

# THE ROYAL COLLEGE OF EMERGENCY MEDICINE

## ORDINANCES

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## ORDINANCES OF THE ROYAL COLLEGE OF EMERGENCY MEDICINE

### 1 DEFINITIONS AND INTERPRETATIONS

1.1 In these Ordinances the following words have the following meanings:

<b>“Byelaws”</b>	the Byelaws of the College made pursuant to Ordinance 9;
<b>“Charter”</b>	the Royal Charter incorporating the Royal College of Emergency Medicine and any amendments or additions thereto;
<b>“Code of Conduct”</b>	the Code of Conduct for College members as made or varied by the Council from time to time;
<b>“College member”</b>	a person in the category of member of the College and where the context requires includes the persons in the categories of Fellow, Associate Fellow, Member, Associate Member or Affiliate
<b>“Council”</b>	a standing committee of the Board of Trustees established pursuant to Ordinance 8;
<b>“Council Role Holder”</b>	a person appointed to the Council pursuant to Ordinance 8.6(d);
<b>“Emergency Physician”</b>	a medical practitioner who practises Emergency Medicine;
<b>“the Former Council”</b>	the Council of the College as established under the Ordinances of the College which were in force prior to these Ordinances taking effect;
<b>“Fellow”</b>	a Fellow of the College;
<b>“Honorary Fellow”</b>	an Honorary Fellow of the College;

<b>“Nominations and Appointments Committee”</b>	a standing committee of the Board of Trustees established pursuant to Ordinance 8;
<b>“Regulations”</b>	regulations made by the Board of Trustees pursuant to Ordinance 9;
<b>“Specialist Register”</b>	the Register kept by the General Medical Council in accordance with section 34D of the Medical Act 1983;
<b>“United Kingdom”</b>	the United Kingdom of Great Britain and Northern Ireland.

- 1.2 Words or phrases defined in the Charter shall have the same meaning herein.
- 1.3 All words importing the masculine gender include the feminine and vice versa and words in the singular include the plural and vice versa.
- 1.4 References to any Act of Parliament, or order or instrument thereunder, include any statutory modification or re-enactment thereof.
- 1.5 In the event of any inconsistency between the provisions of the Charter and any of the Ordinances the provisions of the Charter shall prevail.

## **2 CATEGORIES OF MEMBERSHIP OF THE COLLEGE**

### **2.1 Fellow**

Subject to such further provision as may be made by the Byelaws, Fellows shall be admitted to:

- (a) Fellowship by Examination;
- (b) Fellowship by Election;
- (c) Fellowship ad eundem;
- (d) Honorary Fellowship;
- (e) Honorary Life Fellowship;
- (f) Life Fellowship;
- (g) Fellowship by Distinction;
- (h) Associate Fellowship.

## **2.2 Members**

Subject to such further provision as may be made by the Byelaws, Members shall be admitted to:

- (a) Membership by Examination;
- (b) Membership by Election; and
- (c) Associate Membership.

## **2.3 Affiliate**

Subject to such further provision as may be made by the Byelaws, individuals with a health or other professional qualification with an interest in the field of Emergency Medicine may be admitted as Affiliates.

## **3 RIGHTS PRIVILEGES AND OBLIGATIONS OF MEMBERSHIP**

3.1 Fellows, Associate Fellows, Honorary Fellows, Members, Associate Members and Affiliates may describe themselves respectively, without abbreviation, as Fellow, Associate Fellow, Honorary Fellow, Member, Associate Member or Affiliate of the College.

3.2 Subject to the Byelaws, the following post-nominal letters may be used:

Fellow: "FRCEM"

Member: "MRCEM".

3.3 Subject to the Byelaws, Fellows, Associate Fellows and Members (excluding Honorary Fellows, Associate Members and Affiliates) shall be entitled to vote in the election of the President and other members of Council.

3.4 Regulations may from time to time confer other rights and privileges, other than the right to use titles or post-nominal letters, on any category of membership of the College.

## **4 FEES AND SUBSCRIPTIONS**

4.1 The Board of Trustees may prescribe the fees payable in respect of admission or election to any category of membership of the College and annual subscriptions and when they are due.

4.2 Regulations may provide for the remission of all or any of such fees or subscriptions, for the suspension of rights or privileges of membership for those in arrears and for any other matter relating to fees and subscriptions.

