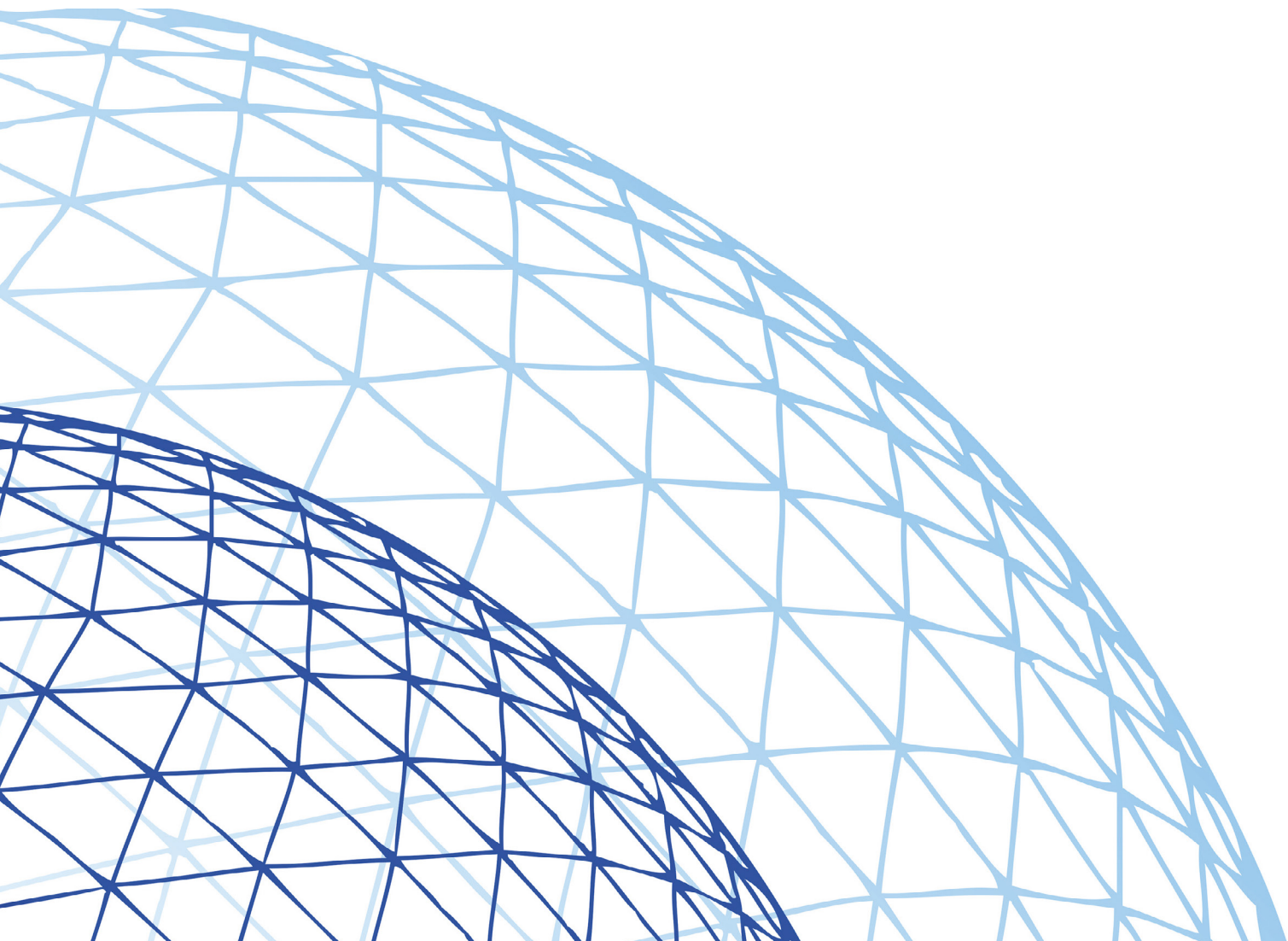




Constitution of Regulatory Tribunal Rules

Version 1 with effect from 2 March 2020



RICS Constitution of Regulatory Tribunal Rules

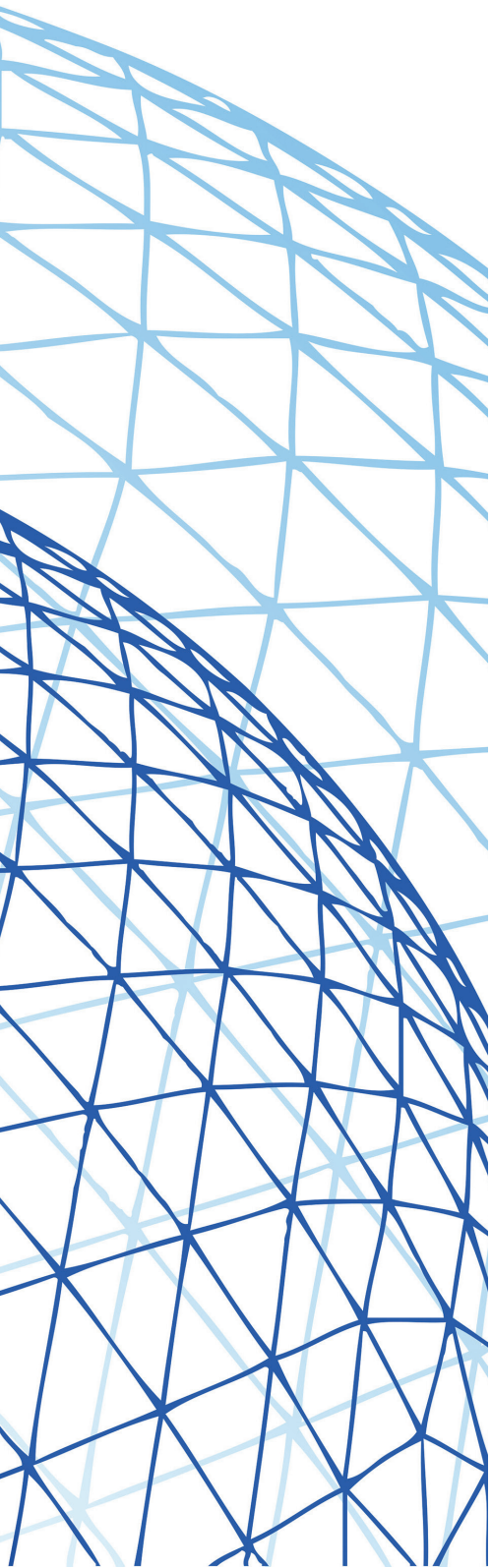
These Rules are made by the Standards and Regulation Board under powers delegated to it by the Governing Council under Bye-Law 7.2.1 and Regulation 7.2.4(b). The Rules set out the constitution, roles and responsibilities of the Regulatory Tribunal, Regulatory Tribunal Steering Committee and individuals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

Standards and Regulation Board

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

Regulatory Tribunal

- 2** All appointments to the Regulatory Tribunal will be made in accordance with an independent appointment process and on terms and conditions approved by Governing Council.
- 3** The period of office for Regulatory Tribunal members will be three years or the remainder of such period, if filling a casual vacancy.
- 4** Upon completion of their period of office, members of the Regulatory Tribunal, including the Presiding Chair of the Regulatory Tribunal, may be reappointed for a further consecutive period of up to three years. The decision to reappoint a member of the Regulatory Tribunal will be the responsibility of the Presiding Chair of the Regulatory Tribunal, according to a process approved by Governing Council. Decisions relating to the reappointment of the Presiding Chair of the Regulatory Tribunal will be made in accordance with an independent reappointment process approved by Governing Council.
- 5** No member of Governing Council or the Standards and Regulation Board may be appointed to the Regulatory Tribunal for the purposes of these Rules.
- 6** No Regulatory Tribunal member may sit in adjudication on a hearing of any case if s/he has:
