



Disciplinary, registration and appeal panel rules

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These Disciplinary Rules are made by the Regulatory 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 7 of these Rules came into force on 1 January 2017 except where notice of a hearing was given before this version of the Rules came into force, when the provisions of Version 6 of the Rules in relation to notice and service of evidence will continue to apply to that case.

Arrangement of rules

Part I general

1-3. Interpretation

Part II initial stages

- 4.** Receipt of information or allegation
- 5.** Decision to begin an investigation
- 6.** Decision as to realistic prospect
- 7.** Action if no realistic prospect
- 8.** Decision as to whether to take action where there is a realistic prospect
- 9.** Disciplinary proceedings

Part III action by head of regulation

- 10.** Fixed penalty notices
- 11-13.** Consent orders
- 14-20.** Interim measures
- 21.** Reconsideration of referral to disciplinary panel

Part IV general procedures for disciplinary, registration and appeals panels

- 22.** Variation
- 23.** Notices
- 23A.** Service of Evidence
- 24-26.** Public hearings
- 27-29.** Legal assessor
- 30.** Proceeding in absence of relevant person
- 31-32.** Oral hearings and representation
- 33.** Voting
- 34.** Costs
- 35-36.** Adjournments
- 37.** Directions
- 38.** Notices
- 39-40.** Publication and records

Part V disciplinary panel procedures

- 41.** Evidence
- 42.** Order of proceedings
- 43.** Burden of proof
- 43a.** Cases referred to a disciplinary panel for a paper hearing
- 44.** Penalties
- 45.** Taking effect of orders

Part VI registration panel procedures

- 46-47.** Types of cases to be considered by the Registration Panel
- 48.** Chair's discretion to allow paper hearing
- 49.** Evidence
- 50.** Function and powers of registration panel and material available for panel
- 51.** Provisions relating to re-admission cases
- 52.** Procedure at oral hearing
- 53.** Burden on relevant person
- 54.** Taking effect of orders

Part VII appeals and reviews

- 55-57.** Fixed penalty reviews
- 58-70.** Appeals

Part I general

1. Interpretation

In these Rules unless the context otherwise requires:

- a. "Allegation" means an allegation or complaint in writing which raises a question as to whether the Relevant Person may be liable to disciplinary action
- b. "Appellant" means any Person seeking an appeal or review under Part VII of these Rules
- c. "Attached Classes" means persons as defined by RICS Bye-Laws
- d. "Bye-Laws" means Bye-Laws made under Article 17 of the Supplemental Charter 1973
- e. "The charge" means details of the act or omission which may give rise to liability to disciplinary action
- f. "Conduct and Appeal Steering Committee" means the Committee constituted under the Constitution of Conduct and Appeal Committee Rules
- g. "Conference call" means a telephone, video, internet or other connection whereby all participants can communicate with all other participants
- h. "Disciplinary Panel" as defined in Bye-Law B1, is the name given to the members and non-members from the Conduct & Appeals Committee
- i. "Fixed Penalty" means a Penalty imposed in accordance with the Supplement to the Sanctions Policy approved by the Regulatory Board
- j. "Fixed Penalty Reviewer" means the person appointed under Rule 9 of the Constitution of Conduct and Appeal Committee Rules
- k. "Head of Panel Management" means the person appointed by the Chief Executive to manage the listing and administration of panels or the person or persons to whom the Regulatory Board delegates responsibility.
- l. "Head of Regulation" means the person appointed by the Chief Executive to manage the regulatory regime or the person or persons to whom the Regulatory Board delegates responsibility
- m. "Information" means information which raises a question as to whether the Relevant Person may be liable to disciplinary action
- n. "Interim measures" means measures that may be taken by RICS pursuant to the Bye-Laws and includes temporary suspension or a requirement that a Relevant Person refrains from practising all or part of the role of a surveyor pending the outcome of an RICS enquiry or another regulatory or judicial body
- o. "Liability to disciplinary action" is as defined in Bye-Law 5
- p. "Member" means a Chartered Member, a Non-Chartered Member, Honorary Member or a member of the Attached Classes
- q. "Panel" means Disciplinary Panel, Registration Panel or Appeal Panel as constituted under the Constitution of Conduct and Appeal Committee Rules
- r. "Parties" means the Relevant Person whose case is being considered by the Panel (or their representative) and the Presenting Officer
- s. "Presenting Officer" means the person appearing on behalf of RICS

