board have full control over premises occupied and property owned by the Institute.

The Board have authority to purchase, to take on lease or in exchange or hire or in any other way acquire any heritable or movable property as it sees fit.

8. Publications

A magazine is produced on a regular basis and other text books, papers and publications are also prepared as the Board may determine. The availability of these papers to members and non-members shall be decided by the Board.

9. Charities

The Board may establish, administer and contribute to any charitable purpose which promotes any of the objects of the Institute or which has objects similar to those of the Institute.

10. Contact Details

All members of the Chartered Banker Institute are required to respond to reasonable requests from the Institute, and to ensure that the Institute has at

least one current e-mail or postal address where they may be contacted. This is so the Institute can communicate with the member, where required, for example to check subscription and other payments, compliance with the Institute's CPD requirements, and in the event a complaint is received from a member of the public.

Members' contact details will not be passed to any third party, except for organisations providing additional member services (e.g. sending out copies of "Chartered Banker" magazine) or where we have a legal obligation to do so. Further details of the Institute's Privacy Policy can be found at <https://www.charteredbanker.com/the-institute/privacy-policy.html>.

Members can update their contact details via the Institute's website at www.charteredbanker.com, or by contacting the Institute at: info@charteredbanker.com, +44(0) 131 473 7777.

Where a member fails to respond to a reasonable request from the Institute, and/or maintain a current e-mail or postal address where they may be contacted, their membership may be lapsed by the Institute.

Appendix 1

Code of Professional Conduct

Introduction

All individuals working in the banking industry are required to act in a fair and honest manner. This is to help protect the interests of customers, colleagues and counterparties; and the wider interests of society. As a minimum, compliance with legislation, regulation and industry/employer codes and standards is required.

The Chartered Banker Institute believes that to enhance public confidence and trust in banks and bankers, and pride within the banking profession, individuals working in banking should make a personal commitment to a higher standard of professionalism, such as that set out in the Chartered Banker Code of Professional Conduct (the Chartered Banker Code).

Making a Personal Commitment to the Chartered Banker Code

Individuals can develop and demonstrate the values, attitudes and behaviour set out in the Chartered Banker Code by gaining a relevant professional qualification from the Chartered Banker Institute, becoming a member of the UK's professional body for bankers, and making an annual commitment to be bound by the Chartered Banker Code and to meet the Institute's Continuing Professional Development (CPD) requirements.

The Chartered Banker Institute provides support and guidance to members wishing to develop and demonstrate the values, attitudes and behaviour set out in the Chartered Banker Code through its wide range of CPD and other materials, including an extensive Ethics, Culture and Conduct Toolkit.

Membership of the Chartered Banker Institute

The Chartered Banker Code sets out the ethical and professional values, attitudes and behaviour expected of all professional bankers by the Chartered Banker Institute.

Membership of the Chartered Banker Institute brings with it additional responsibilities. All members (including Fellows, Members, Associates, Certificated Members and Students) are expected to act as role models to others working in the banking industry, leading by example and displaying high standards of professionalism and a commitment to ethical conduct and the public interest at all times. Members are also expected to conduct their affairs in a manner that upholds the name and reputation of the Chartered Banker Institute, and the banking profession more broadly.

The Chartered Banker Code of Professional Conduct

I will demonstrate my personal commitment to professionalism in banking by:

