
STANDING RULES

of

THE ROYAL COLLEGE OF SURGEONS OF ENGLAND

Adopted on 11th October 2018

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THE ROYAL COLLEGE OF SURGEONS OF ENGLAND

STANDING RULES

Adopted on []

1. **Interpretation**

- 1.1 The interpretation provisions in **Standing Rule** 17 shall apply.
- 1.2 The emboldening of a word or expression on the first occasion that it is used indicates that the word or expression is defined in Standing Rule 17.

2. **Membership**

- 2.1 As specified in **Ordinance** 2.1, the **College** has a **membership** comprising **Voting Members** and **Non-Voting Members**.

Voting Membership

- 2.2 As specified in Ordinance 2.4, the College shall have the following classes of **Voting Membership**:
 - (a) Surgical Fellows;
 - (b) Surgical Members;
 - (c) Dental Fellows;
 - (d) Dental Members; and
 - (e) at the discretion of the **Trustees**, the fellows and/or members of any additional faculties instituted in accordance with Ordinance 11.2.
- 2.3 The qualifications for admission to the classes of Voting Membership listed in Standing Rule 2.2(a) to 2.2(d) and the designations that Voting Members in those classes are entitled to use are set out in the Appendix to the Ordinances. The qualifications for admission to the classes of Voting Membership referred to in Standing Rule 2.2(e) shall be determined and specified by the **Council** in **bye-laws**.
- 2.4 The procedure for admission and the rights, privileges and obligations of:
 - (a) Surgical Fellows and Surgical Members is set out in Appendix 1 to these Standing Rules;

- (b) Dental Fellows and Dental Members shall be determined and specified by the Board of the **FDS** in **Standing Orders**; and
- (c) the classes of Voting Members referred to in Standing Rule 2.2(e) shall be determined and specified by the Council in bye-laws.

Non-Voting Membership

2.5 As specified in Ordinance 2.8, the College shall have the following classes of **Non-Voting Membership**:

- (a) Surgical Licentiates;
- (b) Dental Licentiates;
- (c) Honorary Fellows (which shall include Surgical Honorary Fellows, Dental Honorary Fellows);
- (d) Affiliate Members (which may include Surgical Affiliate Members and Dental Affiliate Members);
- (e) Associate Members (which shall include Surgical Associate Members and Dental Associate Members);
- (f) Student Members (which may include Surgical Student Members and Dental Student Members);
- (g) Fellows, Members and other classes of Non-Voting Membership related to Faculties of the College; and
- (h) such other classes of Non-Voting Membership as are created or recognised by the Trustees from time to time.

2.6 The qualifications and procedure for admission and the rights, privileges and obligations of Surgical Licentiates, Surgical Honorary Fellows, Surgical Affiliate Members, Surgical Associate Members and Surgical Student Members and the designations that Non-Voting Members in those classes are entitled to use are set out in Appendix 2 to these Standing Rules.

2.7 The qualifications and procedure for admission and the rights, privileges and obligations of Dental Licentiates, Dental Honorary Fellows, Dental Affiliate Members (if any), Dental Associate Members and Dental Student Members (if any) and the designations that Non-Voting Members in those classes shall be entitled to use shall be determined and specified by the Board of the FDS in Standing Orders.

2.8 The qualifications and procedure for admission and the rights, privileges and obligations of any classes of membership of any other Faculties established by the College and the designations that Non-Voting Members in those classes are entitled

to use shall be determined and specified by the Board of that Faculty in Standing Orders.

- 2.9 The qualifications and procedure for admission and the rights, privileges and obligations of the classes of Non-Voting Members referred to in Standing Rule 2.5(g) and the designations that Non-Voting Members in those classes are entitled to use shall be determined and specified by the Council in bye-laws.

3. Termination of Membership

- 3.1 Membership of the College shall be terminated in the circumstances specified in Ordinance 14.

- 3.2 The provisions of this Standing Rule 3 concern termination of the following classes of membership:

- (a) Surgical Fellows;
- (b) Surgical Members;
- (c) Surgical Licentiates;
- (d) Surgical Honorary Fellows;
- (e) Surgical Associate Members;
- (f) Surgical Affiliate Members;
- (g) Surgical Student Members; and
- (h) unless otherwise specified by the Trustees or by the Council, the fellows and/or members of any additional faculties instituted in accordance with Ordinance 11.2 and any classes of Non-Voting Membership created or recognised by the Trustees from time to time pursuant to Ordinance 2.8(j).

- 3.3 Termination of the following classes of membership shall be dealt with in accordance with the Standing Orders of the FDS:

- (a) Dental Fellows;
- (b) Dental Members;
- (c) Dental Licentiates;
- (d) Dental Honorary Fellows;
- (e) Dental Affiliate Members (if any);
- (f) Dental Associate Members; and

(g) Dental Student Members (if any);

provided always that the Board of the FDS shall notify the Council promptly **In Writing** of the termination of membership of any member holding any of the classes of membership referred to in this Standing Rule 3.3.

Termination of any classes of membership of any other faculties established by the College shall be dealt with in accordance with the Standing Orders of that Faculty provided always that the Board of the faculty shall notify the Trustees promptly **In Writing** of the termination of membership of any member.

Removal from the Medical Register or the Dentists Register

- 3.4 Under Ordinance 14.1(a), membership is terminated if the member concerned is removed from the Medical Register by the **GMC** under section 35D of the Medical Act 1983 or from the Dentists Register by the **GDC** under section 27 of the Dentists Act 1984 as the case may be and the Council considers that the offence for which the member in question has been so removed is of such a nature as to render him or her unfit to remain as a member of the College.
- 3.5 In the event that a member is removed from the Medical Register or from the Dentists Register as outlined in Standing Rule 3.4, the **Officers** shall have delegated authority to consider the case and to resolve on behalf of the Council that the offence for which the member in question has been so removed is of such a nature to render him or her unfit to remain as a member of the College. The Council anticipates that the Officers will conclude that an offence leading to removal from the Medical Register or from the Dentists Register will render a member unfit to remain as a member of the College in all but very exceptional circumstances.
- 3.6 If a member's membership is terminated in accordance with Ordinance 14.1(a), he or she shall be informed of the termination **In Writing**. The termination of the member's membership shall be recorded in the minutes of the next scheduled Council meeting.

Removal by Resolution of the Council

- 3.7 Under Ordinance 14.1(b), membership is terminated if the member concerned is removed by resolution of the Council on the grounds specified in that Ordinance.
- 3.8 In the event that one or more of the circumstances set out in Ordinances 14.1(b)(i) to (iii) and/or Ordinance 14.1(b)(v) is brought to the attention of the College, the Officers shall appoint a **Disciplinary Committee** to determine whether or not the member concerned should be removed from membership. Each Disciplinary Committee shall have delegated authority to consider the case in accordance with these Standing Rules and to resolve on behalf of the Council that:

- (a) no further action should be taken on the matter;
 - (b) the member concerned shall be removed from membership of the College; or
 - (c) the member concerned shall be subject to such other sanctions as the Disciplinary Committee may in the particular case see fit to impose.
- 3.9 Each Disciplinary Committee shall consist of three **Council Members** selected by the Officers, who shall have no prior knowledge of or personal connection with the member concerned or the circumstances under review. The Council Members selected to sit on a Disciplinary Committee may be Officers, but the **President** shall not sit on any Disciplinary Committee.
- 3.10 Not less than 28 days before a meeting of a Disciplinary Committee at which the removal of a member's membership shall be considered, the Disciplinary Committee shall notify the member concerned In Writing of:
- (a) the reason for appointing a Disciplinary Committee to determine whether or not the member should be removed from membership;
 - (b) the date, time and place of the meeting of the Disciplinary Committee at which the member's case will be considered;
 - (c) the names of the members of the Disciplinary Committee appointed to consider the member's case; and
 - (d) his or her right to:
 - (i) submit a **Written** objection to one or more of the members of the Disciplinary Committee to the Officers stating the grounds for the objection, provided always that the objection is received by the Officers not less than 14 **Clear Days** before the date of the Disciplinary Committee meeting at which the member's case will be considered;
 - (ii) make Written representations to the Disciplinary Committee on his or her own behalf and to call witnesses at the hearing, such representations and the names of all witnesses to be received by the Disciplinary Committee not less than 14 Clear Days before the date of the Disciplinary Committee meeting at which the member's case will be considered;
 - (iii) attend the meeting of the Disciplinary Committee (either alone or with another person to help present his or her case) and to speak in order to make oral representations to the Disciplinary Committee on his or her own behalf; and
 - (iv) request that the meeting of the Disciplinary Committee is made open to the public.

- 3.11 In the event that a member submits an objection to one or more of the members of the Disciplinary Committee in accordance with Standing Rule 3.10(d)(i), the Officers shall consider the objection. If they in their absolute discretion determine that the objection should be upheld, they shall remove the member of the Disciplinary Committee concerned and appoint another Council Member to act in his or her place.
- 3.12 On receipt of a notice of a Disciplinary Committee meeting under Standing Rule 3.10, a member shall forfeit the right to give Written notice of resignation to the College in accordance with Ordinance 14.1(c). However, the member may notify the Disciplinary Committee that he or she does not wish to dispute the termination of his or her membership. Provided this notice is received by the Disciplinary Committee within ten days of the date of the meeting of the Disciplinary Committee at which the member's case will be considered, the meeting of the Disciplinary Committee shall be cancelled and the member's membership shall be terminated automatically.
- 3.13 The Disciplinary Committee shall receive and consider a Written report from an appropriate College employee setting out the details of the possible grounds for terminating the member's membership not less than 21 Clear Days before the date of the Disciplinary Committee meeting. A copy of the report shall, at the same time, be sent to the member concerned.
- 3.14 The procedure of a Disciplinary Committee appointed under Standing Rule 3.8 shall be as follows:
- (a) a decision by the Disciplinary Committee on any point of procedure shall be binding;
 - (b) all documentation, including any witness statements intended for use at the hearing shall be made available to all parties at least five Clear Days in advance of the Disciplinary Committee meeting;
 - (c) the member has the right to respond to the Written report referred to at Standing Rule 3.13. The Council and the member both have the right to call witnesses of fact, or, in an appropriate case (and at the sole discretion of the Disciplinary Committee) expert witnesses. The Disciplinary Committee may ask questions of any witness and the member may cross-examine any Council witness;
 - (d) at the conclusion of the presentations and evidence, the member may present an oral summary of his/her case or make any oral statement in mitigation;
 - (e) the Disciplinary Committee may, at its discretion, during the hearing retire in private to consider any aspect of the case. The Disciplinary Committee may, for any good reason, also adjourn the hearing for a period not normally exceeding seven days; and

- (f) the Disciplinary Committee will consider its findings in private and will reach its decision by majority vote. The decision will be given as a decision of the Disciplinary Committee, and Written reasons shall be given for the decision.

3.15 If a member's membership is terminated or other sanctions are imposed in accordance with the procedure set out in Standing Rules 3.7 to 3.14, the member concerned shall be notified In Writing within 28 days of the date of the relevant meeting of the Disciplinary Committee. In cases where a member's membership is terminated, the termination shall be recorded in the minutes of the next scheduled meeting of the Council.

Right of Appeal

3.16 A member who is either removed from membership under Ordinance 14.1(b) and Standing Rule 3.8(b) or who is subjected to any other sanctions under Standing Rule 3.8(c) and in accordance with the procedure set out in Standing Rules 3.7 to 3.14 shall have a right of appeal, but only on the ground that:

- (a) material evidence becomes available which was not for good reason previously available to the Disciplinary Committee that considered the member's case;
- (b) in resolving to terminate the member's membership or impose other sanctions, the Disciplinary Committee departed from the relevant procedural provisions of the **Charter**, Ordinances, Standing Rules and/or other bye-laws, in a manner prejudicial to the member's case; and/or
- (c) the termination of the member's membership or the imposition of other sanctions was an unreasonable penalty having regard to all the circumstances of the case;

provided always that no appeal shall have any effect on any decision taken by any other organisation including the GMC or GDC.

