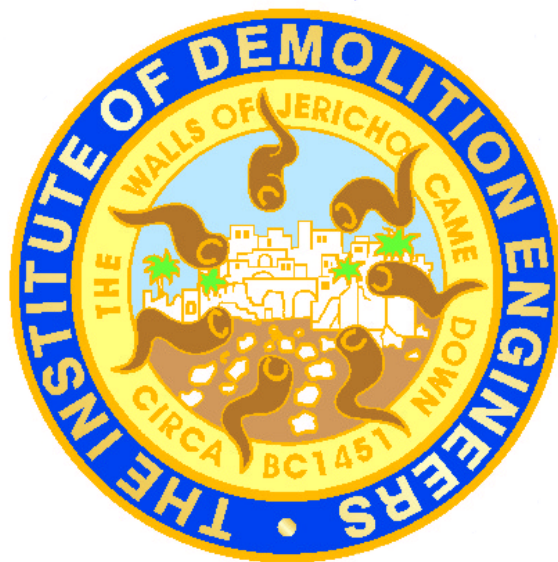


The Institute of Demolition Engineers



THE RULES OF THE INSTITUTE

**THE RULES OF THE
INSTITUTE OF DEMOLITION ENGINEERS**

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The Aim of The Institute of Demolition Engineers

The primary aim of the Institute is to advance the science of demolition engineering, for the good of all practitioners and of the public at large, whether these be in the United Kingdom or Overseas

THE RULES OF THE INSTITUTE OF DEMOLITION ENGINEERS

1.00 GENERAL

The Rules of the Institute of Demolition Engineers are the rules by which it shall conduct all activities and shall be binding upon every member irrespective of grade.

1.01 INTERPRETATION

In these Rules the following expressions shall have the meaning assigned to them (unless inconsistent with the text).

- (i) 'The Institute' means The Institute of Demolition Engineers
- (ii) 'The Trust Deed' means the Declaration of Trust dated 27th April 1976, establishing the Institute
- (iii) 'The Council' means the Council of Management of the Institute
- (iv) 'Rules' mean Rules made by the Council pursuant to the powers vested in it by the Trust Deed
- (v) 'Demolition Engineer' means an individual engaged in the practice of demolition engineering or who contributes to or has contributed to the practice, art, skills and science of demolition engineering to the satisfaction of the Council
- (vi) 'Demolition Engineering' means all of any of the branches of engineering science, the advancement of which is recognised by the Council as being within the Object of the Institute
- (vii) 'Secretary' includes any deputy or assistant secretary and / or any person appointed by the Council to perform the duties of the secretary
- (viii) 'Month' means calendar month
- (ix) Words signifying or implying the masculine gender shall include the feminine gender and vice versa; words in the singular shall include the plural and vice versa where the context so requires
- (x) 'British Isles' means the United Kingdom of Great Britain and Northern Ireland, the Isle of Man and the Channel Islands
- (xi) 'N.F.D.C.' means the National Federation of Demolition Contractors
- (xii) 'A.G.M.' means Annual General Meeting of the Membership of the Institute

2.00 MEMBERSHIP OF THE INSTITUTE

2.01 CATEGORIES OF MEMBERSHIP

The Institute shall consist of individual members and shall include all Honorary Fellows, Fellows, Members, Associates, Entrants, Students and Affiliates.

Honorary Fellow – this honorary grade shall include persons whom the Council elect to the grade of Honorary Fellow. Such persons shall:-

- a) have attained an advanced number of years operating or consulting within the field of demolition engineering.
- b) within a distinguished career, have rendered notable services to demolition engineering or to approved, associated fields of engineering or science;
- c) offer such evidence of continuing professional development as the Council of Management may require
- d) an Honorary Fellow shall be entitled to use the title ‘Demolition Engineer’ and apply the initials Hon. FIDE. after his / her name;
- e) an Honorary Fellow shall have full voting rights in Institute Business.