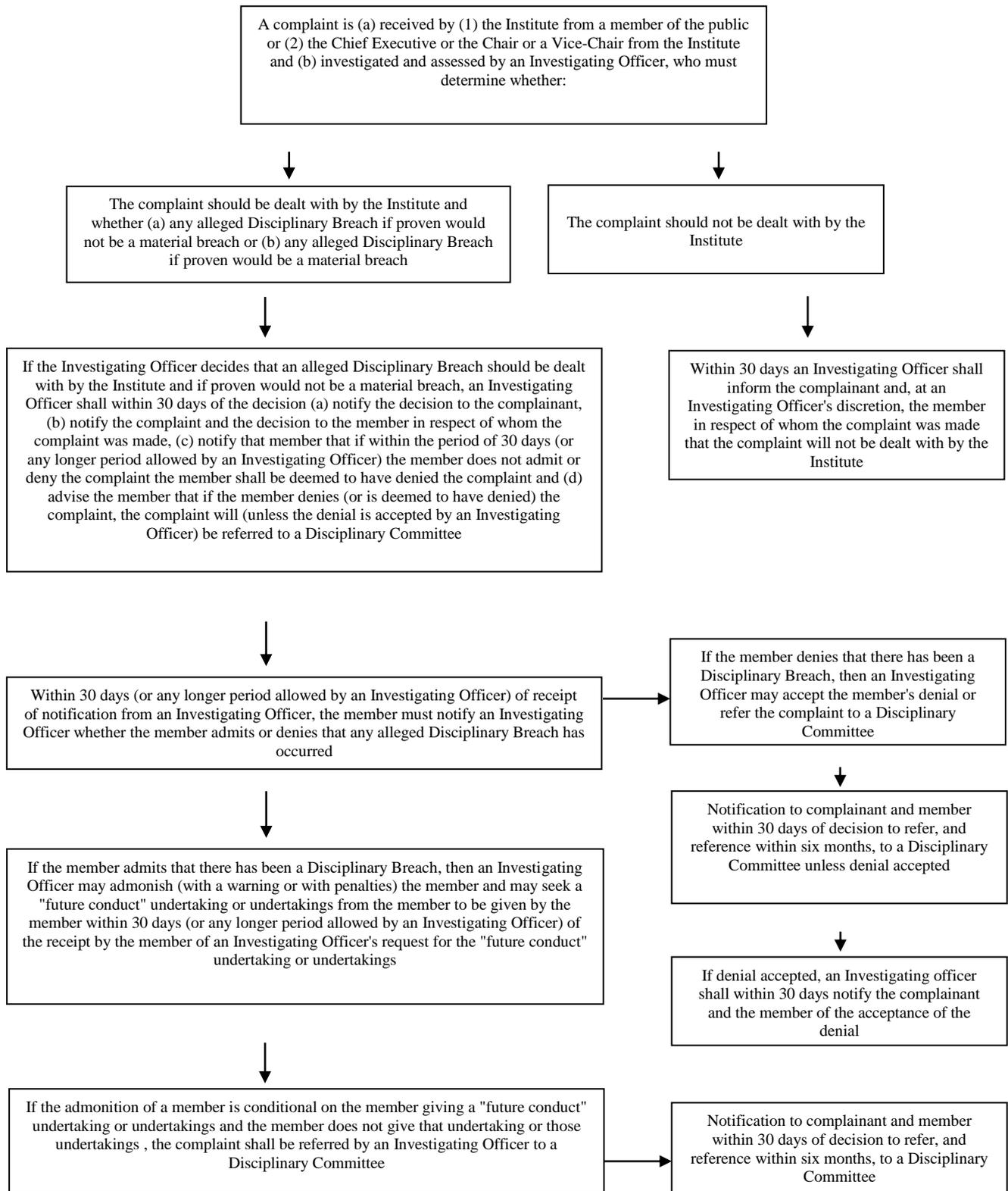
1. Treating all customers, colleagues and counterparties with respect and acting with **integrity**;
2. Developing and maintaining my professional knowledge and acting with **due skill, care and diligence**; considering the risks and implications of my actions and advice, and holding myself accountable for them and their impact;

