

DISCIPLINARY REGULATIONS

Made by the Council under By-law **84** and approved by Special General Meetings of the Institution held on 19 March 1963, 19 March 1968, and 11 June 1974, and in ballots of Corporate Members on 29 June 1981, 3 April 1996, 2 June 1999, 30 May 2003, 1 June 2005, 1 June 2006, 17 July 2007, 15 July 2008, 14 July 2009, 10 July 2012, 14 July 2015, 12 July 2016 and 10 July 2018 and taking effect from 6 November 2018; further modified by the Trustee Board on 24 March 2020, 23 March 2021, 21 September 2021 and taking effect from 30 November 2021.

1. These Disciplinary Regulations are made pursuant to By-law **13(3)** and unless the contrary intention appears, expressions defined in the By-laws of the Institution have the same meaning in these Regulations and the following meanings shall apply:
 - (1) "Appeals Selection Panel" means the body recognised by the Trustee Board to select the members of the Appeals Tribunal and the Leave-to-Appeal Panel.
 - (2) "Appeals Tribunal" means the body recognised by the Trustee Board to adjudicate upon any appeal against a decision of the Disciplinary Board referred to it as a valid appeal by the Leave-to-Appeal Panel or against an order of Suspension made pursuant to Disciplinary Regulation **5** or against a decision pursuant to Admission, Qualification and Training Regulation **29** to refuse a person admission to any grade of membership.
 - (3) "Appellant" means a member who has made an appeal against a decision of the Disciplinary Board, or a person who has made an appeal against refusal of admission to any grade of membership.
 - (4) "Complainant" means any person who has made a written allegation of improper conduct against a member.
 - (5) "Expulsion" means the exclusion of a member from membership of the Institution and from the Roll other than such an exclusion, which constitutes a Suspension.
 - (6) "Independent Reviewer" means a person appointed on behalf of the Trustee Board to review any Professional Conduct Panel decision where a Complainant has requested such a review.
 - (7) "Leave-to-Appeal Panel" means the body recognised by the Trustee Board to determine if an appeal against a decision of the Disciplinary Board is a valid appeal and whether leave to appeal should be granted.
 - (8) "Notice" means any notification issued by or on behalf the Professional Conduct Panel or the Disciplinary Board in relation the investigation of, or adjudication upon, an allegation of improper conduct.
 - (9) "Order" means any order made by the Disciplinary Board pursuant to Disciplinary Regulation **5**.
 - (10) "Professional Conduct Panel" means the body recognised by the Trustee Board to investigate allegations of improper conduct by a member.
 - (11) "Serious Criminal Offence" means an offence involving dishonesty or deception or any offence punishable by a Court of competent jurisdiction by a term of imprisonment of 12 months or more (whether or not any custodial sentence is in fact imposed).
 - (12) "Session" means the annual period commencing on the first Tuesday of November and ending on the first Tuesday of November in the following year.
 - (13) "Suspension" means temporary exclusion of a member from membership of the Institution and from the Roll for a period specified by the Disciplinary Board or by the Chair of the Disciplinary Board pursuant to Disciplinary Regulation **5**.

- (14) “Unspent Conviction” means any conviction that is not a spent conviction for the purposes of the Rehabilitation of Offenders Act 1974 (the “1974 Act”) and any subordinate legislation for the time being in force made under the 1974 Act or any other legislation that may subsequently amend, extend, or supersede the 1974 Act. The principles of the 1974 Act will apply to those members outside the jurisdiction of the 1974 Act.
2. The Trustee Board shall recognise the following bodies, and their functions:
- (1) A Professional Conduct Panel to investigate allegations of improper conduct by a member;
 - (2) A Disciplinary Board to adjudicate upon any allegations of improper conduct referred to it by the Professional Conduct Panel.
 - (3) An Appeals Tribunal to adjudicate upon any appeal against a decision of the Disciplinary Board referred to it as a valid appeal by the Leave-to-Appeal Panel or against an order of Suspension made pursuant to Disciplinary Regulation 5.
 - (4) A Leave-to-Appeal Panel to determine if an appeal against a decision of the Disciplinary Board is a valid appeal and whether leave to appeal should be granted.
 - (5) An Appeals Selection Panel to select members of the Appeals Tribunal and the Leave-to-Appeal Panel.

