STATUTORY INSTRUMENTS

1978 No. 1457

INSURANCE

The Insurance Brokers Registration Council (Constitution of the Disciplinary Committee) Rules Approval Order 1978

Made - - - -	*9th October* 1978
Laid before Parliament	*10th October* 1978
Coming into Operation	*31st October* 1978

The Secretary of State, in exercise of the powers conferred by sections 27(1) and 28(1) of the Insurance Brokers (Registration) Act 1977(**a**) and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Insurance Brokers Registration Council (Constitution of the Disciplinary Committee) Rules Approval Order 1978 and shall come into operation on 31st October 1978.

2. The Insurance Brokers Registration Council (Constitution of the Disciplinary Committee) Rules 1978 made by the Insurance Brokers Registration Council in exercise of their powers under section 14(2) and (3) of the Insurance Brokers (Registration) Act 1977 are hereby approved as set out in the Schedule to this Order.

Stanley Clinton Davis,
Parliamentary Under-Secretary of State,
Department of Trade.

9th October 1978.

(**a**) 1977 c. 46.

SCHEDULE

THE INSURANCE BROKERS REGISTRATION COUNCIL (CONSTITUTION OF THE DISCIPLINARY COMMITTEE) RULES 1978

The Insurance Brokers Registration Council, in exercise of their powers under section 14(2) and (3) of the Insurance Brokers (Registration) Act 1977, hereby make the following Rules:

1. These Rules may be cited as the Insurance Brokers Registration Council (Constitution of the Disciplinary Committee) Rules 1978.

2. (*a*) In these Rules:—

"the Act" means the Insurance Brokers (Registration) Act 1977;

"case" means any disciplinary case or other case of which the Committee has cognizance under section 16 or 17 of the Act and any matters ancillary or appertaining thereto;

"the Committee" means the Disciplinary Committee set up under section 14(1) of the Act and constituted under rule 3 of these Rules;

"disciplinary case" means a disciplinary case within the meaning of section 13(1) of the Act which has been referred to the Disciplinary Committee pursuant to section 13(3) of the Act;

"the Investigating Committee" means the Investigating Committee set up under section 13 of the Act.

(*b*) The Interpretation Act 1889(**a**) shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

3. The Committee shall consist of not more than eleven members of whom (subject to the provisions of rule 5 of these Rules) five shall from time to time be appointed by the Council and not more than six may from time to time be co-opted by the Committee to serve for such period as the Committee shall determine. The Council shall ensure that at all times there is at least one member of the Committee who is not an insurance broker.

4. Subject to the provisions of rule 5 of these Rules the Committee shall be entitled to act notwithstanding that it may be composed of less than eleven individuals at any time.

5. The Committee may include persons who are not members of the Council, but at least two-thirds of the members of the Committee shall be members of the Council.

6. The appointment of any member of the Committee may be revoked at any time, other than during the hearing of any case in relation to which he is not disqualified from acting as a member of the Committee, by resolution of the Council passed at a meeting of the Council by a majority of not less than three-quarters of the members of the Council present at such meeting.

7. The Council shall appoint one of the persons appointed under rule 3 to be a member of the Committee to be Chairman of the Committee.

(**a**) 1889 c. 63.

8. At any meeting of the Committee the Chairman of the Committee, or in his absence such member of the Committee who is also a member of the Council as the Committee may choose, shall be Chairman.

9. The quorum of the Committee shall be three members provided that at least two-thirds of the members present at any meeting shall also be members of the Council. If in the course of hearing any case a casual vacancy shall occur in the members acting in that case the remaining members if not less than two in number may continue to act notwithstanding that they do not constitute a quorum.

10. Subject to anything contained in these Rules any member of the Committee shall automatically cease to be a member thereof if:—

(i) he resigns his office by notice in writing addressed to the Registrar; or

(ii) he becomes bankrupt or makes any arrangement or composition with his creditors generally; or

(iii) in the opinion of the Council he becomes incapable by reason of mental disorder of discharging his duty as a Committee member; or

(iv) he has been convicted of a criminal offence under the Laws of the United Kingdom which in the opinion of the Council shall merit disqualification from membership of the Committee; or

(v) at the time of his appointment under rule 3 of these Rules he was a member of the Council, upon his ceasing to be a member thereof.

11. Other than the Chairman of the Council an individual who has acted in relation to any disciplinary case as a member of the Investigating Committee shall not act in relation to that case as a member of the Committee.

12. If any member of the Committee is or becomes directly or indirectly interested in any contract with or directly or indirectly connected with any registered insurance broker or enrolled body corporate who or which is the subject of a case, the member shall be disqualified from acting in relation to that case as a member of the Committee.

13. The Committee shall meet as often as may be necessary for the expeditious despatch of their business.

14. The Committee shall meet at the offices of the Council unless the Chairman of the Committee directs that a meeting shall be held elsewhere in the United Kingdom, on the grounds that this would be for the convenience of the members of the Committee or of parties and witnesses in a case to be heard at the meeting, or would be desirable in the special circumstances of any such case.

15. Before the date fixed for any meeting of the Committee, the Registrar shall inform every member of the Committee of the date, time and place of the meeting, and shall send to every such member a programme of business for that meeting which shall include particulars of every case to be considered at that meeting.

Sealed on the 6th day of October 1978.

Attested by: *Francis Perkins,*
Member of Council

J. E. Fryer,
Registrar.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order approves rules made by the Insurance Brokers Registration Council as to the constitution of the Disciplinary Committee and related matters.

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