

Regulations 1 to 10

Regulation No.1 (Relevant Bye-laws Nos. 2 and 8) (reviewed May 2010)

Regulations for the election of Board Members by Licensed Members

1. Each Licensed Member shall identify a Representative Body able to represent their members who are registrants. This will normally be the governing body of the Licensed Member, unless registrants are in the minority.
2. The Representative Body of each Licensed Member with more than 100,000 paying registrant members (ie registrants who pay their registration fees through that Licensed Member) at 1 January each year shall elect three representatives to sit on the Board.
3. The Representative Body of each Licensed Member with more than 60,000 paying registrant members at 1 January each year shall elect two representatives to sit on the Board.
4. The Representative Body of each Licensed Member with more than 5,000 paying registrant members at 1 January each year shall elect one representative to sit on the Board. 5.
5. The Licensed members described at clauses 2-4 above are known as Group A Institutions. Two further members of the Board shall be elected together by the Representative Bodies of the Licensed Members with over 1,000 paying registrant members at 1 January each year. These Licensed Members are known as Group B Institutions. One member of the Board shall similarly be elected together by the Representative Bodies of the remaining Licensed Members with fewer than 1,001 paying registrant members at 1 January each year. These Licensed Members are known as Group C Institutions.
6. The Chief Executive Officer will present to the first Board meeting each calendar year a summary of registrant statistics including the number of new registrants for each Institution over the previous three years.
7. This regulation, establishing the representation rights of Licensed Members, will be reviewed every three years from 2002, to ensure that the total number of Licensed Member representatives does not exceed 15. Should the number derived from the above rules exceed 15 then the 5000 paying registrant threshold at paragraph 4 above will be increased in order to maintain the maximum limit of 15.

Regulation No.2 (Relevant Bye-laws Nos. 21 and 23) (amended May 2010)

Committees

1. The Registration Standards Committee (RSC), the Quality Assurance Committee (QAC), the Finance Audit and Remuneration Panel (FARP), the Privy Council and Regulations Panel (PCR), and the International Advisory Panel (IAP) shall be established as standing committees.
2. The Chairman of each committee shall be a member of, the Board when appointed by the Board.
3. Each committee will have Terms of Reference approved by the Board and reviewed at regular intervals.

Regulation No.3 (Relevant Bye-law No.40) (amended May 2010)

Regulations for the conduct of Audits

1. The regulations for the conduct of audits (which may be referred to as Reviews) shall be set out in the Engineering Council Licensing Manual. The Manual shall be approved by the Quality Assurance Committee and reviewed regularly by them.

Regulation No. 4: (Relevant Bye-law No.42) (amended May 2010)

Regulations for the payment of fees for retention of registration by individuals.

1. Annual registration fees shall be payable to the EngineeringUK . The level of registration fee payable by each class of registrant ("the Fee") shall be determined annually by the Board of EngineeringUK, and shall be notified accordingly to the Engineering Council, to each Licensed Member and Professional Affiliate, and to each Direct Registrant (see 3 below).
2. The Fee for any individual on the register who is a member of a Licensed Member or Professional Affiliate shall, unless EngineeringUK otherwise determines, be collected and accounted for by that body. An individual who is a member of more than one body may elect the body to which he or she will pay the Fee. If such body fails to invoice such fee, the relevant individual shall be liable for the payment thereof on request of the EngineeringUK. In this event the date of dispatch of such a request shall be regarded as the Due Date, and clause 6 below shall apply as if the individual were a Direct Registrant.
3. A Direct Registrant, being an individual on the register who is not a member of a Licensed Member or Professional Affiliate shall make payment direct to the EngineeringUK of the Fee annually or otherwise as the EngineeringUK may direct.
4. For new registrants the Fee shall be paid prior to registration. For all other individuals on the register the due date for payment of the Fee ("the Due Date") shall, unless otherwise in this regulation provided, be the Due Date of the membership fee of the Institution performing the collection. The Due Date for direct registrants shall be 1 January of each year.
5. Subject as hereinafter in this regulation provided, if the Fee has not been received by any Licensed Member or Professional Affiliate from an individual on the register who is a member within such period (not exceeding twelve months) after the Due Date as that body shall determine, that body shall request the Engineering Council to remove him or her from the register. An individual on the register who is a member of any Licensed Member or Professional Affiliate shall

not be removed from the register where he or she has paid the Fee to that body, but such body has failed to make payment of such sum to EngineeringUK.

