Engineering Council
Charter, Bye-laws and Regulations

2014
Charter, Bye-laws and Regulations History

Document Location
The authoritative document is held as a pdf on the Governance page of the extranet managed through SharePoint.

Revision History
Date of this revision:

<table>
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<tr>
<th>Revision date</th>
<th>Summary of Changes</th>
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<tr>
<td>21 March 2014</td>
<td>Changes to Regulations 1B (amendment to para 2d) and 7A (amendment to paragraph 2, a new paragraph 3, amendments to renumbered paragraphs 9 and 10) regarding multiple registrations/memberships and assurance by Licensed Member of an individual's competence.</td>
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Approvals
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<tr>
<td>Privy Council</td>
<td>6 Nov 2013 (Charter &amp; Bye-laws)</td>
<td>1</td>
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<td>Board</td>
<td>5 Dec 2013 (Charter, Bye-laws and Regulations)</td>
<td>1(1)</td>
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Distribution
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2. INTRODUCTION – THE ENGINEERING PROFESSION

A short history

Up until the latter half of the 18th century, engineering was traditionally considered to be a military function, with public works mainly constructed in order to further the influence of the realm. However, as global trade and commerce increased in importance, then a need arose for civil (non-military) engineers to carry out works to support trade such as the construction of harbours and lighthouses. Methods and designs were developed using ‘rules of thumb’ and accidents and failures were common. In order to address this, the Society of Civil Engineers was established in 1771 to share and develop good practice. This society was subsequently renamed the Smeatonian Society, after John Smeaton its founder and the first person to call himself a ‘Civil Engineer’.

In 1818, a group of younger engineers, who were not sufficiently eminent to join their seniors in the Smeatonian Society, established their own learned society, the Institution of Civil Engineers, which was the first professional engineering institution in the world. Under the leadership of Thomas Telford, their first President, the Institution was awarded a Royal Charter in 1828, which set out its objects as facilitating:

“the general advancement of Mechanical Science, and more particularly for promoting the acquisition of that species of knowledge which constitutes the profession of a Civil Engineer”

This object laid the blueprint for all subsequent professional engineering bodies, establishing two core functions: firstly, as a knowledge standard setting body for members; and secondly, as a forum for the exchange of good practice. As the Industrial Revolution in Britain took hold, then so did the proliferation of engineering institutions, including, amongst others, those for Mechanical, Electrical, Mining, Marine, and Aeronautical, each with its own Royal Charter. It is worth noting that most commonwealth countries that subsequently established similar engineering institutions, elected to establish a sole institution for all engineering disciplines (notably Australia, Canada, Hong Kong and New Zealand). This is partially due to the numbers of engineers who were practising in the respective countries and the related economies of scale. However over time, some disciplines with fewer active members have found that their subject specialism does not receive adequate focus within a larger body to meet their particular knowledge needs.

One of the main benefits of the Industrial Revolution was the ability it created to mass produce goods at a relatively low cost. However a lack of control in terms of specification and quality meant that the market was awash with many different types of similar goods of variable quality. In terms of public procurement, this was highly inefficient. As a result the key Chartered Engineering Institutions established the Engineering Standards Committee to address product proliferation. An early success for the Committee was a 92 % reduction in the number of steel rail beams for trams from 75 different types to just six. As the Committee’s standardisation work developed to include a wider spectrum of goods and services, it was duly recognised with its own Royal Charter. In 1931 it was retitled the British Standards Institution (BSI). After the Second World War, the BSI became the UK’s National Standards Body and also went on to help establish the International Standards Organisation (ISO) to promote and develop standards globally.

As Britain emerged from the 1950s post-war austerity, the Chartered Engineering Institutions became concerned that there was a lack of conformity in professional engineering qualifications and agreed that they should work together to address this variability by adopting
a common threshold. By 1965, this joint initiative had formally come together as the Council of Engineering Institutions with its own Royal Charter, and for the first time a central register of Chartered Engineers, Technician Engineers (later called Incorporated) and Engineering Technicians, with the post-nominals CEng, TEng (later IEng) and EngTech denoting an engineer’s level of registration. In the early 1970s, the profession also adopted graduate entry for Chartered level qualifications, whilst still maintaining non-graduate routes for those progressing up the ‘hard way’. Such experiential routes have continued to be provided to this day, with much work undertaken by the institutions to develop methods to assess prior learning before candidates come forward for professional review interview by their peers.

During the late 1970s, as the UK experienced a decline in its manufacturing output, a school of thought developed that the Engineering Profession was not making the efficiency contribution to productivity that it should be when compared to Japan and the US. After much debate, a Committee of Inquiry was instigated under Sir Monty Finniston. Amongst the many issues that the inquiry considered, was the key question of whether engineering should be self-regulating or be subject to statutory regulation. When the report ‘Engineering Our Future’ was published by HMSO in 1980, self-regulation was favoured by Sir Keith Joseph, the then Secretary of State for Trade, as it was felt that statutory regulation would introduce an unnecessary level of bureaucracy and over prescription without significantly improving outcomes. However, statutory regulation was provided for in some areas of practice, where the risk to the public resulting from failure was deemed too great to be left to voluntary registration schemes (notably reservoirs, aviation and nuclear).

Thus the Engineering Council was created as a body incorporated by Royal Charter in 1981, inheriting the registers for Chartered Engineers, Incorporated Engineers and Engineering Technicians from the previous Council. One of the key changes from this previous regime was the introduction of a common requirement for initial professional training and an enduring commitment to lifelong education and training (subsequently called Continuing Professional Development). As of August 2013 the Engineering Council licenses 36 Professional Engineering Institutions to assess and nominate professional engineers and technicians to its registers, with over 230,000 individuals currently having demonstrated to their peers that they have attained the required competence and displayed the necessary commitment to practise and to observe a code of professional conduct. The Institutions also fulfil their learned society role, by informing professional practice and enabling the professional development of their members, who number some 500,000 in total. The Institutions further influence the work of an additional 1.2 million workers that the Office for National Statistics has classified as being in engineering roles.

Why Self-Regulate?

An interest in professional regulation is generally driven by a wish to protect consumers and society at large. The National Consumer Council has summarised the justifications for regulation as being when there is evidence of:

- Inadequate competition – where suppliers, individually or collectively, dominate the market or make arrangements which reduce competition and consumer choice.
- Fraud, deception and oppressive marketing practices – where suppliers take advantage of consumers in ways that are illegal or unfair.
- Imperfect information – where the information essential to informed consumer choice is either completely unavailable, or false or misleading.
- Safety – where there is risk of consumers using goods or services which may damage their health.
• Resolution of disputes and the pursuit of redress – where easily accessible procedures are needed to make sure consumers can get a remedy for breaches of contract or other laws or codes.
• Externals – where there is a need to ensure that the costs of producing goods and services reflect all the consequences of their production including the environmental impact.
• Social objectives – where the market is unable to make socially desirable goods and services available for defined groups of consumers. Also, where an unregulated market is unlikely to achieve democratically desirable results relating to public order, taste and decency, and similar goals.
• Vulnerable consumers – for example, those with weak bargaining power and children may need special or additional protection.
• Raising standards – in a sector where businesses can gain a competitive advantage or where there are known to be problems with compliance with the law.

The justifications that particularly apply to engineering relate to ‘Safety’ and ‘Raising Standards’.

A spectrum of regulation exists within the wider professions, ranging from those with voluntary codes (such as engineering) through to those with statutory duties (such as architecture and law). Professional self-regulation is a regulatory model which enables government to exercise a level of control (the level being dependent on the relative positioning within the spectrum) over the practice of a profession and the services provided by its members. Self-regulation is based on the concept of an occupational group formally entering into an agreement with government to regulate the activities of its members. In the UK, the agreement traditionally takes the form of the government granting or recognising self-regulatory status through the award of a Royal Charter.

The Privy Council Office not unsurprisingly endorses the view of the National Consumer Council and states that incorporation by Royal Charter should primarily be in the public interest. This consideration is important as it often differentiates those applying for a Charter from other membership organisations, such as trade bodies and trade unions, who generally act in the interests of their members. Once a body has become incorporated by Royal Charter, then it surrenders significant aspects of the control of its internal affairs to the Privy Council. Amendments to Charters can thereafter only be made with the agreement of ‘The Queen in Council’, and amendments to the body’s by-laws require the approval of the Council.

Questions about professional services, consumer protection and how professionals are regulated have been commonplace for some time. The principles of professional regulation can therefore be summarised as follows:

A profession must have a governing body which sets standards of education as a condition of entry and achievement of professional status and which sets ethical standards and professional rules which are to be observed by its members. These rules are designed primarily for the benefit of the public. Professionals in breach of such rules are subject to disciplinary action and a breach may ultimately result in the loss of professional status.

Professional regulation cannot, however, be a guarantee against the failure of professional services by individual members, nor can it be a substitute for other mechanisms for redress such as the civil and criminal courts or a substitute for the management of professional staff in the workplace. Rather, it is part of the spectrum of regulatory mechanisms which, taken
together, are designed to protect consumers. The engineering institutions, working collegiately through the Engineering Council, seek to ensure they are upheld and it is this ethos on which the following Charter and Bye-laws are based.
3. ENGINEERING COUNCIL CHARTER – AMENDED 2013

ELIZABETH THE SECOND by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith:

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

WHEREAS We were pleased by Royal Charter dated the twenty-seventh day of November 1981 (hereinafter referred to as the "Original Charter") to establish a body corporate by the name of "The Engineering Council" with perpetual succession and a common seal:

AND WHEREAS We were pleased by Supplemental Charters dated the twenty-seventh day of April 1988 and the fifteenth day of July 1992 to amend the provisions of the Original Charter:

AND WHEREAS We were pleased by Supplemental Charter dated the twenty-fourth day of January 1996 (hereinafter referred to as the "Supplemental Charter of 1996") to revoke the provisions of the Original Charter except Article 1 thereof in so far as it incorporates a body corporate with the powers referred to therein, and to make new provisions for the constitution, objects, powers and functions of the Engineering Council and matters ancillary thereto:

AND WHEREAS by an Humble Petition submitted to Us in Our Council, the Engineering Council have prayed that in order to modify its constitution, powers and functions for the public benefit, We might be graciously pleased to grant the said Council a further Supplemental Charter:

NOW, THEREFORE, KNOW YE that We, having taken the said Petition into consideration and being minded to accede thereto, by virtue of Our Prerogative Royal and of all other powers enabling Us in that behalf, have of Our especial grace, certain knowledge and mere motion granted and declared and do by these Presents for Us, Our Heirs and Successors grant and declare as follows:

THE ENGINEERING COUNCIL

1. The Supplemental Charter of the twelfth day of February 2002 (except insofar as it preserved the incorporation effect of the Original Charter and the powers referred to in Article 1 thereof) and the Schedules thereto are hereby revoked, provided that such revocation shall not affect the validity or legality of any act or deed done hereunder.