- t. “Reasonable notice” means notice which is reasonable in all the circumstances with regard to the seriousness of the matter
 - u. “Firm” means a Firm registered with RICS under the Rules for the Registration of Firms
 - v. “Regulations” means regulations made under Article 18 of the Supplemental Charter
 - w. “Regulatory Board” means the Board established by Governing Council to exercise the regulatory function of RICS
 - x. “Relevant Person” means a Member or a Registered Firm, and/or an applicant to a Registration or Appeal Panel
 - y. “Special post” means either email with a delivery receipt or a method of delivery by which the delivery of the post can be confirmed, or a method of delivery specifically agreed between the Relevant Person and RICS; and
 - z. “Appeal Panel” as defined in Bye-Law B1 is the name given to the members and non-members appointed from the Conduct & Appeals Committee to hear Appeals.
- 2.** In these Rules, unless the context otherwise requires:
- a. words denoting the masculine gender include the feminine
 - b. words in the singular include the plural and words in the plural include the singular; and
 - c. references to “days” relate to calendar days.
- 3.** Any special post shall be sent to the Relevant Person’s last known address recorded or known by RICS.

Part II initial stages

4. Receipt of information or allegation

On receipt of an allegation or information the Head of Regulation may:

- a. make any further enquiries which he considers necessary
- b. refer the matter to the Disciplinary Panel for consideration under Rule 14 (interim measures)
- c. in cases that fall within Section 12 of part C of the Sanctions Policy approved by the Regulatory Board, impose upon the Relevant Person a Fixed Penalty (in which circumstances Rules 5-9 shall not apply)
- d. where the Head of Regulation is satisfied that a Relevant Person has failed to meet the requirements in respect of Rule 6 of the Rules of Conduct for Members for a third or subsequent time refer the matter to a Disciplinary Panel for consideration in accordance with Rule 43A of these Rules and paragraph 23 of the Sanctions Policy (in which circumstances Rules 5-9 shall not apply).

5. Decision to begin an investigation

Unless the Head of Regulation determines that the allegation or information could not give rise to a case to answer he shall write to the Relevant Person:

- a. informing him of the allegation or information
- b. providing him with copies of any documentation received or obtained by RICS which the Head of Regulation considers to be relevant
- c. inviting him to provide a written response within a period specified by the Head of Regulation which will be no more than 28 days from the date of the letter; and
- d. advising him that any response may be disclosed to the maker of the allegation (if any) for comment.

6. Decision as to realistic prospect

Having considered any written representation provided by the Relevant Person and having made further enquiries he considers necessary (including seeking comments on any representations) the Head of Regulation shall decide whether there is a realistic prospect of establishing that the Relevant Person is liable to disciplinary action.

7. Action if no realistic prospect

Where the Head of Regulation has determined that there is no realistic prospect of establishing that a Relevant Person is liable for disciplinary action he will:

- a. in cases where representations have been sought, write to the Relevant Person to notify him of the decision. This letter or e mail may include advice about future practice or conduct
- b. advise the Relevant Person that the case may be reconsidered if RICS receives fresh information relating to the subject matter of the investigation; and
- c. write to any maker of the allegation to notify him of the decision and reasons for it.

8. Decision as to whether to take action where there is a realistic prospect

Where the Head of Regulation has determined that there is a realistic prospect of establishing that a Relevant Person is liable for disciplinary action he shall:

- a.** decide, having regard to the seriousness of the allegation or information and the public interest, whether or not RICS will take disciplinary proceedings in the matter; and
- b.** inform the Relevant Person and any maker of the allegation of the decision and his reasons. This letter or email may include advice about future practice or conduct.

