

Asian Institute of Chartered Bankers

BYE-LAWS

Effective 27 September 2017

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Section I - Preliminary

1. Commencement	1. (1) These bye-laws were made pursuant to Article 85 of the Constitution of the Institute. (2) These bye-laws as amended shall come into operation as from 27 September 2017.
2. Definitions and Interpretation	2. (1) In these bye-laws, unless the context otherwise requires, words and expressions defined in the Constitution of the Institute shall have the same meanings herein and the following words and expressions shall have the following meanings: <i>Amending Date</i> has the meaning ascribed in Article 2 of the Constitution. <i>Appeal Committee</i> means an Appeal Committee appointed by the Disciplinary Panel Chairman under bye-law 63(2) <i>appellant</i> means a defendant who appeals against a finding or order of a Disciplinary Committee. <i>applicant</i> means, as the case may be, a person applying to become an Individual Member or a body corporate applying to become a Corporate Member. <i>Board of Examiners</i> means the Board of Examiners appointed by the Council under bye-law 36. <i>Chief Executive Officer</i> means the Chief Executive Officer of the Institute. <i>complaint</i> has the meaning given in bye-law 49(1). <i>complainant</i> means any person who brings a complaint to the attention of the Chief Executive Officer. <i>Constitution</i> means the Constitution of the Institute, as amended from time to time. <i>defendant</i> means an Individual Member against whom a formal complaint has been referred to a Disciplinary Committee. <i>Disciplinary Committee</i> means a Disciplinary Committee appointed by the Disciplinary Panel Chairman under bye-law 58(1). <i>Disciplinary Panel</i> means the Disciplinary Panel appointed by the Council under bye-law 57. <i>formal complaint</i> means a complaint referred by the Chief Executive Officer to a Disciplinary Committee under bye-law 53(6).

	<p><i>joint disciplinary scheme</i> means any disciplinary scheme established jointly by the Institute and one or more other professional bodies pursuant to Clause A4(c) of the Constitution.</p> <p><i>order</i> means, as the case may be, an order of a Disciplinary Committee or an Appeal Committee.</p> <p><i>Professional Conduct Officer</i> means the staff of the Institute charged with the responsibility of considering and investigating complaints and performing any other functions as may be delegated by the Chief Executive Officer.</p> <p><i>Secretary</i> means the Secretary of the Institute.</p>
	<p>(2) Words importing the singular number shall include the plural number and vice versa, and words importing the masculine gender only shall include the feminine gender.</p>
	<p>(3) Any words or expressions defined in the Companies Act, 2016 (as amended or substituted from time to time) shall, except where the subject or context forbids, bear the same meanings in these bye-laws.</p>
	<p>(4) The headings and sub-headings are inserted for convenience only and shall not affect the interpretation of these bye-laws.</p>
3. Forms	3. The Council may from time to time prescribe such forms to be used under these bye-laws, and all notes and directions thereon shall be deemed part of the forms and must be observed accordingly.
4. Notices	4. Any notice or other document required by these bye-laws to be given to any Member shall be given in accordance with Article 105 of the Constitution.
Section II - Membership	
5. Membership	<p>5. Membership of the Institute shall consist of:</p> <p>(a) the persons who immediately prior to the Amending Date were individual Members of the Institute (then by the name of Institut Bank-Bank Malaysia) and who at the Amending Date shall be deemed to be Individual Members of the Institute in accordance with Article 112 of the Constitution;</p> <p>(b) the bodies corporate which immediately prior to the Amending Date were “Institutional Members” of the Institute and which at the Amending Date shall be deemed to be Corporate Members of the Institute in accordance with Article 113 of the Constitution; and</p> <p>(c) the persons who, and the bodies corporate which, after the Amending Date, are admitted to membership in accordance with these bye-laws and the regulations as may from time be made by the Council.</p>

6. Classes of Members	6. The Members of the Institute shall consist of Individual Members and Corporate Members. Individual Members shall consist of the following classes: (a) Affiliate (b) Associate (c) Associate Fellow (d) Chartered Banker (e) Fellow
7. Admission as Affiliate	7. (1) A person shall be eligible for admission to membership as an Affiliate if he: (a) satisfies the educational and other requirements for acceptance on such programme of study of the Institute as may be prescribed in the regulations; or (b) has passed or been granted exemption from such examinations of the Institute as may be prescribed in the regulations but has not satisfied the conditions for admission to membership as Associate or Chartered Banker. (2) Notwithstanding bye-law 7(1), the Council may in its absolute discretion admit any person not being a Member of the Institute but who supports the objects of the Institute as an Affiliate. Such persons may include but not limited to: (a) employees or former employees of financial institutions; (b) individuals who intend to pursue a career in banking and financial services.
8. Admission as Associate	8. A person shall be eligible for admission to membership as an Associate if he: (a) has passed such examinations of the Institute as may be prescribed in the regulations and has completed the requisite period of approved practical experience and satisfied such other requirements as the Council may by regulation prescribe; or (b) holds an appropriate qualification approved by the Council from time to time and has satisfied such practical experience and other requirements as the Council may by regulation prescribe.
9. Admission as Associate Fellow	9. (1) A person who immediately prior to the Amending Date was an "Associate Fellow" of the Institute shall, at the Amending date, be deemed to be admitted as an Associate Fellow of the Institute. (2) No person shall be admitted as an Associate Fellow after the Amending Date.
10. Admission as Chartered Banker	10. A person shall be eligible for admission to membership as a Chartered Banker if he: (a) has passed such examinations of the Institute as may be prescribed in the regulations and has completed the requisite period of approved practical experience and satisfied such other requirements as the Council may by regulation prescribe; or (b) is a qualified member of any institute of bankers or similar body recognised by the Council from time to time and has satisfied such

	practical experience and other requirements as the Council may by regulation prescribe.
11. Advancement to Fellow	<p>11. (1) A Chartered Banker may apply to become a Fellow provided he:</p> <ul style="list-style-type: none"> (a) has been a Member of the Institute for a continuous period of at least seven years; and (b) satisfies the Council in the prescribed manner as to his fitness to become a Fellow which may include but not limited to providing evidence of practical experience and evidence as to Continuing Professional Development (CPD) which he has undertaken. <p>(2) If the Council is satisfied, in all the circumstances of the case of the Member's fitness to become a Fellow, the Council may in its absolute discretion vary or waive the requirements of bye-law 11(1)(a) in respect of:</p> <ul style="list-style-type: none"> (a) a Member whose period of membership of the Institute has not been continuous but in the aggregate, has not been less than seven years; or (b) a Member who has relevant experience at a senior level and who is considered by the Council to have made a significant contribution to the banking and financial services industry.
12. Admission as Corporate Member	12. A body corporate shall be eligible for admission as a Corporate Member if it is a licensed bank, a licensed investment bank or other licensed financial institution, a regulator of the banking and financial services industry, or an institution which is approved by the Council from time to time.
13. Admission of Member in Special Cases	13. The Council may at any time invite a person to become, and by a resolution passed by a simple majority of the members present and voting at a meeting of the Council, admit such a person as an Associate or Chartered Banker, as the case may be, by virtue of the person's qualifications, experience in banking and finance, expertise or standing, notwithstanding that he has not satisfied the prescribed conditions under bye-law 8 or 10.
14. Application for Admission to Membership	<p>14. (1) All applications for admission to membership (including any admission under bye-law 13) shall be in writing in such form and accompanied by such fees as may be prescribed by the Council from time to time.</p> <p>(2) Every applicant for admission shall satisfy the Council, in such manner as the Council requires, that the applicant has fulfilled the conditions prescribed by these bye-laws and the regulations for such admission and shall provide such evidence of the applicant's fitness to be so admitted as the Council deems necessary.</p> <p>(3) The Council shall determine in its absolute discretion whether an applicant may be admitted as a Member. The Council may, without giving any reason therefore, refuse to admit any person whom it shall consider not to be a fit and proper person to be so admitted.</p>