2. With effect from the date of this Our Supplemental Charter the title of the Engineering Council (UK) shall be "The Engineering Council" referred to in this Our Supplemental Charter and the Bye-laws as “the Engineering Council”, and the members of the Engineering Council shall consist of Voting members (namely Licensed Members) and Non-Voting members (namely Professional Affiliates and such other bodies as may be specified from time to time in the Bye-laws.)

OBJECTS

3. The objects of the Engineering Council shall continue to be to advance education in, and to promote the science and practice of, engineering (including relevant technology) for the public benefit and thereby to promote industry and commerce in Our United Kingdom and elsewhere.
DUTIES

4. In pursuance of the objects, the Engineering Council shall:

a. establish and keep under review generic standards and procedures for academic achievement, professional competence and commitment and the requirements for initial and continuing professional development for Registrants;

b. participate, on behalf of Registrants, in the work of the Engineering and Technology Board (hereinafter referred to as the “ETB” (or any successor by whatever name) and respond to enquiries made by the ETB concerning regulation of the profession;

c. provide guidance on the codes of conduct and disciplinary procedures of Licensed Members and Professional Affiliates;

d. maintain registers, or a register with sections, for Chartered Engineers and the letters “CEng”, Incorporated Engineers and the letters “IEng”, and such Technician Registers, and presently the letters “EngTech” and “ICT Tech”, as may seem desirable to the Engineering Council from time to time and which shall be identified in the Engineering Council’s Regulations, and modify, extend or add to such Registers as required. The Engineering Council shall also take such action as it decides is necessary to protect the integrity of the Registers and to ensure that its post-nominal designations are used only by those Registrants so entitled;

e. admit as Licensed Members those organisations which demonstrate to the satisfaction of its Board their competence to assess individuals for initial and continuing registration and which regulate the conduct of their members;

f. audit the performance of Licensed Members, and other members, and their compliance with the licensing requirements including Registrant representation within those requirements and ensure that processes are in place within Licensed Members and other members for Registrants’ views to be represented to the ETB;

g. license those organisations to admit such individuals to the Registers, and monitor the additions and deletions they make to the Registers;

h. license those organisations to accredit or approve programmes of education or professional development that support admission to the Registers; and maintain a database of such programmes;

i. designate as Professional Affiliates those organisations meeting the relevant criteria as provided by the Engineering Council from time to time;

j. in conjunction or collaboration with Licensed Members, act as the representative body of Our United Kingdom in relation to the international recognition of Registrants and of educational qualifications in engineering and related subjects and disciplines;

k. give appropriate assistance and advice to Our Ministers, or any of them, on any matter relating to the objects of the Engineering Council;

l. publish, or commission the publication of, material relevant to the objects in any form, undertake or commission research, establish and maintain libraries,
databases, or any other facilities for the benefit of the public, and hold or promote conferences or other events;

POWERS

5. To enable the pursuance of the objects, the Engineering Council may exercise the following powers:

a. hold, or arrange the holding of, examinations or other assessments in engineering or any other subject relevant to the objects;

b. receive gifts, endowments, bequests, donations, money and property real or personal and to purchase, lease or otherwise acquire land, buildings and hereditaments of any kind, and hold the same in perpetuity or otherwise and from time to time (subject to all such consents as are by law required) grant, demise, alienate or otherwise dispose of the same or any part thereof and accept the Office of Trustee and carry out any trusts associated with any transfer of money or property to the Engineering Council;

c. enter into any contract or transaction, or engage in any activity, which is conducive, ancillary or incidental to the attainment of the objects;

d. borrow or raise money with or without security, and charge or mortgage any of its property whether real or personal;

e. charge fees and subscriptions;

f. invest any moneys of the Engineering Council not immediately required for its purposes in accordance with the Bye-laws;

g. appoint and remunerate staff and provide for their pensions and those of their dependents;

h. provide indemnity insurance covering every Board and committee member, officer and employee of the Engineering Council against any loss or expense incurred through any act or omission done or committed by him in good faith, in the course of the performance of his authorised duties on behalf of the Engineering Council and pay all reasonable and proper premiums in respect of such indemnity insurance; and

i. do all such other lawful acts and things as may further the objects.

GOVERNANCE

6. The Engineering Council shall be accountable to Licensed Members in respect of its activities.

7. The management and control of the Engineering Council shall be vested in a Board of Trustees which may exercise all or any of the powers of the Engineering Council, and may delegate its powers and functions in accordance with these Bye-laws. The Board shall be constituted in accordance with the Bye-laws: provided that one third (or the number nearest thereto) of its members shall be appointed by ETB.
8. No member of the Board of Trustees or of any committee of the Board of Trustees shall be accountable in respect of acts done or authorised to which they have not expressly assented or shall incur personal liability in respect of any loss or damage incurred through any act done in good faith for the benefit of the Engineering Council.

PROPERTY AND INCOME

9. Any person and anybody corporate may assure in perpetuity, or otherwise, or demise or devise to, or for the benefit of, the Engineering Council any lands, tenements, or hereditaments whatsoever, or any interest therein, within Our United Kingdom of Great Britain and Northern Ireland.

10. The income and property of the Engineering Council, howsoever derived, shall be applied solely towards the objects and no portion thereof shall be paid or transferred directly or indirectly to the members thereof or used otherwise than for charitable purposes: provided that nothing in this article shall prevent the payment in good faith of the reasonable out-of-pocket expenses of members of the Board and of any committee of the Board.

CHARTER CHANGES

11. Subject to the approval by three-quarters majority vote of the members of the Engineering Council in general meeting, the Board may by resolution passed by a three-quarters majority vote of the members of the Board present and voting in person, modify or revoke any of the provisions of this Our Supplemental Charter, provided that no modification or revocation shall be made which shall cause the corporation to cease to be a charity at law. Any modification or revocation made under this article shall become effectual, when allowed by Us, Our Heirs or Successors in Council, so that this Our Supplemental Charter shall henceforth continue in force as so modified or revoked. This provision shall apply to this Our Charter as modified or revoked.

BYE-LAW CHANGES

12. Subject to the provisions herein and to the approval by a three-quarters majority vote of the members of the Board present and voting in person, the Board may make, amend or revoke Bye-laws for the regulation of the affairs of the Engineering Council: provided that no new Bye-law, amendment or revocation shall be effective unless it has been approved by the Lords of Our Most Honourable Privy Council, of which approval a certificate under the hand of the Clerk of Our said Council shall be conclusive evidence. The Bye-laws may provide for any matter dealt with in the Bye-laws to be further dealt with in Regulations made by the Board, provided that such regulations shall be invalid to any extent to which they are inconsistent with this Our Supplemental Charter or the Bye-laws.

SURRENDER OF CHARTER

13. Subject to the provisions herein and to the approval by a three-quarters majority vote of the members of the Engineering Council in general meeting, the Board may resolve to surrender this Our Supplemental Charter and any further Charter granted to the Engineering Council subject to the sanction of Us, Our Heirs or Successors in Council upon such terms as We or They may think fit, and wind up or otherwise deal with the affairs of the corporation. If on the winding up or dissolution of the Engineering Council there shall remain after the satisfaction of all debts and liabilities any property whatsoever then it shall not be given to or distributed among the members of the Engineering Council or any of them but, subject to any special trusts affecting any of the property, shall be given to some other body, determined by the Board at or before dissolution of the Engineering Council, with charitable objects similar to
those of the Engineering Council and which prohibits the distribution of its income and property to at least the same extent as specified in these presents.

CONCLUSION

14. Our Royal Will and Pleasure is that this Our Supplemental Charter shall ever be construed benevolently and in every case most favourably to the Engineering Council and the promotion of the objects.

IN WITNESS whereof We have caused these Our Letters to be made Patent.

WITNESS Ourself at Westminster the of in the year of Our Reign.