9. Disciplinary proceedings

Where the Head of Regulation has determined that RICS should take disciplinary proceedings he shall do one of the following:

- a.** with the written agreement of the Relevant Person make a Consent Order
- b.** refer the matter to a Disciplinary Panel for consideration under these Rules
- c.** where a Relevant Person may be liable to disciplinary action provided in Bye-Law 5.2.2(d) refer the matter to a Disciplinary Panel for consideration in accordance with Rule 43A.

Part III action by head of regulation

10. Fixed penalty notices

A Fixed Penalty shall be in accordance with the Supplement to the Sanctions Policy approved by the Regulatory Board.

11. Consent orders

A Consent Order shall consist of terms requiring the relevant person to:

- a. take or desist from taking certain actions within a specified period of time
- b. if appropriate, pay a fine in accordance with the provisions of the published Sanctions Policy
- c. if appropriate, pay costs to RICS in accordance with published scales.

12. The Head of Regulation may invite the Relevant Person to provide their written agreement to a Consent Order within a specified period of time.

13. The Head of Regulation may refer the Relevant Person to a Disciplinary Panel where:

- a. the Relevant Person has not provided their written consent to a Consent Order within the time specified by the Head of Regulation
- b. any of the terms of the Consent Order have been breached.

14. Interim measures

Where the Head of Regulation refers the matter to the Disciplinary Panel for a hearing to consider interim measures, or where the Disciplinary Panel has directed a review of interim measures, the Head of Regulation shall serve notice of the hearing by special post on the Relevant Person with reasonable notice.

15. The hearing may be in the form of a conference call.

16. No person, other than the Relevant Person, shall give oral evidence at the hearing unless the Disciplinary Panel consider such evidence is relevant to enable it to discharge its functions.

17. Except where the Panel decides otherwise, the hearing will proceed as follows:

- a. the Presenting Officer may outline the allegation or information received by RICS and address the Disciplinary Panel as to why it might be necessary to impose (or renew) interim measures, and may adduce relevant evidence
- b. the Relevant Person may present his case in relation to the imposition of interim measures and may adduce relevant evidence
- c. the Disciplinary Panel may put questions to any witnesses including the Relevant Person if he gives evidence
- d. the Disciplinary Panel shall consider its decision in the absence of the parties and announce its decision and give reasons.

- 18.** If the Disciplinary Panel is satisfied that there is credible evidence demonstrating the Relevant Person may be liable for disciplinary action and it is necessary having regard to the seriousness of the allegation or information and the public interest or the interests of the Relevant Person the Panel may:
- a.** take no action or conclude any interim measures
 - b.** suspend the Relevant Person's registration with RICS, with immediate effect, for a period not exceeding twelve months
 - c.** require the Relevant Person to refrain from practising all or part of the role of a surveyor for a period not exceeding twelve months
 - d.** direct that shortly before the end of the period of interim measures (if not previously concluded) the matter shall be referred back to a Disciplinary Panel for review.
- 19.** Where there has been a change of circumstances, on the application of the Relevant Person, or of his own volition, the Head of Regulation may refer a case back for review of an interim suspension by a Disciplinary Panel.
- 20.** The Disciplinary Panel or the Head of Regulation shall have power to conclude interim measures in any case where it or he is determining disciplinary action.

21. Reconsideration of referral to disciplinary panel

The Head of Regulation may reconsider a decision to refer a matter to a disciplinary panel under Rule 9 in the following circumstances:

- a.** the death of a Relevant Person, or in the case of a Firm it ceases to exist
- b.** in exceptional circumstances on the application of a Relevant Person who wishes to resign their registration with RICS
- c.** in circumstances where there is no longer a realistic prospect of establishing that the relevant person is liable for disciplinary action
- d.** in other circumstances as determined by the Head of Regulation, having regard to the seriousness of the allegation or information and the public interest.

Part IV general procedures for disciplinary, registration and appeal panels

22. Variation

Proceedings before a Disciplinary Panel, Regulation Panel or Appeal Panel shall be conducted in accordance with the law of England and Wales. If there is a referral to a Disciplinary Panel, Registration Panel or Appeal Panel in relation to a Relevant Person who lives and practises his profession outside England and Wales, the provisions of these Rules shall be modified so far as is necessary to ensure that the case is heard and conducted fairly. In varying the provisions of these Rules in such cases the Chair or Vice Chair of the Conduct and Appeal Committee or the Panel shall have regard to cost, communications and local conditions.