	<p>(4) If an application for admission to membership is accepted by the Council, a written notice of the acceptance shall be sent to the applicant and the applicant's name shall be entered in the Register of Members.</p> <p>(5) If an application for admission to membership is rejected by the Council, a written notice of the rejection shall be sent to the applicant.</p> <p>(6) No appeal shall lie from a decision of the Council in respect of any application for admission under this bye-law.</p>
15. Members to be Bound by the Constitution, Bye-laws and Regulations	<p>15. (1) Every person shall, on applying for admission to membership, sign an undertaking that he will, if admitted, and for so long as he is a Member, be bound by the Constitution, these bye-laws and the regulations of the Institute for the time being in force.</p> <p>(2) Every body corporate shall, on applying for admission to membership, sign an undertaking that it will, if admitted, and for so long as it is a Member, be bound by the Constitution, these bye-laws and the regulations of the Institute for the time being in force insofar as the same shall be applicable to Corporate Members. For the avoidance of doubt, Corporate Members shall not be subject to the provisions as to discipline set out in the Constitution, these bye-laws and the regulations.</p>
16. Designation of Members	<p>16. (1) An Individual Member may denote his membership of the Institute by the use after his name of the designation in the following manner:</p> <p>(a) an Affiliate may use the designation "Affiliate, AICB".</p> <p>(b) an Associate may use the designation "Associate, AICB";</p> <p>(c) an Associate Fellow may use the designation "Associate Fellow, AICB";</p> <p>(d) a Chartered Banker may use the designation "Chartered Banker, AICB" and/or the letters "CB";</p> <p>(e) a Fellow may use the designation "Fellow, AICB" and in the case of a Chartered Banker who has become a Fellow under bye-law 11, he may use the designation "Fellow Chartered Banker, AICB" and/or the letters "FCB".</p> <p>(2) An Individual Member who holds any professional qualification as prescribed by the Council in the regulations shall be entitled to use after his name, in addition to the designation provided in bye-law 16(1), such professional designation and/or designatory letters as the Council may determine.</p> <p>(3) Corporate Member may describe itself as "Corporate Member, AICB".</p>
17. Certificate of Membership	<p>17. (1) Upon the admission of any Member or in the case of an Individual Member, a change in such Member's designation, a certificate shall be issued to the Member certifying his or its membership status.</p>

	<p>(2) Except as provided in bye-law 17(4), each certificate of membership shall be under the Seal of the Institute and shall bear the signatures of the Chairman or Vice Chairman, and of the Chief Executive Officer or the Secretary, which signatures may be printed reproductions. A record of each certificate issued shall be made in a register kept for that purpose.</p> <p>(3) A certificate of dual membership shall be issued to any person who has completed a qualification jointly awarded by the Institute and another professional body (“awarding partner”) and who has been admitted to membership of the Institute and of the awarding partner.</p> <p>(4) Each certificate of dual membership shall bear the signatures of the Chairman or Vice Chairman of the Institute and of the designated office bearer of the awarding partner, which signatures may be printed reproductions. A record of each certificate issued shall be made in a register kept for that purpose.</p> <p>(5) Each certificate of membership issued under bye-laws 17(1) and 17(3) shall remain the property of the Institute. The Council may at any time call for and compel its production and delivery by a Member and may alter or amend the certificate or issue a new certificate in place thereof.</p> <p>(6) If any Member or former Member neglects or refuses to return his or its certificate upon notification from the Institute, the Institute may institute legal or other proceedings for its recovery.</p> <p>(7) A Member may apply for a replacement certificate if a certificate is worn, defaced, destroyed or lost on payment of such fee and the production of such evidence as the Council may determine.</p>
<p>18. Duty of Members to Provide Information</p>	<p>18. (1) Upon admission, a Member shall inform the Secretary in writing:</p> <p>(a) in the case of an Individual Member, of a place of business, employment or residence as his registered address; and</p> <p>(b) in the case of a Corporate Member, of its principal place of business, which shall be deemed as its registered address.</p> <p>(2) A Member shall complete and return to the Secretary the Members Profile form and provide such other information relative to his or its membership as may reasonably be requested by the Council.</p> <p>(3) A Member shall inform the Secretary of any change to his or its registered address or to any other information previously provided to the Secretary within twenty-eight days of any such change taking effect.</p>
<p>19. Election of Life Member</p>	<p>19. (1) The Council may, by a resolution passed by a simple majority of the members present and voting at a meeting of the Council, elect a Fellow who has given distinguished service to the Institute and the banking and financial services industry as a Life Member.</p>

	<p>(2) Any member of the Council intending to move for the election of a Life Member shall give notice in writing to the Secretary of the Institute of his intention at least twenty-eight days before the date of the meeting of the Council at which he intends to move the same.</p> <p>(3) A Life Member:</p> <p>(a) shall be entitled to all the privileges of membership;</p> <p>(b) shall be entitled to use the designation "Life Member, AICB"; and</p> <p>(c) shall not be required to pay any annual subscription.</p>
<p>20. Resignation of Membership</p>	<p>20. (1) Subject to bye-law 20(3), a Member may tender his or its resignation of membership by sending notice in writing together with his or its certificate of membership to the Secretary and on its acceptance by the Council, he or it shall cease to be a Member and his or its name shall be removed from the Register of Members.</p> <p>(2) A Member whose notice of resignation has not been received by the Secretary prior to the first day of February in any year shall remain liable for any fee or subscription in respect of that year.</p> <p>(3) The Council may refuse to accept the resignation of a Member if: the Member is indebted to the Institute, until such time as all sums due to the Institute have been paid;</p> <p>(4) in the case of an Individual Member, a complaint or an allegation of misconduct in an examination or assessment against the Member has been received by the Institute or if disciplinary proceedings are pending against him, until such time as any disciplinary proceedings against him shall have been completed.</p>
<p>21. Cessation of Membership for Non-payment of Annual Subscription or Other Sums</p>	<p>21. (1) Subject to bye-law 21(3), any Member who fails to pay his or its annual subscription or other sum due to the Institute within three months from the date on which the same becomes due shall thereupon cease to be a Member and his or its name shall be removed from the Register of Members, unless the Council has either generally or in his or its particular case otherwise decided.</p> <p>(2) Bye-law 21(1) shall not apply to an Individual Member where a complaint or an allegation of misconduct in an examination or assessment against the Member has been received by the Institute until such time as any disciplinary proceedings against him have been completed.</p> <p>(3) Any Individual Member who fails to pay any fine and/or costs imposed pursuant to an order made under bye-law 60 or 65 by the date on which the same are due shall thereupon cease to be a Member and his name shall be removed from the Register of Members. Provided that the Council may in its absolute discretion and on such terms as it deems fit, agree to defer the due date for payment on the application of the Member prior to that date, if it is</p>

	<p>of the opinion that such deferral is appropriate in all the circumstances of the case.</p> <p>(4) The Institute shall be entitled to recover all arrears under bye-laws 21(1) and 21(3) notwithstanding that the person or body corporate has ceased to be a Member.</p>
22. Cessation of Membership in Other Circumstances	<p>22. (1) An Individual Member shall thereupon cease to be a Member:</p> <p>(a) in the event of death; or</p> <p>(b) if he becomes of unsound mind.</p> <p>(2) A Corporate Member shall thereupon cease to be a Member:</p> <p>(a) in the event of voluntary winding-up;</p> <p>(b) if an order is made by any competent court for its winding-up or dissolution; or</p> <p>(c) if an application is made for judicial management.</p>
23. Readmission to Membership	<p>23. (1) Subject to bye-law 23(2), any person or body corporate who or which has resigned or ceased for any reason to be a Member may apply for readmission provided that he or it has paid any outstanding amount due to the Institute, and has satisfied any other requirements as the Council may from time to time determine either generally or in any particular case.</p> <p>(2) A person whose membership ceased by operation of an order made under bye-law 60 or 65 may only apply for readmission subject any terms and conditions as specified in such order.</p> <p>(3) All applications for readmission shall be made in the same manner as any application for admission to membership set out in bye-law 14.</p> <p>(4) The Council shall determine in its absolute discretion whether a person or body corporate may be readmitted as a Member. The Council may, without giving any reason therefore, refuse an application for readmission to membership. No appeal shall lie from a decision of the Council in respect of any application for readmission under this bye-law.</p>
Honorary Fellow	
24. Admission of Honorary Fellow	<p>24. (1) The persons who immediately prior to the Amending Date were "Honorary Fellows" of the Institute shall, at the Amending Date, be deemed to be Honorary Fellows of the Institute in accordance with Article 114 of the Constitution.</p> <p>(2) The Council may, after the Amending Date, admit a person as an Honorary Fellow in accordance with the provisions of bye-laws 24(3) and 24(4).</p> <p>(3) The Council may, by a resolution passed by a simple majority of the members present and voting at a meeting of the Council, admit a person of prominence and standing as an Honorary Fellow.</p>