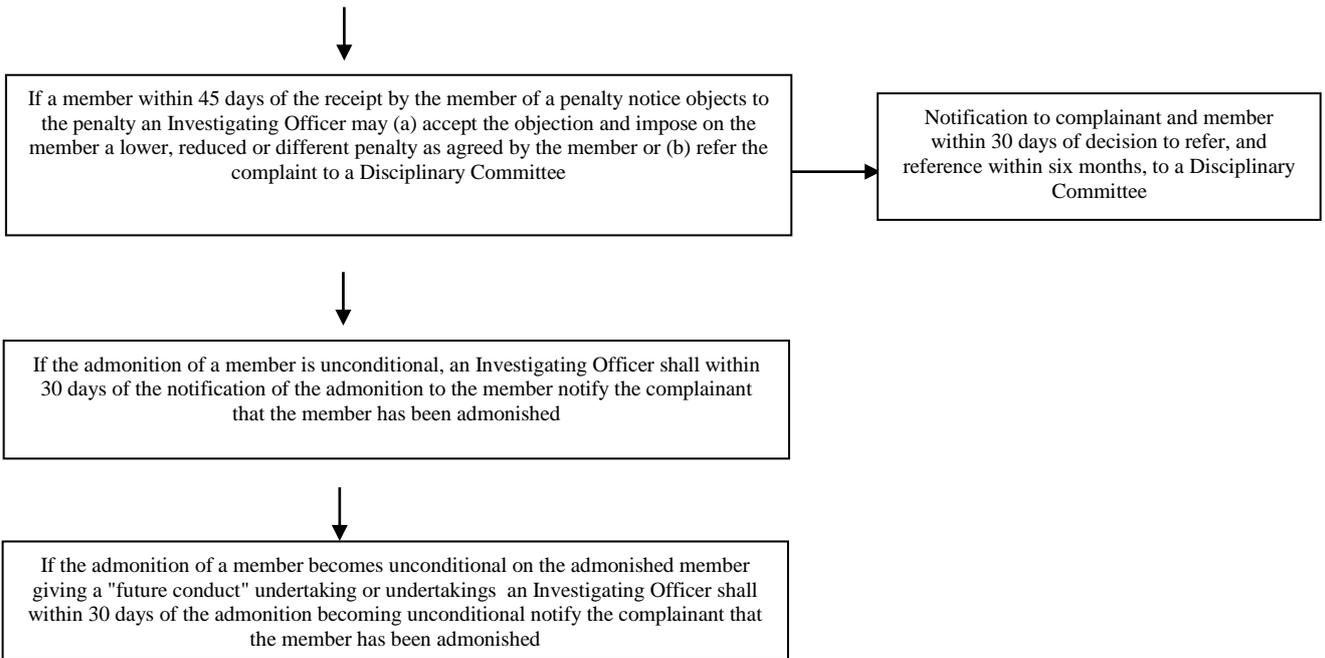
3. Being **open** and **cooperative** with the **regulators**; complying with all current regulatory and legal requirements;
4. Paying **due regard to the interests of customers and treating them fairly**;
5. **Observing** and demonstrating **proper standards of market conduct** at all times;
6. Acting in an honest and trustworthy manner, being alert to and managing potential conflicts of interest; and
7. Treating information with appropriate confidentiality and sensitivity.

The Code is consistent with the terminology in the PRA and FCA Individual Conduct Rules (published in July 2015), with the wording used by the regulators highlighted above in bold.