BY WARRANT UNDER THE QUEEN'S SIGN MANUAL
4. **BYE-LAWS OF THE ENGINEERING COUNCIL**

**INTERPRETATION**

1. In the Charter and these Bye-laws the following meanings will apply:

<table>
<thead>
<tr>
<th>Word</th>
<th>Meaning</th>
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<tbody>
<tr>
<td>Board</td>
<td>The governing body of the Engineering Council</td>
</tr>
<tr>
<td>Board Member</td>
<td>Member of the Board</td>
</tr>
<tr>
<td>Bye-laws</td>
<td>The Bye-laws herein as amended from time to time</td>
</tr>
<tr>
<td>The Chairman</td>
<td>The Chairman of the Board</td>
</tr>
<tr>
<td>The Charter</td>
<td>The Supplemental Charter to which these Bye-laws are scheduled as amended from time to time by Supplemental Charter or otherwise</td>
</tr>
<tr>
<td>Committee and Panels</td>
<td>Appointed by the Board, such committees and panels as it may from time to time determine and, such committees and panels shall report to the Board accordingly</td>
</tr>
<tr>
<td>Direct Registrant</td>
<td>An individual who registers directly with the Engineering Council rather than through a Licensed Member or Professional Affiliate</td>
</tr>
<tr>
<td>Engineering and Technology Board</td>
<td>The Engineering and Technology Board (ETB), a company limited by guarantee incorporated on 14 November 2001 whose trading name is EngineeringUK, or any successor organisation</td>
</tr>
<tr>
<td>Interim Registration</td>
<td>The stage at which individuals have met the educational requirement for registration, but who have not yet demonstrated the necessary competences to become a Registrant</td>
</tr>
<tr>
<td>Licensed Member</td>
<td>An incorporated body licensed by the Board to assess and nominate individuals for the appropriate register</td>
</tr>
<tr>
<td>Professional Affiliate</td>
<td>An incorporated body designated as such by the Board as required by these Bye-laws</td>
</tr>
<tr>
<td>The profession</td>
<td>the profession of engineer, technologist or technician</td>
</tr>
<tr>
<td>Regulations</td>
<td>Regulations made by the Board under these Bye-laws</td>
</tr>
<tr>
<td>Section</td>
<td>A section of the Register</td>
</tr>
<tr>
<td>Register(s)</td>
<td>The Registers are the national registers of Chartered Engineers (CEng), Incorporated Engineers (IEng), Engineering Technicians (EngTech) and Information and Communication Technology Technicians (ICT Tech)</td>
</tr>
<tr>
<td>Registrant</td>
<td>An individual who registers with the Engineering Council through a Licensed Member and has demonstrated the competence and commitment appropriate to one or more of the sections provided by these Bye-laws and the observation of a professional Code of Conduct</td>
</tr>
<tr>
<td>UK-SPEC</td>
<td>UK Standard for Professional Engineering Competence describes the requirements for registration</td>
</tr>
<tr>
<td>Qualification</td>
<td>Shall include standards of education and professional development</td>
</tr>
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References to a member of a Licensed Member or Professional Affiliate shall be to an individual in such category of registration of the Engineering Council as the Engineering Council shall determine and which constitutes membership of the Licensed Member or Professional Affiliate for the purposes of these Bye-laws. References to the male gender shall include the female, to the singular shall include the plural, and to persons shall include organisations whether incorporated or not.
REGISTRATION

2. The Board shall make and publish regulations describing the standards of education, professional development, competence and commitment of individuals whom the Board may record in the Register.

3. Registrants and their Licensing Member shall be recorded in the Engineering Council’s Register.

4. The Register shall have separate sections for Chartered Engineers, Incorporated Engineers, Engineering Technicians, Information and Communications Technology Technicians and such other sections as the Board shall determine. The Register shall include the addresses of those individuals registered and may contain such other information as the Board shall determine. Except as may be provided in Regulations, no person or other organisation shall be permitted to be supplied with the record, or any part thereof, of any individual on the Register without the agreement of that person.

5. The Board shall cause to be entered in each section of the Register, upon payment of such entry fee (as shall from time to time be prescribed by the ETB) to ETB, the name of each individual nominated by a Licensed Member and notified to the Engineering Council, provided that such organisation holds a current licence granted by the Engineering Council which permits such nominations.

6. Subject to these Bye-laws, only those individuals who are members of a Licensed Member or Professional Affiliate which has registration agreements, or who are Direct Registrants, shall have their names registered, added to, or maintained on the Register as:
   a. Chartered Engineers, who may use the style or title of “Chartered Engineer” and use after their names the designatory letters “CEng”;
   b. Incorporated Engineers, who may use the style or title of “Incorporated Engineer” and use after their names the designatory letters “IEng”;
   c. Engineering Technicians, who may use the style or title of “Engineering Technician” and use after their names the designatory letters “EngTech”; and
   d. Information and Communications Technology Technicians, who may use the style or title of “ICT Technician” and use after their names the designatory letters “ICTTech”.

In each case the Register shall include a subsection to enable interim registration of persons who have met the educational requirement for registration, but who have not yet demonstrated the necessary competences for registration in these categories. Registration in one section of the Register shall not preclude registration in any other section provided this is with another Licensed Member. In addition, the individual shall not be registered in both the full and initial registration sections of any section.

7. The Engineering Council may at any time license an organisation in accordance with these Bye-laws; and may admit to the appropriate section of the Register any individual who at the date of such licensing is a member of that organisation in a category of membership requiring demonstration of competence and commitment, provided that the Board is satisfied that
   a. the criteria applied at the time the individual was accepted into membership of that category were comparable to, or of a standard higher than, those criteria which
would have had to have been satisfied if he had sought, at that time, registration on the Register; and

b. the organisation had at that time and since, procedures in place for continuing professional development comparable to, or of a standard higher than, those required of Licensed Members.

In order to ensure equivalent fitness to practise, the Board may at its absolute discretion specify by means of the Regulations, the evidence of competence required of any such individual as may be necessary to support Registration.

8. An individual whose name is entered in the Register may receive, at his request, and upon payment of a fee prescribed from time to time by ETB, a certificate certifying that he is a Chartered Engineer, Incorporated Engineer, Engineering Technician or Information and Communications Technology Technician, which certificate shall remain the property of the Engineering Council and shall be delivered by its holder to the Engineering Council upon demand made in writing by the Chief Executive Officer or any person authorised by him.

9. The Board may from time to time promulgate Codes of Practice. The Codes of Practice may be amended, varied or rescinded as the Board may think fit and the Board may, in its absolute discretion, waive the provisions of any of the Codes of Practice for a particular purpose expressed in such waiver and may revoke any waiver.

10. The Board may hear an appeal from an individual whose name appears on the Register and who is found by due process by a Licensed Member or Professional Affiliate, of which such individual is a member, to have breached its code of conduct, and if that organisation imposes a sanction which would entail the individual's removal from the Register. Such an appeal will be conducted in accordance with the procedures set out in Regulations which shall provide for the right to an oral hearing and the right of representation. Such an appeal, however, shall lie only on grounds of procedural irregularity and adhere to the principles of natural justice; the Board shall not adjudicate on the substance of the case.

11. Registration fees shall be payable in the manner prescribed in the Regulations. The Board may amend the Regulations relating to registration fees with the prior approval of The ETB, or if that Board is, for whatever reason, unable to act, the approval of the Privy Council.

12. The Board, having set its budget, shall notify the ETB annually the total sum required to be remitted by the ETB to the corporation to support the corporation’s activities for the following calendar year.

MAINTENANCE OF TITLES OF CHARTERED ENGINEER, INCORPORATED ENGINEER, ENGINEERING TECHNICIAN AND INFORMATION AND COMMUNICATIONS TECHNOLOGY TECHNICIAN

13. The Board shall make Regulations covering the maintenance of registration of a Chartered Engineer, Incorporated Engineer, Engineering Technician or Information and Communications Technology Technician in the event that;

a. the organisation, of which he is or was a member, has ceased to be a Licensed Member or Professional Affiliate with a registration agreement or has ceased to exist; or

b. he is not, or he has ceased to be, a member of that organisation.
LICENSING OF MEMBERS

14. The Board may at any time certify that an organisation is a Licensed Member provided that (in addition to satisfying the requirements of these Bye-laws) such an organisation has, in the opinion of the Board, sufficient experience, procedures and resources to undertake each of the following tasks:

   a. monitoring the conduct of Registrants;
   b. monitoring the continuing professional development of Registrants; and
   c. assessing the competence and commitment of candidates for registration.

15. The Board may at any time issue a Licence to an organisation, provided that the Board is satisfied that:

   a. it has been in existence for at least five years or results from the amalgamation of organisations, one of which has been in existence for at least five years and, in all cases, is stable and viable;
   b. it prescribes such standards of conduct for its members (if any) as are acceptable to the Engineering Council;
   c. it prescribes such standards of qualifications determined by the Board for those of its members (if any) who are engineers or technicians in such category as the Board may determine as will enable them to be registered pursuant to the Charter and these Bye-laws;
   d. it is not a trade association and is not, in the opinion of the Board, engaged (as a principal part of its activities) in activities carried on by trade unions or employers' organisations;
   e. such conditions as may be required by the Board are fulfilled in respect of its standards, procedures and criteria, and that the Board has received a satisfactory undertaking to support actively the actions of the Board in the operation of the Register, in particular, by encouraging all of its members (if any) who are eligible for entry on the Register to be so registered and by accounting for fees payable by those of its members (if any) who are on the Register;
   f. its principal object or, if the Board should so determine, one of its principal objects is the advancement of engineering, technology or applied science or of the better utilisation of engineers in industry and commerce (which may include education and training therefor);
   g. it has learned society activities of such a nature and on such a scale as to keep its members (if any) abreast of advances in its specific field of engineering;
   h. it has undertaken that it will not seek to change its governing document, or any related requirements in matters relating to qualification, registration or any other relevant matters required of it by the Board, without prior consultation with the Board; and
   i. it provides for adequate representation to ETB of the views of those of its members who are Registrants on matters relating to registration.
16. Licences may only be issued to organisations satisfying the audit requirements specified in the Regulations. If the Board so resolves, a Licensed Member may additionally be licensed to carry out the following functions:

a. accrediting programmes which meet academic standards for registration;

b. assessing the academic standards of candidates for registration who have not followed an accredited course;

c. approving initial and professional development programmes leading to competence in the workplace; and

d. carrying out any other relevant functions which the Board may require it to perform.

17. The Board shall from time to time publish a list of Licences granted.

18. An organisation shall become licensed on receipt of notice from the Board and shall thereupon become entitled to the rights or privileges conferred upon it and assume the obligations placed upon it by the Charter and these Bye-laws.

19. The Board shall audit any organisation seeking a Licence, and regularly re-audit those organisations licensed by the Engineering Council, to determine whether the relevant operations and requirements of such organisations are in accordance with these Bye-laws and Regulations of the Engineering Council which relate to such bodies.

20. The Board may resolve that a Licence granted by the Board shall cease to be of effect if:

a. an order is made by a court of competent jurisdiction or any effective resolution is passed for the administration or winding up of the licensee, or it is dissolved or otherwise ceases to exist;

b. in the opinion of the Board in each case, the licensee has ceased to satisfy the conditions on which it was appointed or its objects and purposes are no longer consistent with the objects and purposes of the Engineering Council or its rules for the conduct of its members no longer adequately prescribe the conduct required of persons placed in the relevant section of the Register;

c. the licensee gives not less than one year’s notice in writing of ceasing to be a licensee;

d. in the opinion of the Board in each case, the standard adopted by the licensee for the qualification of its members in the different sections of the Register falls short of those prescribed for the entry of names in the relevant section of the Register and the licensee has failed to take all reasonable steps to raise the standard at least to that prescribed as aforesaid; or

e. if an audit, conducted under these Bye-laws, reveals that the Licence should be withdrawn.