23. Notices

When a hearing is required to consider a matter under the provisions of these Rules, the Head of Panel Management shall fix a date, place and time for the hearing and, in correspondence sent by special post, shall:

- a. set out the charge or decision subject to review or appeal (or confirm that this is a case under Rule 46)
- b. give the Relevant Person notice of the hearing which shall not, unless otherwise specified in these Rules, be less than 56 days from the date of the letter for all other Disciplinary Panel cases
- c. inform him of the date, time and place of the hearing
- d. provide him with a copy of these Rules
- e. in cases referred to a Disciplinary Panel under Rules 4(d) or 9(c) requiring him to indicate within seven days whether he wishes to request an oral hearing.

23A. Service of Evidence

- a. Unless otherwise specified in these Rules, at least 56 days before the hearing date the Presenting Officer shall send to the Relevant Person:
 - i. The documents upon which he intends to rely when presenting the case, including any witness statements
 - ii. A listing questionnaire relating to the hearing including in Disciplinary Panel cases a requirement for the Relevant Person to indicate admission or denial of the charge
- b. At least 28 days before the hearing date of a Disciplinary Panel or 14 days before the hearing date of a case referred to a Disciplinary Panel under Rules 4(d) or 9(c) the Relevant Person shall send to the Presenting Officer:
 - i. The completed listing questionnaire
 - ii. The documents upon which he intends to rely when presenting his case, including any witness statements.

24. Public hearings

Disciplinary and Appeal Panels shall usually sit in public, except when considering interim measures and cases referred to a Disciplinary Panel under Rules 4(d) or 9(c). The Registration Panel shall usually sit in private.

- 25.** The Relevant Person who may be liable for disciplinary action or the Head of Regulation may request that the hearing in whole or in part shall be held in private. The Panel may only grant such a request in whole or in part where it considers that exceptional circumstances apply which justify that decision.
- 26.** The Relevant Person may request that the Registration Panel considering his case hold the hearing in public. The Panel should usually grant such a request unless it considers that exceptional circumstances apply which justify the hearing being in private.

27. Legal assessor

Disciplinary, Registration and Appeal Panels may be advised by an independent, suitably qualified and experienced Legal Assessor who is not an employee of RICS.

- 28.** The Legal Assessor may
- a.** advise a panel on any question of law
 - b.** advise a panel on any other matter arising in connection with these Rules including any relevant associated guidance issued by RICS
 - c.** remind a panel of evidence
 - d.** ask questions of witnesses and parties to clarify the evidence or relevant issues
 - e.** assist the panel with the drafting of any written decision and the structuring of the Panel's reasons.
- 29.** When a Legal Assessor gives advice to a Panel, he shall do so in the presence of the parties (if present) or, if the advice is tendered after the Panel has retired for any reason, the parties shall be informed as to what advice has been given prior to the Panel reaching any decision.

30. Proceeding in absence of relevant person

Where the Relevant Person whose case is being considered by a Panel is not present and is not represented, the Panel may proceed in the absence of the Relevant Person if it is satisfied that notification under Rule 23 has been properly given.

31. Oral hearings and representation

Hearings of the Disciplinary, Registration or Appeal Panel will be oral hearings except where:

- a.** the matter has been referred under Rule 4(d) and 9(c); or
- b.** a member of the Conduct and Appeals Committee has agreed to a request from the parties that the case should be considered on the papers alone.

Hearings taking place in the absence of the parties may be in the form of a conference call.

- 32.** Where there is to be an oral hearing the Relevant Person has the right to appear in person before a Panel and may, if he so wishes, be represented by a lawyer, a representative from any professional organisation of which he is a member or, at the discretion of the Panel, any other individual of their choice. A representative may not give evidence at the hearing.

33. Voting

Where a Panel is required to decide an issue:

- a.** the matter shall be put to a vote
- b.** no panel member shall be allowed to abstain
- c.** the matter shall be decided by a simple majority.