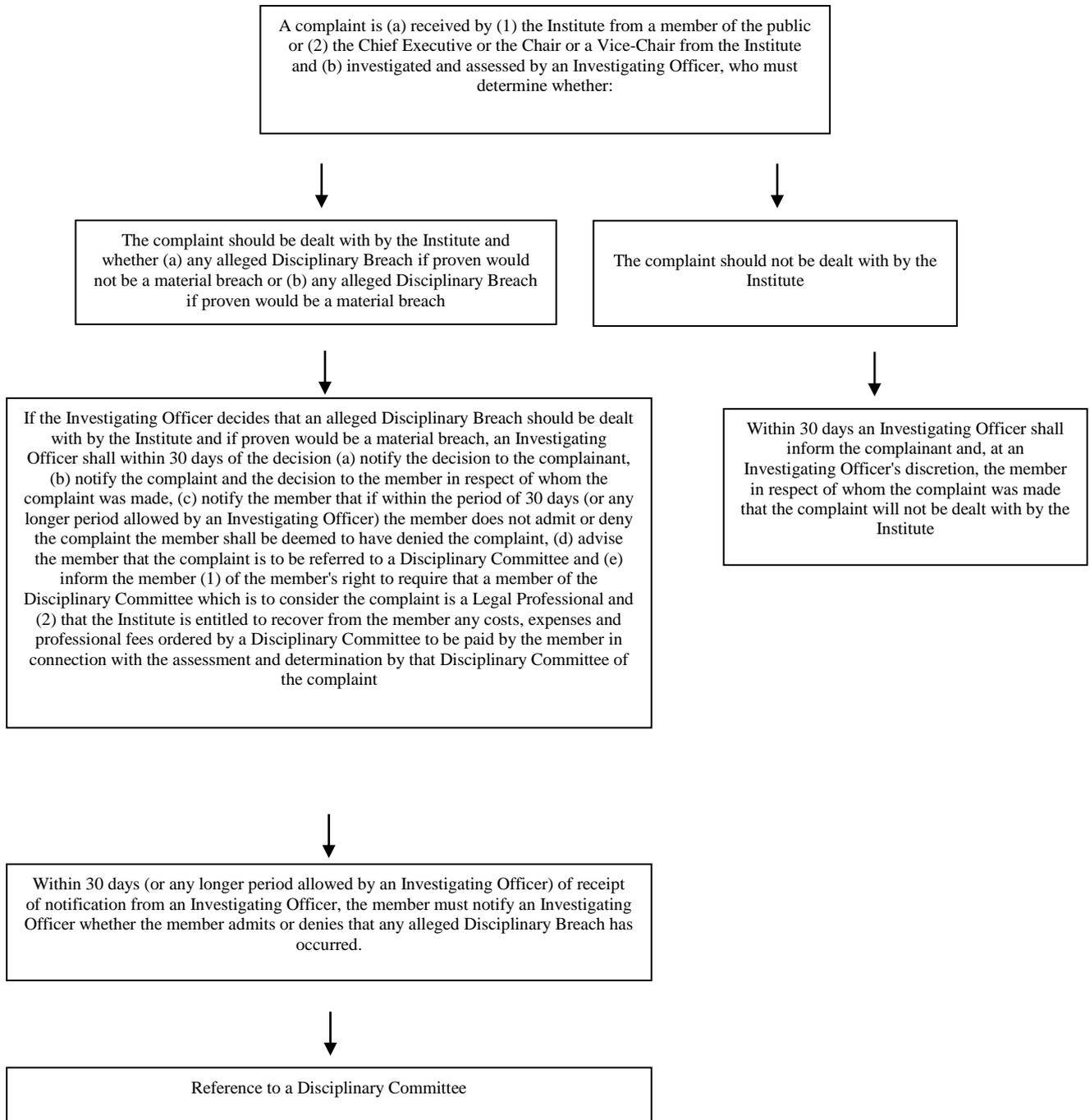
Appendix 2

Discipline: Complaints Handling - Initial Steps (Non Material Breaches)