Subject to these Regulations made thereunder any body appointed pursuant to this Regulation shall regulate its own procedure.

3. The Trustee Board shall make and may amend or rescind Regulations for the purpose of:
- (1) Determining the respective constitutions and membership of the Professional Conduct Panel and the Disciplinary Board (and sub committees thereof to whom investigations and adjudications (as the case may be) of allegations of improper conduct may be referred);
 - (2) Providing for the publication of decisions of the Disciplinary Board.
 - (3) Establishing, identifying or recognising, or causing to be established, identified or recognised a tribunal, the rules and operating procedures of which will have been approved by the Trustee Board, to which members found guilty of improper conduct shall have a right of appeal in accordance with Regulation 6;
 - (4) Dealing with any matter which may be relevant to the Professional Conduct Panel or the Disciplinary Board or the power of the Chair of the Disciplinary Board pursuant to Regulation 5 or any of the functions of any of them.
4. Any Regulations made pursuant to Regulation 3 shall be designed to secure that:
- (1) Any allegation of improper conduct shall be properly investigated and (if sufficiently serious) be referred for adjudication by an impartial tribunal consisting partly of former members of the Council or the Trustee Board;
 - (2) Before being called upon to deal with any allegation of improper conduct a member shall know what is the allegation;
 - (3) The member shall be given a full and fair opportunity of being heard and of calling witnesses and cross examining any other witnesses testifying before the tribunal;

- (4) In all other respects the investigation shall be made and the proceedings conducted and the decision reached in accordance with natural justice and any decision shall be made known to members and others so far as may appear to be necessary or desirable with a view to the furtherance of the objects of the Institution.

5. The Disciplinary Board may take the following action:

- (1) The Chair of the Disciplinary Board shall have power to order the Suspension of a member who has been convicted of a Serious Criminal Offence for a period of three months pending inquiry by the Professional Conduct Panel and consideration by the Disciplinary Board under the Disciplinary Regulations. The Chair of the Disciplinary Board may order the continuation of the Suspension for a further period or periods of three months if he considers it necessary, or may revoke the order at any time. Before making, renewing or revoking an order for Suspension, the Chair of the Disciplinary Board shall first consult the Chair of the Professional Conduct Panel. A member whose Suspension has been ordered pursuant to this paragraph shall be automatically reinstated to membership of the Institution and to the Roll at the end of the period of such Suspension unless during that period the Disciplinary Board has ordered his Suspension or Expulsion and that order remains in force.
- (2) If a member shall have been found guilty of improper conduct, the Disciplinary Board shall have power to do all or any of the following:
 - i. to order the Expulsion of a member;
 - ii. to order the Suspension of a member
 - iii. to severely reprimand a member;
 - iv. to admonish a member;

 - v. to make an order as to the payment of costs against any member;
 - vi. to order the member to comply with such requirements concerning the member's future professional or business conduct as the Disciplinary Board may decide
- (3) The Disciplinary Board shall have the power to make an order for costs for all or any of the following:
 - (a) the costs incurred by the Professional Conduct Panel;
 - (b) the costs incurred by the Disciplinary Board;
- (4) The maximum payment of costs that may be imposed by the Disciplinary Board shall be an amount promulgated by the Trustee Board. Any costs that are ordered shall be paid within such period as the Disciplinary Board shall decide.
- (5) An order for the Expulsion of a member may not be made except by a majority of at least two-thirds of the members of the Disciplinary Board present and voting on the consideration of the case.
- (6) A member who has been suspended by order of the Disciplinary Board may be reinstated to membership of the Institution and to the Roll only in accordance with By-law 25 and the provisions for automatic reinstatement shall not apply in such a case.