4.3 The Council may also provide for the charging of fees in respect of examinations or training.

## **5 REGISTERS**

A Register or Registers of all members of the College, in whatsoever category, shall be maintained in accordance with the Byelaws.

## **6 BOARD OF TRUSTEES**

6.1 The Board of Trustees shall consist of:

- (a) the President of the College;
- (b) the Chair (if appointed) who must not be a College member;
- (c) three persons being those Council Role Holders as specified in the Byelaws ("Designated Posts");
- (d) the Chair of the Lay Group of the College (as such group may be renamed or reconstituted with similar functions);
- (e) up to three lay members who shall not be College members;
- (f) up to four persons being College members, of which at the time of appointment not more than two shall be voting members of Council.

6.2 All Trustees are charity trustees as defined by section 177 Charities Act 2011.

6.3 All Trustees (apart from the President and the holders of Designated Posts) shall be appointed by the Nominations and Appointments Committee in accordance with the Byelaws.

6.4 The manner of election or appointment and filling vacancies, term of office (save for the President) and circumstances of vacating office, of Trustees shall be prescribed in the Byelaws.

6.5 The Byelaws may set out eligibility criteria for those Trustees appointed by the Nominations and Appointments Committee.

6.6 The Chief Executive (or nominated Deputy) and the Chair of Corporate Governance Committee of the College (as such committee may be renamed or reconstituted with

similar functions) may attend meetings of the Board of Trustees as non-voting members.

## **7 MEETINGS OF THE BOARD OF TRUSTEES**

7.1 The Board of Trustees shall meet four times a year, and at such other times as may be determined by the Board of Trustees or, by the Chair (if appointed) or otherwise by the President, on the written request of three or more Trustees.

7.2 The quorum for any meeting of the Board of Trustees shall be six Trustees of whom one shall be a holder of one of the Designated Posts and two shall be other College members.

7.3 Subject as aforesaid, meetings of the Board of Trustees and the proceedings thereat shall be regulated as the Board of Trustees sees fit.

## **8 DELEGATION OF POWERS**

8.1 The Board of Trustees may establish such boards, standing and ad hoc committees or sub-committees for the purpose of dealing with any subject as it may from time to time determine pursuant to the Byelaws.

8.2 The Board of Trustees shall have power to determine by Byelaws the constitution and procedures of such boards, committees or sub-committees.

8.3 The Board may by resolution delegate all or any of its functions, powers, duties and discretions to any body, board, committee, sub-committee or individual upon terms and subject to such conditions as the Board of Trustees may from time to time, by resolution, determine.

8.4 The Board of Trustees has established pursuant to this Ordinance 8 as standing committees:

- the Council;
- the Nominations and Appointments Committee

and such committees may be renamed by the Board of Trustees.

8.5 The Council shall have the following functions and powers:

- (a) oversight for all clinical, professional, academic, educational and health policy matters;

- (b) any expressly conferred on the Council by these Ordinances or the Byelaws;  
and
- (c) any others delegated to it by the Board of Trustees pursuant to this Ordinance 8.

8.6 The Council shall consist of:

- (a) the President;
- (b) the President-Elect;
- (c) the immediate Past-President (who has completed their full term as President pursuant to Ordinance 10.3);
- (d) the persons to whom Council has delegated functions under designated titles pursuant to Ordinance 8.8 and who, by virtue of that role, are appointed to Council in accordance with the Byelaws;
- (e) the Vice President (Scotland), the Vice President (Wales) and the Vice President (Northern Ireland) (as such role may be renamed) being respectively the Chair of each of the Scottish, Welsh and Northern Ireland Boards of the College as defined in the Byelaws (as such Boards may be renamed or reconstituted);
- (f) the Chairs of the English Regions as defined in the Byelaws;
- (g) the Chair of Emergency Medicine Trainees' Association (as such Association may be renamed or reconstituted with similar functions) who has been elected in accordance with its Terms of Reference;
- (h) the Chair of Forum for Associate Specialist and Staff Grade Doctors in Emergency Medicine (as such Forum may be renamed or reconstituted with similar functions) who has been elected in accordance with its Terms of Reference;
- (i) the Chair of the Advanced Clinical Practitioners Forum (as such Forum may be renamed or reconstituted with similar functions) who has been elected in accordance with its Terms of Reference;
- (j) the Chair of the Lay Group of the College (as such group may be renamed or reconstituted with similar functions)
- (k) the Chairs of such other committees and National Boards, or of faculties, of the College as determined by Council.