21. The Board shall give twenty-eight days’ notice of any decision under these Bye-laws. The licensee may appeal against the decision in accordance with the Regulations, a copy of which shall accompany the Licence.
22. If any such resolution is passed by the Board or one of its committees to which its powers in this regard shall be delegated, the passing of such resolution shall be notified to the licensee who shall have a right to appeal to the Board itself against such resolution. Notice of appeal must be lodged with the Engineering Council within twenty-eight days following the despatch of notice of such resolution.

23. If no such notice has been lodged by the required date, the licensee shall cease to be so licensed. If notice of appeal is given then, on the determination by the Board of the appeal (which shall be given effect by the decision at least three weeks after the notice of appeal, at a meeting at which the representative of the licensee shall have the same rights as indicated above that the appeal be dismissed), the licensee shall also cease to be so licensed.

**APPROVAL OF PROFESSIONAL AFFILIATES**

24. The Board may at any time approve an organisation as a Professional Affiliate, provided that the Board is satisfied that:

   a. it has been in existence for at least five years or results from the amalgamation of bodies one of which has been in existence for at least five years and, in all cases, is stable and viable;

   b. it prescribes such standards of conduct for its members (if any) as are acceptable to the Engineering Council;

   c. it is not a trade association and is not, in the opinion of the Board, engaged (as a principal part of its activities) in activities carried on by trade unions or employers' organisations;

   d. its principal object or, if the Board should so determine, one of its principal objects is the advancement of engineering, technology or applied science or of the better utilisation of engineers in industry and commerce (which may include education and training therefor);

   e. it has learned society activities of such a nature and on such a scale as to keep its members (if any) abreast of advances in its specific field of engineering;

   f. it has undertaken that it will not seek to change its governing document, or any related requirements in matters relating to qualification, registration or any other relevant matters required of it by the Board without prior consultation with the Board.

Authorised representatives of Professional Affiliates shall be entitled to attend but not to vote or to be counted in a quorum at general meetings.

**REGISTRATION VIA A PROFESSIONAL AFFILIATE**

25. Normally only those individuals who are full members of a Licensed Member may apply to be included on the Engineering Council’s Register of Engineers. However, an Engineering Council Professional Affiliate can offer a route to registration for its members via a formal agreement with a Licensed Member who shall ensure compliance with the UK Standard for Professional Engineering Competence (UK-SPEC) and its licensing requirements and may require joint membership of the Licensed Member and Professional Affiliate.
ASSOCIATES

26. The Board shall have the power to recognise the support that an individual provides to the Engineering Council through his expertise and personal network, by appointing individuals to be Associates of the Engineering Council. Such appointments shall be honorary and shall not carry the right to vote at Annual meetings or any other general meetings although they may attend such meetings. There is no formal period of appointment, but the Board shall keep such appointments under review.

APPOINTMENT OF BOARD MEMBERS

27. The Board shall consist of up to twenty-two members who shall be appointed in accordance with the Charter and these Bye-laws. The Chairman of the Board shall be appointed by the Board members and shall hold office in accordance with the Regulations. The Board shall comprise:

a. up to fifteen persons who shall be Registrants and who shall be appointed by the Licensed Members; and,

b. seven persons who shall be appointed by the ETB.

28. Members of the Board appointed under these Bye-laws shall serve for such period as defined in the Regulations as shall be determined by the Board, having regard to the need to create a pattern of rolling retirements in the interests of continuity of the Board.

29. The Board shall make Regulations relating to the periods of office to be served by Board members, and their eligibility for re-appointment.

30. A Board member shall vacate office if:

a. he becomes bankrupt or has his estate sequestrated or becomes incapable by reason of mental disorder;

b. he becomes a paid employee of the Engineering Council;

c. he gives notice in writing to the Chief Executive Officer of his wish to resign and his resignation is accepted by the Board;

d. he fails, without the consent of the Board, to attend three consecutive meetings of the Board;

e. the Board resolves that his Office be vacated by reason of conduct which, in the opinion of the Board, is, or is likely to be, materially prejudicial to the reputation of the Engineering Council; or

f. having been appointed by a Licensed Member or group of Licensed Members in accordance with these Bye-laws, he ceases to be a Registrant.

31. The Board may require a Licensed Member or group of Licensed Members to fill a casual vacancy among Board members appointed by Licensed Members in such manner as the Board shall from time to time determine; and the Board member so appointed shall hold office for the remainder of the unexpired term of office in respect of which the casual vacancy has arisen. ETB shall have the power to fill a casual vacancy among Board members appointed by ETB in such manner as ETB shall from time to time determine; and the Board
member so appointed shall hold office for the remainder of the three-year period of the vacant seat in respect of which the casual vacancy has arisen.

APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN OF THE BOARD

32. The Chairman shall be appointed and serve in accordance with the Regulations. The Chairman shall, unless the Board otherwise resolves in any particular case, be a Registrant and be a Board member at the date of his appointment.

33. The Board shall make Regulations relating to the method of appointment of the Chairman of the Board, and Regulations made under this Bye-law shall be amended only by a three-quarters majority vote of the members of the Board present and voting. The Board may at any time resolve that a Board member be appointed Vice-Chairman of the Board. There may be more than one Vice-Chairman.

REGULATIONS RELATING TO APPOINTMENT OF BOARD MEMBERS

34. The Board shall make Regulations for the process to be adopted by Licensed Members in appointing Board members under these Bye-laws. Regulations made under this Bye-law shall be made or amended only by a three-quarters majority vote of the members of the Board present and voting.

35. No member of the Board or of any committee of the Board shall be accountable in respect of acts done or authorised to which he has not expressly assented or shall incur personal liability in respect of any loss or damage incurred through any act done in good faith for the benefit of the Engineering Council. The Engineering Council shall indemnify every Board and committee member, officer and employee of the Engineering Council against any loss or expense incurred through any act or omission done or committed by him in the course of the performance of his authorised duties on behalf of the Engineering Council.

POWERS AND DUTIES OF THE BOARD

36. The Board shall carry out the objects of the Engineering Council as set out in the Charter and, subject to the provisions of these Bye-laws and the Regulations from time to time in force, may regulate its affairs as it thinks fit.

37. The Board shall in particular promote the professional interests and activities of UK registered engineers worldwide and for this purpose may promote or support activities of other bodies including Licensed Members or Professional Affiliates in furtherance of this objective.

38. The Board shall determine by regulation the manner in which documents and negotiable instruments shall be signed or otherwise executed on behalf of the Engineering Council.

39. The Board shall cause minutes to be kept of all general meetings and meetings of the Board and its committees.

40. The Board may make, alter, add to or revoke Regulations for the conduct of any activity of the Engineering Council carried out in the name of the Engineering Council, provided that such Regulations shall not be inconsistent with the Charter and these Bye-laws. Regulations made under this Bye-law shall be made or amended only by a three-quarters majority vote of the members of the Board present and voting.
GENERAL MEETINGS

41. The Board shall call an Annual Meeting of the Engineering Council each calendar year. The Annual Meeting shall be held in one of the first seven months of each calendar year, provided that no Annual Meeting shall be held more than fifteen months after the previous Annual Meeting. The business of the Annual Meeting shall include the presentation, consideration and agreement of the annual report and accounts of the Engineering Council.

42. The Board may call a general meeting other than the Annual Meeting at any time and the Board shall at all times be bound to do so on a requisition in writing of six members of the Engineering Council. Such requisition shall state the matters to be brought before and the resolutions (if any) to be moved at such a general meeting. If the Board does not within 40 days from the delivery of the requisition duly convene a meeting the requisitionists may do so.

43. Notice of any general meeting shall be given to those entitled to attend in the same way as notice shall be given for Board meetings. Authorised representatives of each of the members of the Engineering Council, and of any organisation which is not a member of the Engineering Council but is acknowledged as supporting the Engineering Council’s objects, shall be invited to attend general meetings but only the members of the Engineering Council may exercise a vote. The Chairman shall take the chair at any general meeting. In the absence of the Chairman, a Vice-Chairman shall deputise.

44. No business shall be transacted at any general meeting unless a quorum is present; the quorum shall be not less than ten members of the Engineering Council (excluding the Chairman). Each member of the Engineering Council, present and voting, shall have one vote, and resolutions, other than those for which a different majority is required by the Charter or these Bye-laws, shall require a simple majority. In the event of an equality of votes on any resolution, the person chairing the meeting shall be entitled to a casting vote. Further provisions for the calling and holding of general meetings may be made in the Regulations.

DECLARATION OF INTEREST

45. A Board member or a member of a committee or other group constituted by the Engineering Council shall declare any personal interest in any contract, dealing or arrangement to be considered at any meeting of such group. The chairman of the relevant meeting shall rule if the interest is material and, if so, decide whether the conflicted person may speak in connection with such contract, dealing or arrangement and whether he should be counted in the quorum present at the meeting but, if the interest is found to be material, he shall have no vote at such meeting. For the avoidance of doubt, no member of the Board shall acquire any interest in property belonging to the Engineering Council (otherwise than as a trustee).

COMMITTEES AND PANELS

46. The Board may appoint such committees and panels as it may from time to time determine and such committees and panels shall report to the Board accordingly.

47. A committee or panel may be composed of Board members alone or of Board members and nominees from the Licensed Members and Professional Affiliates, and other suitably qualified invited persons.

48. Other persons attending the Board or any of the committees and panels by invitation may speak but not vote. The Chief Executive Officer, or his nominee, shall have the right to attend and speak at any meeting of any committee, but shall have no vote. All committees
shall conform to any directions that may be given to them by the Board and, subject thereto and to the provisions of this Bye-law, may regulate their own proceedings as they think fit.

ACCOUNTS AND ANNUAL REPORT

49. The Board, having set its budget, shall notify ETB annually of the total sum required to be remitted by ETB to the Engineering Council to support the Engineering Council’s activities for the following calendar year.