 - a** previously been appointed as a Fixed Penalty Reviewer on that case or
 - b** sat as a Single Member in relation to that case or
 - c** sat as a member of a Disciplinary, Registration and Appeal Panel in relation to the case; save in relation to interim measures applications where an interim measure is imposed for a maximum of 18 months.

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- 7** All appointments to a Disciplinary, Registration and Appeal Panel or appointments of a Fixed Penalty Reviewer to determine individual cases will be made by RICS staff, from the lists maintained at Rule 12, following selection criteria set by the Standards and Regulation Board.
 - 8** The Presiding Chair of the Regulatory Tribunal will hear cases relating to Appeals only.
 - 9** In any case where the Presiding Chair of the Regulatory Tribunal is unavailable, a member of the Regulatory Tribunal Steering Committee may perform the function of the Presiding Chair of the Regulatory Tribunal as set out in these Rules and the RICS Regulatory Tribunal Rules.
 - 10** A member of the Regulatory Tribunal must be appointed as a Chair to the Disciplinary, Registration and Appeal Panels of the Regulatory Tribunal, in order to be considered for appointment as a member of the Regulatory Tribunal Steering Committee.

Regulatory Tribunal Steering Committee

- 11** The Regulatory Tribunal Steering Committee will consist of five members of the Regulatory Tribunal who will comprise:
 - a** the Presiding Chair of the Regulatory Tribunal, who will be a non-member of RICS
 - b** two non-members of RICS appointed as Vice-Chairs of the Regulatory Tribunal Steering Committee and
 - c** two members of RICS appointed as Vice-Chairs of the Regulatory Tribunal Steering Committee.