3.17 A former member wishing to appeal against a Disciplinary Committee resolution must submit a Written notice of appeal to the College setting out concisely the grounds of the appeal and including any material new evidence now available which was not previously available to the Disciplinary Committee. The Written notice of appeal must be received by the College within 28 days of the date of the Written notice referred to in Standing Rule 3.15 notifying the member that his or her membership has been terminated or that other sanctions have been imposed.

3.18 Each Written notice of appeal shall be considered by the President (or in his or her absence another Officer provided always that the Officer did not sit on the Disciplinary Committee that originally considered the case and has no personal connection with the former member concerned or the circumstances under review). If the President or Officer in his or her absolute discretion determines that a notice of appeal does not disclose a proper ground of appeal, the College shall within 28 days of receipt of the notice of appeal notify the member concerned that the appeal shall go no further. If the President or Officer determines that the notice of appeal does disclose a proper ground of appeal, he or she shall place the matter before a **Disciplinary Committee of Appeal** to be held within 28 days of the date of receipt of the Written notice of appeal referred to in Standing Rule 3.17.

3.19 Each Disciplinary Committee of Appeal shall consist of three Council Members appointed by the President (or in his or her absence the Officer who considered the notice of appeal under Standing Rule 3.18), none of whom shall have sat on the

Disciplinary Committee that originally considered the member's case and who shall have no personal connection with the former member concerned or the circumstances under review. For the avoidance of doubt, the Council Members selected to sit on a Disciplinary Committee of Appeal may include the President and/or any other Officer.

3.20 Each Disciplinary Committee of Appeal shall have delegated authority to consider the ground(s) of the appeal and any supporting evidence in accordance with these Standing Rules and to resolve on behalf of the Council that either:

- (a) the appeal be upheld and the member be restored to the membership; or
- (b) the appeal be dismissed and the original Disciplinary Committee resolution to remove the member from membership of the College or to impose other sanctions be confirmed.

3.21 Not less than 21 days before a meeting of a Disciplinary Committee of Appeal at which a former member's appeal will be considered, the Disciplinary Committee of Appeal shall notify the member concerned In Writing of:

- (a) the date, time and place of the meeting of the Disciplinary Committee of Appeal at which the former member's case will be considered;
- (b) the names of the members of the Disciplinary Committee of Appeal appointed to consider the former member's case;
- (c) his or her right to:
 - (i) submit further Written evidence in support of the appeal, such representations to be received by the Disciplinary Committee of Appeal not less than 14 Clear Days before the date of the meeting at which the former member's appeal will be considered;
 - (ii) attend the meeting of the Disciplinary Committee of Appeal (either alone or with another person to help present his or her case) and to speak in order to make oral representations to the Disciplinary Committee of Appeal on his or her behalf, but provided always that such representations relate only to the ground(s) of appeal; and
 - (iii) request that the meeting of the Disciplinary Committee of Appeal is made open to the public.

3.22 Before reaching a decision, each Disciplinary Committee of Appeal shall consider:

- (a) a second Written report from an appropriate College employee on the matter (a copy of which shall be sent to the former member concerned not less than

five Clear Days before the meeting of the Disciplinary Committee of Appeal);
and

- (b) any further Written evidence submitted by the former member concerned in accordance with Standing Rule 3.21(c)(i).

3.23 A Disciplinary Committee of Appeal shall adopt a procedure equivalent in all material respects to the procedure set out in Standing Rule 3.14 above.

3.24 A former member shall be notified of the outcome of his or her appeal within 28 days of the relevant Disciplinary Committee of Appeal resolution.

Non-Payment of Subscriptions and Fees

3.25 Under Ordinance 14.1(b)(iv) membership is terminated if the member concerned is removed by resolution of the Council on the ground that he or she is more than six **months** in arrears in paying the relevant subscription or fee (if any) due to the College and any penalty fee or interest thereon but, as specified in Standing Rule 3.33, in such a case the member may be reinstated on payment of the amount due.

3.26 In the event that the membership subscription or other fee payable by a member is not received by the College on the date it is due:

- (a) the member's entitlement to any discounts and other similar membership benefits will be suspended pending payment of the subscription or fee (at which time the benefit will be reinstated with effect from the date of payment);
- (b) as soon as is practicable (and normally within one month of the date on which the subscription or fee was due) the College will take reasonable steps to notify a member In Writing that the subscription or fee has not been received;
- (c) if three months after the date on which it was due the subscription or fee remains unpaid, the College will notify the member In Writing that:
 - (i) his or her name will be referred to the Council for consideration in accordance with Standing Rule 3.26(e); and
 - (ii) he or she has the right to submit Written representations on his or her own behalf to the **Chief Executive** for consideration in accordance with Standing Rule 3.26(d), provided always that such Written representations are received by the Chief Executive within one month of the date of the notice referred to in this Standing Rule 3.26(c);
- (d) the Chief Executive shall have delegated authority to consider the case and to resolve on behalf of the Trustees and in accordance with Ordinance 16.2 that all or part of the subscription and/or fee payable by a member should be

waived on the grounds of financial hardship or such other cause or reason as they deem to be sufficient; and

- (e) subject to any resolution of the Trustees or decision of the Chief Executive under Standing Rule 3.26(d), if the subscription or fee remains unpaid six months after the date on which it was due, the member's name shall be forwarded to Council who shall consider the case and if they think fit resolve to terminate the member's membership.

- 3.27 If a member's membership is terminated under Ordinance 14.1(b)(iv) and in accordance with Standing Rules 3.25 and 3.26, he or she shall be informed of the termination In Writing. In all Written instruments, papers, books and records of the College, the College shall refer to such members as having resigned from membership of the College.

Effect of Termination

- 3.28 On termination of membership for any reason:

- (a) as specified in Ordinance 14.2(a), the member's Diploma or Licence shall be void and shall become the property of the College and must be delivered to the College on demand;
- (b) as specified in Ordinance 14.2(b), the member shall forfeit the right to retain his or her Diploma or Licence and to use the designation that he or she was previously entitled to use; and
- (c) the member shall no longer be entitled to any other rights or benefits associated with membership of the College;

provided that if the member concerned is subsequently restored to the membership in accordance with Standing Rules 3.32 to 3.36, the member shall notwithstanding the removal but subject to such conditions as the Council may in the particular case see fit to impose be restored to his or her rights and privileges as a member.

- 3.29 In the event that a former member does not return his or her Diploma or Licence to the College on demand or persists in using the designation that he or she was previously entitled to use, the Council reserves the right to take such action as it thinks fit to safeguard the interests of the College.

Reinstatement

- 3.30 A member whose membership is terminated under Ordinance 14.1(a) and whose name has subsequently been re-entered on the Medical Register or the Dentists Register may apply to the College for reinstatement as a member. In such cases,

membership may be reinstated by resolution of the Council, subject to such conditions as the Council may require.

- 3.31 A member whose membership is terminated under Ordinances 14.1(b)(i) to (iii) and/or Ordinance 14.1(b)(v) and in accordance with the procedure set out in this Standing Rule 3.7 to 3.15 may apply to the College for reinstatement after a period of five **years**, but may not do so more than once in any five year period. Such applications for reinstatement shall be considered by the Officers and may either be rejected by the Officers or placed before the Council for consideration. Where an application for reinstatement is placed before the Council for consideration, the former member's membership may be reinstated by resolution of the Council, subject to such conditions as the Council may require.
- 3.32 A former member shall be notified of the outcome of his or her application for reinstatement under Standing Rules 3.30 or 3.31 within 28 days of a decision being made.
- 3.33 A member whose membership is terminated under Ordinance 14.1(b)(iv) and in accordance with the procedure set out in Standing Rules 3.25 and 3.27 may apply to the College for reinstatement as a member on payment of an administrative charge of 15% of the annual subscription associated with the relevant class of membership and provided that they agree to pay subscriptions and other fees to the College promptly as they fall due. In such cases, membership may be reinstated by Chief Executive who shall have delegated authority to consider the case in accordance with these Standing Rules and to resolve on behalf of the Council that the member's membership shall be reinstated subject to such conditions as the Chief Executive may require and with effect from the date on which the member concerned recommences payment of subscription fees.
- 3.34 For the avoidance of doubt, a member who is reinstated in accordance with Standing Rules 3.30 to 3.33 will not automatically be reinstated to the offices they formerly held within the College. Reinstated members are not entitled to receive back-numbers of the Annals of the College or any other benefits associated with membership free of charge for the period for which they were not members. However, the College may agree to provide the Annals and other benefits to the member on payment of a commercial fee to be determined by the Trustees.

4. The Council

- 4.1 As specified in Ordinance 6.3, the Council shall consist of:
- (a) not more than 24 nor less than 14 **Surgical Council Members**;
 - (b) two **Dental Council Members**;
 - (c) subject to Ordinance 6.8, one **SSA Council Member** per **SSA**; and

- (d) at the discretion of the Council, up to two Council Members per additional faculty instituted in accordance with Ordinance 11.2, such Council Members to be appointed and to hold office on the terms specified by the Council in the Standing Rules.

4.2 Council Members must satisfy the eligibility criteria set out in Ordinance 6.4 and, if applicable, Ordinance 6.5. For the purposes of the Ordinances and these Standing Rules, a Council Member will be considered to be in **Active Practice** if:

- (a) in the case of Surgical Council Members and SSA Council Members, he or she is registered with the GMC and holds a current licence to practise; or
- (b) in the case of Dental Council Members, he or she is registered either with the GMC and holds a current licence to practise and/or is registered with the GDC.

Surgical Council Members

4.3 As specified in Ordinance 6.6, and subject to Ordinances 6.4 and 6.5, any person who is a Surgical Fellow or Surgical Member is eligible for appointment as a Surgical Council Member.

4.4 Surgical Council Members shall be elected on the **Election Day** by the Surgical Fellows and Surgical Members of the College in accordance with the procedure set out in this Standing Rule 4.

4.5 The Council shall give at least 90 Clear Days' notice of an Election Day by notifying all Surgical Fellows and Surgical Members for whom the College has a contact postal and/or electronic mail address of the Election Day In Writing. The notice shall specify the number of vacancies in the Surgical Council Members.

4.6 Within 28 days of the date of announcement referred to in Standing Rule 4.5:

- (a) any retiring Surgical Council Member who remains qualified and who is eligible for re-election may stand for re-election by notifying the Chief Executive In Writing;
- (b) any Surgical Fellow or Surgical Member wishing to be appointed as a Surgical Council Member for the first time shall submit the following documents to the Chief Executive:
 - (i) a copy of the following statement signed by the Surgical Fellow or Surgical Member wishing to be appointed:

I, [Full Name] of [Address], a [Surgical Fellow/Surgical Member] of The Royal College of Surgeons of England, do hereby declare that I am a

candidate for a seat on the Council of the said College and am willing to stand for election.

- (ii) a copy of the following supporting statement signed by three Surgical Fellows or Surgical Members:

We, the undersigned Surgical Fellows and/ or Surgical Members of The Royal College of Surgeons of England, do hereby certify that [Full Name] of [Address] is, in our estimation, a fit person to be elected to the Council of the said College, and we do hereby nominate [him/her] as a candidate for a seat in the said Council.