	<p>(4) Any member of the Council intending to move for the election of an Honorary Fellow shall give notice in writing to the Secretary of the Institute of his intention at least twenty-eight days before the date of the meeting of the Council at which he intends to move the same.</p> <p>(5) An Honorary Fellow:</p> <ul style="list-style-type: none"> (a) shall be entitled to all the privileges of membership except for the right to receive notice of or attend or vote at any meetings of the Institute and to hold office as a member of the Council; (b) shall be entitled to use the designation "Honorary Fellow"; (c) shall not be treated as a Member for the purposes of the Constitution, these bye-laws and the regulations except where these make express provision relating to Honorary Fellows; (d) shall not be liable to pay any fee or annual subscription; and (e) for the avoidance of doubt, shall not be subject to the provisions as to discipline set out in the Constitution, these bye-laws and the regulations.
<p>25. Resignation and Removal of Honorary Fellow</p>	<p>25. (1) An Honorary Fellow may tender his resignation by sending notice in writing to the Secretary and on its acceptance by the Council, he shall cease to be an Honorary Fellow and his name shall be removed from the Register of Honorary Fellows.</p> <p>(2) An Honorary Fellow shall be removed from the Register of Honorary Fellows:</p> <ul style="list-style-type: none"> (a) in the event of death; (b) if he becomes of unsound mind; or (c) if he has a bankruptcy order made against him.
<p>Registers</p>	
<p>26. Register of Members</p>	<p>26. (1) The Institute shall maintain a Register of Members. The Register shall contain a list of each class of Members and shall record:</p> <ul style="list-style-type: none"> (a) in the case of Individual Members, the name, address, identity card or passport number (as applicable), nationality and the usual place of residence of each Member; (b) in the case of Corporate Members, the corporate name, place of incorporation, establishment or origin, registration number and registered office of each Member and such other particulars as the Council may from time to time prescribe. <p>(2) The Council may, as it thinks fit, periodically publish a list of Members, copies of which may be made available to members and others on such terms as the Council may determine.</p>

27. Register of Honorary Fellows	27. The Institute shall maintain a Register of Honorary Fellows. The Register shall record the name and address of each person and such other particulars as the Council may from time to time prescribe.
Section III - Fees and Subscriptions	
28. Setting of Fees and Subscriptions	<p>28. (1) The fees and subscriptions payable by Members shall be those in force immediately before this bye-law came into effect or as may from time to time be prescribed by the Council in the regulations.</p> <p>(2) The Council may, in its absolute discretion reduce, waive or remit any fees or subscriptions payable by any Member on such terms and for such period as it may think fit.</p>
29. Payment of Fees and Subscriptions	<p>29. (1) Every person or body corporate applying for admission to membership of the Institute shall pay such fees as may be prescribed in the regulations. In addition, every Member (other than a Life Member) shall pay an annual subscription according to the rate applicable to him or it, provided that where a person or body corporate is admitted to membership after the last day of June in any year he or it shall pay one-half only of the subscription otherwise applicable to him or it for that year.</p> <p>(2) All annual subscriptions shall be due and payable on the first day of January in each year except that in respect of the year in which the Member is admitted to membership, on the date of admission.</p>
30. Reduction and Waiver of Annual Subscription	<p>30. (1) The Council may in its absolute discretion on the application of any Individual Member reduce the annual subscription payable for any year by such Member if:</p> <p>(a) the Member has attained the age of sixty years and has retired from gainful employment and all business activities; or</p> <p>(b) the Council, notwithstanding that the Member has not satisfied the conditions under bye-law 30(1)(a) is of the opinion that the special circumstances of the case justify a reduction in subscription.</p> <p>(2) Where the Council decides to accede to any such application under bye-law 30(1), it may in its absolute discretion reduce the annual subscription payable by the Member to such rate as may be prescribed in the regulations.</p> <p>(3) A Member who has satisfied the conditions under bye-law 30(1)(a) and who has been a Member for at least thirty years, may elect to make a one-off payment equal to two times the annual subscription payable by him at the time of making the election, and the Member shall thereafter be exempt from the requirement to pay any annual subscription under bye-law 29.</p> <p>(4) Notwithstanding anything contained in these bye-laws relating to the payment of annual subscription, the Council may in its absolute discretion waive the annual subscription of a Member who is</p>

	<p>admitted in accordance with bye-law 5(a) (admission of Members under the transitional provisions).</p> <p>(5) For the avoidance of doubt, bye-law 30 shall not apply to Corporate Members.</p>
<p>Section IV – Committees</p>	
<p>31. Appointment of Committees</p>	<p>31. (1) The Council may from time to time appoint such committees as it thinks fit and may, subject to the Constitution and these bye-laws, delegate any of its powers and authorities to such committees. Such committees may consist of Members (whether members of the Council or not) and other persons.</p> <p>(2) The Council shall by regulation prescribe the constitution and quorum of any committee, and the powers and authorities of such committee. The Council shall appoint a chairman of any committee and may prescribe the proceedings to be followed by any committee. The Council may from time to time revoke or alter any powers and authorities delegated to any committee and discharge any committee in whole or in part.</p> <p>(3) Any committee may, unless the Council shall otherwise prescribe, delegate any of its powers and authorities to a sub-committee consisting of such persons (whether members of the Council or of the delegating committee or not) as it may think fit. Any such sub-committee shall exercise the powers and authorities delegated to it in accordance with any directions of the delegating committee.</p> <p>(4) Insofar as any power or authority is delegated to a committee pursuant to these bye-laws, any reference in these bye-laws to the exercise by the Council of the power or authority so delegated shall be construed as if it were a reference to the exercise thereof by such committee.</p> <p>(5) The Chairman and Vice-Chairman of the Institute shall by virtue of their offices be members of all committees. For the avoidance of doubt, they shall not be a member of the Disciplinary Panel and any Disciplinary Committee or Appeal Committee established under it.</p>
<p>32. Meetings of Committees and Sub-committees</p>	<p>32. (1) Subject to these bye-laws and the regulations, any committee or sub-committee may meet at such times and at such places as it may deem necessary for the despatch of business. Every committee and sub-committee shall conduct its business in accordance with the procedures prescribed in the regulations.</p> <p>(2) A meeting of any committee or sub-committee may be held by conference telephone or conference video link or by using other communication technology which allows those participating to hear and participate in the proceedings. A quorum in such meeting shall be the number of persons required for such quorum who are so linked. Such a meeting shall be deemed to take place where the largest group of those participating is assembled or, if there is no such group, where the chairman of the meeting then is.</p>

	<p>(3) Proper minutes shall be recorded of all resolutions and proceedings of every meeting of committees or sub-committees. Every minute signed by the chairman of the meeting to which it relates or by the chairman of a subsequent meeting shall be sufficient evidence of the facts therein stated.</p>
33. Committees in Regulation of Professional Conduct and Examinations	33. Nothing contained in bye-laws 31 and 32 shall affect the provisions set out in these bye-laws with regard to the appointment, powers and proceedings of the Disciplinary Panel and any Disciplinary Committee or Appeal Committee established under it and of the Board of Examiners.
Section V – Examinations	
34. Examinations of the Institute	34. The Institute shall hold examinations of persons in the subjects for the time being prescribed in the regulations for the purpose of seeking admission to membership of the Institute or for the award of a specialist professional qualification. Such examinations may be held in conjunction or cooperation with other professional bodies or educational institutions.
35. Regulations Relating to Examinations	<p>35. For the purposes of bye-law 34, the Council may from time to time make regulations in relation to:</p> <ul style="list-style-type: none"> (a) the subjects and syllabuses for the examinations of the Institute and the parts (if any) into which such examinations are to be divided; (b) the educational requirements and other conditions of eligibility for undertaking the examinations and the fees payable; (c) the times and places at which the examinations may be held; (d) the number of attempts allowed and the period within which any examination may be passed; (e) any exemptions or concessions which may be granted or allowed; (f) the conduct of persons undertaking any examination or assessment of the Institute; <p>and all other matters incidental to the holding of such examinations.</p>
36. Appointment of Board of Examiners	<p>36. (1) The Council shall appoint a Board of Examiners consisting of not less than five members of whom at least one is appointed from among the members of the Council and not less than four are appointed from such persons, whether or not Members of the Institute, as the Council shall deem proper. The Council shall appoint a chairman from amongst the members of the Board who is a member of the Council.</p> <p>(2) The quorum for a meeting of the Board of Examiners shall be three members of whom at least one is a member of the Council.</p> <p>(3) The members of the Board of Examiners shall hold office for a period of two years unless they resign or are removed from office by the Council before the expiration of their term of service. Any vacancy arising in the Board shall be filled by the Council.</p>

