



Monitoring and investigation rules

04 June 2007

Version 4 with effect from
01 January 2012

Monitoring and investigation rules 2007

These Monitoring and Investigation 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 4 of these Rules shall come into force on 01 January 2012. The Conduct of Firms and Members are governed by the Rules of Conduct for Firms, the Rules of Conduct for Members 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 co-operate fully with RICS staff and any person appointed by the Regulatory 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. “required documents”** means such documents as the Regulatory Board has reasonably required and includes all documents and records required to be supplied to RICS pursuant to approved standards, guidance, policies and help sheets
- d. “required information”** means such information as the Regulatory Board has reasonably required 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 him personally; or
- b.** sent to him by post to his last known address recorded or known by RICS (documents sent by post shall be properly addressed and pre-paid); or
- c.** sent to him using a method of delivery specifically agreed between the Firm or Member and RICS.

3. Failure to co-operate

Any failure to co-operate with the provisions of these Rules is a matter which may be brought to the attention of the Head of Regulation for consideration under the Disciplinary Panel, Registration Panel and Appeal Panel Rules as information which raises a question as to whether a Firm or Member might be liable for disciplinary action.

Part II powers

4. Power to request information

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

5. Power to visit

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

- a. produce to an RICS Representative any required documents
- b. supply to an RICS Representative copies or originals of any required 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 required information or documents.

Part III visits

6. 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.

7. 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.

8. Policy on visits

The Regulatory 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 for Members or Firms 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.



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 118,000 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.

United Kingdom RICS HQ

Parliament Square, London
SW1P 3AD United Kingdom

t +44 (0)24 7686 8555

f +44 (0)20 7334 3811

contactrics@rics.org

Media enquiries

pressoffice@rics.org

Ireland

38 Merrion Square, Dublin 2,
Ireland

t +353 1 644 5500

f +353 1 661 1797

ricsireland@rics.org

Europe

[excluding UK and Ireland]

Rue Ducale 67,
1000 Brussels,
Belgium

t +32 2 733 10 19

f +32 2 742 97 48

ricseurope@rics.org

Middle East

Office G14, Block 3,
Knowledge Village,
Dubai, United Arab Emirates

t +971 4 446 2808

f +971 4 427 2498

ricsmenea@rics.org

Africa

PO Box 3400,
Witkoppen 2068,
South Africa

t +27 11 467 2857

f +27 86 514 0655

ricsafrica@rics.org

Americas

One Grand Central Place,
60 East 42nd Street, Suite 2810,
New York 10165 – 2811, USA

t +1 212 847 7400

f +1 212 847 7401

ricsamericas@rics.org

South America

Rua Maranhão, 584 – cj 104,
São Paulo – SP, Brasil

t +55 11 2925 0068

ricsbrasil@rics.org

Oceania

Suite 1, Level 9,
1 Castlereagh Street,
Sydney NSW 2000, Australia

t +61 2 9216 2333

f +61 2 9232 5591

info@rics.org

North Asia

3707 Hopewell Centre,
183 Queen's Road East
Wanchai, Hong Kong

t +852 2537 7117

f +852 2537 2756

ricsasia@rics.org

ASEAN

10 Anson Road,
#06-22 International Plaza,
Singapore 079903

t +65 6692 9169

f +65 6692 9293

ricssingapore@rics.org

Japan

Level 14 Hibiya Central Building,
1-2-9 Nishi Shimbashi Minato-Ku,
Tokyo 105-0003, Japan

t +81 3 5532 8813

f +81 3 5532 8814

ricsjapan@rics.org

South Asia

48 & 49 Centrum Plaza,
Sector Road, Sector 53,
Gurgaon – 122002, India

t +91 124 459 5400

f +91 124 459 5402

ricsindia@rics.org