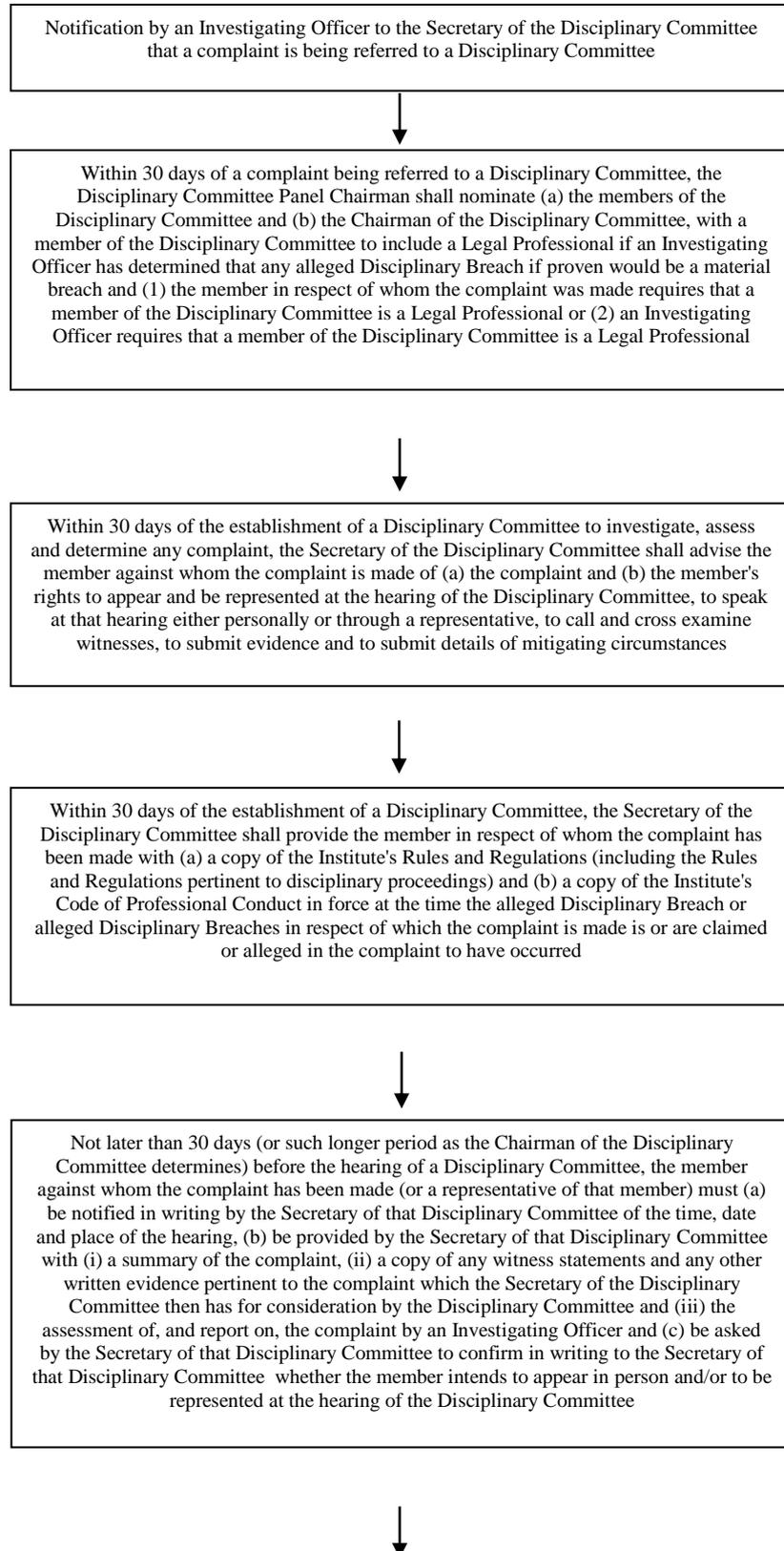


Discipline: Complaints Handling - Initial Steps (Material Breaches)



Appendix 3

Discipline: Complaints Handling - Disciplinary Committee Process and Procedure



Not less than 14 days before a hearing of a Disciplinary Committee, the member against whom the complaint to be heard by the Disciplinary Committee has been made (or a representative of that member) must (a) confirm in writing to the Secretary of the Disciplinary Committee whether the member will attend and/or be represented at the hearing of the Disciplinary Committee and (b) provide to the Secretary of the Disciplinary Committee details of witnesses, evidence and mitigating circumstances



Not less than seven days before the hearing of the Disciplinary Committee, the Secretary of the Disciplinary Committee must notify the members of the Disciplinary Committee of the time, date and place of the hearing of the Disciplinary Committee and must provide each member of the Disciplinary Committee with a copy of the Institute's Rules and Regulations, a copy of the Code of Professional Conduct, a summary of the complaint to be heard by the Disciplinary Committee and the assessment of, and report on, the complaint by an Investigating Officer, and must also provide the members of the Disciplinary Committee and an Investigating Officer with a copy of any written statements and with details of any mitigating circumstances to be relied on by the member against whom the complaint has been made