	<p>(4) Appointments to the Board of Examiners may be renewed at the discretion of the Council.</p> <p>(5) The members of the Board of Examiners shall be paid such expenses as the Council may determine.</p> <p>(6) Subject to the provisions of these bye-laws and the regulations made by the Council, the Board of Examiners shall regulate its own procedures as it thinks fit.</p>
<p>37. Powers and Duties of Board of Examiners</p>	<p>37. (1) The Board of Examiners shall oversee the development and assessment of the examinations of the Institute, and ensure that such examinations are consistent with the prescribed curriculum of the relevant programme. In particular, the Board shall:</p> <ul style="list-style-type: none"> (a) appoint and remunerate suitably qualified persons as examiners and moderators; (b) consider and approve the content of all examination papers and assessment schemes and may in its absolute discretion, appoint such person or persons as it thinks fit, to assist in performing this function; (c) consider the reports of examiners and determine the results of each candidate; (d) send to each candidate notice of whether or not he has passed the examination to the satisfaction of the Board of Examiners; and (e) report to the Council the results of each examination and any other matters relative to the examination. <p>(2) Notwithstanding bye-law 37(1)(e), the Board of Examiners reserves the right to withhold the results of a candidate suspected of having been involved in any misconduct in connection with an examination or assessment, pending the completion of investigations into the alleged misconduct.</p>
<p>38. Registration for Examination</p>	<p>38. (1) All applications for registration for any examination of the Institute shall be in writing in such form, giving such undertakings and accompanied by such fees as may be prescribed by the Council from time to time by regulation.</p> <p>(2) No person shall be eligible to register for any of the examinations of the Institute unless he has satisfied such educational requirements and other conditions of eligibility for such registration as may be prescribed by the Council from time to time by regulation.</p> <p>(3) Any person who is not an Individual Member of the Institute shall, on applying for registration for any examination of Institute, be required to give an undertaking that he will be bound by the bye-laws and regulations of Institute governing the conduct of persons undertaking such examination, and these bye-laws and regulations shall apply to him as they apply to a Member of the Institute.</p>

39. Number of Attempts at Examinations	<p>39. (1) Any person who has not passed an examination of the Institute may present himself again on any subsequent occasion provided that he has not exceeded the maximum number of attempts or the period allowed for completing such examination as may be prescribed in the regulations.</p> <p>(2) A person who has been barred from sitting any examinations of the Institute under bye-law 39(1) may make an application to the Board of Examiners for an additional attempt on the grounds that he has experienced exceptional circumstances. All such applications must be made in writing and must be supported by appropriate evidence.</p>
40. Exemption from Examination	<p>40. (1) The Council may in its discretion grant exemption from such modules or parts of the examinations of the Institute to any person on the basis of credit for prior learning and/or work experience as may be prescribed in the regulations.</p> <p>(2) All applications for exemption from any examinations of the Institute shall be in writing in such form and accompanied by such fees as may be prescribed by the Council from time to time by regulation.</p>
41. Misconduct in Examination	<p>41. (1) Any candidate (whether a Member of the Institute or not) who is suspected of misconduct in an examination or assessment, whether conducted alone by the Institute or in conjunction or cooperation with other professional bodies or educational institutions, shall be referred to the Chief Executive Officer for investigation. The Chief Executive Officer shall determine the course of action to be taken as set out in the regulations, which includes referral of cases of misconduct to a Disciplinary Committee.</p> <p>(2) For the purposes of this bye-law, misconduct includes any act or conduct that is likely to give an unfair advantage to a candidate (such as cheating, collusion, personating, plagiarism and in possession of unauthorized materials while the examination is in progress), or otherwise amounts to a breach of the Institute's examination regulations.</p>
42. Joint Examination Committee	<p>42. Where an examination is held in conjunction or co-operation with one or more other professional bodies or educational institutions, the Council may for this purpose establish a joint examination committee consisting of such persons as may be nominated by the Council and the participating bodies or institutions. The committee shall have such powers and functions as may be agreed by the Institute and the participating bodies or institutions including the development of the syllabus, content and assessment of such examination, and all matters incidental to the holding of such examination.</p>
Section VI - Continuing Professional Development	
43. CPD Requirements	<p>43. (1) It is the responsibility of Members to develop and maintain professional competence by undertaking Continuing Professional Development (CPD) in areas relevant to their work.</p>

	<p>(2) Except for Life Members and those exempt from the CPD requirements as provided in bye-law 45(1), all Individual Members must undertake CPD and be able to demonstrate that they have obtained CPD, in accordance with the requirements set out in this bye-law and the regulations.</p> <p>(3) Individual Members are required to complete a minimum quantum of CPD in each year or biennium (as applicable) in accordance with the requirements set out in the regulations. CPD may consist of a combination of structured and unstructured learning activities. It is up to each Individual Member to decide on the relevance and usefulness of any CPD programme to his own circumstances. The minimum CPD that Individual Members with different designations are required to undertake are prescribed in the regulations.</p> <p>(4) Individual Members are required to submit to the Institute a declaration of CPD compliance in accordance with the requirements set out in the regulations.</p> <p>(5) Individual Members are required to maintain records of CPD activities undertaken for a minimum of three years. Such records are subject to verification by the Institute and Members shall provide such records and any evidence as may be requested by the Institute to demonstrate compliance with the CPD requirements.</p> <p>(6) For the avoidance of doubt, bye-law 43 shall not apply to Corporate Members.</p>
<p>44. Failure to Comply with CPD Requirements</p>	<p>44. Any Individual Member subject to mandatory CPD under bye-law 43(2) who fails to comply with the requirements under bye-laws 43(3) to 43(5) will be referred to the committee appointed by the Council (pursuant to bye-law 31) for the purpose of monitoring compliance with the CPD requirements. The committee shall determine the course of action to be taken in respect of any such Member and may, if it thinks fit, refer any case of non-compliance to the Chief Executive Officer which may lead to disciplinary action.</p>
<p>45. Exemption from CPD Requirements</p>	<p>45. (1) The Council may in its absolute discretion grant exemption in whole or in part from the requirements under bye-laws 43(3) and 43(5) to any Individual Member subject to mandatory CPD under bye-law 43(2) who:</p> <p>(a) has attained the age of sixty years and who has retired from gainful employment and all business activities; or</p> <p>(b) is in such special circumstances (such as a career break, unemployment, illness or disability) which in the opinion of the Council justify such exemption.</p> <p>(2) An Individual Member who has been granted exemption from the CPD requirements is nevertheless required to submit a CPD declaration in accordance with bye-law 43(4).</p>

Section VII - Regulation of Professional Conduct

46. Liability to Disciplinary Action	<p>46. (1) Individual Members who have become liable to disciplinary action shall be subject to the disciplinary process established under these bye-laws or a joint disciplinary scheme established by the Institute and one or more other professional bodies, as shall be applicable to the Member concerned.</p> <p>(2) An Individual Member shall be liable to disciplinary action under these bye-laws or a joint disciplinary scheme whether or not he was a Member of the Institute at the time of the occurrence giving rise to such liability, but only if such occurrence was not disclosed to the Institute before he became a Member</p> <p>(3) An Individual Member who became liable to disciplinary action under these bye-laws or a joint disciplinary scheme whilst he was a Member of the Institute shall continue to be so liable to disciplinary action after he has ceased to be a Member.</p>
47. Liability to Disciplinary Action under the Bye-laws	<p>47. (1) An Individual Member shall be liable to disciplinary action under these bye-laws if:</p> <ul style="list-style-type: none">(a) in the course of carrying out his professional work or otherwise, he has committed any act, omission or default likely to bring discredit to himself, the Institute or its Members;(b) he has failed to observe a proper standard of professional care, skill or competence in the performance of his professional work or the duties of his employment;(c) he has committed a breach of the Constitution, these bye-laws, the Code of Professional Conduct or of any regulations of the Institute;(d) he has failed to comply with any order of any Disciplinary Committee or Appeal Committee, otherwise than by failing to pay any fine or costs;(e) he has become a bankrupt, or has failed to satisfy a judgment debt, or has made an assignment of all or some of his assets for the benefit of his creditors, or has made an arrangement for the payment of a composition to his creditors. <p>(2) For the purposes of this bye-law, the following shall be conclusive evidence of the commission by an Individual Member of such an act, omission or default as is mentioned in bye-law 47(1)(a):</p> <ul style="list-style-type: none">(a) the fact that he has before any court of competent jurisdiction in Malaysia or elsewhere pleaded guilty to or been found guilty of a criminal offence, which has not been set aside on appeal;(b) the fact that he has in any civil proceedings before a court of competent jurisdiction in Malaysia or elsewhere been found to have acted fraudulently or dishonestly, and such finding has not been set aside on appeal;(c) the fact that he has been the subject of an adverse finding in relation to his conduct or competence by any court, professional body, statutory authority or regulatory body in Malaysia or elsewhere, and such finding has not been set aside on appeal.