50. The Board shall cause to be kept, audited and reported on by a qualified auditor, proper and sufficient financial records which shall conform to the requirements of the Charity Commission and give in respect of each financial year a true and fair statement of the Engineering Council’s affairs and of its income and expenditure. The Board shall cause such accounts for the past financial year, together with the report of the auditors thereon, to be presented to each Annual Meeting of the Engineering Council. The Board shall cause to be prepared also an annual report of the Engineering Council which shall be attached to every balance sheet of the Engineering Council containing a fair review of the activities of the Engineering Council during the year ending with the balance sheet date. The annual report and statement of financial activities and balance sheet shall be published within two months of the Annual Meeting at which it is presented.

51. The financial year of the Engineering Council shall be determined by the Board.

52. A copy of the accounts which are to be presented to an Annual Meeting of the Engineering Council, together with a copy of the auditors’ report and of the proposed annual report of the Engineering Council, shall be sent to all Board members, Licensed Members and Professional Affiliates and to ETB, with the notice of the Annual Meeting.

APPOINTMENT AND DUTIES OF AUDITORS

53. The Engineering Council’s auditors for the next financial year shall be appointed on the recommendation of the Board at the Annual Meeting of the Engineering Council, at a remuneration to be decided by the Board.

INVESTMENTS

54. Subject to any relevant requirements of the law relating to trustees, the Board may invest Council monies not immediately required for the purposes of the Engineering Council in the name of the Engineering Council or of the trustees or nominees on its behalf in such manner as it sees fit and may appoint and delegate powers to appropriately qualified investment managers for this purpose.

INSPECTION

55. Board members may inspect the minutes of any meeting of the Board. Following a meeting of the Board, the minutes, agenda and supporting papers of that meeting shall be made available to members of the Engineering Council upon written request, except for those minutes and papers which, in the opinion of the Board, are deemed to be confidential. Nominated representatives of any member of the Engineering Council shall have the right to inspect copies of the minutes, agenda and supporting papers of each meeting of the Board between the normal hours of business on any business day at the office, except for those minutes and papers which, in the opinion of the Board, are deemed to be confidential.
COMMON SEAL

56. The Board shall provide for the safe custody of the common seal of the Engineering Council and make Regulations for its use.

APPOINTMENT AND DUTIES OF CHIEF EXECUTIVE OFFICER

57. The Chief Executive Officer shall be appointed by, and be responsible to, the Board. Subject to the direction of the Board, the Chief Executive Officer shall promote and execute the objects of the Engineering Council; establish and maintain an organisation for the attainment of those objects; represent the Engineering Council in negotiations and elsewhere; conduct the ordinary business of the Engineering Council and carry out such other duties as the Engineering Council may require. The Board may terminate the appointment of Chief Executive Officer, but such termination shall be without prejudice to his contractual or statutory rights arising out of such termination. Subject to the direction of the Board, the Chief Executive Officer shall be entitled to recruit and dismiss staff to administer the activities of the Engineering Council.

NOTICES

58. Any notice or communication required to be served upon or sent to a Board member or member of the Engineering Council may be sent prepaid through the post, or by electronic mail, to the address last supplied by him to the Engineering Council for the giving of notice.

59. Any notice may be served on, or any communication may be sent to, the Engineering Council by delivering the same by hand, post or electronic mail, addressed to the Chief Executive Officer, or his nominated representative, at the office.

60. Any notice or communication, if sent by post, shall be deemed to have been served on the seventh day after the day on which it was posted, or if sent by electronic mail shall be deemed to have been served within twenty four hours of sending.
5. REGULATIONS OF THE ENGINEERING COUNCIL

Section 1 – Registration

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Regulation 1A: Registration Code of Practice

1. The Board has made and published standards of education, professional development, competence and commitment of individuals whom the Board may record in the Register.

2. These are set out in UK Standard for Professional Engineering Competence (UK-SPEC) (first published on 1 December 2003) and the associated Registration Code of Practice (first published on 1 March 2004 as the Regulations for Registration), which the Board will review from time to time.

3. Licensed Members shall not register individuals with the Engineering Council, or accredit or approve programmes and qualifications for such registration, outside the terms of this Registration Code of Practice, without the authorisation of the Registration Standards Committee.

4. Licensed members shall have an appeals procedure available to unsuccessful applicants.

Regulation 1B: Maintenance of Registration

1. A Registrant (Engineering Technician, Incorporated Engineer, Chartered Engineer or Information and Communications Technology Technician) may maintain his/her registration if he/she ceases to be a member of the Licensed Member institution through which he/she is registered under the following circumstances

2. If:

   a. The organisation of which he/she is or was a member, has ceased to be a Licensed Member or has ceased to exist; or

   b. He/she is not, or he/she has ceased to be, a member of that organisation (other than through expulsion or while he/she is the subject of disciplinary proceedings);

Then his/her 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 provide and assess relevant continuing professional development, supervise and enforce adequate disciplinary procedures and has become a Professional Affiliate who has a registration agreement with a Licensed Member; or
d. He/she 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/she arranges for their registration to be recorded through that body. The registering body must then assure itself that the individual meets the Registration Code of Practice requirements for that category of registration.

3. A Registrant who is expelled from membership of the Licensed Member institution through which he/she 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). Once a Registrant has been informed that he/she is the subject of disciplinary proceedings by the Licensed Member through which he/she is registered, he/she shall not seek to transfer his/her registration to another Licensed Member or Professional Affiliate before the disciplinary process is complete. If a Registrant is expelled from a Licensed Member or Professional Affiliate other than that through which he/she is registered, the Engineering Council will inform the Licensed Member through which he/she is registered so that it can decide what action to take.

4. Where a Registrant is suspended for any reason, the Licensed Member shall inform the Engineering Council. Any suspensions from the EngC Register for disciplinary reasons (Suspension Code SCI) may be referred to the PCGP if deemed appropriate by the Licensed Member.

**Regulation 1C: Appeal by an individual against loss of registration**

1. The Board will consider an appeal from an individual (“the Appellant”) 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 or is in registration through that Institution (“the Institution”), 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.

2. The Board delegates its power to appoint an Appeal Panel and manage the appeal process under this Regulation to its Privy Council and Governance Panel (PCGP).

3. The timescales below may exceptionally be extended by the Engineering Council's CEO with the agreement of the PCGP if there are specific grounds for so doing. Leave to appeal is not automatically granted. The Appellant must identify specific grounds for appeal, with particulars sufficient to cast reasonable doubt on the presumption that the Institution’s proceedings were conducted properly and fairly and that the outcome is fair to the Appellant.

   The grounds for Appeal shall be limited to matters of Process; these may include:

   a. The Institution has not followed its own procedures; or

   b. The procedures of the Institution are substantially defective by comparison with Disciplinary Procedure Guidance published by the Engineering Council.

4. The Appellant must lodge any request to appeal, in writing, with the CEO within 28 days of receiving notification from the Institution that its disciplinary procedures are exhausted; that the sanction imposed results in loss of registration; and that he/she has a right to seek leave to appeal to the Engineering Council.
5. The CEO shall promptly acknowledge the Appellant's request and send the Appellant or a nominated representative, copies of this Regulation and the relevant Bye-laws. A copy of the request shall be sent to the Institution which shall have the opportunity to submit within 14 days a written comment or rebuttal, which shall be disclosed to the Appellant or his/her representative. The CEO shall then refer the matter to the PCGP for a decision on whether to grant leave to appeal. The PCGP may seek additional information from either party to assist it in reaching a decision. The decision may be taken out of committee and should if possible be made within 42 days of receipt of the Appellant’s request. The CEO shall forthwith inform the Appellant and the Institution of the PCGP’s decision, with reasons. If the application is dismissed the procedure is at an end and no further appeal is permitted.

6. The procedure for the conduct of an Appeal Panel is at Annex A to this Regulation.

**Regulation 1D: Requirements Where Professionally Registered Engineers are in the Minority**

1. Where professionally registered engineers are in the minority of individual membership of a Licensed Member or Professional Affiliate, then these bodies must demonstrate that they have mechanisms in place to ensure that suitable Registrants are in the majority for making decisions at all key stages of the registration process.

2. In addition, these bodies must demonstrate that Registrants are involved at all key stages of learned society activities, CPD, educational and training programmes and have opportunities to influence the policy and procedures of the institution.
Annex A to Regulation 1C

Procedure for Conduct of an Appeal Panel

Appeal Panel Preparation

1. If leave to appeal is granted the Board shall be informed and the PCGP shall appoint an Appeal Panel ("the AP") comprising:
   a. One Registrant, who may be a Board member;
   b. One person independent of the engineering profession;
   c. One legally qualified person, who may be a Registrant.

2. No AP member shall have participated in an earlier stage of the proceedings (including the Institution's proceedings) or shall be a member of the Institution. The PCGP shall nominate one of the appointees to chair the AP. Staff support shall not include any person who is a member of the Institution.

3. The PCGP may call upon the Institution to produce such information, papers, records and documents (including internal and electronic communications) as it considers necessary for consideration of the case, and to permit any copying (at the Engineering Council's expense); and the Institution must promptly, fully and frankly comply with any such requirement. The PCGP shall normally, promptly disclose all such material as the PCGP considers necessary, to the Appellant or his representative.

4. The CEO shall give both parties not less than 42 clear days' notice of the date, time and place of the appeal hearing. At the same time the Appellant shall be given the option of an oral hearing and, if he/she so opts, whether to appear in person, to be accompanied or represented by a 'next friend' or legal representative, or to be represented by an appointed member of the PCGP. Acceptance of the option must be notified to the Engineering Council within 14 days together with any request for postponement. If the option is accepted the Engineering Council shall if requested make reasonable endeavours to reschedule the hearing to a date convenient to the Appellant, the Institution and the AP members, provided that the postponement shall not exceed 56 days and that all concerned are given not less than 21 clear days' notice of the revised date, time and place.

5. Not less than 28 clear days before the date of the hearing the Appellant or his/her representative and the Institution shall submit to the Engineering Council a written outline statement of their case or defence, supported by documentary evidence and, if an oral hearing, details of their representative and any witnesses they wish to call. The Engineering Council shall immediately disclose each submission and details to the other party or its representative. No new material or witnesses may thereafter be introduced by either party without the consent of the other party, unless the AP chairman agrees to do so in the interests of fairness. If either party appoints a legally qualified representative the other party shall be permitted to appoint a legally qualified representative also.