6.
 - (1) Where a member has been found guilty of improper conduct, the Clerk to the Disciplinary Board shall refer to the Chair of the Disciplinary Board any evidence bearing upon that finding that was not available to the Disciplinary Board at the time of the hearing but which has come to light after the Disciplinary Board has made its finding.
 - (2) The Chair of the Disciplinary Board shall, if he deems the conditions in Regulation **6(1)** to have been fulfilled, appoint a Disciplinary Board Review Panel to decide whether, in the interests of natural justice, the finding of the Disciplinary Board should be reviewed at another hearing of the Disciplinary Board.
 - (3) If the Disciplinary Board Review Panel decides that another hearing of the Disciplinary Board should review the finding of the Disciplinary Board which found the member or former member guilty of improper conduct, the finding shall be reviewed by the members of the Disciplinary Board who made the original decision. If that is not practicable, one or more additional members may be nominated by the Chair of the Disciplinary Board so that the number of members on the Disciplinary Board remains the same. The Disciplinary Board shall have the power to revoke, vary or uphold the previous decision (including any order made under Regulation **5(2)** or Regulation **5(3)**).
 - (4) A member found guilty of improper conduct or who is subject to an order of Suspension made pursuant to Regulation **5** shall have a right of appeal to the Appeals Tribunal which shall have the power to revoke, vary or uphold the decision of the Disciplinary Board or of the Chair of the Disciplinary Board as the case may be. The Appeals Tribunal shall also have the power to make an order for the payment of the costs of the Appeals Tribunal. The decision of the Appeals Tribunal shall be final and conclusive.
7. The members of the Professional Conduct Panel and the Disciplinary Board shall hold office for such period as the Chairs of those bodies shall determine and may be re-appointed. Unless otherwise determined, one fifth of the members for the time being, or if their number is not a multiple of five then the number nearest to one fifth, shall retire from office annually at the end of the Session: the members to retire in each year shall be those who have been longest in office since their last appointment, and as between those who became members on the same day those to retire shall (unless they otherwise agree among themselves) be selected by lot. Nevertheless a retiring member who shall have entered on the investigation or hearing of a particular case of alleged improper conduct and shall not be re-appointed shall be deemed to continue as a member for the purpose of that particular case until the same shall have been finally concluded.
8. Subject to the By-laws and these Regulations each of the said bodies shall have power to regulate its own practice and procedure.
9. Upon the recommendation of the Nomination Committee, The Trustee Board shall appoint a Chair of the Professional Conduct Panel and (subject to Regulation **24**) of the Disciplinary Board. If the Chair of either body shall be ill or away or otherwise unable to carry out the functions under these Regulations, those functions shall be carried out by the Vice-Chair of that body. Should both the Chair and the Vice-Chair be ill or away or otherwise unable to carry out the said functions, the Trustee Board may appoint a member of the appropriate body to act as Chair until the Chair or Vice-Chair is again available and able to carry

out the functions. Subject as aforesaid any meeting of one of the said bodies may choose their own Chair. The Trustee Board shall cause two members of the Institution staff to be appointed by the Secretary to act as clerk or clerks to the Disciplinary Board and to the Professional Conduct Panel respectively. The Trustee Board shall cause the Institution to appoint a corporate member of a professional body licensed by the Engineering Council to be an Independent Reviewer following a request from a Complainant for an independent review.