Role of Regulatory Tribunal Steering Committee

- 12** The Regulatory Tribunal Steering Committee will be responsible for securing the appointment to, and the maintenance of:
 - a** a list of Panel members from the Regulatory Tribunal eligible to sit on the Disciplinary, Registration and Appeal Panels and
 - b** a list of Fixed Penalty Reviewers from the Regulatory Tribunal.
- 13** The Regulatory Tribunal Steering Committee will develop and oversee the delivery of programmes of education and training for the Regulatory Tribunal.
- 14** The Regulatory Tribunal Steering Committee will remove from the lists kept for the purposes of Rule 12(a) and 12(b) the name of any person:
 - a** whose term of appointment has concluded unless her/his appointment to the relevant list is renewed or
 - b** who resigns from the relevant list by giving notice or
 - c** who, in the opinion of the Regulatory Tribunal Steering Committee, has ceased to be an appropriate person to be appointed to the relevant list.
- 15** The Regulatory Tribunal Steering Committee will, subject to Rule 17 below, appoint and keep a list of Panel members eligible to act as

Chair to the Disciplinary, Registration and Appeal Panels from the list kept for the purposes of Rule 12(a).

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

Quorum and procedure

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

Complaints

- 22** Subject to Rule 23 below, any complaint about the conduct or performance of a member of a Tribunal or a Fixed Penalty Reviewer will be referred for consideration by the Presiding Chair of the Regulatory Tribunal.
- 23** Any complaint about the conduct or performance of the Presiding Chair of the Regulatory Tribunal will be referred to the Chair of the Standards and Regulation Board for consideration.

Validity of proceedings

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

Disciplinary Panel

- 25** The role of the Disciplinary Panel will be to hear disciplinary cases and exercise the disciplinary powers of RICS as set out in the Bye-

Laws and Rules in accordance with the powers and procedures set out in the RICS Regulatory Tribunal Rules.

- 26** A Disciplinary Panel will be appointed from the lists kept for the purposes of Rule 12(a) and Rule 15, and subject to Rule 87 of the Regulatory Tribunal Rules, will comprise a Chair and two other Regulatory Tribunal members, at least two of whom will be non-members of RICS.

Registration Panel

- 27** The role of the Registration Panel will be to review decisions relating to the registration of firms or members in accordance with the powers and procedures as set out in the Bye-Laws, Rules and the RICS Regulatory Tribunal Rules.
- 28** A Registration Panel will be appointed from the lists kept at Rule 12(a) and Rule 15 and will comprise a chair and two other Regulatory Tribunal members, at least two of whom will be non- members of RICS.

Fixed penalty reviewers

- 29** The role of a Fixed Penalty Reviewer will be to review administrative decisions to issue Fixed Penalty Notices in accordance with the powers and procedures as set out in the Bye-Laws, Rules and the RICS Regulatory Tribunal Rules.
- 30** A Fixed Penalty Reviewer will be appointed to consider reviews from the list kept for the purposes of Rule 12(b).

Appeal Panel

- 31** The role of an Appeal Panel will be to hear appeals arising from Disciplinary and Registration Panel decisions in accordance with the powers and procedures set out in the RICS Regulatory Tribunal Rules.
- 32** An Appeal Panel will be appointed from the list kept for the purposes of Rule 12(a) and will comprise the Presiding Chair of the Regulatory Tribunal, who will sit as Chair of the Appeal Panel, and two other Regulatory Tribunal members, at least one of whom will be a non-member of RICS.

Addendum to the Constitution of Regulatory Tribunal Rules with effect from 9 January 2020

Transitional Provisions:

- 1** At the point of commencement of the Standards and Regulation Board, the Regulatory Tribunal and any panels appointed by it will cease to exist and be replaced by the Regulatory Tribunal. This shall be the point of transition.
- 2** From its commencement, the Regulatory Tribunal shall be responsible for convening new panels in accordance with the Regulatory Tribunal Rules.
- 3** Where a case and/or proceedings before a panel of the Regulatory Tribunal have not, at the point of transition, been completed, the case and/or proceedings will transfer to a successor panel convened by the Regulatory Tribunal and shall be constituted of the same panel member(s) who were appointed to consider the case prior to transition, subject to Rule 7 of the Constitution of Regulatory Tribunal Rules and Rule 85 of the Regulatory Tribunal Rules.
- 4** In accordance with Bye-Law 5.6, in all respects save for the changes of name the case and/or proceedings shall continue as though it or they had commenced and finished before the point of transition.
- 5** The Regulatory Tribunal will deal with cases and/or proceedings ongoing at the time prior to transition with reference to the Rules, Charter, Bye-Laws and Regulations in force at the time the complaint or allegation was brought to RICS' attention.
- 6** For the avoidance of doubt, complaints or allegations brought to RICS' attention prior to the point of transition will continue to be progressed with reference to the Rules, Charter, Bye-Laws and Regulations in force at the time the complaint or allegation was brought.



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