Appeal Panel Hearing

6. The hearing shall be conducted with transparent fairness and shall be held in private. All AP members must be present throughout the hearing. The AP chairman may adjourn
the hearing at any time, although the number and duration of adjournments should be kept to a minimum.

7. If the Appellant has not opted for an oral hearing the AP shall consider documentary evidence only and no other persons shall be present except for a staff member to make a record of the proceedings and provide administrative support.

8. If at the scheduled start of an oral hearing or resumption after an adjournment the Appellant (if representing him/herself) or his/her representative is not present the AP chairman shall order a short adjournment to allow enquiries to be made. If it appears that there is probably a genuine reason for non-appearance, e.g. transport delays, illness, accident, the AP chairman should consider an appropriate further adjournment. If after a reasonable time no explanation is forthcoming or there is an indication that the Appellant is unable, or no longer intends, to appear or be represented, the hearing shall be resumed as if the Appellant had not opted for an oral hearing.

9. An oral hearing shall comprise:
   a. A statement by the Appellant or his/her representative of the grounds for appeal and supporting evidence, including written evidence. The Appellant or his/her representative may call witnesses, who may be cross-examined by the Institution representative;
   b. A rebuttal or statement by the Institution's representative and supporting evidence, including written evidence. The Institution may call witnesses, who may be cross-examined by the Appellant or his/her representative;
   c. Brief closing statements, if desired, by the Appellant or his/her representative and the Institution's representative.

10. The AP shall not be bound by the judicial rules of evidence but may receive such oral, documentary and other evidence as appears to it to be relevant to the case, provided that the AP shall not receive evidence that would not be admissible in a court of law if it would be unjust to the Appellant so to do.

11. The burden of proof shall lie upon the Appellant. The AP shall apply the civil standard of proof, the balance of probabilities.

12. On completion of the statements and receipt of the evidence the AP chairman shall conclude the hearing and the AP members shall convene privately to decide whether the appeal is to be upheld or dismissed. A decision following an oral hearing shall if possible be announced and explained to the parties or their representatives orally on the same day. All decisions, with reasons, shall be confirmed in writing to the parties or their representatives within 7 days of the conclusion of the hearing.

13. If the appeal is upheld the Institution shall be invited to reconsider the case after revising its procedures if necessary to conform to the Engineering Council's Disciplinary Guidance. In these circumstances the Appellant shall, subject to payment of any fees due, remain in membership and/or registration through the Institution pending the re-hearing. Alternatively, the Appellant or his/her representative may within 14 days of being notified of the AP’s decision opt irrevocably to retain the Appellant’s registration under Regulation 1B as if he/she had ceased to be a memberRegistrant through the Institution other than through expulsion, while he/she seeks to obtain membership and registration through another Licensed Member or Professional Affiliate. In these
circumstances the Appellant or his/her representative must promptly inform the Engineering Council of any such application and the Engineering Council shall inform the Licensed Member or Professional Affiliate of the circumstances of the Appeal.

Publication of Outcome

14. If the Appeal is dismissed the Engineering Council reserves the right at its absolute discretion to publish the fact, but without reasons unless the Appellant or his/her representative requests that reasons be published also. The Institution should also inform any other professional bodies of which the Appellant is known to be a member.

15. If the Appeal is upheld, the Engineering Council shall on request of the Appellant or his/her representative publish the fact.

Follow-up action

16. The PCGP shall monitor the progress and outcome of any re-hearing of the case held by the Institution.

17. If the PCGP considers (whether before or after any re-hearing) that the Institution’s procedures or their implementation should be reviewed in relation to the licence requirements, the matter shall be referred to the Engineering Council’s Quality Assurance Committee (QAC).

Maintenance of Records

18. The Engineering Council shall maintain a record of the proceedings for not less than seven years.

Conflict of Interest

19. If any person who is asked to act in a decision-making role in the case has a conflict of interest in relation to any part of the allegations or a connection with the Appellant or the Institution which creates a real danger of bias, or which could cause others to think it could influence his/her decision, he/she shall declare an interest and decline to serve.

Expenses and Costs

20. The Appellant shall be required to pay to the Engineering Council a fee set by the PCGP but not exceeding £500. If the Appeal is upheld the fee will be refunded in full. If the fee is not paid by the start of the AP hearing the Appeal will be dismissed.

21. The Engineering Council may at its discretion pay an attendance fee to any AP member who is not a trustee of the Engineering Council and will pay reasonable out of pocket expenses of the AP members.

22. Irrespective of the outcome of the case, the Engineering Council shall not be liable to reimburse the Appellant’s or the Institution’s expenses or legal costs.

Natural Justice and the Human Rights Act

23. This procedure accords with the currently accepted principles of natural justice. It is also considered to be consistent with many of the principles of the “right to a fair trial” contained in Article 6 of the European Convention on Human Rights and given further
effect in English law by the Human Rights Act 1998 (HRA). The Engineering Council’s view is that HRA generally does not apply to this procedure because Engineering Council registration is voluntary and the Engineering Council is not a “public authority” or carrying out functions of a public nature as defined in HRA.
Section 2 – Licensing Of Members

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Regulation 2A: Eligibility for Licensed Member status

1. A Licensed Member must be able to demonstrate its legal entity status under UK law. This may include incorporation by: statute; Royal Charter; company registration limited by guarantee; or as a Charitable Incorporated Organisation. Registration as an unincorporated charity does not satisfy this requirement.

Regulation 2B: Regulations for the Conduct of Audits

2. The terms under which the Board may license an organisation as a Licensed Member are outlined in the Bye-laws. Such bodies shall then be required to satisfy the regulations for the conduct of audits (which may be referred to as Reviews) which shall be set out in the Engineering Council Licensing Manual. The Manual shall be approved, and regularly reviewed, at least annually, by the QAC.

3. The licensing reviews shall be against the elements of Continuous Performance Improvement which are specified in the Licensing Manual.

Regulation 2C: Appeal against Alterations to Existing Licences

1. The Board delegates to the QAC its powers appertaining to licensing, including but not limited to authorship and publication of the Licensing Manual.

2. For the purposes of this Regulation, ‘a licence’ means a licence to enter the names of qualified members of a Licensed Member into the Register by the Standard Route or the Individual Route. Additional licences may be granted to accredit academic and professional development programmes.

3. The scope of this Regulation includes:
   a. Withdrawal or suspension of a licence in its entirety;
   b. Withdrawal or suspension of a licence in respect of one or more section(s) of the Register;
   c. Rejection of an application by a licensee in respect of an additional section of the Register;
   d. Withdrawal or suspension 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.
4. A resolution of the QAC under the Bye-laws and under clause 3a, 3b or 3d above shall require a two thirds (voting in favour) majority of its members present and voting. A resolution under clause 3c above shall not take effect until the end of the 28 day notice period given by the licensee.

Grounds for Appeal

5. The Licensed Member shall demonstrate that:
   a. The licensing processes were not correctly undertaken (Process); or
   b. The conclusions were manifestly disproportionate to the shortcomings identified (Proportionality); or
   c. The conclusions were unreasonable due, for example, to irrelevant matters being taken into account and/or relevant matters not being taken into account (Perversity).

Appeal against proposed resolution

6. Having been given due notice of the proposed resolution, the Licensed Member may lodge any Appeal (or representation) in writing with the Engineering Council CEO not less than 7 days before the date of the next QAC meeting. The Licensed Member’s written statement shall be considered by QAC when considering the resolution and the CEO shall notify the Licensed Member of the outcome within 14 days of the QAC meeting.

Appeal against resolution passed by QAC

7. The Appeal procedure is at Annex A to this Regulation.

Related Appeals

8. Appeals may also be lodged against the Engineering Council decisions for the following reasons:
   a. Refusal of an application for a licence from a new professional body;
   b. Refusal to re-approve an existing Professional Affiliate;
   c. Refusal to approve a new body as a Professional Affiliate.

These will be handled by a procedure similar to that outlined in Annex A.
Annex A to Regulation 2C

Procedure for Appeal against resolution passed by QAC

1. The timescales below will normally apply but may be extended at the discretion of the CEO if there are specific grounds for doing so.

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

3. Having discussed the grounds for Appeal and the process with the appellant the CEO shall 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.

4. The CEO shall 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.

5. 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.

6. The appellant shall 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.

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

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

9. 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 QAC;
   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.

10. The Committee shall inform the appellant of its decision, with explanation, within 14 days. The CEO shall inform the appellant of the Board’s decision within 14 days.

11. The CEO shall maintain a record of the Appeal for not less than seven years.
Section 3 – Professional Affiliates

Charter references 4i

Bye-Law references 24-25

Last amended

Regulation 3A: Approval of Professional Affiliates

1. The terms under which the Board may approve an organisation as a Professional Affiliate are outlined in the Bye-Laws. This Regulation clarifies some specific points.

2. A Professional Affiliate must be able to demonstrate:
   a. That they are an established and stable UK organisation.
   b. A vision and 3 year plan approved by its governing body;
   c. Shared objectives with the Engineering Council to promote engineering;
   d. Its status as a UK body incorporated by statute, by Royal Charter, as a company limited by guarantee or as a Charitable Incorporated Organisation. Being a registered charity alone is not sufficient;
   e. Membership comprising groups of professionals;
   f. Primacy of members (and Registrants if any) in the governance of the organisation;
   g. Compliance with the Engineering Council Charter, Bye-laws and Regulations;
   h. Having regard to the Engineering Council’s Guidance documents.

3. Professional Affiliates shall pay the Engineering Council an annual fee, to be set from time to time by the Board.

4. If a Licensed Member wishes to transfer to Professional Affiliate status Regulation 1B will apply.

Regulation 3B: Registrations Agreements between Licensed Members and Professional Affiliates

1. A Professional Affiliate may offer a route to registration for its members via a formal agreement with a Licensed Member who shall ensure compliance with UK-SPEC and licensing requirements.