- (c) all candidates standing for election or re-election as a Surgical Council Member may submit to the Chief Executive a supporting statement not exceeding 100 words setting out their reasons for seeking election or re- election; and
 - (d) all candidates standing for election or re-election as a Surgical Council Member shall submit to the Chief Executive such other information as may be prescribed by the Council in bye-laws.
- 4.7 At least 40 Clear Days before the Election Day, the Chief Executive shall send a voting paper (or a suitable electronic equivalent) to all Surgical Fellows and Surgical Members for whom the College has a contact postal and/or electronic mail address. The voting paper (or electronic equivalent) shall set out the names of all of the candidates standing for election or re-election as a Surgical Council Member and the number of vacancies in the Surgical Council Members. The candidates for re- election as Surgical Council Members shall be listed first, in order of seniority (seniority to be determined in accordance with Standing Rule 6.15), followed by the candidates standing for election as Surgical Council Members for the first time whose names shall be listed alphabetically.
- 4.8 Surgical Fellows and Surgical Members wishing to vote must return their voting paper (or the electronic equivalent) to the person named in and in the manner specified in the voting paper (or electronic equivalent) no later than the time specified in the voting paper (which shall be no later than 5pm on the day immediately preceding the Election Day).
- 4.9 On the Election Day, the Chief Executive (or his or her nominee) shall scrutinise the procedures of the agency appointed to count the votes and ascertain the result of the voting. The Chief Executive shall announce the names of the Surgical Fellows and Surgical Members elected or re-elected as Surgical Council Members within five **Working Days** of the Election Day.
- 4.10 The election shall be conducted under the **Single Transferable Voting** system as follows:

- (a) Surgical Fellows and Surgical Members will vote by ranking the candidates in order of preference. When voting, Surgical Fellows and Surgical Members must indicate their first preference candidate, but need not allocate preferences to more than one candidate if they do not wish to do so;
- (b) the Chief Executive (or his or her nominee) shall calculate a **Quota**, which shall be the number of validly submitted votes divided by the number of vacancies in the Surgical Council Members plus one;
- (c) the votes shall be sorted according to the first preference votes;
- (d) any candidate who receives a number of first preference votes that is equal to or exceeds the Quota shall be elected as a Surgical Council Member;
- (e) if there are any vacancies in the Surgical Council Members still remaining, the surplus votes (i.e. the votes in excess of the Quota) received by the Surgical Fellows and Surgical Members elected as Surgical Council Members under Standing Rule 4.10(d) shall be redistributed to the next preference candidate (save that to avoid deciding which votes are surplus, all of the winning candidates' votes are redistributed to the next preference candidate but at a reduced value calculated by dividing the number of surplus votes received by the Surgical Fellows and Surgical Members elected as Surgical Council Members under Standing Rule 4.10(d) by the total number of votes they received);
- (f) any candidate who now receives a number of votes that is equal to or exceeds the Quota shall be elected as a Surgical Council Member;
- (g) if no new candidate reaches the Quota, the candidate with the fewest votes shall be eliminated and his or her votes shall be redistributed to the next preference candidate;
- (h) any candidate who now receives a number of votes that is equal to or exceeds the Quota shall be elected as a Surgical Council Member; and
- (i) the process of redistributing votes and excluding candidates outlined in this Standing Rule 4.10 shall be repeated until all of the Surgical Council Member vacancies have been filled.

4.11 In the event that two or more candidates for one or more vacancies obtain an equal number of votes, those elected shall be determined by their seniority in standing as Voting Members of the College. Surgical Fellows shall have precedence over Surgical Members, with seniority amongst Surgical Fellows and Surgical Members being determined according to the date on which they were awarded the Diploma of Surgical Fellow or Surgical Member (as applicable) or, in the event of equality, the date of their basic qualifying medical qualification.

Dental Council Members

- 4.12 As specified in Ordinance 6.7, and subject to Ordinances 6.4 and 6.5, the Dental Council Members shall be:
- (a) the FDS Dean; and
 - (b) an additional Dental Council Member elected by the Board of the FDS from amongst their number in accordance with the procedure set out in the Standing Orders of the FDS.
- 4.13 The Board of the FDS must notify the President of the name of the Dental Council Member elected pursuant to Ordinance 6.7(b) and Standing Rule 4.12(b) In Writing at least one month before the first meeting of the Council in the **College Year** immediately following the College Year in which the Dental Council Member was elected.

SSA Council Members

- 4.14 As specified in Ordinance 6.8, and subject to Ordinances 6.4 and 6.5, each SSA shall have the right to appoint one SSA Council Member to the Council, provided the appointment is made in accordance with an **Approved Procedure**. Appointment procedures should not overlap with the College's election of Surgical Council Members.
- 4.15 Each SSA must notify the President of the name and term of office of their SSA Council Member In Writing at least one month before the first meeting of the Council in the College Year immediately following the College Year in which the SSA Council Member was appointed.

Term of Office and Declaration

- 4.16 Unless otherwise specified by the President, the term of office of a Council Member shall commence on the date of the first meeting of the Council in the College Year immediately following the College Year in which he or she was elected, re-elected or appointed (as applicable), regardless of whether or not he or she attends that meeting.
- 4.17 At the first Council meeting he or she attends on or following the commencement of his or her term of office pursuant to Standing Rule 4.16, each Council Member shall make (and thereafter act in accordance with) a declaration before Council in the following terms:

I do declare that as long as I shall remain in the office of member of Council of The Royal College of Surgeons of England, I will diligently maintain the honour and welfare of the said College and in all things relating to my office and with all manner

of persons act equally and impartially according to the best of my skill and knowledge.

- 4.18 As specified in Ordinance 6.13, a Council Member's term of office automatically terminates if he or she:
- (a) is incapable, whether mentally or physically, of managing his or her own affairs;
 - (b) is absent from two meetings of the Council in any College Year (but only if the absences are not approved by the President either in advance of or, in exceptional circumstances, after the meetings);
 - (c) ceases to meet the criteria specified in Ordinance 6.4(a) or 6.4(b);
 - (d) with the exception of the President and Vice Presidents, ceases to meet the criteria specified in Ordinance 6.4(c);
 - (e) in the case of an SSA Council Member, ceases to be a member of the SSA that appointed them to the Council or is removed from office by their appointing SSA acting in accordance with an Approved Procedure;
 - (f) resigns by Written notice to the Council;
 - (g) is removed by a resolution of the Voting Members passed by a simple majority at a general meeting after the meeting has invited the views of the Council Member concerned and considered the matter in the light of any such views; and/or
 - (h) dies.
- 4.19 As specified in Ordinance 6.14, a Council Member may be suspended from office by resolution of the Council on the ground that the Council Member is under investigation or facing disciplinary action for professional misconduct and that in their reasonable opinion it would be in the best interests of the College for the Council Member to be suspended from the Council.
- 4.20 In the event that a Council Member is under investigation or facing disciplinary action of any kind from the GMC, GDC, or any other relevant regulatory body, he or she must notify the Chief Executive promptly and In Writing.
- 4.21 On receipt of a notification under Standing Rule 4.20, the Chief Executive will inform the Officers. The Officers (or alternatively a committee of three Council Members appointed by the Officers) shall have delegated authority to resolve on behalf of the Council that the Council Member concerned should either:

- (a) continue as a Council Member pending the outcome of the regulatory investigation or disciplinary proceedings; or
- (b) be suspended, pursuant to Ordinance 6.14 and Standing Rule 4.19 above, from office as a Council Member pending the outcome of the regulatory investigation or disciplinary proceedings, on the grounds that in their reasonable opinion this would be in the best interests of the College;

provided always that in reaching any decision under this Standing Rule, the Officers or committee (as applicable) have invited the views of the Council Member concerned and considered the matter in the light of any such views.

4.22 A Council member shall inform the Chief Executive of the outcome of any investigation or disciplinary procedure and shall provide full details of any sanction imposed within 14 days of a decision being made. The Chief Executive will notify the Officers (or the relevant committee) of the outcome, who shall have delegated authority to resolve on behalf of the Council that the Council Member should be reinstated as a Council Member (subject to such sanctions as the Officers (or committee) may see fit to impose) or that the suspension should continue pending further investigation.

4.23 In the event that a Council Member materially and/or persistently breaches any Ordinance, Regulation, Standing Rule or any of the rules or bye-laws made under them, or any of the policies or procedures adopted by or applicable to the Council from time to time:

(a) The Officers may issue a written warning to the Council Member from the Chief Executive specifying the nature of the breach and the period within which it is to be rectified. If the breach is rectified within the specified period and/or the Council Member is able to account for the breach to the satisfaction of the Officers, no further action will be taken.

(b) If the breach is not rectified within the specified period and the Council Member is unable to account for the breach to the satisfaction of the Officers, the Officers shall consult with the President and may then issue a further written warning which shall specify the additional sanctions which may be imposed on the Council Member if the breach is not rectified within a further specified period.

(c) If the breach is not rectified within the further specified period and the Council Member remains unable to account for the breach to the satisfaction of the Officers, the Officers may suspend the right of the Council Member to attend and vote at meetings of Council until such time as the breach is rectified. Upon rectification of the breach to the satisfaction of the Officers, the Council Member's rights will be restored with immediate effect. A Council Member will continue to receive Council papers during any period of suspension in accordance with this Standing Rule 4.23.

5. Invited Council Members

- 5.1 The Council shall have **Invited Council Members**, who shall have the right to attend meetings of the Council. Invited Council Members may speak at meetings of the Council if invited by the chair of the meeting to do so and may be asked for their views on all matters discussed at Council. However, they shall not be eligible to vote.
- 5.2 The following persons shall be Invited Council Members *ex officio*:
- (a) the Chair of the Court of Examiners;
 - (b) the President of the Federation of Surgical Specialty Associations (FSSA); and
 - (c) the Professor of Surgical Education of the College.
- 5.3 The Council shall normally nominate one of their number to represent surgeons in Wales. However, in the event that no such nomination is made, the Council shall invite the Chair of the Regional Board in Wales to act as an Invited Council Member on such terms consistent with the Charter, the Ordinances, the **Regulations** and these Standing Rules as the Council thinks fit.
- 5.4 The following bodies shall be entitled to appoint a representative to act as an Invited Council Member to be selected in such manner and appointed on such terms consistent with the Charter, the Ordinances, the Regulations and these Standing Rules as they think fit:
- (a) a representative of surgeons in training, alternately from the Association of Surgeons in Training and the British Orthopaedic Trainees Association;
 - (b) the Patient and Lay Group of the College;
 - (c) Staff and Associate Specialist surgeons;
 - (d) the Regional Directors Forum; and
 - (e) the Heads of Schools Forum.
- 5.5 Subject to Standing Rule 5.8, each of the bodies specified in Standing Rule 5.4 shall also be permitted to appoint one **Deputy Invited Council Member** to be selected in such manner and appointed on such terms consistent with the Charter, the Ordinances, the Regulations and these Standing Rules as they think fit. The Deputy Invited Council Member shall be a senior member of the nominating body, normally a member of its executive committee (or equivalent). A body's Deputy Invited Council Member shall be permitted to attend meetings of the Council in the absence of that body's Invited Council Member.
- 5.6 Each of the bodies specified in Standing Rule 5.4 must confirm the name of their

Invited Council Member and any Deputy Invited Council Member on an annual basis by notifying the President In Writing at least one month before the first meeting of the Council in each College Year.

- 5.7 Subject to Standing Rule 5.8, the Invited Council Member appointed by the Association of Surgeons in Training or the British Orthopaedic Trainees Association (as applicable) may hold office for up to two years. At the time he or she is appointed as an Invited Council Member, he or she must not have been a consultant for more than two years. Subject to Standing Rule 5.8, all other Invited Council Members appointed by one of the bodies specified in Standing Rule 5.4 may serve for up to six years.
- 5.8 An Invited Council Member or Deputy Invited Council Member is automatically removed from office if he or she:
- (a) is incapable, whether mentally or physically, of managing his or her own affairs;
 - (b) in the case of the Invited Council Members referred to in Standing Rule 5.2, ceases to be the Chair of the Court of Examiners, the President of the Federation of Surgical Specialty Associations (FSSA) or the Professor of Surgical Education of the College;
 - (c) in the case of the Chair of the Regional Board in Wales (if invited to act as an Invited Council Member under Standing Rule 5.3), either ceases to be the Chair of the Regional Board in Wales or has his or her invitation to act as an Invited Council Member revoked by Council on the grounds that they have nominated one of their number to represent surgeons in Wales;
 - (d) in the case of the Invited Council Members appointed under Standing Rule 5.4 and Deputy Invited Council Members appointed under Standing Rule 5.5, is removed or replaced by his or her appointing body;
 - (e) is removed by a resolution of the Officers after the Officers have invited the views of the Invited Council Member or Deputy Invited Council Member concerned (and, in the case of Invited Council Members appointed under Standing Rule 5.4 and Deputy Invited Council Members appointed under Standing Rule 5.5, the views of his or her appointing body) and considered the matter in the light of any such views;
 - (f) is removed from office pursuant to Standing Rule 14; and/or
 - (g) dies.
- 5.9 For the avoidance of doubt, references in these Standing Rules to "Council Members" shall not include Invited Council Members or Deputy Invited Council Members.