<p>48. Duty of Members to Notify</p>	<p>48. (1) A Member shall notify the Chief Executive Officer in writing if he:</p> <ul style="list-style-type: none"> (a) has been charged with any criminal offence by a court of law; (b) is found guilty of any criminal, statutory or other offence by a court of law, statutory authority or regulatory body; (c) is adjudged bankrupt or has become insolvent; or (d) has been excluded from membership or imposed a serious disciplinary sanction by another professional body with relevant details of the event in question within fourteen days of the date on which the Member is notified of the event. <p>(2) A failure to comply with the requirements under bye-law 48(1) shall constitute a breach of these bye-laws and may render the Member concerned liable to disciplinary action.</p>
<p>49. Complaints</p>	<p>49. (1) In these bye-laws, any facts or matters indicating that an Individual Member may have become liable to disciplinary action under bye-law 47 or under a joint disciplinary scheme, whether brought to the attention of the Chief Executive Officer by a complainant or otherwise coming to the attention of the Chief Executive Officer, shall be referred to as a complaint.</p> <p>(2) Any complaint made by a Member or a member of the public concerning the conduct of an Individual Member shall be made in writing to the Chief Executive Officer.</p> <p>(3) A complaint may be initiated by a committee or staff of the Institute upon becoming aware of any facts or matters indicating that an Individual Member may have done any of the acts or being the subject of any of the circumstances referred to in bye-law 47 of these bye-laws or may have become liable to disciplinary action under a joint disciplinary scheme. The complaint shall be made in writing to the Chief Executive Officer.</p> <p>(4) For the avoidance of doubt, a complaint under this bye-law shall include any complaint or allegation of misconduct in connection with an examination or assessment, whether conducted alone by the Institute or in conjunction or cooperation with other professional bodies or educational institutions.</p>
<p>50. Withdrawal of Complaint</p>	<p>50. A complainant may at any time withdraw a complaint by giving notice in writing to the Chief Executive Officer. However, if the Chief Executive Officer is of the opinion that the Individual Member against whom a complaint has been made has a case to answer, he may continue to deal with the complaint in accordance with these bye-laws.</p>
<p>51. Duty of Members to Co-operate</p>	<p>51. (1) Every Member is under a duty to co-operate fully at every stage of the disciplinary process as set out in these bye-laws. The duty to co-operate includes providing promptly such information, explanations, books, records and other documents as the Chief Executive Officer, the Professional Conduct Officer, a Disciplinary Committee or an Appeal Committee, as the case may be, may from time to time require.</p>

	<p>(2) A failure to co-operate fully at any stage of the disciplinary process shall constitute a breach of these bye-laws and may render the Member concerned liable to disciplinary action.</p>
<p>52. Initial Assessment of Complaint</p>	<p>52. (1) In respect of any complaint made pursuant to bye-law 49, the Professional Conduct Officer shall determine whether the complaint is to be dealt with under these bye-laws or referred to a joint disciplinary scheme established by the Institute and one or more other professional bodies.</p> <p>(2) If the Professional Conduct Officer determines, pursuant to by-law 52(1), that the complaint is to be referred to a joint disciplinary scheme, he shall forthwith refer the complaint to the scheme to be dealt with in accordance with terms of the scheme.</p> <p>(3) Where the complaint is not referred to a joint disciplinary scheme under bye-law 52(2), the Professional Conduct Officer shall assess and determine whether the complaint is appropriate for investigation by the Institute. The Professional Conduct Officer shall consider whether:</p> <ul style="list-style-type: none"> (a) the matter falls within the jurisdiction of the Institute; (b) the matter is currently being, or likely to be, considered by a court of law, regulatory tribunal or professional body; (c) the matter is one that should reasonably be dealt with by the Member's employer; or (d) the complaint is vexatious or frivolous. <p>In making such assessment, the Professional Conduct Officers may seek such further information from the complainant and/or Member Concerned as he considers necessary.</p> <p>(4) If pursuant to bye-law 52(3) the Professional Conduct Officer determines that the complaint is appropriate for investigation by the Institute, he shall proceed to investigate the complaint in accordance with bye-law 53.</p> <p>(5) If pursuant to bye-law 52(3) the Professional Conduct Officer determines that the complaint is not appropriate for investigation by the Institute, he shall take no further action with respect to the complaint. He shall notify the complainant and the Member concerned in writing of his decision and the reasons thereof.</p> <p>(6) A complainant may notify the Institute in writing that he is dissatisfied with the decision of the Professional Conduct Officer under bye-law 52(5) and wishes to submit further representations in relation to the complaint. The Professional Conduct Officer shall refer the complaint to the Chief Executive Officer for consideration provided any such further representations shall have been received within twenty-eight days from the date of the notification to the complainant under by-law 52(5). The decision of the Chief Executive Officer shall be final.</p>

<p>53. Investigation of Complaint</p>	<p>53. (1) Where a complaint is assessed to be appropriate for investigation pursuant to bye-law 52(3) or 52(6), the Professional Conduct Officer shall notify the Member concerned of the nature of complaint and request him to submit written explanation together with any supporting documents. If the Member fails to provide reasonable explanation in writing within a specified period of time, the Professional Conduct Officer may proceed to consider the complaint based on the material before him without further communication with the Member.</p> <p>(2) The Professional Conduct Officer may during the investigation process request the complainant or the Member to provide such further information or documents as he considers necessary in order to assess whether the complaint discloses grounds which render the Member liable to disciplinary action.</p> <p>(3) The Professional Conduct Officer may from time to time obtain legal and other expert advice as he considers necessary to assist him in the investigation of the complaint.</p> <p>(4) At the conclusion of the investigation, the Professional Conduct Officer shall submit a report to the Chief Executive Officer to enable him to determine as to whether there is a prima facie case to answer against the Member concerned.</p> <p>(5) Upon consideration of the Professional Conduct Officer's report, the Chief Executive Officer shall determine whether or not the complaint discloses a prima facie case. Before making such determination, the Chief Executive Officer may direct the Professional Conduct Officer to conduct such further enquiries or investigation as he considers appropriate.</p> <p>(6) If pursuant to bye-law 53(5) the Chief Executive Officer determines that the complaint discloses a prima facie case, he shall refer the whole or part of the complaint to a Disciplinary Committee as a formal complaint in accordance with bye-law 54.</p> <p>(7) If pursuant to bye-law 53(5) the Chief Executive Officer determines that the complaint does not disclose a prima facie case, he shall dismiss the complaint. The Chief Executive Officer shall notify the Member concerned and the complainant in writing of his decision, together with such explanation of his decision as he thinks appropriate.</p>
<p>54. Referral of Complaint to Disciplinary Committee</p>	<p>54. (1) If the Chief Executive Officer decides to refer a formal complaint to a Disciplinary Committee, he shall notify the Disciplinary Panel Chairman of the referral.</p> <p>(2) As soon as a Disciplinary Committee is appointed by the Disciplinary Panel Chairman under bye-law 58(1), the Chief Executive Officer shall send the formal complaint to the Disciplinary Committee accompanied by a summary of the facts and matters relied on in support of the formal complaint, a copy of any information and documents relevant to the complaint together with a summary or copy of any representations made by the defendant. A copy of the same shall be sent to the defendant.</p>