6. If the Fee has not been received by EngineeringUK from a Direct Registrant within three months, or such longer period as the Engineering Council may determine, after the Due Date, and the Fee shall remain unpaid for three months or for such longer period as the Engineering Council may determine after a written application has been sent to the individual by the Chief Executive Officer, or by an officer of EngineeringUK, the individual shall be removed from the register unless he or she has submitted to EngineeringUK in writing a reason for non-payment which the Engineering Council deems such as to justify his or her retention on the register.
7. Any individual removed from the register for non-payment of fees may, at the Engineering Council's discretion: a) be re-instated on the register; b) be required as a condition of re-instatement to pay part, or all, of the fees that were outstanding at the date of removal from the register.

Note: as EngineeringUK do not have an address list for registrants then all communications will be via the Engineering Council.

Regulation No.5 (Relevant Bye-law No.44) (amended May 2010)

Regulations for Registration

1. The Board shall make and publish regulations concerning the standards of education, training, experience, competence and commitment of individuals who the Board may put on the register.
2. These are set out in UK-SPEC (published 1 December 2003) and the associated Regulations for Registration (published on 1 March 2004).

Regulation No.6 (Relevant Bye-law No. 30) (amended May 2010)

The Seal

1. The Engineering Council Seal shall be held secure by the Chief Executive Officer. The seal shall be used where necessary to enable contracts within the delegated authority of the signatories, and a record shall be kept of each use. The seal may also be used for the following:
 - To authenticate documents certifying an individual's registration with Engineering Council
 - To authenticate agreements with national organisations in other jurisdictions, provided such agreements have the authority of Engineering Council Board
 - To authenticate documents certifying the licenses granted to Members or Professional Affiliates of Engineering Council

Regulation No. 7 (relevant Bye-law No 10) (amended May 2010)

Financial control

1. The Finance and Remuneration Panel (FARP) shall make Financial Regulations regarding the authority and procedures for financial transactions, including the manner in which documents, cheques and other negotiable instruments shall be signed or otherwise executed on behalf of the Engineering Council.

Regulation No.8 (relevant Bye-law Nos. 2-8) (amended May 2010)

Election of Board Members and Chairman

1. Fifteen members are elected to the Board in accordance with the procedure set out in Regulation 1.
2. Terms of office are for 3 years renewable up to a maximum total of 6 years, after which there shall be at least a 2 year gap before a further term can be served. Terms shall begin and end at the Engineering Council AGM. Exceptionally and with the Board's consent terms can be extended by up to a year to ensure orderly succession. In this Regulation "a year" means the period from one Engineering Council AGM to the next.
3. Bye-law 2(a) requires that all Institution elected Board members shall be Registrants.
4. Institution elected Board members may be Institution staff but efforts will be made to ensure that peer members always form a majority of the Board.
5. The Chief Executive Officer, in consultation with the Chairman and the appropriate Institution Chief Executives, will arrange an even succession from the 2008 AGM such that five of the fifteen Institution elected posts on the Board fall vacant each year from the 2009 AGM onwards. This may entail adjusting some Board members' terms of office.
6. Bye-Law 4 covers the circumstances under which a Board member shall vacate office before the end of his term (including resignation if accepted by the Board), but does not authorise a Licensed Member or group to remove a Board member it has elected.
7. The Board may fill a casual vacancy in accordance with Bye-law 5 and may require the Licensed Member or group to fill a casual vacancy for the unexpired portion of the 3-year term. The tenure of a casual vacancy of less than 18 months does not count towards the 6 year individual maximum (ie could be followed by two 3-year terms if re-elected), but tenure of a casual vacancy for more than 18 months could be followed by only one 3-year term.
8. Should a Board member elected by Group B or Group C become ineligible during a term (eg if the Institution with which he or she is registered is no longer a member of that group) then he or she may serve to the end of the current year after which the position shall be filled as a casual vacancy until the end of the term.
9. EngineeringUK will establish similar rules to ensure rotation of their 7 nominees to the Board, always discussing potential nominees with the Chief Executive Officer and bearing in mind the overall balance of the Board.
10. Should a member miss 3 consecutive meetings without the agreement of the Board then the member will be deemed to be no longer a member of the Board.
11. Substitutes for Board members are not permitted.
12. The Chairman of the Board shall have a 3 year term of office, renewable to a maximum of 6 years. A Board member may serve beyond the normal 6 year maximum at paragraph 2 above in order to complete a term of office as Chairman of the Board.
13. Any Board member may put her or himself forward for the position of Chairman. Candidates may circulate a statement of not more than 150 words to other Board members in support of their application, but shall not otherwise canvass for support among Board members or their electing bodies.