- 10.** Any act done by a Vice-Chair or by a person whom the Trustee Board or the relevant body has purported to appoint under the preceding Regulation to act as Chair shall be valid and effectual and shall not be questioned on the ground that no occasion had arisen for a person to be so appointed or for the Vice-Chair (or a person so appointed) to act in place of the Chair.
- 11.** The members of the Professional Conduct Panel shall be appointed by the Chair of the Professional Conduct Panel and consist of not less than ten nor more than twelve Fellows, of whom at least six shall be past or present members of the Council or the Trustee Board. Three members of the Professional Conduct Panel, including at least one past or present member of the Council or the Trustee Board, shall be a quorum. The Chair of the Professional Conduct Panel may at any time appoint any three or more members of the Panel (who may, but need not, include the said Chair or the Vice-Chair) to deal with any particular complaint or allegation, and all acts, proceedings and decisions of the members so appointed shall be deemed to be the acts, proceedings and decisions of the Professional Conduct Panel.
- 12.** Subject to Regulation **13**, no order of Suspension may be made pursuant to Regulation **5**, unless the Professional Conduct Panel shall have sent written notice to the member of the grounds on which the Chair of the Disciplinary Board is contemplating making an order and shall have given the member not less than 21 days' notice of the date on which the matter will be further considered. The member shall be invited to put forward observations in writing to the Professional Conduct Panel, to be received not less than 7 days before that date. The Chair of the Disciplinary Board, after taking into account any observations made and consulting with the Chair of the Professional Conduct Panel, will notify the member of his decision within 14 days thereafter.
- 13.** If the Chair of the Disciplinary Board believes it to be in the public interest and in the interests of the Institution that the power in Regulation **5** be exercised immediately and within the 21 day period, he may do so with the approval of the Chair of the Professional Conduct Panel, who shall first consult the other members of the Professional Conduct Panel, and notice shall be given to the member to that effect, with brief reasons. In all other cases, the Chair of the Disciplinary Board may order the Suspension of a member only in accordance with Regulation **12**.
- 14.** In all cases where an order of Suspension has been made, the Chair of the Disciplinary Board shall, unless it sees special reason to the contrary, cause the fact of the order to be posted in the Institution and published.
- 15.** Any allegation of improper conduct on the part of a member, whatever its source, shall in the first instance be referred to the Professional Conduct Panel. The

Professional Conduct Panel may also initiate an inquiry where it has reason to suppose that a member may have been guilty of improper conduct, including a case where an order of Suspension has been made pursuant to Regulation 5, and may request the member and the complainant to appear before the Panel in person.

16. If any allegation does not appear to the Professional Conduct Panel to disclose any case to answer the Professional Conduct Panel shall dismiss the case.
17. In all other cases the Professional Conduct Panel shall send written notice to the member of the nature and particulars of the allegation and invite the member to put forward observations in writing to the Professional Conduct Panel. In addition, the Professional Conduct Panel may, if it sees fit, request the member to submit to the Panel a copy of his or her Record of Continuing Professional Development and any other information that the Panel considers is relevant to the allegation. The member shall at the same time be informed that there is no obligation to make any observations to the Professional Conduct Panel but that, if the member does not do so (or if the Panel does not regard any explanations as satisfactory), the matter will be referred to the Disciplinary Board, which will then give the member a full opportunity of presenting a case. The period within which the member shall be required to reply, if the member wishes to make any observations to the Professional Conduct Panel, shall be 28 days (or 14 days where an order of Suspension has been made pursuant to Regulation 5).
18. On receipt of any such observations the Professional Conduct Panel shall send written notice thereof to the complainant inviting any observations thereon to be put to the Professional Conduct Panel. Upon receipt of any such observations the Professional Conduct Panel shall send written notice thereof to the member inviting and informing the member in like terms to those stated in Regulation 17.
19. The period within which the member and the complainant shall be required to reply, if they wish to make any observations to the Professional Conduct Panel within the terms of this Regulation, shall be 14 days.
20. The Professional Conduct Panel may dismiss the case if satisfied that the allegation is unfounded or that there is no case to answer. In such a case the Professional Conduct Panel shall notify both the member and the complainant of the reasons for its decision. The Professional Conduct Panel may also dismiss the case if it considers that the alleged improper conduct is of such a nature that it calls for no action; and it may issue advice to the member regarding his or her professional conduct or any matter bearing upon the member's professional conduct and may inform the complainant of the advice that has been issued to the member.
21. In all other cases the Professional Conduct Panel shall, after such further investigation as may be necessary, refer allegations of improper conduct to the Disciplinary Board.
22. As soon as practicable after an allegation has been referred by the Professional Conduct Panel to the Disciplinary Board, the Professional Conduct Panel shall arrange that:

- (1) notice shall be given to the member concerned that the allegation has been referred to the Disciplinary Board, and;
- (2) the member shall be informed of the date of the meeting of the Disciplinary Board at which (subject to any observations of the member with regard to the date) the allegation will be dealt with, and:

information shall be given to the member as to the practice of the Disciplinary Board in relation to the hearing of allegations and the manner in which the member may be represented before that Board.