2. The formal agreement shall be signed by both parties and shall set out the controls which must be in place in order to ensure that Registrants are of the required standard. It should include at least the following:
   a. The Licensed Member shall ensure compliance with the Engineering Council’s requirements; assist with relevant training; monitor the process at least annually; and pay the appropriate registration fees to EngineeringUK;
b. The Licensed Member shall establish with the Professional Affiliate, administrative and recording processes ensuring that suitably qualified and trained Registrants are involved in the assessment and interview of candidates;

c. The Professional Affiliate shall ensure that suitable CPD opportunities are available;

d. Any requirement which may require joint membership

3. The agreement must have the Engineering Council’s endorsement and the QAC shall review the Professional Affiliate’s processes at least after the first year and then at least every 5 years. The Professional Affiliate fee requirement will remain unchanged.
Section 4 – Associates of the Engineering Council

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Regulation 4A: Approval of Engineering Council Associates

1. The Board may recognise the support that an individual provides to the Engineering Council through his/her expertise and personal network, by appointing individuals to be Associates of the Engineering Council.

2. Such appointments shall be honorary and shall not carry the right to vote at Annual meetings although Associates may attend such meetings. The appointment does not attract remuneration. There is no formal period of appointment, but the Board will keep such appointments under review.
Section 5 – The Board, Appointment, Powers and Duties

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Regulation 5A: Election of Board Members

1. Fifteen members shall be elected to the Board in accordance with the procedure set out in Annex A to this Regulation.

2. Terms of office shall be 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 may 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. All representatives of Licensed Members elected as Board members shall be Registrants.

4. Representatives of Licensed Members elected as Board members may be Licensed Members’ staff but efforts will be made to ensure that peer members always form a majority of the Board.

5. The CEO, in consultation with the Chairman and the appropriate Licensed Members’ chief executives, shall arrange an even succession such that five of the fifteen Licensed Members elected posts on the Board shall fall vacant each year.

6. The circumstances under which a Board member shall vacate office before the end of his/her term (including resignation if accepted by the Board), are detailed in the Bye-laws. However, this 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 the Bye-Laws 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 Licensed Member with which he/she or she is registered is no longer a member of that group) then he/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 should establish similar rules to ensure rotation of their seven nominees to the Board, always discussing potential nominees with the CEO and bearing in mind the overall balance of the Board.

10. Should a Board member miss three consecutive meetings without the agreement of the Board then he/she shall be deemed to be no longer a member of the Board.
11. Substitutes for Board members are not permitted.

**Regulation 5B: Election of Chairman**

1. The Chairman of the Board shall have a 3 year term of office, renewable to a maximum of 6 years. The Chairman’s term of office shall begin and end at the Engineering Council’s AGM. A Board member may serve beyond the normal 6 year maximum in Regulation 5A above in order to complete their terms of office as Chairman of the Board.

2. Any Board member may put him/herself 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.

3. If more than one application is received a ballot shall be conducted by the CEO on a secret, single transferable vote basis.

4. Three 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 and the voting timetable (normally completing before the next Board meeting).

5. After the closing date for applications the CEO shall circulate names of candidates, supporting information and instructions for voting to all members of the Board. There shall be at least a further 4 weeks for the members to vote.

6. The result shall be announced at the Board meeting following the conclusion of the election process.

7. The new Chairman shall nominate a Vice-Chairman who shall require approval by a majority of the Board present and voting.

8. Should the Chairman resign without sufficient notice to complete the election process as outlined then the Vice-Chairman shall take over as Chairman until the selection process for a new Chairman can be completed.
Annex A to Regulation 5A

Procedure for the election of Board Members by Licensed Members

1. Each Licensed Member shall identify a Representative Body able to represent its 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 normally 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 normally 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 normally more than 5,000 paying Registrant members at 1 January each year shall elect one representative to sit on the Board.

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 normally 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 normally fewer than 1,001 paying Registrant members at 1 January each year. These Licensed Members are known as Group C Institutions. The CEO will present to the first Board meeting each calendar year a summary of Registrant statistics including the number of new Registrants for each Licensed Member over the previous three years.

6. This procedure, establishing the representation rights of Licensed Members, shall be reviewed every three years, 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 above will be increased in order to maintain the maximum limit of 15.
Section 6 – Meetings, Proceedings and Committees

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Regulation 6A: Conduct of General Meetings

1. The Bye-Laws require that an Annual Meeting shall be held in one of the first seven months of each calendar year, provided that no Annual Meeting shall be held more than fifteen months after the previous Annual Meeting.

2. The Board may call a general meeting other than the Annual Meeting at any time and the Board shall at all times be bound to do so on a requisition in writing of six members having a right to be represented and vote at the meeting. Such requisition shall state the matters to be brought before and the resolutions (if any) to be moved at such general meeting. If the Board does not within 40 days from the delivery of the requisition duly convene a meeting the requisitionists may do so.

Votes of Members and Authorisation of Representatives

3. Every member shall have one vote. The members of the Engineering Council are defined in the Charter as the Licensed Members. Professional Affiliates are not entitled to vote.

4. The vote of a member may only be cast by its authorised representative present in person. Subject to paragraphs 5 and 6, an authorisation or revocation shall be delivered by the member to the Engineering Council not less than 24 hours before the scheduled start of the meeting as provided under the Bye-Laws. An authorisation shall continue to be valid until revoked or replaced by the member. The Engineering Council shall not be required to consider whether the representative has been properly appointed by the member.

5. In the absence of an express authorisation by a member, or if the authorised representative of a member is not present, the authorised representative of that member shall be deemed to be:

   a. The President of that member Institution; or if he/she is not present
   b. The Chairman of Trustees of that member Institution; or if he/she is not present
   c. The Board member appointed by that Licensed Member, or a Board member representing Group B or C institutions who is registered through that Licensed Member; or if not applicable or if he/she is not present
   d. The chief executive of that member Institution.

For the avoidance of doubt, a Board member appointed by EngineeringUK who is also an individual member of a Licensed Member may vote on behalf of that Licensed Member only if authorised under clause 19.
6. No person shall vote as the authorised representative of more than one member at a general meeting. In the event of any duplication of authorisation, whether under paragraph 4, paragraph 5 or both, the Licensed Member through which the person is registered shall take precedence.

7. Any objection to the qualification of any voter must be raised at the meeting at which the vote is tendered and the decision of the person who is chairing the meeting shall be final.

8. In the case of an equality of votes on an ordinary resolution, the person chairing the meeting shall have a casting vote in addition to any vote he/she may have as an authorised representative.

Notice of General Meetings

9. The minimum period of notice required to hold any general meeting shall be twenty-one working days.

10. A notice shall specify the date time and place of the meeting and the general nature of the business to be transacted. If the meeting is to be an Annual Meeting, the notice shall say so.

11. The notice shall be given to all the members and to the Board members, the Professional Affiliates, the Associates and the auditors.

12. The proceedings at a meeting shall not be invalidated because an organisation or a person who was entitled to receive notice of the meeting did not receive it because of an accidental omission by the Engineering Council.

Attendance at General Meetings

13. The following persons shall be entitled to attend and speak at general meetings:

   a. Board members;
   b. The President and/or Chairman of Trustees of each member, or a trustee nominated by him/her;
   c. The Chief Executive of each member, or a senior staff member nominated by him/her;
   d. An authorised representative of a member who is not included under a.-c. above;
   e. A representative of each Professional Affiliate;
   f. Associates;
   g. A representative of the auditors;
   h. The Engineering Council CEO and any staff members nominated by him;
   i. Any other persons or representatives invited by the Board.

Every person attending a general meeting shall enter on an attendance register his/her name and, except for Board members, an email address for receipt of a copy of the
Proceedings at General Meetings

14. No business shall be transacted at a general meeting unless a quorum is present. A quorum is ten authorised representatives of members present in person and entitled to vote.

15. If a quorum is not present within half an hour from the time appointed for the meeting, or if during a meeting a quorum ceases to be present, the meeting shall be adjourned to such time and place as the Board shall determine.

16. The Board shall reconvene the meeting and shall give at least seven clear days’ notice of the reconvened meeting stating the date, time and place of the meeting. If no quorum is present at the reconvened meeting within fifteen minutes of the time specified for the start of the meeting the authorised representatives of members present in person at that time and entitled to vote shall constitute the quorum for that meeting.

17. General meetings shall be chaired by the Chairman. If the Chairman is not present within fifteen minutes of the time appointed for the meeting the Vice-Chairman shall deputise and, in the absence of the Vice-Chairman, the Board members present shall appoint a Board member to chair the meeting. If there is only one Board member present and willing to act, he/she shall chair the meeting. If no Board member is present and willing to chair the meeting within fifteen minutes of the time appointed for holding it, the authorised representatives of members present and entitled to vote must choose one of their number to chair the meeting.

18. The authorised representatives of members present in person at a meeting and entitled to vote may resolve by ordinary resolution that the meeting shall be adjourned. The person who is chairing the meeting must decide the date, time and place at which the meeting is to be reconvened unless those details are specified in the resolution. If a meeting is adjourned by a resolution of the authorised representatives of the members for more than seven days, at least seven clear days’ notice shall be given of the reconvened meeting stating the date, time and place of the meeting.

19. No business shall be conducted at a reconvened meeting unless it could properly have been conducted at the meeting had the adjournment not taken place.

20. Any vote at a meeting shall be decided by a show of hands unless before, or on the declaration of the result of, the show of hands a poll is demanded either by the person chairing the meeting or by at least two authorised representatives of members present in person and entitled to vote. The declaration of the person chairing the meeting of the result of a vote shall be conclusive unless a poll is demanded. The result of the vote must be recorded in the minutes but the number or proportion of votes cast need not be recorded.

21. A poll must be taken immediately and as directed by the person chairing the meeting, who may appoint scrutineers from among the persons present but not entitled to vote.

22. Any business raised at any general meeting which has not been specified in the notice of the meeting shall not be subjected to a vote without the consent of the person chairing the meeting.
Minutes of Meetings

23. Copies of the minutes of general meetings shall be sent to all members and all persons who attended the meeting, if possible within twenty eight days of the conclusion of the meeting.

