

REGULATION

Monitoring and Investigation Rules

Version 5 with effect from 2 February 2022

Monitoring and Investigation Rules

These Monitoring and Investigation Rules are made by the Standards and Regulation Board of the Royal Institution of Chartered Surveyors (RICS) under Article 18 of the Supplemental Charter 1973 of RICS and Bye-Laws made under Article 17 of that Charter. Version 5 of these Rules shall come into force on 2 February 2022. The Conduct of Firms and Members are governed by the Rules of Conduct and RICS Scheme Rules, together with approved standards, guidance and help sheets.

For the purposes of monitoring and investigating compliance with the Rules, the Head of Regulation shall have the powers and obligations set out in these Rules. Firms and Members are reminded of their obligations under the Rules to cooperate fully with RICS staff and any person appointed by the Standards and Regulation Board.

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Part I General

1 Interpretation

In these Rules unless the context otherwise requires:

- a** 'copies' includes photocopies, electronic or digital copies, printed out material from computer or microfiche records and faxed or scanned copies, whichever is the most appropriate in the circumstances
- b** 'RICS representative' means any person or organisation appointed by the Head of Regulation to undertake a visit
- c** 'requested documents' means such documents as the Standards and Regulation Board has reasonably requested and includes all documents and records required to be supplied to RICS pursuant to approved standards, guidance, policies and help sheets
- d** 'requested information' means such information as the Standards and Regulation Board has reasonably requested and includes all information required to be supplied to RICS pursuant to approved standards, guidance, policies and help sheets
- e** 'Scheme' means a scheme regulated by RICS which is open.

2 Service of documents

- a** given to the Firm, Member or Regulated non-member personally or
- b** sent to the Firm, Member or Regulated non-member by post to the last known address recorded or known by RICS (documents sent by post shall be properly addressed and pre-paid) or
- c** sent to the Firm, Member or Regulated non-member using a method of delivery specifically agreed between the Firm or Member and RICS.

3 Failure to cooperate

Any failure to cooperate with the provisions of these Rules is a matter that may be brought to the attention of the Head of Regulation for consideration under the Regulatory Tribunal Rules as information which raises a question as to whether a Firm or Member might be liable for disciplinary action.#

Part II Powers

1 Power to request information

For the purposes of monitoring or investigating compliance with the Rules of Conduct, or any RICS Scheme Rules, the Head of Regulation may require a Member, Firm or Regulated Non-Member to produce requested information whether or not such information has been submitted to RICS.

2 Power to visit

For the purposes of monitoring or investigating compliance with the Rules of Conduct, or any RICS Scheme Rules, the Head of Regulation may request a Member, Firm or Regulated Non-Member to:

- a** produce to an RICS Representative any requested documents
- b** supply to an RICS Representative copies or originals of any requested documents (where originals are removed by an RICS Representative a set of copies shall be provided to the Firm, Member or Regulated Non-Member)
- c** supply to an RICS Representative an explanation in relation to requested information or documents.

Part III Visits

1 Arranged and unannounced visits

- a** A visit may either be:
 - at a time and place agreed or notified by the Head of Regulation or
 - an unannounced visit to the place where the Member or Firm carries out their professional work, during reasonable working hours.
- b** As soon as possible at or after a visit an RICS Representative shall confirm in writing to the Firm or Member details of the information or documents supplied or inspected, and a brief account of any explanation given at the visit.
- c** Information or documents obtained in the course of a visit may only be used for regulatory purposes including as evidence of non-compliance with RICS' Rules in any disciplinary proceedings, or may be passed to other regulatory bodies and/or the police if required.

2 Visit reports

Where appropriate an RICS Representative may prepare a report on the visit which may be used for regulatory purposes including as evidence of non-compliance with RICS' Rules in any disciplinary proceedings, or may be passed to other regulatory bodies and/or the police if required.

3 Policy on visits

The Standards and Regulation Board shall approve and publish a policy on visits which sets out a programme for visits (both arranged and unannounced) for the purposes of monitoring or investigating compliance with the *Rules of Conduct* and any RICS Scheme Rules. The policy for visits shall include provision for regular visits but shall operate a system which prioritises visits in accordance with risk.

Delivering confidence

We are RICS. Everything we do is designed to effect positive change in the built and natural environments. Through our respected global standards, leading professional progression and our trusted data and insight, we promote and enforce the highest professional standards in the development and management of land, real estate, construction and infrastructure. Our work with others provides a foundation for confident markets, pioneers better places to live and work and is a force for positive social impact.

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