Hearing of the Disciplinary Committee



Member acquitted



Complaint found proven



If the Disciplinary Committee finds the complaint proven, the Disciplinary Committee must decide on sanctions and publicity once the Disciplinary Committee has heard submissions on any mitigating circumstances



The Disciplinary Committee's decision must be notified within 14 days to the member (or to a representative of the member), to an Investigating Officer and to the Chief Executive (if the Chief Executive is not the Secretary of the Disciplinary Committee)



If the Disciplinary Committee finds that there has been a Disciplinary Breach, then (a) the Disciplinary Committee Chairman must remind the member of the member's right to appeal against the Disciplinary Committee's decision and/or against any sanction imposed by the Disciplinary Committee and (b) the Disciplinary Committee Secretary must notify the Board, once the time for appeal against the Disciplinary Committee's decision has expired without an appeal being made or any appeal is deemed not to have been made, of the identity of the member, the Disciplinary Breach found to have been proven, the sanctions imposed on the member and the publicity decided on by the Disciplinary Committee



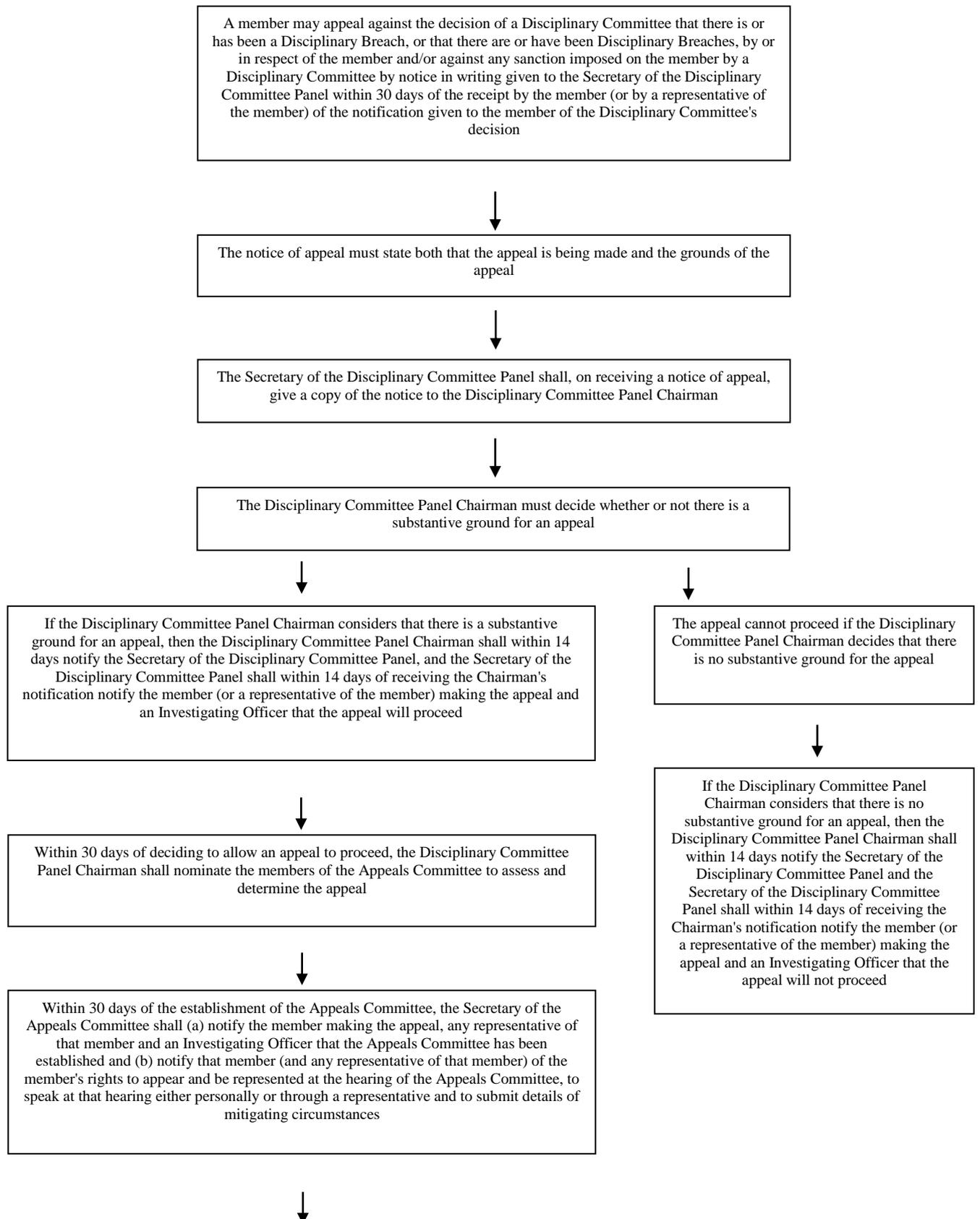
The member has the right to appeal against the Disciplinary Committee's decision on whether there has been a Disciplinary Breach and/or against any sanction imposed by the Disciplinary Committee within 30 days of the member (or a representative of the member) being notified of the Disciplinary Committee's decision