Fellow – shall include persons whom the Council elect and transfer to the grade of Fellow and who shall:-

- a) have reached a suitable number of years operating or consulting within the field of demolition engineering;
- b) have been a Full Member of the Institute for at least 5 years preceding the date of application for admission or transfer;
- c) have not less than 10 years professional experience in a relevant managerial, promotional, consultant or educational position in demolition engineering;
- d) either
 - i) have shown distinguished professional attainment in demolition engineering or in associated engineering science, education or design and have thereby materially advanced the practice of demolition engineering;or
 - ii) have demonstrated significant academic achievement in an area of research or engineering technology which in the opinion of the Council is of exceptional benefit to the Institute;
- e) have made an extraordinary contribution to the work of the Institute;
- f) offer such evidence of continuing professional development as the Council of Management may require
- g) a Fellow shall be entitled to use the title ‘Demolition Engineer’ and apply the initials FIDE. after his / her name;
- h) a Fellow shall have full voting rights in Institute Business.

Full Member – shall include persons whom the Council elect and admit to the Grade of Member and who shall:-

- either a) i) be a mature candidate;
- ii) be an Associate;
- iv) satisfy the Council of their competence and suitability by means of evidenced, 2 years, post examination experience, and attendance at a professional interview.
- v) offer such evidence of continuing professional development as the Council of Management may require
- or b) at the discretion of the Council of Management
 - i) be a mature candidate;
 - ii) have not less than 10 years relevant experience;
 - iii) have either - approved academic qualification;
or - membership of another professional body or Institution approved by the Council;
 - iv) attend a professional interview.
 - v) offer such evidence of continuing professional development as the Council of Management may require
- and c) A Member shall be entitled to use the title ‘Demolition Engineer’ and apply the initials MIDE. after his /her name;
- d) A Member shall have full voting rights in Institute business.

Associate – shall include persons whom the Council elect and admit to the Grade of Associate and shall :-

- a) Be in full time employment working within the field of demolition engineering or a satellite discipline connected to the field of demolition engineering;
- either b) be an Entrant;
- or c) be an Affiliate who has made an extraordinary contribution to the demolition industry, to the satisfaction of the Council;
- and d) have successfully completed the Institute’s examination and /or other test of competence as the Council may, from time to time, prescribe;
- e) offer such evidence of continuing professional development as the Council of Management may require
- f) An Associate shall be entitled to apply the initials AMIDE. after his / her name;
- g) An Associate shall have full voting rights in Institute business.

Entrant – shall include persons whom the Council elect and admit to the Grade of Entrant and shall :-

- a) be in full time employment working within the field of demolition engineering or a satellite discipline connected to the field of demolition engineering;

- b) have at least three years experience in the profession of demolition engineering, associated engineering science, education or design with approved industry training;
- c) be committed to continuing professional development and making progress in the Institute.
- e) an Entrant shall not be entitled to apply membership initials after his /her name
- f) an Entrant shall not have voting rights in Institute business

Student - shall include persons whom the Council elect and admit to the grade of Student and who shall :-

- a) be in full time education at a higher or post-graduate level at an approved educational establishment
- b) be pursuing study or research relevant to or associated with the profession of demolition engineering.
- c) a Student shall not be entitled to apply membership initials after his / her name;
- d) a Student shall not have voting rights in Institute business

Affiliate – shall include persons whom the Council elect and admit to the grade of Affiliate to the Institute and who shall :-

- a) be a mature candidate;
- b) be employed in an industry associated with demolition engineering and shall satisfy the Council that such employment contributes to the advancement of the demolition industry and / or demolition science;
- c) an Affiliate shall not have voting rights in Institute business.

Retired Fellow and / or Member – shall include all persons whom the Council elect under Rule 2.05

2.02 ROLL OF MEMBERS

The names of all individual members shall be entered on the Roll of the Institute, hereinafter referred to as “the Roll”

A member who changes his name shall inform the Secretary in order that the appropriate amendment may be made.

Membership of the Institute shall cease if the member dies, is certified to be of unsound mind, is formally declared to be personally bankrupt, is found to be guilty of “improper conduct” or where the member’s subscriptions remain unpaid for 6 months beyond the due date.