- 8.7 The Council may invite other persons to attend its meetings as co-opted members who shall not be voting members of it.
- 8.8 The Chief Executive (or nominated Deputy) and the Chair of Corporate Governance Committee of the College (as such committee may be renamed or reconstituted with similar functions) may attend meetings of the Council as non-voting members.
- 8.9 The Board of Trustees authorises the Council to establish sub-committees, boards or working parties, or to appoint individuals, to perform any function, duty or power within the authority delegated to the Council by these Ordinances, the Byelaws or the Board of Trustees.

## **9 BYELAWS AND REGULATIONS**

The Board of Trustees may by resolution from time to time make, alter and repeal such Byelaws and such Regulations (howsoever called) as it may think fit for regulating generally the affairs of the College provided that the Byelaws and the Regulations are not contrary to the Charter or these Ordinances.

## **10 THE PRESIDENT**

- 10.1 The President shall be the only Officer of the College.
- 10.2 The President must at the time of election be a Fellow on the Specialist Register practising Emergency Medicine in a substantive consultant position within the United Kingdom and be a member in good standing as defined in the Byelaws.
- 10.3 The person elected as President shall take up office as President-Elect for six months prior to the first Annual General Meeting of the College following their election and from the close of that Annual General Meeting as President and shall hold the office of President until the close of the third Annual General Meeting of the College following their taking office. At the close of the third Annual General Meeting they shall not be eligible for re-election as President at any time thereafter.
- 10.4 The Byelaws shall define the process for election or removal of the President and appointment to fill a vacancy in the office (including the term of office for such appointee).
- 10.5 The President shall automatically cease to hold office if they cease to be a Fellow.

## **11 TRANSITIONAL ARRANGEMENTS FOR THE BOARD OF TRUSTEES AND COUNCIL**

Notwithstanding any other provisions of these Ordinances:



- 11.1 the first Trustees pursuant to Ordinance 6.1(e) and (f) who take office on the date when these new Ordinances take effect shall be those appointed to such office by a nominations and appointments committee constituted by the Former Council. The Byelaws may stagger the expiry of the first term of office of such Trustees.
- 11.2 each of the President, the Chair of the Lay Group and the holders of the Designated Posts (being the Treasurer, Vice President Membership and Dean), who were in office immediately prior to these Ordinances taking effect, shall continue in those offices as Trustees. The period of office served by each of them prior to such date shall count towards their respective term of office as a Trustee and, except in the case of the President, and whether they are in their first or second term of office.
- 11.3 each of the members of Council who were in office immediately prior to these Ordinances taking effect shall continue in those offices on Council as constituted pursuant to Ordinance 8.6 for the remainder of their term of office under the previous Ordinances which (where relevant) shall be treated as their first or second term ( as the case may be) in that office. For these purposes Council Role Holders shall be the Officers, apart from the President, in office immediately prior to these Ordinances taking effect.

## **12 NATIONAL BOARDS AND REGIONS**

- 12.1 There shall be such National Boards of the College established on a geographical basis, with such members and roles, as are approved by the Council in accordance with the Byelaws.
- 12.2 The College shall have such Regions, with such geographical boundaries, as are determined by the Council in accordance with the Byelaws.

## **13 FACULTIES AND JOINT FACULTIES**

- 13.1 Any faculty or joint faculty instituted or established pursuant to Article 11 of the Charter shall be instituted and established, and Fellowships and membership in any such faculty or joint faculty (including Honorary Fellowships) may be granted, in accordance with such Byelaws as the Board of Trustees (in the case of a faculty) or the Board of Trustees acting in combination with the other body concerned (in the case of a joint faculty), may from time to time determine and prescribe.
- 13.2 The status of Fellows and Honorary Fellows and members in any such faculty or joint faculty and the rights, privileges, conditions and restrictions applicable to such status

shall be such as the Board of Trustees or the Board of Trustees acting in combination with the other body concerned may from time to time by Byelaws prescribe.