23. The Professional Conduct Panel shall reconsider any decision it has made that has been referred back to it by the Independent Reviewer as provided for under Regulation 9.

- (1) In respect of any decision by the Professional Conduct Panel to dismiss all or part of the Complaint, the Complainant shall, following a request in writing to the Clerk to the Professional Conduct Panel together with payment of a fee prescribed by the Trustee Board from time to time, be entitled to a review of the decision by an Independent Reviewer. The Complainant's entitlement shall be limited to one independent review during the course of any Complaint and the request must be made within 40 days of receipt by the Complainant of the decision of the Professional Conduct Panel.
- (2) Further submissions, material or evidence will not be admissible for the purpose of the independent review. The Independent Reviewer's conclusion shall be based on the same information that was before the Professional Conduct Panel.
- (3) The Independent Reviewer shall provide a conclusion in writing to the Clerk to the Professional Conduct Panel within 30 days of receipt of the relevant documents. The Independent Reviewer shall provide written reasons for their conclusion. The reasons shall be supplied to the Professional Conduct Panel only. The conclusion shall be signed and dated by the Independent Reviewer. The Clerk to the Professional Conduct Panel shall within one week of receiving the Independent Reviewer's written conclusion send a copy to the Complainant and the Member.
- (4) If the Independent Reviewer's conclusion shall be the same as the decision of the Professional Conduct Panel the Complaint or the relevant part of it shall be concluded. The decision shall be final.
- (5) If the Independent Reviewer's conclusion does not agree with the decision of the Professional Conduct Panel, the Complaint shall be referred back to the Professional Conduct Panel for reconsideration and decision. The Professional Conduct Panel should take into account the Independent Reviewer's reasons. The Professional Conduct Panel's decision following such reconsideration shall be final.
- (6) Any instance in which the Independent Reviewer's conclusion does not accord with the decision of the Professional Conduct Panel, shall result in a full refund of the fee paid by the Complainant.

- 24.** The Disciplinary Board shall consist of between sixteen and twenty members, appointed by the Chair of the Disciplinary Board. Twelve to fifteen of the members shall be past members of the Council or the Trustee Board (including at least five past Presidents or Vice-Presidents) but none of whom shall for the time being be members of the Professional Conduct Panel; the other four or five members shall not be members of the Institution. The Chair of the Disciplinary Board shall be a past President or Vice President and the Vice Chair shall be one of the remaining past Presidents or Vice Presidents who are members of the Disciplinary Board. In the absence of the Vice Chair any other past President or Vice-President who is a member of the Disciplinary Board shall be the Chair of the Disciplinary Board.
- 25.** Any allegation referred to the Disciplinary Board shall be dealt with by five or more members of the Board, to be nominated for the purpose by the Chair. The majority of the members of the Disciplinary Board considering any allegation shall be members of the Institution but at least one member of the Board shall not be a member of the Institution. The Disciplinary Board may, if it sees fit, appoint a practising barrister or solicitor of at least seven years' standing to sit with it for the purpose of advising as to the manner in which it should exercise its functions.
- 26.** On the hearing of any allegation the Professional Conduct Panel shall place before the Disciplinary Board such information as is available to it in relation to the allegation and may call such witnesses as it considers to be necessary and may, if it thinks fit, employ solicitors or counsel for the purpose or may nominate one of their members to conduct the case. The accused member shall be given the fullest opportunity of being heard and of calling witnesses and cross-examining any other witnesses testifying before the Disciplinary Board. The accused member shall be allowed to conduct his or her own case or (if preferred) to be represented by solicitors or counsel or by another person of the accused member's own choice.
- 27.** The Disciplinary Board may take into consideration and act on such information as may be available to it whether such information would or would not be admissible as evidence in a Court of Law.
- 28.** Any notice directed to be given by these Regulations shall be served by posting the same to a member by recorded delivery post at the member's last known postal address. If no reply shall be received from the member within fifteen days, or such other period of time as shall be prescribed by these Regulations, after the time when such letter might be expected to have been delivered and a reply received in the ordinary course of post, the Professional Conduct Panel or the Disciplinary Board may proceed in default. For the purposes of this Regulation air mail shall be deemed to be ordinary post, and delivery by air mail shall be deemed to be delivery in the ordinary course of post, where the member is overseas and air mail can conveniently be used. Provided that if the member shall, either before or after the allegation has been disposed of, satisfy the relevant body that any notice was not in fact delivered or was delivered later than delivery might have been expected in the ordinary course of post and that in consequence the member was ignorant (or ignorant until too late) of the proceedings being taken, the relevant body shall at the member's request reopen the proceedings notwithstanding that they may have been concluded.
- 29.** The Disciplinary Board may in any case where it appears just or expedient to do so extend the time for doing anything or may dispense with service of any notice and may adjourn the hearing and, in the event of new evidence being presented by the

