



*The Royal College of Anaesthetists*  
Charter and Ordinances

July 2008

# CHARTER OF THE ROYAL COLLEGE OF ANAESTHETISTS

## FOREWORD

On 16<sup>th</sup> March 1992, Her Majesty the Queen granted a Charter to the College, conferring the rights to use the title 'Royal'. Thus, from being first the Faculty and then the College of Anaesthetists of the Royal College of Surgeons of England, the College achieved full independence as the Royal College of Anaesthetists. This is the body responsible for ensuring the highest quality of anaesthetic practice in the United Kingdom.

The Charter itself sets out the aims and powers of the Royal College of Anaesthetists and establishes its basic constitution. The Ordinances, which are scheduled to the Charter, lay down more detailed rules governing the way in which the College functions and runs its activities. Matters of even greater detail, relating to all aspects of the administration of the College and its procedures, and to requirements in respect of training and examinations, are set out in various Regulations, made by the Council of the College. These are published separately.

The Charter prescribes the machinery for making amendments of the Charter and Ordinances. Amendments require the approval, in the case of the Charter, of the Queen in Council, and in the case of the Ordinances of the Lords of the Council. In the Ordinances should to the Charter the designatory letters which Ordinance 2.6 permitted Fellows to use after their names were 'FRCAnaes'. In accordance with the requirements of the Charter, at an Extraordinary General Meeting of the College held on 1<sup>st</sup> May 1992, it was resolved that the letters 'FRCA' should be substituted for those originally permitted. This amendment was approved by the Privy Council on 22<sup>nd</sup> October 1992 and the version of the Ordinances printed in this booklet incorporates this amendment.

## FIRST POSTSCRIPT

During 1993, Council prepared a substantial set of amendments to the Ordinances. These had three main purposes:

- ◆ to add two members to the Council who would be Fellows in the first five years of their Fellowship, initially to be co-opted but subsequently to be elected by Fellows of the same seniority and Members;
- ◆ to uncouple admission to the grade of Member from the obsolescent Diploma in Anaesthetics (UK) qualification and to substitute more appropriate conditions of entry;
- ◆ to add a new grade of Membership to be known as Associate.

These amendments were submitted as resolutions to an Extraordinary General Meeting of the College held on 10<sup>th</sup> December 1993 and passed unanimously. They were then submitted to the Privy Council for approval with a view to their coming into force on a date which would facilitate the introduction of the new training and examination arrangements. Approval was given and the date fixed as 1<sup>st</sup> November 1995.

The version of the Ordinances printed in this edition incorporates these amendments. The Ordinances amended are those numbered: 1, 3, 4.1, 4.2, 5.1, 5.2, 5.3 and 9.7. A comparison of the versions of these Ordinances in this edition with those in the previous edition will clarify the changes which have been made. The previous edition of the Charter and Ordinances is now entirely superseded by the present one.

## SECOND POSTSCRIPT

The Ordinances have been amended in certain respects by Council since 1993, and all of the amendments were subsequently approved by an Annual General Meeting and by the Privy Council, and brought into effect in 1997.

The effects of these amendments were:

- ◆ to clarify the criteria for admission as Fellow *ad eundem*;
- ◆ to reduce the period that a Fellow may be initially elected to Council from eight years to six years, and to reduce the maximum period of tenure from 12 years to ten years;

## THIRD POSTSCRIPT

In 2001, Council prepared another set of amendments to the Ordinances. These had three main purposes:

- ◆ to add new categories of membership to be known as Associate Fellow, Associate Member and Affiliate;
- ◆ to add a further two members to the Council who would be Fellows or Members who were not Consultants nor trainees, to be elected by Fellows, Associate Fellows, Members and Associate Members;
- ◆ to maintain a voluntary register of registered medical practitioners practising anaesthesia, critical care and pain management.

These amendments were submitted as resolutions to the Annual General Meeting of the College held on 21<sup>st</sup> March 2001 and passed unanimously. They were then submitted to the Privy Council for approval, which was granted on 12<sup>th</sup> April 2001.

The version of the Ordinances printed in this fourth edition incorporates these amendments. The Ordinances amended are those numbered: 1, 2, 3, 4, 5.1, 5.2, 5.3 and 9.7. The previous editions of the Charter and Ordinances are now entirely superseded by the present one.