Regulation 6B: Engineering Council Committees and Panels

1. The Registration Standards Committee (RSC), the Quality Assurance Committee (QAC), the Finance Audit and Remuneration Panel (FARP), the Privy Council and Governance Panel (PCGP), International Advisory Panel (IAP) and the Group B and C Panel shall be established as standing committees and panels.

2. The Chairman of each committee and panel shall be appointed from the Board. With the exception of the Finance Audit and Remuneration Panel (FARP), a member of the Board acting as Chairman of one of the standing committees or panels may continue as an additional non-voting member of the Board should this/her term of office as Chairman of the standing committees or panels exceed his/her term of office as a Board member.

3. Each committee and panel shall have Terms of Reference approved by the Board and reviewed at regular intervals and at least annually.

4. As a requirement of their licence, Licensed Members shall nominate competent volunteers as members of these committees and panels, particularly the QAC’s Liaison Officers. The volunteers’ objectives are:
   a. To contribute to the maintenance of standards
   b. The exchange of good practice
   c. To support Continuous Performance Improvement

Regulation 6C: Engineering Council Guidance

1. Guidance documents are published by the Engineering Council’s committees under the powers delegated by the Board. Guidance Notes produced by the panels may require Board approval before publication unless explicit delegation has already been given to do so. They should comprise:
   a. Documents produced under an express authority in Regulations, eg. the Licensing Manual. Unless otherwise stated, these carry the same authority as the parent Regulation;
   b. External Directives and other documents reproduced for convenience, particularly in the International area. These have varying degrees of authority, normally apparent from the text;
   c. Guidance Notes, produced by Engineering Council committees and panels which are endorsed by the Board. Guidance Notes are complementary to Regulations: in simplistic terms, Regulations are “shall” whereas Guidance Notes are “should”.

2. Guidance Notes should reflect a consensus view of best practice across, or in some cases beyond, the profession. Some could be described as firmer than others. During Licensing Reviews, material shortcomings in a Licensed Member’s procedures or
practices compared with relevant guidance could be evidence of a need for improvement.

3. Guidance documents are listed on the Engineering Council’s Extranet in .pdf format under the following categories:
   a. Licensing Guidance;
   b. Governance Guidance;
   c. UK-SPEC Guidance;
   d. Registration Guidance;
   e. International Guidance.
Section 7 – Fees, Financial Control and the Seal

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Regulation 7A: Regulations for the payment of fees for retention of registration by individuals

1. Annual registration fees shall be payable to 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 clause 3 below).

2. Subject to any registration agreement under Regulation 3B, 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. If such a body fails to invoice such fee, the body shall nevertheless be liable for the payment thereof on request of EngineeringUK. In this event the normal due date for members of that body, as set out in paragraph 5, shall be regarded as the Due Date.

3. Should the individual wish to change the body to which he/she pays the registration fee or elects to become registered through another body as well the body to which he/she pays his/her fee then the new registering body must assure itself that the individual meets the Registration Code of Practice requirements for that category of registration. Where multiple registrations are held, additional EngC certificates may be applied for but would attract an administrative fee and will be dated as of the day of issue.

4. 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 EngineeringUK of the Fee annually or otherwise as EngineeringUK may direct.

5. For new Registrants the Fee shall be paid by the Registrant to the Licensed Member or Professional Affiliate prior to registration. For all other individuals on the Register the due date for payment of the Fee ("the Due Date") shall, unless otherwise set out in this Regulation, be the 1 January each year unless EngineeringUK has agreed in writing an alternative Due Date with the Institution performing the collection. The Due Date for direct Registrants shall be 1 January of each year.

6. 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/her from the Register. If the body leaves such an individual on the register, the body shall be liable for the payment of the registration fee to EngineeringUK. An individual on the Register who is a member of any Licensed Member or Professional Affiliate may be removed from the Register where he/she has paid the Fee to that body, but such body has consistently failed to make payment of such sum to EngineeringUK, but only after EngineeringUK has written to the individual giving him/her notice of removal due to non-payment by the body.
7. An individual on removal from the Register shall be requested to return his/her registration certificate.

8. 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 a further 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/she has submitted to EngineeringUK in writing a reason for non-payment which the Engineering Council deems such as to justify his/her retention on the Register.

9. Any individual removed from the Register may be re-instated upon payment of an administrative fee as decided by the Board from time to time, without undertaking a further Professional Review, provided that the application for reinstatement is made within three years of the last payment of Registrant fees.

10. It is for the Licensed Member seeking to reinstate an individual after a period of more than three years to satisfy itself, through a Professional Review, that the individual has maintained his/her competence.

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

**Regulation 7B: 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 7C: The Seal**

1. The Engineering Council Seal shall be held secure by the CEO. 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:

   a. To authenticate documents certifying an individual's registration with the Engineering Council;

   b. To authenticate agreements with national organisations in other jurisdictions, provided such agreements have the authority of the Board;

   c. To authenticate documents certifying the licences granted to Licensed Members or Professional Affiliates of the Engineering Council.
Section 8 – International

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Regulation 8A: International Activities

1. The Board has established the IAP to provide advice relating to international initiatives and core business activities identified in Engineering Council’s Strategic Plan under Charter clause 4j.

2. The Engineering Council is the UK National Member of the European Federation of National Engineers Associations (FEANI). The Board delegates the functions of the British National Committee, as defined in the FEANI National Members Handbook, to the IAP.

3. The Engineering Council holds the UK Sections of the International Registers of engineers, technicians and technologists established under international engineering agreements. The Board delegates responsibility for admission to and oversight of the UK Sections of such registers to the IAP.

Regulation 8B: Membership of Multinational Organisations

1. Following consultation with the Licensed Members, the Board may, from time to time, approve a proposal for the Engineering Council to join a multinational organisation or agreement where such membership is consistent with the objects of the Engineering Council.

2. Any proposal for membership of a multi-national international organisation shall be scrutinised by the IAP, which may make recommendations to the Board with due regard to delivery of the objects of the Council, capability to deliver on attendant obligations and financial commitments. Such membership shall be reviewed at intervals not exceeding 5 years.

3. The IAP shall ensure that obligations arising from membership of multinational organisations and agreements are incorporated into Engineering Council Regulations, processes and procedures and communicated to the Licensed Members.

Regulation 8C: Engineering Council Representatives

1. Membership of multi-national organisations may give rise to a requirement to appoint or nominate representatives to roles, committees and working groups on a defined term or ad hoc basis.

2. The IAP shall be responsible for identifying suitable candidates for appointment or nomination and making recommendations to the Board.
3. Where not already a member of the IAP, Engineering Council representatives shall normally be appointed as expert members of the IAP or shall be invited to attend IAP meetings where matters relevant to their role are to be discussed.

4. Engineering Council representatives shall not commit the Council to actions or financial liabilities without prior approval or requirement for subsequent ratification by the Board.

5. Engineering Council representatives shall not normally be remunerated. The Engineering Council shall meet reasonable travel and subsistence costs in accordance with applicable finance policies.

6. Engineering Council representatives should ensure they make clear when they are speaking on behalf of the Council and when they are speaking in another capacity and shall take all reasonable steps to identify potential conflicts of interest and respond appropriately.

Regulation 8D: International Agreements

1. Following consultation with Licensed Members, the Engineering Council may, from time to time, enter into agreement with overseas bodies regarding mutual recognition of overseas titles and qualifications, or may approve agreements made by Licensed Members. Such agreements shall exempt appropriate applicants from all or part, depending on the scope of the particular agreement, of the registration requirements.
Section 9 – Relationship with the Privy Council Office (PCO)

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<td>Bye-Law references</td>
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<td>Last amended</td>
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</table>

Regulation 9A: Relationship with the PCO

1. The Board delegates to the Privy Council and Governance Panel (PCGP) its powers under the Charter where the PCGP is accountable for the delivery of governance initiatives and core business activities identified in Engineering Council’s Strategic Plan, specifically the relationship with the Privy Council.

2. The Engineering Council is an advisor to the Privy Council on Royal Charter and Bye-law applications and amendments in the fields of engineering, science and technology.

3. Licensed Members and Professional Affiliates shall consult with the Engineering Council on all matters concerning the grant of or amendment of Royal Charters and Bye-Laws, and, so far as is possible, resolve any issues that arise in discussion before sending informal proposals to the Privy Council Office. Following the informal consultation with the PCO and any subsequent formal adoption of the necessary resolutions by a Licensed Member or Professional Affiliate the PCO will require a signed and sealed version of the resolutions, with a certificate that they have been duly passed in accordance with the requirements of the Licensed Member or Professional Affiliates’ extant governance procedures, which will normally be the existing Charter and Bye-laws or Memorandum and Articles of Association. Guidance for the submission of applications and amendments are contained in the PCO’s website.

4. The Engineering Council may formally object to applications for or amendments to, Charter and Bye-laws which do not accord with this Regulation.

5. Licensed Members and Professional Affiliates who are incorporated other than by Royal Charter shall likewise consult with the Engineering Council on all matters concerning the proposed amendment of their governing document.
Section 10 – Research in Pursuance of Engineering Council Objects

<table>
<thead>
<tr>
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Regulation 10A: Research in Pursuance of the Engineering Council’s Objects

1. The Board from time to time, may publish, or commission the publication of, material relevant to the objects in any form, undertake or commission research, establish and maintain libraries, databases, or any other facilities for the benefit of the public, and hold or promote conferences or other events.

2. This may include, but is not restricted to, delivery of research initiatives aligned to:
   a. The Engineering Council’s core business activities identified in the Engineering Council’s Strategic Plan or any of its strategic aims;
   b. The pursuance of the Engineering Council’s Objects;
   c. Supporting the Engineering Council’s strategy development in the form of horizon scanning and its business planning process.
## Annex - Regulations Responsibility Matrix

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<th>Body Responsible for its Operation</th>
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<td>Maintenance of Registration</td>
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<td>1C</td>
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<td>All</td>
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<td>6C</td>
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<tr>
<td>8A</td>
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<tr>
<td>8C</td>
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<td>IAP</td>
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<tr>
<td>9A</td>
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<tr>
<td>10A</td>
<td>Research in Pursuance of the Engineering Council’s Objects</td>
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<td>All</td>
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