accused member at the hearing which the Disciplinary Board considers to be material, may refer the case back to the Professional Conduct Panel for further investigation. If new evidence is presented to either the Disciplinary Board or the Professional Conduct Panel by the accused member after the case has been referred to the Disciplinary Board but before the date of the hearing, the Chair of the Disciplinary Board may, after consulting the other members of the Disciplinary Board who are to hear the case, refer the case back to the Professional Conduct Panel for further investigation prior to any hearing of the Disciplinary Board.

30. In those cases in which the Disciplinary Board decides that a member has been guilty of improper conduct it shall, unless it sees special reason to the contrary, cause the fact and particulars of the order, and details of the improper conduct of which the member was found guilty, to be posted in the Institution and published. It may, and at the request of the accused member shall, similarly publish the fact that any allegation of improper conduct has been dismissed.
31. If the Disciplinary Board decides that the allegation is established it shall have power to make all or any of the orders referred to in Regulation 5.
32. No reference may be made to the Chair of the Disciplinary Board pursuant to Regulation 6(1) more than 14 days after the decision of the Disciplinary Board to which it refers is notified to the member against whom the decision is made, but the Chair of the Disciplinary Board may grant an extension of that period if in his opinion there are exceptional circumstances that justify an extension.
33. A Disciplinary Board Review Panel convened in accordance with Regulation 6(2) shall consist of the Vice-Chair of the Disciplinary Board, who shall be Chair of the Review Panel, a Past President or Past Vice-President and one other member of the Disciplinary Board, but shall exclude any member of the Disciplinary Board who made the decision in respect of which the reference is made. If the Vice-Chair of the Disciplinary Board is disqualified or otherwise unavailable, the Chair of the Disciplinary Board shall appoint a Past President or Past Vice-President to be Chair of the Review Panel.
34. At a hearing of the Disciplinary Board called in accordance with Regulation 6(3), the member, or in the case of a member who has been expelled or suspended, the former or suspended member, found guilty of improper conduct shall be given the fullest opportunity of making representations in respect of the evidence not previously considered, or (if preferred) of being represented by solicitors or counsel or another person of the member's or former member's choice, or of making a written submission to the Board. The Professional Conduct Panel shall be informed of the decision to convene a hearing of the Disciplinary Board in accordance with Regulation 6(3), and may, if it sees fit, nominate one of its members to make representations on behalf of the Professional Conduct Panel in respect of the evidence not previously considered, or may, if it thinks fit, employ solicitors or counsel for the purpose.
35. The Leave-to-Appeal Panel shall consist of one Past President, who shall be the Panel's Chair, a past member of the Council or the Trustee Board and a person who is not a member of the Institution.