34. Costs

A Panel may make such order for costs against the Relevant Person or RICS as it considers fair and reasonable, subject to the requirement that an estimate of costs incurred by a party shall be served on the other parties at least 24 hours before the hearing.

35. Adjournments

A hearing which has been notified to the parties may be adjourned at any stage prior to the day of hearing by:

- a. The Head of Panel Management where both parties consent to such adjournment
- b. Any member of the Conduct and Appeal Committee after he has considered written representations by both parties.

The Head of Panel Management will give the parties no less than 14 days notice of the date of the resumed hearing.

36. If for any reason any member of the Panel is during the course of the hearing unable to continue to attend, or attend the adjourned hearing, the hearing may:

- a. continue to be heard by the remaining members at their discretion; but only with the consent of the Relevant Person, if he is present; or
- b. be re-heard by a new Panel constituted in accordance with the Constitution of the Conduct and Appeal Committee Rules.

37. Directions

- a. Either party may apply in writing to the Head of Panel Management for case management directions.
- b. Any application for case management directions shall be made at least 21 days before the hearing date and shall specify the directions sought.
- c. The other party shall respond in writing to the application within seven days of receipt of the application.
- d. A member of the Conduct and Appeals Committee shall consider the application either:
 - i. by considering the application on the papers and issuing written directions; or
 - ii. by convening a directions hearing which may take place either by way of telephone conference or in person at which both parties are given the opportunity to make oral representations and following which he shall make directions; or
 - iii. by convening a directions hearing before a full Disciplinary Panel which may take place by way of telephone conference or in person at which both parties are given an opportunity to make oral representations following which the Panel shall make directions.

38. Notices

All Panel decisions under these Rules shall be notified by RICS to the Relevant Person by special post within 14 days of the conclusion of the hearing.

39. Publication and records

Publication of all decisions under these Rules shall be in accordance with the Regulatory Board's publication policy.

40. All Disciplinary Panel decisions under these Rules shall be recorded on the Relevant Person's record in accordance with the provisions of Supplement 4 to the Sanctions Policy Disciplinary History.

Part V Disciplinary Panel Procedures

41. Evidence

At any hearing before a Disciplinary Panel:

- a.** regardless of where a case is heard, the rules on the admissibility of evidence that apply in civil proceedings (in England and Wales) shall usually apply, although the Panel may receive relevant evidence which would not be admissible if it is satisfied that admission of that evidence is necessary to ensure a fair hearing
- b.** where the Relevant Person has been convicted of a criminal offence a certified copy of the conviction or equivalent shall be admissible as conclusive evidence of that conviction and of the Relevant Person's commission of that offence;
- c.** the fact that a relevant person has had a disqualification order made against him or has given a disqualification undertaking which has been accepted by the Secretary of State under the Company Directors Disqualification Act 1986 shall be admissible as conclusive evidence of the commission by him of the acts or defaults admitted or found in those proceedings;
- d.** a finding of a court, tribunal or regulatory body in the United Kingdom or elsewhere shall be admissible as prima facie evidence of the facts found;
- e.** nothing in paragraphs b to d shall affect the evidential status of any other report or document not referred to in those paragraphs;
- f.** the parties shall be permitted to call witnesses to give oral evidence and the Disciplinary Panel may request the attendance of witnesses or the provision of documents
- g.** any witness called shall first be examined by the party calling him, may be cross-examined by the other parties or their representatives, may be re-examined and may be asked questions by the Disciplinary Panel
- h.** where it appears to the Panel at any time that the charge sent to the Relevant Person in accordance with Rule 23 should be amended and the amendment can be made without injustice, after hearing the parties and consulting with the legal assessor, the Panel may amend the charge.