6. Proceedings of the Council

- 6.1 As specified in Ordinance 8.1, the Council must hold at least four meetings in each year, such meetings to be held at approximate quarterly intervals. The Council shall hold additional meetings at such other times as may be determined by:
- (a) the Council;
 - (b) the President;
 - (c) the President on receipt of a Written request from eight or more of the Council Members; or
 - (d) the Chief Executive pursuant to Standing Rule 9.16.
- 6.2 As specified in Ordinance 8.2, a quorum at a meeting of the Council shall be the President or a **Vice President** and fifteen other Council Members, provided that at any meeting of the Council held for the purpose of electing the President, electing the Vice Presidents or taking a vote of no confidence in the President or Vice President(s) pursuant to Standing Rule 9.16, the quorum shall be fifteen Council Members.
- 6.3 The Chief Executive shall normally call a meeting of the Council on at least seven Clear Days' Written notice. However, he or she may call a meeting of the Council on shorter notice if authorised to do so by the President In Writing.
- 6.4 A meeting of the Council shall normally be held in person. However, in exceptional cases the President may authorise one or more of the Council Members to attend a meeting of the Council by conference telephone or other suitable electronic means approved by the President in which all participants may communicate with all the other participants.
- 6.5 The President or (if the President is unable or unwilling to do so) the most senior Council Member present shall chair each meeting of the Council. Seniority shall be determined in accordance with Standing Rule 6.15.
- 6.6 Business at Council meetings shall normally be conducted according to the following agenda, but may be varied by the President if he or she considers that such variation is necessary or desirable:

Part A

- (a) Apologies for absence
- (b) Declarations of interest
- (c) Minutes of the previous meeting
- (d) Matters arising

- (e) Items for discussion
- (f) Statement by the President
- (g) Statement by the Chief Executive
- (h) Items submitted by Invited Council Members

Part B

- (i) Committee reports

Part C

- (j) Appointments
- (k) Fellowships and prizes
- (l) Diplomates
- (m) Lectureships and scholarships

- 6.7 Any Council Member may submit an item for discussion at a meeting of Council. Provided that the item for discussion is submitted to the Chief Executive In Writing not less than three weeks before the meeting of Council and is approved by the President in advance of the meeting, it will be included in the agenda for the meeting. Items for discussion received less than three weeks before the meeting of Council will not normally be included in the agenda for the meeting. However, urgent items for discussion may be included at the discretion of the President.
- 6.8 Every issue may be determined by a simple majority of the votes cast at a meeting, but a Written resolution circulated to and approved by all of the Council Members who would have been eligible to vote on the matter at a meeting of Council is as valid as a resolution passed at a meeting. The resolution may be contained in more than one document and will be treated as passed on the date on which the last eligible Council Member signifies his or her agreement to it.
- 6.9 A Council Member signifies agreement to a proposed Written resolution when the College receives from him or her an **Authenticated Document** (whether in hard copy or electronic form) identifying the resolution to which it relates and his or her agreement to it.
- 6.10 Except for the chair of the meeting, who in the case of an equality of votes has a second or casting vote on all issues other than the election of the President, Vice Presidents and **Elected Trustees**, every Council Member has one vote on each issue.
- 6.11 A Council Member must avoid a situation in which he or she has an interest or duty

that conflicts or possibly may conflict with the interests of the College. This duty is not infringed if:

- (a) the situation cannot reasonably be regarded as likely to give rise to a conflict of interest; or
- (b) the situation is authorised by the Council in accordance with Standing Rule 6.12.

6.12 If a conflict of interests arises for a Council Member, the unconflicted Council Members may authorise such a conflict of interests provided that:

- (a) the procedure in Standing Rule 6.13 is followed;
- (b) authorisation will not result in any direct or indirect **Material Benefit** being conferred on any Council Member or any **Person Connected To A Council Member** that would not be permitted by the Charter; and
- (c) the unconflicted Council Members consider it is in the best interests of the College to authorise the conflict of interest in the circumstances.

6.13 Whenever a Council Member has an interest in a matter to be discussed at a meeting of the Council or a committee the Council Member concerned must:

- (a) declare his or her interest before discussion begins on the matter;
- (b) withdraw from the meeting for that item unless expressly invited to remain in order to provide information;
- (c) not be counted in the quorum for that part of the meeting;
- (d) withdraw during the vote and have no vote on the matter.

6.14 Council Members shall be required to complete the College's Register of Declared Interests within one month of their appointment as a Council Member and, in subsequent years, one month before the beginning of each College Year.

6.15 The order of precedence at Council shall be as follows:

- (a) the President;
- (b) the Vice Presidents (who shall have precedence in accordance with their respective seniority as Vice Presidents under Standing Rule 9.18);
- (c) the FDS Dean;
- (d) the remaining Council Members (whose order of precedence shall be determined by their length of service as a Council Member, with those having equal length of service taking precedence according to the date they were first

appointed to Council, or in the event of equality their relative seniority as Voting Members of the College (as specified in Standing Rule 4.11)).

- 6.16 Subject to Standing Rule 8.7(a), in all Written instruments, papers, books and records of the College (and with the exception of the President, Vice Presidents and FDS Dean who shall have precedence as outlined in Standing Rule 6.15 above), the name of each Council Member shall stand according to the date of his or her first appointment to Council.
- 6.17 A procedural defect of which the Council Members are unaware at the time does not invalidate decisions taken at a Council meeting.
- 6.18 The Regional Directors, Regional Specialty Professional Advisers and other observers may attend meetings of the Council, subject to the approval of the chair of the meeting. The chair of the meeting (or any Council Member with the permission of the chair) may invite any other person to attend a meeting of the Council.
- 6.19 Persons permitted to attend meetings of Council pursuant to Standing Rule 6.18 may speak at such meetings if invited by the chair of the meeting to do so and may be asked for their views on all matters discussed at Council. However, they shall not be eligible to vote.
- 6.20 There should normally be no items of reserved business, but Council Members, Invited Council Members and any other attendees must treat all discussions as confidential, unless the chair of the meeting expressly indicates otherwise.
- 6.21 To ensure compliance with Ordinance 8.4, the Chief Executive (acting on behalf of the Council) shall provide the Trustees with a copy of the minutes of every meeting of the Council promptly.
- 6.22 If the Council shall at any time be or be reduced in number to less than the number required to form a quorum under Ordinance 8.2 and Standing Rule 6.2, it shall be lawful for the Council to act for the purposes of filling up vacancies in their body but not for any other purpose.

7. Powers of the Council

- 7.1 In accordance with Article 9 of the Charter, the Trustees have in Ordinance 6.1 delegated to the Council all substantive matters relating to professional and public policy which upholds the mission and strategic aims of the College and supports members. The Council may exercise all of the powers of the College in carrying out this and any other functions delegated to it by the Trustees from time to time, provided always that the exercise of any such powers must not commit the College to or result in any expenditure of money or resources unless that commitment or expenditure has been approved in advance by the Trustees (or a person properly authorised by the

Trustees).

7.2 In accordance with Article 10 of the Charter, the Council may from time to time delegate any of its functions to committees, provided always that such delegation is consistent with the terms of the Charter, the Ordinances, the Regulations and these Standing Rules. The Council hereby delegates the power to delegate functions to committees to the **Appointments Committee**, which (subject to any contrary provisions of the Charter, the Ordinances, the Regulations and these Standing Rules) shall have the power to delegate any of the functions of Council to committees consisting of two or more individuals (who may or may not be Council Members) appointed by the Appointments Committee provided always that:

- (a) the functions, powers, duties and members of such committees are set out in terms of reference approved by the Council;
- (b) each committee shall provide the Council with a copy of the minutes of every committee meeting promptly; and
- (c) all delegations under this Standing Rule shall be revocable by the Council at any time.

7.3 For the avoidance of doubt, the Appointments Committee may appoint committees jointly with another body or bodies.

7.4 On termination of a Council Member's term of office (for any reason), that Council Member's appointment to any committees of the Council will terminate automatically. The Appointments Committee may, however, choose to re-appoint the person in question as a member of any committee.

7.5 Subject to Standing Rule 7.1, the Council may from time to time make bye-laws consistent with the law, the Charter, the Ordinances, any Regulations and these Standing Rules to govern all matters expressly directed or authorised to be regulated or prescribed in bye-laws of Council and all other matters which (consistently with the law, the Charter, the Ordinances, any Regulations or bye-laws made by the Trustees from time to time and these Standing Rules) the Council deems it useful or necessary to regulate in bye-laws.

8. The Elected Trustees

8.1 Under Ordinance 3.2, the board of Trustees of the College shall when complete include three Elected Trustees. The role of the Elected Trustees shall include the matters prescribed by the Trustees in Regulations.

8.2 All Elected Trustees must be Council Members. Any Council Member who is willing to act as a Trustee of the College and is permitted to be so appointed by the law, the Charter and the Ordinances may stand to be an Elected Trustee, save that Council Members who will complete their maximum term of office on Council, as specified in

Ordinance 6.10, within or at the end of the College Year then current shall be eligible to vote at any election of the Elected Trustees but not to be elected to that office.

- 8.3 Save in the case of the first Elected Trustees who shall be identified by the Trustees in accordance with Ordinance 3.6, the Elected Trustees shall be elected by the Council from amongst the Council Members at a meeting of the Council, in accordance with the procedure set out in this Standing Rule 8. The election of the Elected Trustees shall normally take place at the first meeting of the Council in each College Year.
- 8.4 At least 28 days before the meeting of Council at which the election takes place, the Chief Executive shall notify all Council Members of the forthcoming election and the number of vacancies in the Elected Trustees.

- 8.5 Within 14 days of the date of the notice referred to in Standing Rule 8.4, any Council Member wishing to stand for election as an Elected Trustee shall notify the Chief Executive In Writing.
- 8.6 At least ten days before the meeting of Council at which the elections take place, the Chief Executive will notify the Council of the names of those Council Members standing for election as Elected Trustees.
- 8.7 Every Council Member has one vote in an election of the Elected Trustees. Each election shall be conducted in accordance with the following procedure:
- (a) all Council Members present and voting at the Council meeting at which the election takes place will be given a single voting paper (or a suitable electronic equivalent) on which the names of those Council Members standing for election as an Elected Trustee will be listed alphabetically;
 - (b) Council Members may vote either in person or by proxy (to the extent permitted and in accordance with the procedure specified by the Council in bye-laws) by indicating their preferred candidate for the office of Elected Trustee;
 - (c) the Chief Executive (or his or her nominee) shall sort the voting papers (or the electronic equivalent);
 - (d) any candidate who receives more than 50% of the **Total Votes Cast** shall be elected as an Elected Trustee;
 - (e) if in the first ballot no candidate receives more than 50% of the Total Votes Cast, all of the candidates who received no votes or only one vote (or if no candidates received no votes or only one vote, the candidate with the fewest votes) shall be eliminated and the process outlined in Standing Rules 8.7(a) to 8.7(d) shall be repeated;
 - (f) if in the second or any subsequent ballot no candidate receives more than 50% of the Total Votes Cast, the candidate with the fewest votes shall be eliminated and the process outlined in Standing Rules 8.7(a) to 8.7(d) shall be repeated until a candidate receives more than 50% of the Total Votes Cast; and
 - (g) in the event that two or more candidates jointly receive the fewest votes in any ballot, the candidate to be eliminated under Standing Rules 8.7(e) and 8.7(f) shall be the candidate with the lowest seniority in standing as a Council Member (seniority to be determined in accordance with Standing Rule 6.15).

- 8.8 If there is more than one vacancy in the Elected Trustees, further elections shall be held in accordance with the procedure outlined in Standing Rule 8.7 until all of the Elected Trustee vacancies have been filled.
- 8.9 The counting of votes will take place under the supervision of the Chief Executive (or his or her nominee), with at least one Council Member in attendance. The Chief Executive shall announce the results of the election at the meeting of Council at which the vote is taken.
- 8.10 The term of office of an Elected Trustee shall commence on the date he or she is elected.
- 8.11 As specified in Ordinance 3.9, a vacancy in the Elected Trustees may be filled at any time.
- 8.12 Seniority amongst the Elected Trustees shall be determined by the date and order of their election to the office of Elected Trustee.
- 8.13 In the event that an Elected Trustee is appointed as President, Vice President or FDS Dean during his or her term of office as an Elected Trustee, he or she shall resign from his or her position as an Elected Trustee by Written notice to the Trustees in accordance with Ordinance 3.3(d) before taking office as President, Vice President or FDS Dean (as applicable).