	<p>(3) The Professional Conduct Officer shall inform the complainant in writing of the referral.</p>
55. Deferral of Proceedings	<p>55. The Professional Conduct Officer may at his discretion, or upon written application by the Member concerned, defer the investigation of a complaint if he is of the opinion that it is justified in all the circumstances. Such circumstances may include, but are not limited to, ill health of the Member concerned or where criminal or civil proceedings concerning the subject of the complaint to which the Member concerned is a party are pending.</p>
56. Application for Interim Suspension of Membership	<p>56. (1) The Professional Conduct Officer may, at any time during the course of investigating a complaint, recommend to the Chief Executive Officer that the Member concerned be suspended from membership on an interim basis pending further investigation and determination of the complaint.</p> <p>(2) The Chief Executive Officer may, if he is satisfied that there is sufficient evidence to justify a Disciplinary Committee in making an order for interim suspension of membership under bye-law 67, apply to a Disciplinary Committee for such an order. The Chief Executive Officer shall set out the basis on which such application is made and provide supporting evidence. The Chief Executive Officer shall notify the Disciplinary Panel Chairman of such application.</p>
57. Appointment of Disciplinary Panel	<p>57. (1) The Council shall from time to time appoint a Disciplinary Panel from which members of a Disciplinary Committee and Appeal Committee may be appointed on a case by case basis as required.</p> <p>(2) The Disciplinary Panel shall consist of not less than 10 members of whom a majority are Individual Members of the Institute and at least three are lay persons, including at least one who is legally qualified. The Council shall appoint one of the members of the Disciplinary Panel as the Disciplinary Panel Chairman.</p> <p>(3) No serving member of the Council shall be appointed to the Disciplinary Panel. If a member of the Disciplinary Panel becomes a member of the Council, he shall with immediate effect cease to be a member of the Disciplinary Panel.</p> <p>(4) Each member of Disciplinary Panel shall serve for a term of two years, unless he resigns or is removed from office by the Council before the expiration of his term of service. Any vacancy arising in the Disciplinary Panel shall be filled by the Council.</p> <p>(5) Upon the completion of each term of service, an incumbent member of the Disciplinary Panel may be re-appointed for a further 2-year term at the discretion of the Council.</p> <p>(6) The members of the Disciplinary Panel may be paid such expenses as the Council may determine.</p>

<p>58. Disciplinary Committee</p>	<p>58. (1) On receipt of a notification from the Chief Executive Officer that a formal complaint is referred to a Disciplinary Committee, the Disciplinary Panel Chairman shall appoint from among the members of the Disciplinary Panel a Disciplinary Committee to hear the complaint.</p> <p>(2) The Disciplinary Committee shall consist of not less than three members including a chairman, of whom a majority are Individual Members of the Institute and at least one is a lay person.</p> <p>(3) If for any reason any one member of the Disciplinary Committee other than the chairman is unable to attend the hearing or any adjourned hearing of the formal complaint, or is during course of the hearing unable to continue to attend, the remaining members, provided that they are not less than three in number including a lay person, may proceed or continue with the hearing; but if the defendant or his representative is present, they shall do so only if the defendant or his representative consents.</p> <p>(4) If, in a case falling within bye-law 58(3), the remaining members of the Disciplinary Committee do not proceed or continue with the hearing, the complaint shall be heard or re-heard by a new Disciplinary Committee appointed by the Disciplinary Panel Chairman in accordance with bye-law 58(2).</p> <p>(5) If at any time during the course of the hearing of a formal complaint, the chairman of the Disciplinary Committee is of the opinion that it is for any reason impracticable for the Disciplinary Committee to complete the hearing, he shall so inform the Disciplinary Panel Chairman who shall thereupon appoint a new Disciplinary Committee in accordance with bye-law 58(2) to re-hear the complaint.</p> <p>(6) Where a new Disciplinary Committee is appointed pursuant to bye-law 58(4) or 58(5), no member of the previous Disciplinary Committee may be appointed to the new Committee.</p>
<p>59. Hearing of Formal Complaint</p>	<p>59. (1) The Disciplinary Committee shall, as soon as practicable after its appointment, serve on the defendant a notice stating the date, time and place fixed for the hearing and the terms of the formal complaint.</p> <p>(2) The Disciplinary Committee shall give the defendant a reasonable opportunity of being heard before it. The defendant may appear before the Disciplinary Committee in person or be represented by an advocate and solicitor or by an Individual Member of the Institute. The defendant may call any witnesses to give evidence on his behalf.</p> <p>(3) If the defendant does not attend and is not represented at the hearing, then provided that the Disciplinary Committee is satisfied that the notice required by bye-law 59(1) was served on him, the Disciplinary Committee may hear the complaint in his absence.</p>

	<p>(4) The Institute may appoint the Professional Conduct Officer or an advocate and solicitor (“the presenting officer”) to present the formal complaint before the Disciplinary Committee. The presenting officer may call any witnesses to give evidence.</p> <p>(5) The Disciplinary Committee may appoint an advocate and solicitor to act as legal assessor at the hearing of the formal complaint.</p> <p>(6) The chairman of the Disciplinary Committee may at his discretion, or upon written application by either the defendant or the presenting officer, postpone or adjourn the hearing if he is of the opinion that it is justified in all the circumstances. Such circumstances may include those referred to in bye-law 55.</p> <p>(7) Where the hearing of a formal complaint has been adjourned, the Disciplinary Committee may consider whether to make an order for interim suspension of membership in accordance with bye-law 67.</p>
<p>60. Powers of Disciplinary Committee</p>	<p>60. (1) If following the hearing of a formal complaint the Disciplinary Committee determines that the complaint has been proved in whole or in part, it shall make a finding to that effect. If the Disciplinary Committee determines that the complaint has not been proved, it shall dismiss the complaint.</p> <p>(2) If the Disciplinary Committee finds that the formal complaint has been proved in whole or in part, it may make any one or more of the following orders against the defendant:</p> <ul style="list-style-type: none"> (a) that he be excluded from membership; (b) that he be suspended from membership for a specified period not exceeding two years; (c) that he be reprimanded; (d) that he be admonished; (e) that he be required to undertake such additional hours of CPD as the Disciplinary Committee considers appropriate; (f) that he be fined not exceeding such maximum sum as may from time to time be determined by the Council; (g) additionally, if the defendant is undertaking any programme of study or examination of the Institute: <ul style="list-style-type: none"> (i) that he be dismissed from such programme of study as shall be specified in the order; (ii) that he be declared ineligible for a specified period not exceeding two years to sit for such examination or examinations of the Institute (or such part or parts thereof) as shall be specified in the order; (iii) that he be disqualified from such examination or examinations of the Institute (or such part or parts thereof) as shall be specified in the order, not being an examination (or a part thereof) the result of which has been duly notified to him by the Institute prior to the date of the order; (iv) that the result in such examination (or a part thereof) or assessment be declared void.

	<p>(3) An order made under this bye-law may include such terms and conditions, if any, as the Disciplinary Committee considers appropriate including, in the case of an order that a Member be excluded from membership, that no application for readmission may be considered before the end of a specified period not exceeding five years, the requirement to seek advice from a specified source, or the payment to the complainant of any commission the defendant has received or will receive.</p> <p>(4) The Disciplinary Committee may, notwithstanding its finding that a formal complaint has been proved, make an order that no further action be taken on the complaint where it is of the opinion that none of the orders under bye-law 60(2) is appropriate in all the circumstances of the case.</p> <p>(5) The Disciplinary Committee may, if it finds that the formal complaint has been proved in whole or in part, order the defendant to pay to the Institute such sum by way of costs as the Disciplinary Committee may determine.</p> <p>(6) The Disciplinary Committee shall at the conclusion of the hearing, rescind any order for interim suspension of membership made pursuant to bye-law 67 in relation to the complaint under consideration.</p>
<p>61. Notification of Disciplinary Committee's Decision and Effective Date</p>	<p>61. (1) The Disciplinary Committee shall as soon as practicable give the defendant written notice of its finding and of any order made, together with a notification of his right to appeal against the finding or order.</p> <p>(2) An order of the Disciplinary Committee shall, unless the Committee otherwise directs, take effect at the end of the period of fourteen days from the date of the order. If within that period, the defendant gives notice of appeal against the finding or order made by the Disciplinary Committee, then subject to bye-law 61(3), the order shall take effect (if at all) only after the appeal has been determined, in which case it shall only have effect in accordance with the order of the Appeal Committee.</p> <p>(3) If, before the appeal has been so determined, the defendant by notice in writing withdraws his notice of appeal:</p> <p>(a) the order of the Disciplinary Committee shall take effect at the end of the period of fourteen days from the date on which the notice of withdrawal is served on the Chief Executive Officer;</p> <p>(b) any fine and/or costs ordered by the Disciplinary Committee shall be paid within fourteen days from the date the order becomes effective pursuant to bye-law 61(3)(a).</p> <p>(4) The Disciplinary Committee shall give written notice of its decision, the reasons for its decision and of any order made against the defendant to the Disciplinary Panel Chairman and the Chief Executive Officer.</p>