2.03 APPLICATION FOR MEMBERSHIP

- (a) Applications for membership of the Institute shall be made as applications for Entrant, Student or Affiliate. The Council may, having received the application and within their powers, as set down in the Rules, recommend that a variation to the grade of application be made.

- (b) Every application shall be proposed by a Fellow or Member, certifying that they recommend the applicant to be a fit and proper person for membership of the Institute.
- (c) Every application for admission or transfer to Fellow shall be proposed by a Fellow and seconded by two Fellows.
- (d) It shall be a condition to the admission of every applicant that his application or recommendation contains no untrue or misleading statement relating to himself. The application of any such person may be set aside by a resolution of the Council expressing the belief that the particulars given in the application or recommendation were in some respect untrue or misleading and declaring such admission to be terminated. However, the person so concerned shall be notified of the intention to propose any such resolution and the Council shall consider any statement or explanation in regard to the matter in question which such person may think fit to give, either orally or in writing at his option. The Council shall make such other investigation as it may think proper; such statement or explanation shall be made within one calendar month of the date on which the Council gives notice of the proceedings.
- (e) An application, made in accordance with the first paragraph of this Rule, shall be delivered to the Secretary and shall be submitted by him / her to the Council. Council shall examine the application and determine the requirements for examination, test of competence and / or professional interview required for election to the membership.
- (f) Every person submitting an application for admission to all grades of membership to the Institute shall be required to pay an administration fee as prescribed by the Council from time to time. This fee is non-refundable, even if the candidate is not admitted to the Institute.
- (g) Every person duly admitted as a Fellow, Member, Associate, Entrant, Student and / or Affiliate shall be informed thereof without undue delay. Every person so admitted shall, pay the entrance fee, where applicable, and annual subscription for the current year within one month from the date of admission, which shall otherwise become void. The Council may, in their absolute discretion, extend this period.

2.04 TRANSFER BETWEEN GRADES

- (a) Every application for transfer between grades shall be formally proposed, seconded and managed as given in Clause 2.03.
- (b) Every person so transferred shall be informed without undue delay, and shall pay the transfer and / or examination fee, where applicable, within one month from the date of transfer which shall otherwise become void. The Council may, in their absolute discretion, extend this period.
- (c) Transfers to the grade of Associate, Member or Fellow shall be required to undertake such examination, test of competence and / or professional interview as may be determined by the Council from time to time.

2.05 RETIREMENT

Members wishing to retire or resign from the Institute shall give 3 months notice of their intentions so to do.

The Council may elect to transfer any Member or Fellow, of 55 years of age or more, who retires completely from professional life, to the category of Retired

Fellow or Retired Member. The category will carry a reduced annual subscription, as determined by the Council from time to time.

2.06 FEES AND SUBSCRIPTIONS

- (a) The annual subscriptions, administration fees and entrance fees payable by individual members shall be :-
 - (i) at rates determined by resolution of the Council and announced at the AGM
 - (ii) paid by established banking procedures which shall be determined by the Council
- (b) Individual members over 55 years of age and who have retired from active working life may pay a reduced annual subscription as determined by the Council from time to time
- (c) All annual subscriptions shall be due on 1st May in each year. The acceptance of an annual subscription from a person to be an individual member shall not create any presumptions as to membership of the Institute.
- (d) The first annual subscription of any individual member admitted between 1st January and 30th April in any year shall be in respect of the year commencing on the 1st May next ensuing.
- (e) Every Member becoming a Fellow, every Associate becoming a Member, every Entrant becoming an Associate and every Student, on becoming an Entrant shall not be required to pay the full subscription of the higher grade until 1st May next ensuing.
- (f) Every individual member shall be liable for the payment of his annual subscription until he has signified to the Secretary in writing his desire to resign. Resignation shall only be accepted when the said member has paid all arrears, including the subscription for the year current at the date of his notice. Failure to amend arrears shall result in dismissal and shall be recorded as such, thus preventing re-admission.
- (g) Any member whose subscription for the current year shall not have been paid by 31st May shall be sent a final reminder by the Secretary and shall not be entitled to vote at any General Meeting until one month after such subscription has been paid.
- (h) Any member whose subscription remains unpaid for six months from the date due and who fails to pay such arrears within two months after a notice of warning of expulsion has been sent to him (which notice may be sent within the six month period referred to above) may, by resolution of the Council of Management, be excluded from the Institute; whereupon he shall cease to be a member of the Institute and his name shall be removed from the register; but such removal shall not relieve him of his liability for the payment of the arrears of subscription due at the time of his name being so removed.
- (i) All moneys of the Institute not required to meet the current expenditure of the Institute shall be invested in research, development, education or the charitable works of the Institute and its members.