42. Order of proceedings

Except where the Panel decides otherwise the hearing will proceed as follows:

- a.** the Hearing Officer shall read out the charge
- b.** the Chair asks the Relevant Person, or his representative (if present) if any of the matters are admitted
- c.** the Chair shall invite the Presenting Officer to present the case against the Relevant Person and to adduce relevant evidence in support of that case
- d.** at the conclusion of the case against the Relevant Person the Chair shall invite the Relevant Person or his representative (if present) to address the Disciplinary Panel and to adduce relevant evidence in relation to the charge
- e.** if the Relevant Person or his representative has addressed the Disciplinary Panel the Chair shall then invite the Presenting Officer to make his closing address
- f.** the Chair shall invite the Relevant Person or his representative (if present) to make his closing address
- g.** if necessary, the Disciplinary Panel shall then retire to make its findings as to the facts and whether the Relevant Person is liable to disciplinary action in the absence of the parties and before doing so may seek legal advice from its Legal Assessor

- h.** the Chair shall then announce the Disciplinary Panel's findings as to the facts and whether the Relevant Person is liable to disciplinary action, together with the Panel's reasons, before those parties who are present
- i.** the Chair shall then invite the parties present to address the Disciplinary Panel as to penalty (where the charge has been found proved) and as to costs, and to adduce evidence as to any previous disciplinary record held by RICS and any mitigation
- j.** the Disciplinary Panel shall then retire to make its decision in relation to any penalty to be imposed and costs in the absence of the parties and before doing so may seek legal advice from its Legal Assessor
- k.** the Chair shall then announce the Disciplinary Panel's decision and reasons as to penalty and its decision as to costs before those parties who are present.

43. Burden of proof

The burden of proof shall be on RICS and where the Disciplinary Panel must determine issues of fact the standard of proof shall be on the balance of probabilities.

43a. Provisions relating to cases referred to a Disciplinary Panel for a paper hearing.

The Head of Regulation may refer a case to a Disciplinary Panel for a paper hearing under Rule 4(d), Rule 9(c) or in any other case where the Relevant Person admits the charge, and a statement of agreed facts has been signed by both parties and both parties request a referral to a paper hearing. The procedure for a paper hearing is:

- a.** The Head of Panel Management will give the Relevant Person notice of the hearing which shall not be less than 28 days from the date of the letter.
- b.** The Relevant Person and RICS will submit documents on which they intend to rely and written representations to the Disciplinary Panel no later than 14 days before the date of the hearing.
- c.** The Disciplinary Panel will issue a written decision with reasons to the parties.
- d.** There will be no oral hearing of the case unless an application has been made under Rule 23(e) or unless the panel decides that it is necessary in the interests of justice or in the public interest to refer the matter to an oral hearing.

44. Penalties

The penalties available to the Disciplinary Panel are:

- a.** to caution the Relevant Person against repeating the conduct or action which has resulted in the liability to disciplinary action
- b.** to reprimand the Relevant Person
- c.** to require the Relevant Person to give one or more undertakings as to future conduct
- d.** to fine the Member or Firm up to a maximum figure specified in the Supplement to the Sanctions Policy – Fines, Costs and Administration Fees approved by the Regulatory Board
- e.** to impose conditions on the Relevant Person's continued membership/ registration with RICS
- f.** to expel Members from RICS or remove a Firm's registration for regulation
- g.** to make an order requiring a Member or Firm to take a specified action, and stating the penalty imposed if the Member or Firm fails to comply with that action.



45. Taking effect of orders

All decisions of the Disciplinary Panel shall take immediate effect unless the Panel direct otherwise. In the event of an Appeal by the Relevant Person no fine shall become payable until the determination of the Appeal but all other penalties shall continue until the determination of the Appeal.

Part VI registration panel procedures

46. Types of cases to be considered by the Registration Panel

The Registration Panel shall consider any application made by a Relevant Person for a review of a decision relating to:

- a. readmission to membership (excluding disciplinary cases)
- b. registration of a Firm
- c. membership of a particular class
- d. transfer between classes of membership
- e. recognition of any particular specialist qualification or specialism awarded or recognised by RICS as part of the exercise of their functions
- f. any decision of the Head of Regulation made under the Rules for the Registration of Schemes
- g. any decision of the Head of Regulation made under the Designated Professional Body Rules.

47. The Registration Panel shall consider all applications made by a Relevant Person:

- a. for readmission after disciplinary expulsion or removal
- b. for admission where the application has been referred to the panel under Regulation 2.3.1 (a) (iv).

48. Chair's discretion to allow paper hearing

Hearings before the Registration Panel will be oral hearings unless the Chair of the Registration Panel agrees to a request from the Relevant Person for the panel to consider the matter on the papers alone.