	<p>(5) The Disciplinary Committee shall notify the complainant in writing of its decision and of any order made against the defendant. The Disciplinary Committee shall not do so until the period allowed under bye-law 62(1) for giving notice of appeal against any finding or order of the Disciplinary Committee has expired and no notice of appeal has been given by the defendant.</p>
<p>62. Right of Appeal</p>	<p>62. (1) A defendant who wishes to appeal against a finding and/or order of a Disciplinary Committee may within fourteen days from the date of the notice of such finding and/or order, give notice of appeal in writing to the Chief Executive Officer. Any such notice shall state the grounds of appeal and the grounds so stated shall not be amended thereafter except with the leave of the Appeal Committee appointed to determine such appeal.</p> <p>(2) An appeal may only be made on one or more of the following grounds:</p> <ul style="list-style-type: none"> (a) the Disciplinary Committee made an error of fact or law, or in the interpretation of the bye-laws or regulations of the Institute; (b) there was procedural irregularity or unfairness in the proceedings of the Disciplinary Committee; (c) there is new evidence not previously available, which would have altered one or more of the Disciplinary Committee's findings or orders; (d) one or more of the Disciplinary Committee's orders is disproportionate and/or unreasonable in all the circumstances of the case. <p>(3) For the avoidance of doubt, no appeal shall lie solely on the question of costs or in respect of a decision under bye-law 70 (publication of decisions and orders).</p> <p>(4) An appellant may withdraw a notice of appeal by serving on the Chief Executive Officer notice in writing to that effect.</p>

<p>63. Appeal Committee</p>	<p>63. (1) On receipt of a notice of appeal, the Chief Executive Officer shall give a copy of the notice to the Disciplinary Panel Chairman.</p> <p>(2) The Disciplinary Panel Chairman shall appoint from among the members of the Disciplinary Panel an Appeal Committee to hear the appeal.</p> <p>(3) The Appeal Committee shall consist of not less than three members including a chairman, of whom a majority are Individual Members of the Institute and at least one is a lay person.</p> <p>(4) The Disciplinary Panel Chairman may be a member of an Appeal Committee, in which case he shall be the chairman of the Appeal Committee.</p> <p>(5) No member of the Disciplinary Panel shall be appointed to an Appeal Committee if he was a member of the Disciplinary Committee which determined the case at first instance.</p> <p>(6) If for any reason any one member of the Appeal Committee other than the chairman is unable to attend the hearing or any adjourned hearing of the appeal, or is during course of the hearing unable to continue to attend, the remaining members, provided that they are not less than three in number including a lay person, may proceed or continue with the hearing; but if the appellant or his representative is present, they shall do so only if the appellant or his representative consents.</p> <p>(7) If, in a case falling within bye-law 63(6), the remaining members of the Disciplinary Committee do not proceed or continue with the hearing, the appeal shall be heard or re-heard by a new Appeal Committee appointed by the Disciplinary Panel Chairman in accordance with bye-law 63(3).</p> <p>(8) If at any time during the course of the hearing of the appeal, the chairman of the Appeal Committee is of the opinion that it is for any reason impracticable for the Committee to complete the hearing, he shall so inform the Disciplinary Panel Chairman who shall thereupon appoint a new Appeal Committee in accordance with bye-law 63(3) to re-hear the appeal.</p> <p>(9) Where a new Appeal Committee is appointed pursuant to bye-law 63(7) or 63(8), no member of the previous Appeal Committee may be appointed to the new Appeal Committee.</p>
<p>64. Hearing of Appeal</p>	<p>64. (1) The Appeal Committee shall, as soon as practicable after its appointment, serve on the appellant a notice stating the date, time and place fixed for the hearing of the appeal.</p> <p>(2) On the hearing of any appeal, it shall be for the appellant to satisfy the Appeal Committee that the grounds of the appeal are made out.</p> <p>(3) The Appeal Committee shall give the appellant a reasonable opportunity of being heard before it. The appellant may appear</p>

	<p>before the Appeal Committee in person or be represented by an advocate and solicitor or by an Individual Member of the Institute. Subject to bye-law 65(1), the appellant may adduce any new evidence or call any witnesses to give evidence on his behalf.</p> <p>(4) If the appellant does not attend and is not represented at the hearing, then provided that the Appeal Committee is satisfied that the notice required by bye-law 64(1) was served on him, the Appeal Committee may hear the appeal in his absence.</p> <p>(5) The Institute shall be represented by the Professional Conduct Officer or an advocate and solicitor appointed by the Institute (“the presenting officer”) at the hearing of the appeal. Subject to bye-law 65(1), the presenting officer may adduce any new evidence or call any witnesses to give evidence.</p> <p>(6) The Appeal Committee may appoint an advocate and solicitor to act as legal assessor at the hearing of the appeal.</p> <p>(7) The chairman of the Appeal Committee may at his discretion, or upon written application by either the appellant or the presenting officer, postpone or adjourn the hearing if he is of the opinion that it is justified in all the circumstances. Such circumstances may include those referred to in bye-law 55.</p>
<p>65. Powers of Appeal Committee</p>	<p>65. (1) On any appeal under bye-law 62(1), the Appeal Committee shall take into consideration the record of the evidence given before, and the documents produced to, the Disciplinary Committee at its hearing of the formal complaint. The Appeal Committee may, at its discretion, hear any witness who appeared before the Disciplinary Committee and may receive additional documentary evidence.</p> <p>(2) On the conclusion of the hearing of an appeal, the Appeal Committee may by order:</p> <ul style="list-style-type: none"> (a) affirm, vary or rescind any finding of the Disciplinary Committee; (b) affirm, vary or rescind any order of the Disciplinary Committee; (c) substitute for any order of the Disciplinary Committee such other order which the Disciplinary Committee might have made on the formal complaint; (d) include in any substituted order such terms and conditions, if any, as the Appeal Committee considers appropriate including, in the case of an order that a Member be excluded from membership, that no application for readmission may be considered before the end of a specified period; (e) in relation to any finding and/or order that has been rescinded, direct that the complaint be re-heard by a new Disciplinary Committee appointed in accordance with bye-law 58(2). <p>(3) The Appeal Committee may, whether the appeal is successful or not, order the appellant to pay to the Institute such sum by way of costs as the Appeal Committee may determine.</p>

<p>66. Notification of Appeal Committee's Decision and Effective Date</p>	<p>66. (1) The Appeal Committee shall as soon as practicable give the appellant written notice of its decision, the reasons for its decision and of any order made.</p> <p>(2) An order made by the Appeal Committee shall take effect from the date of the order unless the Committee directs that it shall take effect from some later date as shall be specified in the order.</p> <p>(3) The Appeal Committee shall give written notice of its decision, the reasons for its decision and of any order made against the appellant to the Disciplinary Panel Chairman and the Chief Executive Officer.</p> <p>(4) The Appeal Committee shall notify the complainant in writing of its decision and of any order made against the appellant.</p> <p>(5) The decision of the Appeal Committee shall be final and there shall be no further right of appeal from a decision of the Appeal Committee.</p>
<p>67. Interim Suspension of Membership</p>	<p>67. (1) An order for suspension of membership on an interim basis (interim order) shall be determined by a Disciplinary Committee in accordance with this bye-law.</p> <p>On receipt of a notification from the Chief Executive Officer that an application is made for the interim suspension of a Member under bye-law 56(2), the Disciplinary Panel Chairman shall appoint a Disciplinary Committee (in the same manner as for the appointment of a Disciplinary Committee to hear a formal complaint under bye-laws 58(1) and 58(2)) to consider the application.</p> <p>(2) The Disciplinary Committee under bye-law 59(7) or the Disciplinary Committee appointed under bye-law 67(2) may make an interim order against the Member concerned if it determines that the Member has appeared before a court charged with a criminal offence and has either:</p> <p>(a) been remanded in custody on that charge; or (b) pleaded guilty to or been found guilty of such an offence.</p> <p>(3) An interim order made under this bye-law:</p> <p>(a) may be for a specified period or for an indefinite period until further order of the Disciplinary Committee; (b) may be subject to such conditions as specified in the order.</p> <p>(4) The Disciplinary Committee may on a written request of the Member concerned or on its own initiative review an interim order made under this bye-law. The Committee may, upon review of the interim order:</p> <p>(a) confirm the order; (b) vary the order or any conditions imposed by it; or (c) revoke the order or any conditions imposed by it.</p>