9. The President and Vice Presidents

- 9.1 In accordance with Ordinance 10.1, there shall be a President and three Vice Presidents. The role of the President and the Vice Presidents shall be prescribed in Appendix 3 and Appendix 4 respectively.
- 9.2 With the exception of the President and Vice Presidents elected in 2015 whose terms of office shall be determined by resolution of the Council, the normal term of office of:
- (a) a President shall be three years; and
- (b) a Vice President shall be three years.

However, in the event that a casual vacancy in either office arises in the middle of a College Year, the term of office of a President or Vice President elected to fill that vacancy shall be extended so that he or she may also serve for the additional period beginning with the date on which he or she takes office and ending on the last day of the College Year then current.

- 9.3 The President and Vice Presidents shall be elected by the Council from amongst the Council Members at a meeting of Council. The election of the President shall normally take place approximately six months before the beginning of each College

Year, whilst the election of the Vice Presidents shall normally take place approximately three months before the beginning of each College Year.

- 9.4 At least two months before the meeting of Council at which the election takes place, the Chief Executive shall notify all Council Members of the forthcoming election of the President and/or Vice Presidents.
- 9.5 Within 28 days of the date of the notice referred to in Standing Rule 9.4, any Council Member wishing to stand for election as President or Vice President shall notify the Chief Executive In Writing. Any Council Member wishing to stand for election as President may also submit a Written statement not exceeding 500 words in support of his or her candidacy.
- 9.6 At least 14 days before the meeting of Council at which the election takes place, the Chief Executive will notify the Council of the names of those Council Members standing for election as President and the names of those Council Members standing for election as Vice President.
- 9.7 The time periods specified in Standing Rules 9.4 to 9.6 may be reduced by the Chief Executive as necessary, but only with the prior Written approval of the Officers.
- 9.8 Every Council Member has one vote in an election of the President and one vote in an election of a Vice President. Each election shall be conducted in accordance with the following procedure:
 - (a) all Council Members present and voting at the Council meeting at which the election takes place will be given a single voting paper (or a suitable electronic equivalent) on which the names of the candidates standing for election as President or Vice President (as applicable) will be listed in order of seniority (seniority to be determined in accordance with Standing Rule 6.15);
 - (b) Council Members may vote either in person or by proxy (to the extent permitted and in accordance with the procedure specified by the Council in bye-laws) by indicating their preferred candidate for the office of President or Vice President (as applicable);
 - (c) the Chief Executive (or his or her nominee) shall sort the voting papers (or the electronic equivalent) and read out the votes in the presence of at least one unconflicted Council Member;
 - (d) any candidate standing for election as President or Vice President (as applicable) who receives more than 50% of the Total Votes Cast shall be elected as **President-elect** or **Vice President-elect** (as applicable);

- (e) if in the first ballot no candidate standing for election as President or Vice President (as applicable) receives more than 50% of the Total Votes Cast, all of the candidates who received no votes or only one vote (or if no candidates received no votes or only one vote, the candidate with the fewest votes) shall be eliminated and the process outlined in Standing Rules 9.8(a) to (d) shall be repeated;
 - (f) if in the second or any subsequent ballot no candidate standing for election as President or Vice President (as applicable) receives more than 50% of the Total Votes Cast, the candidate with the fewest votes shall be eliminated and the process outlined in Standing Rules 9.8(a) to (d) shall be repeated until a Council Member standing for election as President or Vice President (as applicable) receives more than 50% of the Total Votes Cast; and
 - (g) in the event that two or more candidates jointly receive the fewest votes in any ballot, the candidate to be eliminated under Standing Rules 9.8(e) and 9.8(f) shall be the candidate with the lowest seniority in standing as a Council Member (seniority to be determined in accordance with Standing Rule 6.15).
- 9.9 If there is more than one vacancy in the Vice Presidents, further elections shall be held in accordance with the procedure outlined in Standing Rule 9.8 until all of the vacancies have been filled.
- 9.10 The Chief Executive shall announce the results of the election(s) at the meeting of Council at which the vote(s) are taken.
- 9.11 For the avoidance of doubt, in the event that the President and the Vice Presidents are elected at the same meeting of Council, the election of the President and the election of the Vice Presidents shall be conducted separately, with the election of the President preceding the election of the Vice Presidents.
- 9.12 Unless otherwise specified by Council, the President-elect and Vice Presidents- elect shall take office as President and Vice Presidents respectively and their terms of office shall commence on the date of the first meeting of the Council in the College Year immediately following the College Year in which he or she was elected or re-elected (as applicable), regardless of whether or not he or she attends that meeting.
- 9.13 At the first Council meeting he or she attends on or following the commencement of his or her term of office pursuant to Standing Rule 9.12, a President or Vice President shall make (and thereafter act in accordance with) a declaration in the following terms:

I do declare that as long as I shall remain in the office of [President/Vice President] of The Royal College of Surgeons of England, I will diligently maintain the honour and welfare of the said College and in all things relating to my office and with all

manner of persons act equally and impartially according to the best of my skill and knowledge.

- 9.14 As specified in Ordinance 10.6, a President or Vice President's term of office automatically terminates if his or her term of office as a Trustee is terminated pursuant to Ordinance 3.3.
- 9.15 In the case of the President or a Vice President, a vote of no confidence under Ordinance 3.3(h) shall be initiated by at least five Council Members submitting a signed Written statement that, in their collective opinion, the President or Vice President's health or general conduct is preventing him or her from fulfilling the role, to the detriment of the College.
- 9.16 On receipt of a Written statement made pursuant to Standing Rule 9.15, the Chief Executive must call a meeting of the Council within five days and the meeting of the Council must be held not more than 28 days after the date of the notice calling the meeting at which a vote of no confidence in the President or Vice President(s) shall be taken (as applicable). In accordance with Ordinance 3.3(h), a vote of no confidence in the President or Vice President(s) may be passed by a simple majority of Council after the meeting of Council has invited the views of the President or Vice President(s) concerned and considered the matter in the light of any such views.
- 9.17 Where a President's term of office terminates pursuant to Standing Rule 9.14, the senior Vice President shall be the acting President until such time as a new President is elected.
- 9.18 Seniority amongst the Vice Presidents shall be determined by the date and order of their election to the office of Vice President.

10. The Faculties

- 10.1 The Council hereby delegates to the FDS all substantive matters relating to professional and public policy in the field of dental surgery which upholds the mission and strategic aims of the College in so far as they relate to dental surgery and supports Dental Fellows, Dental Members and all other members whose qualifications for admission and rights, privileges and obligations are under these Standing Rules to be determined and specified by the Board of the FDS in Standing Orders provided always that:
 - (a) the FDS shall not make a public announcement or take action of any kind in respect of any **Cross Specialty Issues** without the prior Written approval of the Officers; and

- (b) the Board of the FDS shall provide the Trustees and the Council with a copy of the minutes of every meeting of the Board of the FDS (whether approved or in draft) promptly and normally no later than 28 days after the Board meeting.

10.2 The Council by resolution may delegate to any faculty established by the College all substantive matters relating to professional and public policy in that faculty's field which upholds the mission and strategic aims of the College in so far as they relate to that field and supports the members of that faculty, provide always that:

- (a) such a faculty shall not make a public announcement or take action of any kind in respect of any Cross Specialty Issues without the prior Written approval of the Trustees; and
- (b) the Board of a faculty shall provide the Trustees and the Council with a copy of the minutes of every meeting of the Board of that faculty (whether approved or in draft) promptly and normally no later than 28 days after the Board meeting.

11. **The Mace**

The **Mace** shall be borne by such person and employed upon such occasions as the President or the Council may from time to time direct.

12. **The Court of Examiners**

12.1 The Court of Examiners shall comprise Examiners appointed by the Council to conduct examinations on behalf of the College and shall consist of:

- (a) Clinicians;
- (b) Basic Scientists; and
- (c) the Council Member for Examinations and Assessment *ex officio*.

Appointment of Examiners

12.2 The number of Examiners shall be as determined by the Council from time to time (having regard to the recommendation made by the Council Member for Examinations and Assessment) and shall not be subject to any minimum or maximum.

12.3 Clinicians shall be either surgeons from a **Recognised Specialty** or clinicians from other specialities closely allied to surgery.

12.4 Basic Scientists shall normally be medically qualified and will include representatives of the basic sciences allied to surgery.

12.5 All Examiners shall at the time of appointment:

- (a) be a Surgical Fellow in good standing in the College or a Fellow of **The Royal**

College of Anaesthetists or have a basic science qualification considered by the Council to be equivalent;

- (b) be in Active Practice;
 - (c) be involved in postgraduate surgical training, education and/or teaching;
 - (d) be in good standing with the GMC, the GDC, the **IMC** or equivalent body (as applicable) and not under investigation by any **NHS** trust or other employer;
 - (e) in the case of Clinicians only, hold or have held, substantive consultant status for at least two years post Certificate of Completion of Specialist Training or equivalent and have the intention of completing at least one term of office prior to retirement; and
 - (f) provide the names and contact details of at least two referees.
- 12.6 For the purposes of Standing Rules 12 and 13, a person will be considered to be in Active Practice if he or she is:
- (a) registered with the GMC and holds a current licence to practise;
 - (b) registered with the GDC; and/or
 - (c) engaged in active academic practice.
- 12.7 Any person who has retired from Active Practice may serve as an Examiner in the three years immediately following his or her retirement, subject to a satisfactory review and assessment of his or her performance as an Examiner two years after the date of his or her retirement.
- 12.8 Vacancies in the Examiners within the United Kingdom shall normally be announced by advertisement in such manner as the Council shall determine.
- 12.9 Applications to fill vacancies in the Court of Examiners must be submitted in the form prescribed by Council from time to time.
- 12.10 Any person who is willing to act as an Examiner, who is permitted to be so appointed under these Standing Rules and who is recommended to the Council for appointment by the Council Member for Examinations and Assessment and the Chair of the Court of Examiners may be appointed or re-appointed to be an

Examiner by resolution of the Council passed at a meeting of the Council or In Writing.

- 12.11 On appointment or re-appointment, each Examiner shall make (and thereafter act in accordance with) a declaration to the Court of Examiners in the following terms:

I do declare that as long as I shall remain in the office of Examiner of The Royal College of Surgeons of England, I will diligently maintain the honour and welfare of the said College and in all things relating to my office and with all manner of persons act equally and impartially according to the best of my skill and knowledge.

- 12.12 For the avoidance of doubt, Examiners may take part in teaching or lecturing during the course of their term of office but must at all times observe the ethical responsibilities of an Examiner as set out in the Examiner Code of Conduct approved from time to time by the College, **The Royal College of Surgeons of Edinburgh, The Royal College of Physicians and Surgeons of Glasgow** and **The Royal College of Surgeons in Ireland**.

- 12.13 The Council may from time to time appoint such persons as they think fit to be Examiners jointly with any other body or bodies on such terms and in accordance with such procedures as it may consider appropriate.

Term and Termination

- 12.14 Subject to earlier termination under Standing Rule 12.16, Examiners shall hold office for an initial term of up to six years.

- 12.15 Any person completing their six year term as an Examiner and who remains qualified to act as an Examiner may be reappointed for up to two further five-year terms of office. The Court Executive has the authority to extend the tenure of an individual examiner beyond the existing terms of reference in exceptional circumstances.

- 12.16 An Examiner's term of office automatically terminates if:

- (a) he or she is removed by resolution of the Council; or
- (b) his or her term of office is terminated pursuant to Standing Rule 14.