Once the appeals procedure against the Disciplinary Committee's decision has been exhausted or the time in which an appeal against a decision can be made has expired without an appeal against the decision having been made or an appeal is deemed not to have been made, details of any publicity as ordered by the Appeals Committee

Appendix 4

Discipline: Appeals Procedure



Not later than 30 days before the hearing of an Appeals Committee, the Secretary of the Appeals Committee shall (a) notify the members of the Appeals Committee, the member making the appeal, any representative of that member and an Investigating Officer of the time, date and place of the hearing of the Appeals Committee and (b) provide them with a copy of the minutes of the decision of the Disciplinary Committee against which the appeal is made, the member's notification of the appeal and any written statement in support of, or against, the appeal which has been received by the Secretary of the Appeals Committee

Not less than 14 days before the hearing of the Appeals Committee the member making the appeal (or a representative of that member) shall (a) confirm to the Secretary of the Appeals Committee whether the member intends to appear in person and/or be represented at the hearing of the Appeals Committee and (b) provide the Secretary of the Appeals Committee with details of any mitigating circumstances which the member wishes the Appeals Committee to consider

Not less than seven days before the hearing of the Appeals Committee, the Secretary of the Appeals Committee shall provide each member of the Appeals Committee and an Investigating Officer with details of any mitigating circumstances submitted to the Secretary of the Appeals Committee for consideration by the Appeals Committee

Hearing of the Appeals Committee

The Appeals Committee upholds the decision of the Disciplinary Committee

The Appeals Committee overturns the decision of the Disciplinary Committee

If the Appeals Committee upholds the decision of the Disciplinary Committee, the Secretary of the Appeals Committee shall notify the Board of the identity of the member in respect of whom the complaint was made, the Disciplinary Breach or Disciplinary Breaches by or in respect of that member found to have been proven by the Disciplinary Committee and upheld by the Appeals Committee and any sanction or sanctions imposed on that member by the Disciplinary Committee which is or are upheld by the Appeals Committee or which is or are imposed by the Appeals Committee

If the Appeals Committee overturns the decision of the Disciplinary Committee that there has been a Disciplinary Breach by or in respect of the member, the member will be acquitted in respect of the complaint

A written record of the Appeal Committee's decision and of any sanction upheld or imposed by an Appeals Committee at a hearing of the Appeals Committee shall, within 14 days of the hearing, be communicated by the Secretary of the Appeals Committee to the member (or to a representative of the member) in respect of whom the decision of the Appeals Committee has been made, an Investigating Officer and the Chief Executive (if the Chief Executive is not the Secretary of the Disciplinary Committee)



Publicity as ordered by the Appeals Committee