In particular any excess of income over expenditure gained through organising educational conferences, seminars etc in demolition engineering and management shall be identified and reserved for investment in further education in these fields.

Investments will be for the purposes of enhancing the standing, knowledge and skills of those associated with the Institute and the science and technology of demolition engineering.”

3.00 MANAGEMENT OF THE INSTITUTE

3.01 COUNCIL OF MANAGEMENT

The Council shall direct and manage the affairs of the Institute and shall comprise of not more than 15 Council members (not including the Secretary) as follows:-

- (i) all elected Officers (as defined in Rule 3.02)
- (ii) the immediate Past President of the Institute where willing and qualified to serve on the Council
- (iii) the serving President of the National Federation of Demolition Contractors providing he or she is a Full Member of the Institute. If the serving President of the National Federation of Demolition Contractors is not eligible then the NFDC may nominate one of its officers who is a Full Member or Fellow of the Institute to represent it on behalf of the President
- (iv) a maximum of nine additional Ordinary Council Members elected by yearly rotation, as given in clause 3.03, from the categories of Fellow or Member.

3.02 THE ELECTED OFFICERS OF THE INSTITUTE

The Elected Officers of the Institute shall be the President, Vice-President and Treasurer. The Secretary shall not be an elected post and shall have no vote in Council decisions. .

- (a) **The President and Vice President**
 - (i) The position of President and Vice-President shall be elected at the Annual General Meeting in each year, from members holding the grade of Fellow or Member.
 - (ii) The President and Vice-President shall take office with effect from the completion of election procedures at the Annual General Meeting.
- (b) **The President**
 - (i) No Member shall be eligible for election to the office of President unless he has served two years as an Ordinary Member of the Council.
 - (ii) A Past-President shall not be eligible for re-election to the office of President for a period of four years from the completion of a previous term as President.
 - (iii) The President shall draw up a yearly report on the state of the Institute, which shall be presented at the Annual General Meeting.
 - (iv) The President shall be Chairman at meetings of the Institute and of the Council.
 - (v) The President may only hold office for a maximum of two consecutive years
- (c) **The Vice President**

- (i) No Member shall be eligible for election to the office of Vice President unless he has served two years as an Ordinary Member of the Council
 - (ii) The Vice President shall deputize for the President only where the President is temporarily absent but continues to fulfill his substantive role. In any other case Rule 3.04(g) shall apply.
 - (iii) The Vice President may only hold office for a maximum of two consecutive years.
- (d) **The Treasurer**
- (i) **The Treasurer** shall be elected annually at the Annual General Meeting from members holding the grade of Fellow or Member or from other nominated persons or organisations held to be suitably qualified for the post, and shall take office with effect from the completion of election procedures at the Annual General Meeting.
 - (ii) The Treasurer may only hold office for any continuing period until defeated at the annual election process.
 - (iii) On behalf of the Trustees, in compliance with their obligations under the Charities Act 1993 and in accordance with the provisions of any Statement of Recommended Practice issued by the Commission,, the Treasurer shall ensure that
 - a. accounting records are kept
 - b. annual statements of account are prepared
 - c. the statements of account are transmitted to the Charity Commission
 - d. an Annual Report is prepared and transmitted to the Commission;
 - e. an Annual Return is prepared and transmitted to the Commission
- (e) **The Secretary**
- (i) The Secretary shall be appointed by the Council to conduct all secretarial duties and shall not have voting powers at meetings.
 - (ii) It shall be the duty of the Secretary, under the general direction of the Council, to conduct the correspondence of the Institute, to attend meetings of the Institute, of the Council, of Committees and to take minutes of the proceedings of such meetings. The Secretary shall read the minutes of the preceding meeting and such communications as may be ordered to be read; to administer the preparation, publication and distribution of such papers as the Council may direct. The Secretary shall direct the collection of subscriptions from the membership, the preparation of accounts for the inspection of and approval of the Council and shall administer all other ordinary business of the Institute.
 - (iii) The Secretary shall not act as Chairman at any meeting.