The Chair of the Court of Examiners

- 12.17 The Court of Examiners shall elect the Chair of the Court of Examiners from amongst the Examiners who:

- (a) are Surgical Fellows;
- (b) are in current clinical employment;

- (c) have served as Examiners for at least three years; and
 - (d) meet the criteria specified in Standing Rules 12.5(a) to (e).
- 12.18 The Director of Dental and Surgical Examinations shall notify all Examiners qualified to act under Standing Rule 12.17 of a vacancy in the office of Chair of the Court of Examiners.
- 12.19 Within one month of the date of the notice referred to in Standing Rule 12.18, any qualified Examiner wishing to stand for election as Chair of the Court of Examiners shall notify the Director of Dental and Surgical Examinations In Writing, such notice to be accompanied by a Written statement not exceeding 200 words in support of his or her candidacy.
- 12.20 Within 14 days of the date of expiry of the one month period notice period referred to in Standing Rule 12.19, the Director of Dental and Surgical Examinations shall send a voting paper (or a suitable electronic equivalent) to all Examiners. The voting paper (or electronic equivalent) shall set out the names of all of the candidates standing for election as Chair of the Court of Examiners.
- 12.21 Each Examiner has one vote in an election of the Chair of the Court of Examiners and may only vote for one candidate. Examiners wishing to vote must submit their votes in accordance with the instructions set out in the voting papers (or electronic equivalent) within one month of the date on which the voting papers (or electronic equivalent) were sent out by the Director of Dental and Surgical Examinations. The candidate who receives the highest number of votes shall be elected Chair of the Court of Examiners, provided that his or her appointment is ratified by the Council Member for Examinations and Assessment.
- 12.22 The Council Member for Examinations and Assessment may only refuse to ratify the appointment of the candidate who receives the highest number of votes as Chair of the Court of Examiners if he or she reasonably believes that:
- (a) the candidate does not meet the eligibility criteria specified in Standing Rule 12.17; and/or
 - (b) election fraud or some other improper interference with the election has taken place.
- In the event that the Council Member for Examinations and Assessment refuses to ratify an appointment in accordance with this Standing Rule, a further election shall be held in accordance with the procedure outlined in Standing Rules 12.18 to 12.22.
- 12.23 The Director of Dental and Surgical Examinations shall notify the Council and the Examiners of the results of the election within 14 days of the date of expiry of the one month period referred to in Standing Rule 12.21.

- 12.24 The term of office of the Chair of the Court of Examiners shall be as determined by the Court of Examiners from time to time, up to a maximum of three years. Unless otherwise specified by the President, the term of office of a Chair of the Court of Examiners shall commence on the date of the first meeting of the Council in the College Year immediately following the College Year in which he or she was elected (and for avoidance of doubt, regardless of whether or not he or she attends that meeting).

Proceedings of the Court of Examiners

- 12.25 Subject to the Charter, the Ordinances, the Regulations and any other directions of the Trustees and these Standing Rules, the meetings and proceedings of the Court of Examiners shall be regulated by the Council in bye-laws.
- 12.26 The Chair of the Court of Examiners shall have precedence on the Court of Examiners. Otherwise, each Examiner shall take precedence according to the date of their first appointment as an Examiner, with those appointed on the same day taking precedence according to their relative seniority as Voting Members of the College (as specified in Standing Rule 4.11).
- 12.27 The Court of Examiners shall report to the Council through the Council Member for Examinations and Assessment.
- 12.28 Subject to Article 11 of the Charter, the honoraria payable to Examiners shall be determined by the Trustees from time to time.

13. Lay Examiners

- 13.1 The College shall have Lay Examiners appointed by the Council to conduct examinations on behalf of the College. Lay Examiners are not members of the Court of Examiners and are not eligible to vote at meetings of the Court of Examiners.
- 13.2 All Lay Examiners shall at the time of appointment or re-appointment:
- (a) not be medically qualified;
 - (b) not be in Active Practice or working in any role within the medical profession;
 - (c) not be involved in undergraduate or postgraduate medical training, education and/or teaching (other than in his or her capacity as a Lay Examiner of the College); and
 - (d) provide the names and contact details of at least two referees.
- 13.3 Vacancies in the Lay Examiners within the United Kingdom shall normally be announced by advertisement in such manner as the Council shall determine.

- 13.4 Applications to fill vacancies in the Lay Examiners must be submitted in the form prescribed by the Council from time to time.
- 13.5 Any person who is willing to act as a Lay Examiner, who is permitted to be so appointed under these Standing Rules and who is recommended to the Council for appointment by the Council Member for Examinations and Assessment and the Chair of the Court of Examiners may be appointed or re-appointed to be an Examiner by resolution of the Council passed at a meeting of the Council or In Writing.
- 13.6 On appointment or re-appointment, each Lay Examiner shall make (and thereafter act in accordance with) a declaration to the Court of Examiners in the following terms:
- I do declare that as long as I shall remain in the office of Lay Examiner of The Royal College of Surgeons of England, I will diligently maintain the honour and welfare of the said College and in all things relating to my office and with all manner of persons act equally and impartially according to the best of my skill and knowledge.*
- 13.7 The Council may from time to time appoint such persons as they think fit to be Lay Examiners jointly with any other body or bodies on such terms and in accordance with such procedures as it may consider appropriate.
- 13.8 Subject to earlier termination under Standing Rule 13.10, Lay Examiners shall hold office for an initial term of up to six years.
- 13.9 Any person retiring as a Lay Examiner and who remains qualified to act as an Lay Examiner may be reappointed for an unlimited number of further terms of office. The length of such further terms of office shall be as determined by the Council from time to time, but shall normally be between four and five years.
- 13.10 A Lay Examiner's term of office automatically terminates if he or she:
- (a) is removed from office by resolution of the Council;
 - (b) ceases to meet the criteria specified in Standing Rules 13.2(a) to (c); or
 - (c) is removed from office pursuant to Standing Rule 14.
- 13.11 Subject to Article 11 of the Charter, the honoraria payable to Lay Examiners (if any) shall be determined by the Trustees from time to time.
- 13.12 For the avoidance of doubt, references in these Standing Rules to "Examiners" shall not include Lay Examiners.

14. Suspension and Removal of Persons in Council Roles

14.1 The Council Roles are:

- (a) members of committees and sub-committees of the Council;
- (b) Examiners;
- (c) Lay Examiners;
- (d) Invited Council Members;
- (e) Directors of Professional Affairs;
- (f) Surgical Tutors; and
- (g) any other appointment of Council, including without limitation any appointment to represent the College on an external body;

but for the avoidance of doubt do not include Council Members. The suspension and removal of Council Members is discussed in Standing Rules 4.18 to 4.22.

14.2 A person in a Council Role must notify the Chief Executive promptly and In Writing if he or she:

- (a) is under investigation by or facing disciplinary action of any kind from the GMC, GDC or any other relevant regulatory body; and/or
- (b) has been charged with a criminal offence.

14.3 On receipt of a notification under Standing Rule 14.2, or if no notification is received but the College becomes aware of such investigation or action described in Standing Rule 14.2 (a) or (b), the Chief Executive will inform the Officers. The Officers (or alternatively a committee of three Council Members appointed by the Officers) shall have delegated authority to resolve on behalf of the Council that the person concerned should either:

- (a) continue in the relevant Council Role pending the outcome of the regulatory investigation, disciplinary proceedings or criminal charge; or
- (b) be suspended from their Council Role pending the outcome of the regulatory investigation, disciplinary proceedings or criminal charge;

in each case on the grounds that in their reasonable opinion this course of action would be in the best interests of the College and provided always that in reaching any decision under this Standing Rule, the Officers or committee (as applicable) have invited the views of the person concerned and considered the matter in the light of any such views.

14.4 A person in a Council Role shall inform the Chief Executive of the outcome of any regulatory investigation, disciplinary procedure, or criminal charge within 14 days of a decision being made. The Chief Executive will notify the Officers (or alternatively the committee appointed pursuant to Standing Rule 14.3) of the outcome. The Officers or the relevant committee (as applicable) shall have delegated authority to resolve on behalf of the Council that the person in a Council Role concerned should be:

- (a) restored to their Council Role, with no further action being taken on the matter;
- (b) restored to their Council Role subject to such sanctions as the Officers or committee may see fit to impose; or
- (c) removed from their Council Role;

in each case on the grounds that in their reasonable opinion this course of action would be in the best interests of the College and provided always that in reaching any decision under this Standing Rule, the Officers or committee (as applicable) have invited the views of the person concerned and considered the matter in the light of any such views. The Council anticipates that the Officers or committee (as applicable) will conclude that an offence leading to the imposition of a sanction or other disciplinary action by the GMC, GDC or other relevant regulatory body or to a criminal conviction will in the majority of cases render a person in a Council Role unfit to remain in that Council Role.

14.5 The Officers reserve the right to terminate the term of office of any person in a Council Role who fails to notify the Chief Executive as required under Standing Rules 14.2 and 14.4.

14.6 The term of office of any person in a Council Role will terminate automatically if he or she:

- (a) is removed by resolution of the Officers (or a committee of three Council Members appointed by the Officers) in accordance with Standing Rule 14.4;
- (b) is removed by resolution of the Officers in accordance with Standing Rule 14.5;
- (c) resigns by Written notice to the Council; or
- (d) dies.

15. Diplomates in Otolaryngology (Head and Neck Surgery)

15.1 The College shall award a Diploma in Otolaryngology (Head and Neck Surgery). A person shall be entitled to be awarded the Diploma in Otolaryngology (Head and

Neck Surgery) if he or she has passed the examinations and complied with any other conditions prescribed by the Council from time to time in bye-laws setting out the diploma examination regulations. For the avoidance of doubt, Diplomates in Otolaryngology (Head and Neck Surgery) are not members of the College.

- 15.2 In order to be eligible to sit the examination for the Diploma in Otolaryngology (Head and Neck Surgery), a candidate shall produce evidence that he or she:
- (a) holds a medical qualification recognised by the Council for that purpose; and
 - (b) has been engaged in the pursuit and acquisition of professional knowledge, in such manner and for so long as the Council shall direct.
- 15.3 The Council shall have the power to make or alter bye-laws setting out the rules and examination regulations concerning the professional education of candidates for the Diploma in Otolaryngology (Head and Neck Surgery).
- 15.4 The Council shall determine when and in what manner the examinations for the Diploma in Otolaryngology (Head and Neck Surgery) shall be conducted.
- 15.5 The Diploma in Otolaryngology (Head and Neck Surgery) shall be in such form as the Council shall from time to time determine granted under the Seal of the College.
- 15.6 A person granted the Diploma in Otolaryngology (Head and Neck Surgery) shall be entitled to use the designation "DOHNS".
- 15.7 A candidate for the Diploma in Otolaryngology shall pay such fees and charges as the Trustees shall from time to time think fit.
- 15.8 The names of those granted the Diploma in Otolaryngology (Head and Neck Surgery) shall be recorded in the minutes of the meeting of Council at which their Diplomas are granted.

16. Amendment of the Standing Rules

- 16.1 Amendments to the Standing Rules may be proposed by:
- (a) the Chief Executive;
 - (b) the President;
 - (c) the Trustees; or
 - (d) a Council Member, provided that the proposed amendment is approved by the President in accordance with Standing Rule 16.2.

- 16.2 Any proposal to amend the Standing Rules put forward by a Council Member under Standing Rule 16.1(d) should be dealt with in accordance with the following procedure:
- (a) the Council Member should deliver his or her proposal to the President In Writing;
 - (b) the President should then discuss the proposal with the Vice Presidents and the Chief Executive; and
 - (c) if approved by the President (having considered the views of the Vice Presidents and the Chief Executive), the proposed amendment shall be placed before the next Council meeting for consideration in accordance with Standing Rule 16.3.
- 16.3 Subject to Standing Rule 16.4, and in accordance with the Charter and the Ordinances, the Standing Rules may be altered, added to or revoked by the Council in accordance with the following procedure:
- (a) amendments to the Standing Rules proposed in accordance with Standing Rule 16.1 shall be placed before a Council meeting for consideration, discussion and, if thought fit, initial approval granted by a resolution passed by a simple majority of the Council; and
 - (b) if initial approval is granted by the Council, the proposed amendments shall then be placed before a subsequent Council meeting for further consideration and, if thought fit, final approval granted by a resolution passed by a simple majority of the Council.
- 16.4 As specified in Ordinance 9.2, no Standing Rule may be made or amended without the prior Written approval of the Trustees.