14. If more than one application is received a ballot shall be conducted by the Chief Executive Officer on a secret, single transferable vote basis.
15. Two Board meetings immediately prior to the expiry of the Chairman's term of office, notice shall be given of the election process, closing dates for applications (normally before the next Board meeting) and voting (normally before the following Board meeting).
16. After the closing date for applications the Chief Executive Officer shall circulate names of candidates, supporting information and instructions for voting to all members of the Board. There should be at least a further 4 weeks for the members to vote.
17. The result will be announced at the next Board meeting at which the new Chairman will take over from the outgoing Chairman.
18. The new Chairman will nominate a Vice-Chairman who will require approval by a majority of the Board present.
19. Should the Chairman resign without sufficient notice to complete the election process as outlined then the Vice-Chairman will take over as Chairman until the process is completed.
20. With the exception of the Finance Audit and Remuneration Panel, (FARP, refer Regulation 7), member of the Board acting as Chairman of one of the standing committees (refer to Regulations 2 and 10) may continue as a non-voting member of the Board should their term of office as chairmen of the standing committee exceed their term of office as a Board member.

Regulation 9: (Relevant Bye-laws 41 and 49) (amended May 2010)

Appeals

Type 1: (Refer BL41) Alterations to existing Licences

Delegation of Board powers

The Board delegates to the Quality Assurance Committee (QAC) its powers under BL41(1) and the requirement to give notice under BL41(2).

For the purposes of this regulation, 'a licence' means a licence to enter names of qualified members of the licensed body into the Register via the Standard Route or the Individual Route. Additional licences may be granted to accredit academic and professional development programmes.

The scope of this regulation includes:

- a withdrawal of a licence in its entirety;
- b withdrawal of a licence in respect of one section of the register;
- c rejection of an application by a licensee in respect of an additional section of the register;
- d withdrawal of a licence to accredit academic and/or professional development programmes;
- e rejection of an application by a licensee in respect of a licence to accredit academic and/or professional development programmes.

A resolution of the QAC under BL 41(1)(b), (d) or (e) and under 3a, 3b or 3d above shall require a two thirds (voting in favour) majority of its members present and voting. A resolution under BL41(1)(c) shall not take effect until the end of the notice period given by the licensee.

Grounds for Appeal

The Licensed Member must demonstrate that:

- the licensing processes were not correctly undertaken (Process); or
- the conclusions were manifestly disproportionate to the shortcomings identified (Proportionality); or
- the conclusions were unreasonable due, for example, to irrelevant matters being taken in to account and/or relevant matters not being taken into account (Perversity).

Process for Appeal under BL 41(2) against proposed resolution

The Licensed Member, having been given not less than 28 days' notice of the proposed resolution, must lodge any Appeal (or representation) in writing with the Chief Executive Officer not less than 7 days before the date of the QAC meeting. Unless the Review Panel chairman decides to withdraw or postpone the resolution for further consideration, the Licensed Member's written statement shall be considered by QAC when considering the resolution. The CEO will notify the Licensed Member of the outcome within 14 days of the QAC meeting.

Process for Appeal under BL 41(3) against resolution passed by QAC

The timescales below will normally apply but may be extended at the discretion of the Chief Executive Officer Engineering Council ("the CEO") if there are specific grounds for doing so.

The Licensed Member must lodge any Appeal with the CEO within 28 days of notification of the passing of the resolution.

Having discussed the grounds for Appeal and the process with the appellant the CEO will convene an Appeal Committee ("the Committee") of three members of the Engineering Council Board, none of whom shall be or have been a member of the appellant body, or shall have had any prior dealings with the case. In the event that insufficient Board Members are willing or are qualified to serve, the CEO may ask the Privy Council Office to appoint one or more members to the Committee.