3.03 ROTATION OF MEMBERS OF THE COUNCIL

Those Ordinary Members of the Council of Management who have completed two years service shall retire at the relevant Annual General Meeting and their seats shall be re-elected. All retiring Ordinary Members may stand for re-

election for a further two year term. This process will normally result in the election and rotation of one half of Ordinary Members each year.

3.04 POWERS AND PROCEEDINGS OF THE COUNCIL

- (a) The government and control of the Institute, its property and affairs shall be vested in the Council, subject to the provisions of the Trust Deed and these Rules.
- (b) The decision of the Council on all matters dealt with by them in accordance with the provisions of the Trust Deed and the Rules shall be final and binding on all members.
- (c) The Council may make, amend and rescind Rules for the better order of any matter referred to in these Rules, or otherwise for the better government of the Institute and its affairs, but such shall not contravene the Trust Deed or these Rules.
- (d) The Council may co-opt members to attend sub-committees and to carry out specific duties as may be determined by the Council from time to time. Such co-optees shall attend Council meetings as directed by the Council but shall not have voting rights in Council business.
- (e) The Council may, in its discretion, discharge any Member of the Council where his attendance at Council meetings does not meet one half of all meetings held in the previous twelve months, which shall run from 1st December to 30th November each year. A member discharged in this way may not stand for election to the Council or any Institute Office for the following two years.
- (f) The Council may fill any vacancy among the ordinary Members of the Council which may arise after the completion of business at the AGM. Any person appointed to fill such vacancy shall hold office until the conclusion of elections at the Annual General Meeting following his appointment. He shall be eligible for re-election.
- (g) Within 28 days of the resignation or dismissal of an Elected Officer of The Council or where for any reason such an Elected Officer shall not be able to complete his term of office, the Council shall seek nominations for his replacement. Such nominations shall be put to a vote of the whole of the membership. The Council may elect another from the Council to hold the vacant office whilst the election procedure is conducted.

3.05 COUNCIL INDEMNITY

- (a) Each Member of the Council and each member co-opted to conduct the business of the Council shall be accountable for his own actions only and shall not be accountable for acts carried out or authorised to which he has not expressly assented.
- (b) No Member of the Council or co-opted member shall incur any personal liability in respect of any loss or damage incurred through any act, matter, action, authorised or suffered by him, being carried out in good faith for the benefit of the Institute.
- (c) Each Member of the Council shall be indemnified from and against all costs, charges, damages, losses and expenses, whatsoever, sustained by reason of their accepting Office or acting in the execution of the duties or powers imposed by the Council, the Trust Deed or the Rules of the Institute.