17. Interpretation

- 17.1 In the Standing Rules:

Active Practice

in the case of Council Members has the meaning set out in Standing Rule 4.2 and in the case of Examiners and Lay Examiners has the meaning set out in Standing Rule 12.6;

Appointments Committee

means the Appointments Committee established by the Council pursuant to Article 10 of the Charter and which shall consist of the Officers and such other persons as the Council shall from time to time think fit;

Approved Procedure	an Approved Procedure for the appointment and removal of an SSA Council Member is a transparent and democratic procedure that has been determined by their appointing SSA and approved by the Council In Writing;
Authenticated Document	means a document sent (a) by hard copy that is signed by the person sending it, or (b) electronically in which the identity of the sender is confirmed in a manner specified by the College (or where no such manner has been specified, which contains or is accompanied by a statement of the identity of the sender and the College has no reason to doubt the truth of that statement);
bye-laws	means the bye-laws made by the Trustees pursuant to the Regulations, by the Council pursuant to Standing Rule 7.5 and/or by the Boards of the FDS and or any other faculties pursuant to their respective Standing Orders (as applicable);
Charity Trustees	has the meaning prescribed by section 177 of the Charities Act 2011;
Charter	means the Royal Charter of Incorporation granted to the College in 1800 as amended by Supplemental Charters;
Chief Executive	means the Chief Executive of the College;
Clear Days	means the period excluding the day when the notice is deemed to be given and the day for which it is given or on which it is to take effect;
College	means The Royal College of Surgeons of England (charity no. 212808);
College Year	means the twelve month period designated from time to time by the Trustees as the College Year;
Council	means the Council of the College;
Council Members	means the members of the Council;

Council Roles	means the roles specified in Standing Rule 14.1;
Cross Specialty Issues	means any issue or matter which falls outside the scope of dental surgery (in the case of the FDS); or the scope of any other faculty; and/or has implications for other surgical and/or medical specialties;
Dental Council Member	means a Council Member appointed pursuant to Ordinance 6.7 and Standing Rule 4.12;
Deputy Invited Council Member	means a Deputy Investment Council Member appointed in accordance with Standing Rule 5.5;
Disciplinary Committee	means a Disciplinary Committee established pursuant to Standing Rule 3.10;
Disciplinary Committee of Appeal	means a Disciplinary Committee of Appeal established pursuant to Standing Rule 3.20;
Elected Trustee	means a Trustee elected in accordance with Ordinance 3.6 and Standing Rule 8;
Election Day	means the date selected by the Council from time to time for the election of Surgical Council Members, which shall normally be a date approximately three months before the beginning of each College Year;
Electoral Reform Society	means the Electoral Reform Society Limited (company no. 00958404);
Examiner	means an Examiner appointed in accordance with Standing Rule 12;
FDS	means the Faculty of Dental Surgery;
FDS Dean	means the Dean from time to time of the FDS;
GDC	means the General Dental Council established by the Dentists Act 1984;

GMC	means the General Medical Council established by the Medical Act 1983 (charity no. 1089278);
Invited Council Member	means an Invited Council Member appointed in accordance with Ordinance 7 and Standing Rule 5;
IMC	means the Irish Medical Council established by the Medical Practitioners Act 1978 (updated in 2007);
Lay Examiner	means a Lay Examiner appointed in accordance with Standing Rule 13;
Mace	means the mace of the College;
Material Benefit	means a benefit which may or may not be financial but which has a monetary value;
member and membership	refer to Voting Membership and Non-Voting Membership of the College;
month	means calendar month;
NHS	means the National Health Services of the United Kingdom;
Non-Voting Member and Non-Voting Membership	refer to non-voting membership of the College;
Officers	means the persons listed in Ordinance 10.1 acting collectively in accordance with the terms of reference for the Officers approved by the Trustees from time to time and Officer means any one of the persons listed in Ordinance 10.1 individually;
Ordinances	means the Ordinances of the College as amended from time to time;
Person Connected To A Council Member	means (a) a child, parent, grandchild, grandparent, brother or sister of a Council Member; (b) the spouse or civil partner of a Council Member or anyone falling within paragraph (a); (c) a person carrying on business in partnership with a Council Member or with any person falling within paragraph (a)

or (b); (d) an institution which is controlled by a Council Member or by any person falling within paragraphs (a) (b) or (c) (or which is controlled by any two or more such persons when taken together); (e) a body corporate in which a Council Member or any person within paragraphs (a) to (c) has a substantial interest (or in which two or more such persons, taken together, have a substantial interest);

President	means the President of the College;
President-elect	means the President-elect of the College;
Quota	means the quota calculated in accordance with Standing Rule 4.10;
Recognised Specialty	means a specialty which the Privy Council has designated as a recognised specialty within the United Kingdom by order under section 34D(3) of the Medical Act 1983;
Regulations	means the regulations made by the Trustees pursuant to Ordinance 5.2(d) and any rules or bye-laws made under them;
simple majority	means more than half of the Total Votes Cast;
Single Transferable Voting	means the voting system described by the Electoral Reform Society as the Single Transferable Vote;
SSA	means a Surgical Specialty Association recognised by the Council from time to time pursuant to Ordinance 9.3;
SSA Council Member	means a Council Member nominated by an SSA and appointed in accordance with Ordinance 6.8 and Standing Rule 4.14;
Standing Orders	means the standing orders made by the Board of the FDS, or any additional faculty instituted in accordance with Ordinance 11.2 pursuant to Ordinance 11.3 and any rules or bye-laws made under them;

Standing Rules	means these Standing Rules, including the Appendices;
Surgical Council Member	means a Council Member who is a Surgical Fellow or Surgical Member appointed in accordance with Ordinance 6.6 and Standing Rules 4.3 to 4.11;
The Royal College of Anaesthetists	means The Royal College of Anaesthetists of Churchill House, 35 Red Lion Square, London WC1R 4SG (charity no. 1013887);
The Royal College of Physicians and Surgeons of Glasgow	means The Royal College of Physicians and Surgeons of Glasgow of 232-242 St Vincent Street, Glasgow, G2 5RJ (charity no. SC000847);
The Royal College of Surgeons of Edinburgh	means The Royal College of Surgeons of Edinburgh of Nicolson Street, Edinburgh EH8 9DW (charity no. SC005317);
The Royal College of Surgeons in Ireland	means The Royal College of Surgeons in Ireland of 123 St Stephens Green, Dublin 2, Ireland;
Total Votes Cast	means the total number of votes cast (for the avoidance of doubt excluding any abstentions and/or any spoilt or blank votes);
Trustee	means a Charity Trustee of the College and Trustees means all of the Charity Trustees;
Vice President	means a Vice President of the College and Vice Presidents means all of the Vice Presidents;
Vice President-elect	means a Vice President-elect of the College and Vice Presidents-elect means all of the Vice Presidents-elect;
Voting Member and Voting Membership	refer to voting membership of the College;
Working Day	means any day which is not a Saturday, a Sunday, a bank holiday or a public holiday in England or Wales;

Written or In Writing

refers to a legible document on paper or a document which can be printed onto paper including a fax message or electronic mail;

year

means a twelve month period.

- 17.2 Words and phrases defined in the Charter or the Ordinances shall, unless otherwise specified, have the same meanings in the Standing Rules.
- 17.3 References to an Act of Parliament are to the Act as amended or re-enacted from time to time and to any subordinate legislation made under it.

Appendix 1

Voting Membership

1. This Appendix 1 sets out the procedure for admission of Surgical Fellows and Surgical Members of the College. Subject to the Charter, the Ordinances, the Regulations and any other directions or bye-laws of the Trustees and these Standing Rules, the rights, privileges and obligations of the Voting Members in these classes shall be as prescribed by the Council (or persons duly authorised by the Council) from time to time.
2. **Surgical Fellows**
 - 2.1 **By Examination:**
 - (a) Prior to September 2002, Surgical Fellowship was awarded to candidates who successfully passed either the Collegiate Fellowship Examination in Clinical Surgery in General or the Collegiate Fellowship Examination in Clinical Surgery with Otolaryngology.
 - (b) From September 2002, Surgical Fellowship shall be awarded to candidates who have successfully passed the Intercollegiate Specialty Fellowship Examination and have complied with the conditions prescribed by Council from time to time in its examination regulations. The Council shall approve the eligibility criteria for and the manner in which the Intercollegiate Specialty Fellowship Examination shall be conducted.
 - (c) Surgical Fellowship by Examination is granted by the Council. As specified in Ordinance 2.6, the admission of Surgical Fellows shall be by Diploma in such form as the Council shall from time to time determine granted under the Seal of College.
 - (d) By accepting the Diploma of Surgical Fellow by Examination, a person thereby agrees to:
 - (i) abide by and act in accordance with the Charter, Ordinances and any Regulations, Standing Rules, Standing Orders and other bye-laws made under them;
 - (ii) obey every lawful summons issued by order of the College, having no reasonable excuse to the contrary; and
 - (iii) maintain the dignity and welfare of the College.
 - (e) The names of those admitted as Surgical Fellows by Examination shall be recorded in the College's register of Voting Members and in the minutes of the

meeting of Council at which their Surgical Fellowship is granted, the names being listed in alphabetical order.

2.2 By Election Without Examination:

- (a) Persons who are medically or dentally qualified may be recommended for election as Surgical Fellows by Election by the Fellowship Election and Prize Committee.
- (b) Persons recommended by the Fellowship Election and Prize Committee in accordance with paragraph 2.2(a) above may be elected as Surgical Fellows by a simple majority of Council without examination in recognition of outstanding professional service to the College or the surgical profession.
- (c) As specified in Ordinance 2.6, the admission of Surgical Fellows shall be by Diploma in such form as the Council shall from time to time determine granted under the Seal of College.
- (d) No person elected as a Surgical Fellow shall exercise any right or privilege associated with that class of membership until he or she makes and then signs a Written copy of the following declaration in the presence of an employee of the College:

I do solemnly and sincerely declare that, while a Surgical Fellow of The Royal College of Surgeons of England, I will observe the Ordinances thereof, that I will obey every lawful Summons issued by order of the said College, having no reasonable excuse to the contrary, and will, to the utmost of my power, maintain the dignity and welfare of the College.

- (e) By accepting the Diploma of Surgical Fellow by Election, a person thereby agrees to:
 - (i) abide by and act in accordance with the Charter, Ordinances and any Regulations, Standing Rules, Standing Orders and other bye-laws made under them;
 - (ii) obey every lawful summons issued by order of the College, having no reasonable excuse to the contrary; and
 - (iii) maintain the dignity and welfare of the College.
- (f) The names of those admitted as Surgical Fellows by Election shall be recorded in the College's register of Voting Members and in the minutes of the meeting of Council at which they were elected as a Surgical Fellow, the names being listed in alphabetical order.

2.3 By admission *ad eundem*:

- (a) A person shall be eligible for admission as a Surgical Fellow *ad eundem* if he or she:
 - (i) is nominated by two extant Surgical Fellows, both of whom must satisfy the criteria set out in paragraph 2.3(b) below;
 - (ii) satisfies the Council that his or her standard of training is equivalent to the length and type of professional study required for the examination for Surgical Fellowship of the College (as described in paragraph 2.1 above);
 - (iii) completes the admission form prescribed by the Council for admission as a Surgical Fellow *ad eundem* (if any) and supplies such supporting information and documents as the College shall from time to time require; and
 - (iv) complies with such further conditions as may be prescribed by the Council from time to time.
- (b) Surgical Fellows shall be entitled to nominate persons for Surgical Fellowship *ad eundem* pursuant to paragraph 2.3(a)(i) if they:
 - (i) were admitted as Surgical Fellows by Examination in accordance with paragraph 2.1 above;
 - (ii) have completed at least five years as an NHS Consultant surgeon or in another position deemed equivalent by the Council;
 - (iii) have close personal knowledge of the nominee's clinical and surgical skills (gained over a period of at least twelve months) and, accordingly, have complete confidence that the applicant is consistently working at a level equivalent to an NHS Consultant surgeon.
- (c) As specified in Ordinance 2.6, the admission of Surgical Fellows shall be by Diploma in such form as the Council shall from time to time determine granted under the Seal of College.
- (d) By accepting the Diploma of Surgical Fellow *ad eundem*, a person thereby agrees to:
 - (i) abide by and act in accordance with the Charter, Ordinances and any Regulations, Standing Rules, Standing Orders and other bye-laws made under them;
 - (ii) obey every lawful summons issued by order of the College, having no reasonable excuse to the contrary; and

- (iii) maintain the dignity and welfare of the College.
- (e) The names of those admitted as Surgical Fellows *ad eundem* shall be recorded in the College's register of Voting Members and in the minutes of the meeting of Council at which their Surgical Fellowship is granted, the names being listed in alphabetical order.