36. The Appeals Tribunal shall consist of one Past President, who shall be the Panel's Chair, a past member of the Council or the Trustee Board and a person who is not a member of the Institution. No person who has been a member of the Leave-to-Appeal Panel considering the case shall be a member of the Appeals Tribunal.
37. The members of the Leave-to-Appeal Panel and the Appeals Tribunal shall be nominated by the Appeals Selection Panel. No current member of the Disciplinary Board or Professional Conduct Panel, or past member of either body who participated in the consideration of the original case, shall be a member of the Appeals Selection Panel, the Leave-to-Appeal Panel or the Appeals Tribunal.
38. The Appeals Selection Panel shall consist of one Past President, who shall be the Panel's Chair, the President and a Vice-President.
39. In all cases which are subject to an oral hearing where the Appellant is legally represented, the Appeals Tribunal shall appoint a legal advisor who shall be a practising barrister or solicitor of at least seven years' standing to sit with it for the purpose of advising as to the manner in which it should exercise its functions. In all other cases, a legal advisor may be appointed at the Chair's discretion.
40. A member may appeal to the Appeals Tribunal within 28 days of the date on which the Disciplinary Board's decision is notified to the member, or in the case of a Suspension under Regulation **5(1)**, the date on which the order is notified to the member. An appeal received after 28 days of the date of the notification of the Disciplinary Board's decision, or after 28 days of notification of an order of Suspension under Regulation **5(1)**, will be an invalid appeal unless the Leave-to-Appeal Panel considers that there are exceptional circumstances that justify an extension.
41. An appeal to the Appeals Tribunal shall be made in writing and delivered to the Institution's registered address.
42. There shall be an administrative charge for making an appeal which must be paid no later than 28 days after the date on which the Disciplinary Board's decision, or order of Suspension under Regulation **5(1)**, is notified to the member. If the charge is not paid the appeal will be invalid. The amount of the administrative charge shall be an amount promulgated by the Trustee Board.
43. The administrative charge shall be refunded if the appeal is upheld.
44. An appeal against a decision of the Disciplinary Board may be made on one or more of the following grounds:
 - (1) Jurisdiction, i.e. whether the alleged improper conduct was within the scope of the provisions of the By-laws or the Rules of Professional Conduct;
 - (2) Procedure, i.e. there was a serious breach of the procedure stipulated in the By-laws and Disciplinary Regulations;
 - (3) Perversity, i.e. the decision was perverse in the light of the evidence;
 - (4) Proportionality, i.e. the order of the Disciplinary Board was disproportionate to the gravity of the improper conduct of which the member was found guilty.

The reasons must be stated for each of the grounds given for the appeal. Neither the scope of the appeal nor the grounds stated shall be amended except with the consent of the Appeals Tribunal appointed to hear the appeal.

- 45.** The Leave-to-Appeal Panel shall consider separately the reasons given in relation to each stated ground for appeal, and each ground shall be judged on its own merit. Unless the Leave-to-Appeal Panel determines that the appeal is invalid, leave to appeal shall be granted if it is satisfied that there is an arguable case on one or more of the grounds set out in Regulation **44**.
- 46.** The decision of the Leave-to-Appeal Panel to grant or refuse leave to appeal shall be notified to the member as soon as practicable. If the Leave-to-Appeal Panel decides that an appeal is invalid, or that leave to appeal should be refused, it shall give the Appellant reasons for its decision.
- 47.** The decision of the Leave-to-Appeal Panel shall be final. There shall be no right of appeal against a decision of the Leave-to-Appeal Panel.
- 48.** At its hearings the Appeals Tribunal shall consider written submissions on behalf of the Appellant and on behalf of the Disciplinary Board. An oral hearing shall be convened at the request of the Appellant.
- 49.** The Appeals Tribunal shall only consider arguments in support of the grounds admitted for the appeal by the Leave-to-Appeal Panel. No other evidence or arguments shall be considered.
- 50.** An appeal shall be in the form of a review only and not a rehearing. Oral hearings of the Appeals Tribunal shall follow the same principles and procedures as the Disciplinary Board, but with no witnesses being called. The Appellant may represent himself/herself or the arguments to be presented on his/her behalf may be presented by another person or by the Appellant's legal representative.
- 51.** The decision of the Appeals Tribunal shall in all cases be published.
- 52.** These Regulations shall be construed so as not to conflict with Regulation **4** and **5**.