4.00 INSTITUTE MEETINGS AND VOTING PROCEDURES

- 4.01** (a) The business of the Institute shall be conducted within meetings and by vote taking as follows :-
- (i) The Annual General Meeting
 - (ii) Extraordinary General Meeting
 - (iii) Council Meetings
 - (iv) Voting procedures involving the whole voting membership.
- (b) Subject to the provisions of the Trust Deed and these Rules, the meetings of the Institute shall be conducted as prescribed by the Council from time to time.
- (c) All meetings, other than Extraordinary General meetings shall be held on such days, and at such hours, as may be appointed by the Council by process of :-
- (i) unless otherwise stated, a notice which shall be served by the Institute on any member not later than 21 days prior to the date of the meeting, either personally or by sending it prepaid through the post addressed to such member as his address in the Roll of the Institute.
 - (ii) any notice sent by post shall be deemed to have been served seven days after it has been posted and the class of mail used for posting shall be chosen with due regards to the address of the member and the subject of the notice.
 - (iii) the non-receipt of such notice by any member entitled to receive such notice, shall not invalidate the proceedings of that meeting or of any postal vote.
- (d) Members may, with written notice 48 hours prior to any meeting at which a vote is to be held, appoint a proxy.
- (e) No business shall be transacted at any meeting of the Institute unless a quorum is present when the meeting proceeds to business.
- (f) If within twenty minutes after the time appointed for a meeting, the requisite quorum is not present, the meeting shall be dissolved if those Council members expected to attend have not already signalled their late arrival.
- (g) Except as otherwise provided in these Rules, at all meetings of the Institute and the Council of Management, the President shall ordinarily take the Chair. In his absence the Chair shall be taken by the Vice-President and in the event of there being no Vice-President present the Chair shall be taken by a Member of the Council so elected.
- 4.02** (a) **The Annual General Meeting** of the Institute shall be held at a convenient day and hour, not more than fourteen months from the previous Annual General Meeting, as shall be fixed by the Council. The business of the AGM shall be to receive and deliberate upon;
- (i) the Report of the Council on the state of the Institute
 - (ii) the Annual Statement of the Accounts
 - (iii) the report of the independent examination thereon
 - (iv) the election of the Council
 - (v) the appointment of the Independent Examiners
 - (vi) the presentation of awards and certificates

- (b) Notice of the Annual General Meeting shall be given not less than twenty one clear days before the date fixed for the Meeting and shall be sent to each member.
- (c) The Annual General Meeting shall not be quorate until 20 or more voting members are present.
- (d) All proposals for revoking or amending Rules, for approving resolutions made, amended, or rescinded by the Council and for the confirmation of rates of contribution to the funds fixed by the Council, shall be confirmed and announced at the AGM or an extraordinary general meeting by the serving President or his appointed spokesperson.

4.03

- (a) **Extraordinary General Meeting of Members.** The Council may at any time call an extraordinary general meeting of members for a specific purpose relative to the direction and management of the affairs of the Institute.
The Council shall at all times be bound to call an Extraordinary General Meeting on receipt of a written requisition from twenty individual members. The requisition shall state the matters to be brought before and the resolutions to be moved at the Extraordinary General Meeting.
- (b) Should the Council not, within 21 days from the delivery of the requisition, duly convene a meeting, the Requisitioners may do so and the Secretary shall be bound to notify all members.
- (c) At least 21 days clear notice specifying the place, the day and the hour of the meeting, the general nature of the business proposed to be transacted and all resolutions, to all members at addresses registered on the Roll of the Institute.
- (d) No business, other than that contained within the requisition and the notice of meeting shall be discussed at the Extraordinary General Meeting and no amendment or variation of the subject resolution shall be proposed or voted upon at the meeting.
- (e) The Extraordinary General Meeting shall not be quorate until 20 or more voting members are present.

4.04

- (a) **Meetings of The Council of Management** shall be called as often as business of the Institute may require, but at least once every three months.
- (b) at every meeting seven members of the Council shall constitute a quorum.
- (c) in the event of the absence of the President and Vice-President the meeting may elect any member of the Council to take the chair at the meeting save for the Secretary of the Institute who shall conduct such election.
- (d) all questions shall be decided at Council by a simple majority of those present and having a right to vote. In the case of equality, the Chairman shall have a second or casting vote.
- (e) the Council may delegate any of their powers to Sub-Committees consisting of Members of the Council, or other members of the Institute.