	<p>(5) Where the Disciplinary Committee make an interim order under this bye-law or take any action under bye-law 67(5) (as applicable), the Committee shall as soon as practicable give notice in writing to the Member concerned of its decision and the reasons for its decision.</p> <p>(6) Unless the Disciplinary Committee otherwise directs, an interim order shall take effect immediately.</p> <p>(7) During the period of suspension from membership pursuant to an interim order made under this bye-law, the Member shall remain subject to the investigation and disciplinary proceedings under these bye-laws as if still a Member.</p> <p>(8) An interim order made under this bye-law is not subject to the Member's right of appeal under bye-law 62.</p>
<p>68. Payment of Fines</p>	<p>68. (1) Subject to bye-law 68(2), a fine imposed by an order of a Disciplinary Committee under bye-law 60(2)(f) shall be paid within fourteen days from the date the order becomes effective unless a longer period for payment is allowed by the order.</p> <p>(2) If the defendant in accordance with bye-law 62(1) gives notice of appeal against the finding and/or order of the Disciplinary Committee, the fine shall not become payable until the appeal has been determined, and shall then be subject to any order made by the Appeal Committee.</p> <p>(3) A fine imposed by an order of an Appeal Committee under bye-law 65(2) or a fine which, having been imposed by a Disciplinary Committee under bye-law 60(2)(f), is on appeal affirmed or varied in amount by an order of the Appeal Committee, shall be paid within fourteen days of the date of the order of the Appeal Committee unless a longer period for payment is allowed by the order of the Appeal Committee.</p>
<p>69. Payment of Costs</p>	<p>69. (1) Subject to bye-law 69(2), any costs ordered by a Disciplinary Committee under bye-law 60(5) shall be paid within fourteen days from the date the order becomes effective unless a longer period for payment is allowed by the order.</p> <p>(2) If the defendant in accordance with bye-law 62(1) gives notice of appeal against the finding and/or order of the Disciplinary Committee, the costs shall not become payable until the appeal has been determined, and shall then be subject to any order made by the Appeal Committee.</p> <p>(3) A notice of appeal against an order of a Disciplinary Committee that the defendant be excluded or suspended from membership shall be of no effect unless any costs ordered by the Disciplinary Committee shall be paid on or before the giving of the notice of appeal.</p>

	<p>(4) Any costs ordered by an Appeal Committee under bye-law 65(3) together with any unpaid costs ordered by a Disciplinary Committee under bye-law 60(5) or as is varied by an order of the Appeal Committee, shall be paid within fourteen-days days of the date of the order of the Appeal Committee unless a longer period for payment is allowed by the order of the Appeal Committee.</p>
<p>70. Publication of Decisions and Orders</p>	<p>70. (1) Subject to bye-law 70(4), where a Disciplinary Committee or an Appeal Committee makes any finding or order under these bye-laws, including an order for interim suspension of membership, it shall cause its decision and any order made to be published as soon as practicable and in such a manner as it thinks fit.</p> <p>(2) Where a Disciplinary Committee makes an order that no further action be taken on a formal complaint under bye-law 60(4) or dismisses a formal complaint or, on an appeal, the Appeal Committee makes an order that no further action be taken or determines that a formal complaint has not been proved either in whole or in part, the Committee shall cause its decision to be published only if the defendant or appellant (as applicable) so requests.</p> <p>(3) Any publication under this bye-law shall in all cases include the name of the defendant or appellant (as applicable) unless in a particular case the Disciplinary Committee or the Appeal Committee, as the case may be, considers that there exist special circumstances which justify the omission of the name from such publication.</p> <p>(4) Save for an order for interim suspension of membership made under bye-law 67, a Disciplinary Committee shall not cause its decision and any order made to be published under bye-law 70(1) until the period allowed under bye-law 62(1) for giving notice of appeal against the finding or order of the Disciplinary Committee has expired. Where a notice of appeal is given in accordance with bye-law 62(1), then, unless the appeal is abandoned, the Disciplinary Committee's decision and order shall not be published under bye-law 70(1) but subject to bye-law 70(2), the Appeal Committee's decision and any order made on the appeal shall be so published.</p>
<p>71. Return of Certificate in event of Exclusion or Suspension</p>	<p>71. An Individual Member who has been suspended (including been suspended on an interim basis) or excluded from membership by order of any Disciplinary Committee or Appeal Committee, shall within fourteen days from the date the order becomes effective deliver up to the Chief Executive Officer the certificate of membership then held by him, in the case of suspension (including suspension on an interim basis) to be retained during the period of suspension or, in the case of exclusion, to be cancelled.</p>

72. Record of Decisions and Orders	<p>72. (1) The Disciplinary Panel Chairman shall report all decisions, including reasons for the decisions and any orders made by the Disciplinary Committees and Appeal committees to the Council, and the Council shall cause the same to be duly recorded.</p> <p>(2) The Chairman of the Council may notify such regulatory authorities and other professional bodies of such information recorded by the Council under this bye-law, as it thinks fit.</p>
73. Decisions and Orders under Joint Disciplinary Scheme	73. Where a complaint against an Individual Member under bye-law 52(2) is found proved in whole or in part pursuant to disciplinary proceedings under a joint disciplinary scheme, the Institute shall give effect to any decision and order made in respect of the Member pursuant to the scheme.
74. Application of Bye-laws on Regulation of Professional Conduct	<p>74. (1) For the purposes of bye-laws 46 to 71 (regulation of professional conduct), "Individual Member" includes a person (not being a Member of the Institute) who has undertaken to be bound by such bye-laws and such bye-laws shall apply to such a person, insofar as the same are capable of doing so, as they apply to a Member. Such persons shall include, but not limited to, candidates (who are not Members) undertaking any programme of study or examination of the Institute, whether conducted alone by the Institute or in conjunction or cooperation with other professional bodies or educational institutions.</p> <p>(2) Bye-laws 46 to 71 shall not apply to Corporate Members.</p>
Section VIII - Transitional Provisions	
75. Admission, Resignation, Cessation and Readmission	75. These bye-laws as amended, insofar as they are applicable, shall apply to all matters in relation to admission, resignation, cessation or readmission as a Member considered after the commencement of these bye-laws notwithstanding the date upon which any application was made, unless the Council has either generally or in any particular case otherwise decided.
76. Investigation and Discipline	<p>76. (1) Bye-laws 46 to 71 (regulation of professional conduct) shall apply in relation to:</p> <p>(a) facts or matters which come to the attention of the Chief Executive Office (under bye-law 49) after the commencement of these bye-laws, including facts or matters which occurred before, but come to his attention after, that commencement;</p> <p>(b) facts or matters which came to the attention of the Chief Executive Office before the commencement of these bye-laws, but were not laid by him before the Investigation Committee (appointed under bye-law 46 of the former bye-laws) before that commencement;</p> <p>(c) facts or matters which immediately before the commencement of these bye-laws were the subject of disciplinary proceedings under the former bye-laws.</p>

	<p>(2) The liability of a person to disciplinary action under these bye-laws on a complaint shall be determined in accordance with the bye-laws and regulations in force at the time when the facts or matters complained of occurred. All disciplinary proceedings, however, shall be conducted in accordance with the bye-laws and regulations in force at the time of such proceedings.</p> <p>(3) In this bye-law, “the former bye-laws” means the bye-laws of the Institute as in force immediately before the commencement of these bye-laws.</p>
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