The CEO will arrange a date and venue for an appeal hearing and inform the appellant of these details. This will normally be within 60 days of the original appeal notification.

At least 28 days prior to the hearing the Engineering Council will provide the appellant with a copy of the Review Panel's report to QAC.

The appellant must submit its grounds for appeal to the Committee at least 14 days prior to the hearing together with notification whether or not it is requesting an oral hearing and whether or not it is exercising its right of representation.

The hearing will be held in private. At the hearing the appellant will be given the opportunity to present or add to the case. The Committee will question the appellant to ensure all the facts have been presented and the parties understand the issues and the process.

The Committee shall not adjudicate on the substance of the case, but may only rule on the basis of Process, Proportionality or Perversity.

If the Appeal is upheld, the Committee shall inform the Board which will within 90 days undertake one or more of the following: (a) take steps to review the procedures of the Quality Assurance Committee; (b)

require that a new Review be undertaken; (c) agree a licence with terms and conditions as it sees fit; (d) agree a licence as originally applied for.

The Committee will inform the appellant of its decision, with explanation, within 14 days. The CEO will inform the appellant of the Board's decision within 14 days.

The Board shall maintain a record of the Appeal for not less than seven years.

Related Appeals

Appeals may also be lodged against Engineering Council decisions for the following reasons:

- refusal of an application for a licence from a new professional body
- refusal to re-approve an existing Professional Affiliate
- refusal to approve a new body as a Professional Affiliate

These will be handled by a similar process to that outlined above

Type 2: (Refer BL49) Loss of individual registration

The Board may hear an appeal from an individual whose name appears on the Register and who is found by an Institution which is a Licensed Member or Professional Affiliate, of which such individual is a member, to have breached its code of conduct, if that body imposes a sanction which would result in the individual's removal from the Register. An Appeal to the Board may be made only if the disciplinary procedures of the Institution have been exhausted.

Process

The Registrant must lodge an Appeal with the CEO within 28 days of the original notification.

The grounds for Appeal shall be limited to matters of Process: for example that

- The Institution has not followed its own procedures; or
- The procedures of the Institution are substantially defective by comparison with the Engineering Council Disciplinary Procedure Guidance.

The Appeal process shall be similar to that set out for Type 1 above.

If the Appeal is upheld the registrant is informed and the Institution involved is requested to reconsider the Appeal. If they confirm their conclusion then the Appeal process is at an end. The issue may form part of subsequent QAC Reviews.

Fees (Types 1 and 2)

The appellant will be required to pay a refundable fee, set by the Board, for this process.

Regulation 10: (Relevant Bye-law 50) (approved September 2010)

Maintenance of Registration

This regulation explains the circumstances in which a Registrant (a Chartered Engineer, Incorporated Engineer, Engineering Technician or Information and Communications Technology Technician) may maintain his registration if he ceases to be a member of the Licensed Member institution through which he is registered. It also covers the effect on registration of disciplinary proceedings by the Licensed Member.

- If:
- a the body of which he is or was a member, has ceased to be a Licensed Member or has ceased to exist; or
 - b he is not, or he has ceased to be, a member of that body (other than through expulsion or while he is the subject of disciplinary proceedings),
- then his registration will continue to be valid, provided that within twelve months of the cessation either:
- c the former Licensed Member concerned is, in the opinion of the Board, able to prove and assess appropriate continuing professional development, supervise and enforce adequate disciplinary procedures and has become a Professional Affiliate; or
 - d he becomes, or already is, a member of another Licensed Member (or of a Professional Affiliate which has a registration agreement with a Licensed Member) and he arranges for his registration to be recorded through that body; or

A Registrant who is expelled from membership of the Licensed Member institution through which he is registered shall cease to be a Registrant with effect from the conclusion of the disciplinary process (including any Appeal either to the Licensed Member or to the Engineering Council under Regulation 9). Once a Registrant has been informed that he is the subject of disciplinary proceedings by the Licensed Member through which he is registered, he shall not seek to transfer his registration to another Licensed Member body before the disciplinary process is complete. If a Registrant is expelled from a Licensed Member or Professional Affiliate other than the body through which he is registered, the Engineering Council will inform the body through which he is registered so that it can decide what action to take.

**Approved by Board, and Privy Council and Regulations Panel
September 2010**