- (f) the membership of any sub-committee shall be approved by a simple majority of the full Council before the committee commences its delegated business
- (g) all such sub-committees shall conform to any directions that may be given to them by the Council prior to commencement of business and, subject to such directions, may regulate their procedure as they think fit
- (h) All decisions or resolutions of any such sub-committee shall be as decisions or resolutions of the Council

4.05

- (a) **Voting By The Membership.** In accordance with these Rules the Council shall determine the appropriate means of conducting a ballot of members. A postal ballot may be called in place of or supplementary to a General Meeting.
- (b) A notice containing particulars of the resolutions to be voted on shall be sent by the Secretary to each voting member together with a voting paper or card, addressed to each member at the current registered address of the member.
- (c) The notice shall indicate the date by which the voting paper or card must be received back by the Secretary, which date shall not be more than two months from the date of issue of the notice.
- (d) The voting member shall complete the voting paper or card and return it to the appointed agent by the appointed date.
- (e) The votes recorded shall be counted under arrangements scrutinised by the Council and directed by the President, and the results shall be announced to the members as soon as possible thereafter.
- (f) The result shall be determined by a simple majority of those votes returned by the appointed time except where the resolution seeks approval to one or more of the following, where a two thirds majority will be required :-
 - (i) petitioning for an amendment or addition to, or the surrender of the Trust Deed;
 - (ii) petitioning for a Supplemental Trust Deed;
 - (iii) making, revoking or amending the Rules;
 or
 - (iv) amalgamating with any other professional body;

5.00 PROFESSIONAL CONDUCT, DISCIPLINARY RULES AND REMEDIES

5.01 The Institute requires that :-

- (a) All individual members are required to conduct themselves so as to uphold the dignity, standing and reputation of the Institute.
- (b) All individual members shall support and promote the Institute.
- (c) No person who has ceased to be on the Roll is entitled to make use of any designation implying connection with the Institute.
- (d) All individual members shall make full and regular payment of fees and subscriptions in line with Rule 2.06 or as may be required by Council review or amendment from time to time.

5.02 Improper conduct shall mean;

- (a) any breach of the provisions of these Rules.

(b) any other conduct which shall indicate unfitness to be a member, or shall otherwise be considered unfitting, by the Council.

5.03 Any member who shall be convicted by a competent Tribunal of a criminal offence which, in the opinion of the Council, render him unfit to be a member shall be deemed to have been guilty of improper conduct.

5.04 Allegations of improper conduct shall be first brought before the Council, who shall, on the basis of preliminary information determine whether a full investigation shall be held. The enquiry shall be held at the earliest opportunity following the allegation being brought to the Council.

5.05 The member shall be given notice of the allegations brought against him and of the procedure, where applicable, for a full enquiry. All communications, meetings, proceedings and decisions shall be recorded in writing and shall be presented to the member at the earliest opportunity.

5.06 The member shall be given reasonable time and opportunity to prepare his defence / case and to present same to the enquiry.

5.07 The enquiry shall be conducted by a Board of Enquiry consisting of :-
(i) President or his Nominee in absence
(ii) Secretary (non-voting)
(iii) 4 other Council Members or Fellows selected by the Council

5.08 A Board of Appeal shall be convened where the result of the enquiry and the penalty exercised is appealed against by the member accused comprising :-
(i) Vice-President or his Nominee in absence
(ii) 2 other Council members selected by the Council (not being those selected for the Board of Enquiry)

5.09 Upon hearing all the evidence put before them the decisions of the Board of Enquiry and the Board of Appeal shall be taken on a two thirds majority or greater. Findings shall be brought before the Council for ratification and all matters shall be conveyed to the member in writing at the earliest opportunity.

5.10 Legal advice shall, where required, be sought from a practising solicitor appointed by the Boards.

5.11 Leading Counsel shall be appointed only by the agreement of both parties.

5.12 Where a case is found against the member reasonable costs for the enquiry shall be borne by him or otherwise by the Institute.

5.13 The Council reserves the right to determine and impose sanctions or remedies against any member found guilty of improper conduct and dismissal from the membership.

6.00 CONFLICT OF INTERESTS

Where a conflict arises, or may arise, between the interests of a member or his partners, fellow directors, associates or employees, and the interests of a client, the member shall :-

- (i) disclose to the client, promptly, the relevant facts;
- (ii) inform the client that neither he personally, nor his company or firm, can act or continue to act for the client unless, having been advised of all the relevant facts, the client requests him to do so, in writing and the client has been advised by the member, in writing, to obtain other independent professional advice or assistance;
- (iii) confirm the position in writing, to the client, copied to the Institute.

18 November 2011