#### **14 CESSATION OR SUSPENSION OF COLLEGE MEMBERSHIP**

14.1 A person shall cease to be a College member if:

- (a) they serve written notice of their resignation on the College, which shall take effect on the date of receipt of the resignation by the College (unless another date is agreed with the College member); or
- (b) they are in arrears of their subscription for such period as is stated in the Byelaws; or
- (c) their name is suspended or erased from any register in any country maintained by a body responsible for the regulation of their practice as a medical or other healthcare practitioner as a consequence of a determination by that body to the effect that their fitness to practise as a medical or other healthcare practitioner is impaired; or
- (d) the Council, or a committee thereof, determines, after due enquiry, in accordance with the process set out in the Byelaws that they have breached the Code of Conduct or have otherwise not acted in the interests of the College and that as a result they should be removed from College membership; or
- (e) their name is erased, as a consequence of their application to be erased, from any register in any country maintained by a body responsible for the regulation of their practice as a medical or other healthcare practitioner, or their name is erased or suspended from any such register as a consequence of a determination by such a body to the effect that their fitness to practise as a medical or other healthcare practitioner is impaired by reason only of their adverse physical or mental health, or conditions or undertakings are attached to their registration in any such register as a consequence of a determination by such a body to the effect that their fitness to practise as a medical or other healthcare practitioner is impaired, and the Council, or a committee thereof, determines, after due enquiry, in accordance with the process set out in the Byelaws, that they should be removed from College membership.

The provisions of Ordinance 14.1(c) shall not apply to a College member where the regulatory body has determined that their fitness to practice is impaired by reason only of their adverse physical or mental health.

- 14.2 The process in the Byelaws referred to in Ordinances 14.1(d) and 14.1(e) shall allow for a right of appeal against a determination to remove a person from College membership under Ordinances 14.1(d) or 14.1(e) or to impose sanctions on a College member pursuant to Ordinance 14.3 or to require the College member to apply for admission to another category of College membership pursuant to Ordinance 14.7.
- 14.3 The Council or a committee thereof, having determined in accordance with Ordinances 14.1(d) or 14.1(e) that the College member has breached the Code of Conduct or otherwise not acted in the interests of the College or has been erased, as a consequence of their application to be erased, from any register in any country maintained by a body responsible for the regulation of their practice as a medical or other healthcare practitioner, or has been erased or suspended from any such register as a consequence of a determination by such a body to the effect that their fitness to practise as a medical or other healthcare practitioner is impaired by reason only of their adverse physical or mental health, or has conditions or undertakings attached to their registration in any such register as a consequence of a determination by such a body to the effect that their fitness to practise as a medical or other healthcare practitioner is impaired, has the option (instead of removal from College membership) to determine for a period specified by the Council or a committee thereof that:
- (a) all or any of the rights and privileges attaching to their College membership are suspended; and/or
  - (b) conditions are attached to the enjoyment of any such rights or privileges; and/or
  - (c) they are not eligible for election or appointment as a Trustee or to any other specified office or membership of a committee of the College.
- 14.4 Any College member, whose membership is terminated under Ordinances 14.1 (c), (d), or (e) may only be reinstated by a resolution of the Council or a committee thereof in accordance with the process set out in the Byelaws. Any College member, whose membership is terminated under Ordinance 14.1 (b), may only be reinstated by a resolution of the Board of Trustees or a committee thereof in accordance with the process set out in the Byelaws. The process in the Byelaws may allow for a right of appeal against a determination not to reinstate a person to College membership.
- 14.5 If any College member holds a qualification conferred by the College which is later found, in accordance with the procedure under Ordinance 14.1 (d), to have been obtained by any fraud or false statement, the Council or a committee thereof may by resolution rescind and declare void the qualification so conferred. The College

member shall forfeit all and any such rights and privileges afforded by the qualification. The process in the Byelaws referred to in Ordinance 14.1(d) shall allow for a right of appeal against a determination under this Ordinance 14.5.