49. Evidence

At any hearing before a Registration Panel:

- a. regardless of where a case is heard, the rules on the admissibility of evidence that apply in civil proceedings (in England and Wales) shall usually apply, although the Panel may receive relevant evidence which would not be admissible if it is satisfied that admission of that evidence is necessary to ensure a fair hearing
- b. where the Relevant Person has been convicted of a criminal offence a certified copy of the conviction or equivalent shall be admissible as conclusive evidence of that conviction and of the Relevant Person's commission of that offence
- c. the fact that a Relevant Person has had a disqualification order made against him or has given a disqualification undertaking which has been accepted by the Secretary of State under the Company Directors Disqualification Act 1986 shall be admissible as conclusive evidence of the commission by him of the acts or defaults admitted or found in those proceedings
- d. a finding of a court, tribunal or regulatory body in the United Kingdom or elsewhere shall be admissible as prima facie evidence of the facts found
- e. nothing in paragraphs b to d shall affect the evidential status of any other report or document not referred to in those paragraphs.

50. Function and powers of registration panel and material available for panel

- a. Where the Registration Panel is reviewing a decision made by RICS as set out in Rule 46 the Panel:

- b. shall be provided with a copy of the decision which is subject to review
- c. shall have the power to impose its own decision in relation to the matter, subject to the requirement that any such decision must have been a decision available to the person or persons who made the original decision.

51. Provisions relating to re-admission cases

When the Registration Panel is considering applications for re-admission after disciplinary expulsion or removal:

- a. the hearing will usually take place in public
- b. the Relevant Person will have the right to attend the hearing and be represented
- c. the procedure will be as set out in Rule 52
- d. the Panel will consider the application in accordance with the "Rules setting out the procedure for re-admission to membership following disciplinary expulsion".

52. Procedure at oral hearing

At an oral hearing before the Registration Panel, except where the Panel decides otherwise, the hearing will proceed as follows:

- a. the Chair shall invite the Relevant Person to address the Panel and to adduce relevant evidence
- b. at the conclusion of his address the Chair shall invite the presenting officer to address the Panel on the order which is sought and to adduce relevant evidence
- c. the parties shall be permitted to call witnesses to give oral evidence and the Registration Panel may request the attendance of witnesses or the provision of documents
- d. any witness called shall first be examined by the party calling him, may be cross-examined by the other parties or their representatives, may be re-examined and may be asked questions by the Registration Panel
- e. the Chair shall then invite the Relevant Person or his representative (if present) to make any closing address
- f. if necessary, the Registration Panel shall then retire to make its decision in relation to the registration issue and the order being sought, in the absence of the parties and before doing so may seek legal advice from its Legal Assessor
- g. the Chair shall then announce the Registration Panel's decision, together with the Panel's reasons, before those parties who are present.

53. Burden on relevant person

The burden shall be on the Relevant Person to satisfy the Registration Panel that the order being sought should be made.

54. Taking effect of orders

All decisions of the Registration Panel shall usually take immediate effect unless the Panel direct otherwise or if fees are payable upon payment of the appropriate fees.

Part VII appeals and reviews

Fixed penalty reviews

- 55.** A Relevant Person may request a review of a Fixed Penalty by a Fixed Penalty Reviewer.
- 56.** Any request for review shall be lodged with RICS within 28 days of service of notification of the Fixed Penalty on the prescribed form, together with the appropriate administration fee, as set out in the Supplement to the Sanctions Policy.
- 57.** A request for review of a Fixed Penalty shall be referred to the Fixed Penalty Reviewer who shall, having reviewed the papers, either confirm the penalty or propose modifications and may make an order as to the costs of the review.