3. Surgical Members

3.1 By Examination:

- (a) As specified in the Ordinances, a person shall be entitled to be admitted as a Surgical Member if they have:
 - (i) prior to 30 March 1992 passed the examination, received the Diploma and otherwise complied with the requirements prescribed in bye-laws for admission to the College granted jointly with the License of the Royal College of Physicians; and
 - (ii) on or following 30 March 1992 passed the appropriate examination for Surgical Membership and complied with the conditions prescribed by the Council in bye-laws setting out the membership examination regulations.
- (b) The Council shall have the power to make or alter bye-laws setting out the rules or examination regulations concerning the professional education of candidates for Surgical Membership by Examination at any time.
- (c) The Council shall determine when and in what manner the examinations for Surgical Membership shall be conducted.
- (d) In order to be eligible to sit the examination for Surgical Membership, a candidate shall produce evidence that he or she:
 - (i) holds a medical qualification recognised by the Council for that purpose; and
 - (ii) has been engaged in the pursuit and acquisition of professional knowledge, in such manner and for so long as the Council shall direct.
- (e) As specified in Ordinance 2.6, the admission of Surgical Members shall be by Diploma in such form as the Council shall from time to time determine granted under the Seal of College.
- (f) By accepting the Diploma of Surgical Member by Examination, a person thereby agrees to:

- (i) abide by and act in accordance with the Charter, Ordinances and any Regulations, Standing Rules, Standing Orders and other bye-laws made under them;
 - (ii) obey every lawful summons issued by order of the College, having no reasonable excuse to the contrary; and
 - (iii) maintain the dignity and welfare of the College.
- (g) The names of those admitted as Surgical Members by Examination shall be recorded in the College's register of Voting Members and in the minutes of the meeting of Council at which their Surgical Membership is granted, the names being listed in alphabetical order.

3.2 By admission *ad eundem*:

- (a) The usual route to Surgical Membership is by Examination in accordance with paragraph 3.1 above. However, in exceptional circumstances, suitably qualified persons may be admitted as Surgical Members *ad eundem* in accordance with this paragraph 3.2.
- (b) A person shall be eligible for admission as a Surgical Member *ad eundem* if he or she:
 - (i) is nominated by two extant Surgical Fellows, both of whom must satisfy the criteria set out in paragraph 3.2(c) below;
 - (ii) satisfies the Council that his or her diploma from another institution or standing of training is equivalent to that requirement for Surgical Membership by Examination (as described in paragraph 3.1);
 - (iii) completes the admission form prescribed by the Council for admission as a Surgical Member *ad eundem* (if any) and supplies such supporting information and documents as the College shall from time to time require; and
 - (iv) complies with such further conditions as may be prescribed by the Council from time to time.
- (c) Surgical Fellows shall be entitled to nominate persons for Surgical Membership *ad eundem* pursuant to paragraph 3.2(b)(i) if they:
 - (i) were admitted as Surgical Fellows by Examination in accordance with paragraph 2.1 above;
 - (ii) have completed at least five years as an NHS Consultant surgeon or in another position deemed equivalent by the Council;

- (iii) have close personal knowledge of the nominee's clinical and surgical skills (gained over a period of at least twelve months) and, accordingly, have complete confidence that the applicant is consistently working at a level equivalent to an NHS ST3 trainee surgeon.
- (d) As specified in Ordinance 2.6, the admission of Surgical Members shall be by Diploma in such form as the Council shall from time to time determine granted under the Seal of College.
- (e) By accepting the Diploma of Surgical Member *ad eundem*, a person thereby agrees to:
 - (i) abide by and act in accordance with the Charter, Ordinances and any Regulations, Standing Rules, Standing Orders and other bye-laws made under them;
 - (ii) obey every lawful summons issued by order of the College, having no reasonable excuse to the contrary; and
 - (iii) maintain the dignity and welfare of the College.
- (f) The names of those admitted as Surgical Members *ad eundem* shall be recorded in the College's register of Voting Members and in the minutes of the meeting of Council at which their Surgical Membership is granted, the names being listed in alphabetical order.

Appendix 2

Non-Voting Membership

1. This Appendix 2 sets out the qualifications and procedure for admission of the Surgical Licentiates, Surgical Honorary Fellows, Surgical Affiliate Members, Surgical Associate Members and Surgical Student Members of the College and the designations that Non-Voting Members in each class are permitted to use. Subject to the Charter, the Ordinances, the Regulations and any other directions or bye-laws of the Trustees and these Standing Rules, the rights, privileges and obligations of the Non-Voting Members in these classes shall be as prescribed by the Council (or persons duly authorised by the Council) from time to time.
2. **Surgical Licentiates**
 - 2.1 Surgical Licentiates shall include all persons who either:
 - (a) on or before December 1993, passed the LRCP/LRCS examination and received the LRCP/LRCS Licence granted jointly with The Royal College of Physicians; or
 - (b) between December 1993 and 2001 passed the examination known as LMSSA (Lond), LRCP (Lond), LRCS(Eng) supervised by the United Examination Board.
 - 2.2 The admission of Surgical Licentiates was by the grant of the appropriate Licence. The College no longer offers any form of Licence in Surgery.
 - 2.3 The designations that persons admitted as Surgical Licentiates shall be entitled to use are as follows:
 - (a) in the case of Surgical Licentiates admitted in accordance with paragraph 2.1(a) above, "LRCP/LRCS"; and
 - (b) in the case of Surgical Licentiates admitted in accordance with paragraph 2.1(b) above, "LMSSA (Lond), LRCP (Lond), LRCS(Eng)".
3. **Surgical Honorary Fellows**
 - 3.1 The Council may elect such persons as it considers to be sufficiently distinguished for the purpose to be Surgical Honorary Fellows. The qualifications and procedure for admission of Surgical Honorary Fellows shall be prescribed by the Council in bye-laws.
 - 3.2 The maximum number of living Surgical Honorary Fellows at any given time shall be as follows:

- (a) in the case of Surgical Honorary Fellows who are medically qualified, 150; and
 - (b) in the case of Surgical Honorary Fellows who are not medically qualified, 30.
- 3.3 A person admitted as a Surgical Honorary Fellow shall be entitled to use the designation "Hon FRCS".

4. Surgical Associate Members

- 4.1 A person shall be eligible for admission as a Surgical Associate Member if he or she:
- (a) is a Surgical Care Practitioner, and has completed a two year programme at masters level, accredited by the RCS – comprising both taught and practical elements; or is a Surgical First Assistant who has followed either an in-house training package supported by the AfPP Competency Toolkit or appropriate University accredited programme which follows the recommendations of the Perioperative Care Collaborative; or is a Physician Associate, and has successfully completed a nationally recognised physician associate programme; or an Advanced Nurse Practitioner or Advanced Clinical Practitioner who has successfully completed a post graduate degree in advance practice. In all cases, evidence of education or training for established practitioners will also be considered.
 - (b) is nominated by an extant Surgical Fellow who is in the *bona fide* practice of surgery, and who has sufficiently detailed knowledge of the candidate to verify that from his or her moral character and professional attainments, and that he or she is a fit professional and proper person to be associated with the College;
 - (c) evidences their qualifications and surgical care employment experience;
 - (d) lives in the United Kingdom; and
 - (e) completes the admission form prescribed by the Council for admission as a Surgical Associate Member and supplies such supporting information and documents as the College shall from time to time require.
- 4.2 The admission of Surgical Associate Members shall be by letter or electronic mail from the College in such form as the Council (or a person duly authorised by the Council) shall from time to term determine. The College reserves the right to refuse to admit a person as a Surgical Associate Member on the ground that his or her conduct is unsatisfactory in any professional respect.
- 4.3 Persons admitted as Associate Members shall not be entitled to use the College's designations or the title of Member or Fellow of the College.

5. Surgical Affiliate Members

- 5.1 Any Foundation, Core Surgical or Dental Trainee studying and living in the United Kingdom who has not yet passed the examination for Surgical Membership (MRCS), Dental Membership (MFDS) or equivalent

shall be entitled to be admitted as a Surgical Affiliate Member of the College. The qualifications for admission as a Surgical Affiliate Member may be varied by resolution of the Council at any time.

- 5.2 The admission of Surgical Affiliate Members shall be by letter or electronic mail from the College in such form as the Council (or a person duly authorised by the Council) shall from time to time determine. The College reserves the right to refuse to admit a person as a Surgical Affiliate Member on the ground that his or her conduct is unsatisfactory in any professional respect.

- 5.3 Persons admitted as Surgical Affiliate Members shall not be entitled to use the College's designations or the title of Member or Fellow of the College.

6. Surgical Student Members

- 6.1 Any student studying for a medical or dental degree at a university in the United Kingdom and living in the United Kingdom who is not yet a Foundation, Core Surgical or Dental Trainee shall be entitled to be admitted as a Surgical Student Member of the College. The qualifications for admission as a Surgical Student Member may be varied by resolution of the Council at any time.

- 6.2 The admission of Surgical Student Members shall be by letter or electronic mail from the College in such form as the Council (or a person duly authorised by the Council) shall from time to time determine. The College reserves the right to refuse to admit a person as a Surgical Student Member on the ground that his or her conduct is unsatisfactory in any professional respect.

- 6.3 Persons admitted as Surgical Student Members shall not be entitled to use the College's designations or the title of Member or Fellow of the College.

Appendix 3

The President – Role Description

- To chair the College Board of Trustees, College Council, meetings of Officers, the Appointments Committee and other College meetings and events as required
- To attend meetings of the Trustees and of Council
- To chair and/or attend such meetings of committees of the Trustees and/or Council as the Trustees and/or the Appointments Committee (as applicable) may from time to time direct
- To articulate College policies as approved by Council
- To act as a Charity Trustee of the College
- To officiate at formal College occasions such as Diploma Ceremonies, Royal visits, College dinners and meetings of the Court of Patrons
- To play a central role in College fundraising events and initiatives
- To be the College lead in external professional and political communications through the national media by television, radio and press and at appropriate events
- To write a newsletter for each edition of the College Bulletin and maintain regular electronic communication with Fellows and Members
- To undertake a rolling programme of presidential visits and roadshows to centres around the country
- To participate in planning and to lead the College's triennial overseas visits and joint conferences
- To represent the College and the profession at meetings with government ministers, Department of Health officials and opposition spokespersons
- To be an appointed or *ex officio* member of outside bodies such as NHS Health Education England
- To attend informal meetings with various outside individuals and bodies
- To be an invited speaker at surgical and postgraduate events
- To represent the College at meetings and other activities of the Academy of Medical Royal Colleges

- To be an *ex officio* member of the Boards of the FDS and any other faculties (in accordance with the Standing Orders of the FDS and any other faculties respectively)
- To represent the College at meetings of the surgical colleges and specialist associations

Appendix 4

The Vice Presidents – Role Description

- To support, understudy and stand in for the President as necessary
- To act as a Charity Trustee of the College
- To be a member of the Appointments Committee
- To chair and/or attend such committees of the Trustees and/or Council as the Trustees and/or the Appointments Committee (as applicable) may from time to time direct
- To lead on the Council's strategic priority areas at the President's discretion
- To attend weekly Officers' meetings
- To represent the College at external meetings as determined by the President and Officers' meetings
- One Vice President to act as a member of the Boards of the FDS and any other faculties (in accordance with the Standing Orders of the FDS and any other faculties respectively)
- To fulfil other roles and take responsibilities for College activities as determined by the President or the Appointments Committee