- 14.6 If a person is removed from College membership under Ordinances 14.1(d) or 14.1 (e) or has any sanctions imposed on them under Ordinance 14.3, or has their College qualification declared void, the College reserves the right to inform the body responsible for the regulation of them as a medical or other healthcare practitioner in any country in which they practise and any employer of the College member of the removal from College membership, or the imposition of sanctions, or the declaration that their College qualification is void, after the decision takes effect under the process in the Byelaws.
- 14.7 The Council or a committee thereof, having followed the process in accordance with Ordinance 14.1(e), has the option (instead of removal from College membership or the imposition of sanctions under Ordinance 14.3) to require the College member to apply for admission to another category of College membership.
- 14.8 The Council or a committee thereof, where a College member is subject to investigation by the police, or a body responsible for the regulation of their practice as a medical or other healthcare practitioner which could lead to suspension or erasure from the register maintained by that body, may determine for a period specified by the Council or a committee thereof that:
- (d) all or any of the rights and privileges attaching to their College membership are suspended; and/or
  - (e) conditions are attached to the enjoyment of any such rights or privileges; and/or
  - (f) they are not eligible for election or appointment as a Trustee or to any other specified office or membership of a committee of the College.

## **15 MEETINGS OF COLLEGE MEMBERS**

- 15.1 The Board of Trustees shall convene an Annual General Meeting of College members for the transaction of such business as the Board of Trustees may determine and for the discussion of such motions as may be delivered to the College by College members in the form prescribed in the Byelaws provided that not more than fifteen months shall elapse between Annual General Meetings.

- 15.2 The Board of Trustees may, as and when it thinks fit, convene Extraordinary General Meetings of College members for the purposes aforesaid.
- 15.3 The Board of Trustees shall, on the requisition of not less than 5% of the College members entitled to vote, forthwith proceed to convene an Extraordinary General Meeting of members for such objects as shall be stated in the requisition. The process whereby members may request an Extraordinary General Meeting of the members will be in accordance with the Byelaws.
- 15.4 College members will be notified at least 21 days in advance of the date, time and venue for every General Meeting of College members.
- 15.5 The agenda of the Annual General Meeting shall include the presentation of the annual report and audited accounts of the College for the last completed financial year.
- 15.6 The quorum for the transaction of business at a General Meeting shall be 100 Fellows and/or Members. The chair of the meeting shall be taken by the President or in their absence one of the Council Role Holders nominated by Council
- 15.7 With the exception of approval of changes in the Charter and Ordinances or the surrender of the Charter and any powers of College members to make determinations as set out in the Byelaws, motions passed at a General Meeting of members are advisory to the Board of Trustees.
- 15.8 Subject as aforesaid General Meetings and the convening thereof and voting and proceedings thereat shall be regulated by the Byelaws.

## **16 ACCOUNTS**

- 16.1 Once at least in every year the accounts shall be examined and their correctness ascertained by one or more auditors being a person or persons who, if the College were a company formed and registered under the Companies Act 2006, would be qualified for appointment as its auditor.
- 16.2 The audited accounts for the last financial year of the College shall be laid before each Annual General Meeting of College members.

## **17 INVESTMENT POWERS**

The Board of Trustees may, in relation to College monies or monies for which the College is trustee, make any kind of investment that it could make if it was absolutely entitled to the monies available for investment and shall have the power to employ as a professional investment manager for the College any person who is entitled to carry

on a regulated activity under the provisions of the Financial Services and Markets Act 2000 (or any statutory re-enactment or modification of that Act) and to delegate to any such manager (“the Manager”) the exercise of all or any of the powers of investments on such terms and at such reasonable remuneration as the Board of Trustees may see fit but always subject to the regulations set down in the Byelaws.

## **18 BORROWING**

Pursuant to the objects of the College the College shall, subject to any trust deed, have power to raise money by borrowing it or by selling, converting, calling in, mortgaging or otherwise charging all or any part of the property of the College, provided that no lender nor any purchaser or mortgagee paying or advancing money on a sale, conversion, calling in, mortgage or charge shall be concerned to see that such money is wanted or that no more than is wanted is raised or otherwise as to the application thereof.

## **19 COMMON SEAL**

- 19.1 The Common Seal of the College shall consist of the Armorial Bearings, Crest, Supporters and Motto of the College as registered in Her Majesty’s College of Arms.
- 19.2 The Common Seal shall not be affixed to any instrument except by the authority of the Board of Trustees and in the manner laid down in Byelaws which shall also provide for the custody of the Common Seal.