Appeals

- 58.** A Relevant Person may appeal to the Appeal Panel against:
- a.** a decision of the Registration Panel made in respect of an application under Rule 47
 - b.** a finding of or penalty imposed by a Disciplinary Panel.
- 59.** In accordance with the Bye-Laws the Honorary Secretary of RICS may require a review of a finding or penalty imposed by a Disciplinary Panel.
- 60.** Any Appeal shall be lodged with RICS within 28 days of service of notification of the decision to be appealed or reviewed.
- 61.** An Appeal shall only be accepted by RICS if it is:
- a.** in writing in the form prescribed by RICS from time to time
 - b.** specifies the grounds relied on in support of the Appeal or review.
- 62.** An appellant may withdraw his notice of Appeal at any stage. In such circumstances the Appeal Panel may make an award for costs.
- 63.** The Head of Panel Management shall fix a date, place and time for the hearing and, in correspondence sent by special post, shall give the Relevant Person notice of the hearing which shall not be less than 28 days from the date of the letter and inform him of the date, time and place of the hearing.
- 64.** An Appeal Panel shall review the decision of the Disciplinary Panel or Registration Panel having regard to:
- a.** the evidence presented to the Disciplinary Panel or Registration Panel
 - b.** any representations made to the Disciplinary Panel or Registration Panel if available in written form, including any transcript of any hearing
 - c.** the appellant's grounds of appeal or, where the Honorary Secretary has referred the matter to the Appeal Panel under Bye-Law B5.5.2, his grounds of referral; and
 - d.** any representations which the appellant or the Head of Regulation may wish to make to the Appeal Panel regarding the findings and/or penalties imposed by the Disciplinary Panel, or Registration Panel.
- 65.** The parties may not provide new evidence to the Appeal Panel without leave of the Panel. An application to adduce new evidence must be submitted by the party applying for an appeal with his application for appeal, and by the responding party no later than 14 days before the hearing.
- 66.** The burden shall be on the Appellant to satisfy the Appeal Panel that the order being appealed was wrong.



- 67.** At an oral hearing before the Appeal Panel, except where the Panel decides otherwise, the hearing will proceed as follows:
- a.** the Panel shall hear and consider any preliminary legal arguments
 - b.** the Appellant shall address the Panel on their grounds of Appeal
 - c.** the Presenting Officer shall respond and direct the Panel to any relevant evidence including transcripts of any hearing
 - d.** the Panel may allow either party present an opportunity to make a closing address
 - e.** the Panel may then retire to make its decision in relation to the Appeal and in relation to costs in the absence of the parties, and before doing so may seek legal advice from its Legal Assessor
 - f.** the Chair shall announce the Appeal Panel's decision and reasons and its decision as to costs before those parties who are present.
- 68.** Only where the Panel consider that the decision of the Disciplinary Panel, or Registration Panel was wrong may the Panel allow the Appeal.
- 69.** Where the Appeal Panel allows the Appeal or the review it may either:
- a.** vary the Disciplinary Panel's finding that the Relevant Person was liable to disciplinary action
 - b.** vary the penalty imposed by the Disciplinary Panel to one of greater or lesser severity
 - c.** vary the Registration Panel's decision as to membership
 - d.** refer the matter back to a Disciplinary Panel or Registration Panel for a new hearing or consideration.
- 70.** All decisions of an Appeal Panel shall take effect from the date specified by the Appeal Panel.



Confidence through professional standards

RICS promotes and enforces the highest professional qualifications and standards in the development and management of land, real estate, construction and infrastructure. Our name promises the consistent delivery of standards – bringing confidence to the markets we serve.

We accredit 125,000 professionals and any individual or firm registered with RICS is subject to our quality assurance. Their expertise covers property, asset valuation and real estate management; the costing and leadership of construction projects; the development of infrastructure; and the management of natural resources, such as mining, farms and woodland. From environmental assessments and building controls to negotiating land rights in an emerging economy; if our members are involved the same professional standards and ethics apply.

We believe that standards underpin effective markets. With up to seventy per cent of the world's wealth bound up in land and real estate, our sector is vital to economic development, helping to support stable, sustainable investment and growth around the globe.

With offices covering the major political and financial centres of the world, our market presence means we are ideally placed to influence policy and embed professional standards. We work at a cross-governmental level, delivering international standards that will support a safe and vibrant marketplace in land, real estate, construction and infrastructure, for the benefit of all.

We are proud of our reputation and we guard it fiercely, so clients who work with an RICS professional can have confidence in the quality and ethics of the services they receive.

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