## FOURTH POSTSCRIPT

Amendments were agreed at the College's Annual General Meeting in 2006, Extraordinary General Meeting in 2007 and Annual General Meeting in 2007. These had four main purposes:

- ◆ to allow the election to Council to take place three months before taking up office rather than the existing two weeks;
- ◆ to allow non medical persons to be elected to Fellowship;
- ◆ to give Post Nominals to Fellows and Members of the Faculty of Pain Medicine of the Royal College of Anaesthetists.
- ◆ to allow the date of the election of the President and Vice Presidents to be prescribed by College Regulations.

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

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

WHEREAS by their Humble Petition presented unto Us in Our Council The Royal College of Surgeons of England have most humbly prayed that We would be graciously pleased to grant a Charter of Incorporation to the College of Anaesthetists (hitherto one constituent part of the Royal College of Surgeons of England) and that the College of Anaesthetists now be recognised as a separate Body Politic and Corporate:

AND WHEREAS The College of Anaesthetists by their Humble Petition have prayed that if We are pleased to grant the aforementioned Petition We should also be pleased to permit the use of the title Royal:

NOW THEREFORE KNOW YE that We, having taken the said Petitions into Our Royal Consideration, and being minded to accede thereto of Our Especial grace, certain knowledge and mere motion have been pleased to grant and declare and do by these Presents, for Us, Our Heirs and Successors grant and declare that:

1. All present members of the College of Anaesthetists of the Royal College of Surgeons of England who so elect and all persons who shall pursuant to this Our Charter and the Ordinances become members of the College hereby constituted are hereby created and henceforth forever shall be one Body Politic and Corporate by the name of 'The Royal College of Anaesthetists' and by the same name shall have perpetual succession and a Common Seal with power to order vary break and made anew the said Seal at their discretion, and by the same name may sue and be sued in all Our Courts in all manner of actions and proceedings, and shall have power to do all other matters and things incidental or appertaining to a Body Corporate.

2. In this Our Charter:

- ◆ 'Anaesthesia' means the art, science and practice of anaesthesia;
- ◆ 'the College' means the Royal College of Anaesthetists;
- ◆ 'Council', save where the context otherwise requires, means the Council of the College;
- ◆ 'the Ordinances' means the Ordinances set out in the Schedule to this Our Charter as amended from time to time as provided below:
- ◆ 'the President' shall mean the President for the time being of the College elected in accordance with the ordinances;
- ◆ 'the Vice-Presidents' shall mean the Vice-Presidents for the time being of the College elected in accordance with the Ordinances.

Except where the context otherwise requires, the masculine includes the feminine and vice-versa, the singular includes the plural and vice-versa, and the plural includes all or any.

3. (1) The objects for which the College is incorporated shall be to:
- a. advance promote and carry on study and research into anaesthesia and related subjects and to disseminate the useful results of any such research;
  - b. educate medical practitioners to maintain the highest possible standards of professional competence in the practice of anaesthesia for the protection and benefit of the public;
  - c. further instruction and training in anaesthesia both in the United Kingdom and overseas, and
  - d. educate the general public in all matters relating to anaesthesia.
- (2) For the purpose of attaining the aforesaid objects the College shall have power to do any lawful thing and, without prejudice to the generality of the foregoing shall have power:
- a. to conduct examinations and award Certificates and Diplomas in anaesthesia and related subjects, provide, establish and maintain offices, examination halls, lecture rooms, libraries and museums, with all requisite equipment, establish lectureships in anaesthesia and related subjects and award prizes and scholarships: Provided that no Certificate, Diploma or other like award issued by the College are contained in any statement expressing or implying that it is granted by or under the authority of any department or authority of Our Government;
  - b. to maintain a Register of members;
  - c. to disseminate information on all matters affecting anaesthesia and related subjects, and establish, print, publish, issue and circulate such papers, results of study and research, journals, magazines, books, periodicals and publications and hold such meetings, conferences, congresses, seminars and instructional courses as shall be necessary to attain the objects or in any way be beneficial to the work of the College;
  - d. to acquire, own, construct, provide, maintain, manage, repair and dispose of any real or other property;
  - e. to solicit, receive, accept and administer donations, grants, endowments, gifts, legacies and loans of any property whatsoever and whether subject to any trusts or conditions or not;
  - f. to invest any monies in the hands of the College and available for investment in accordance with the Ordinances;
  - g. to borrow and raise money in any manner in accordance with the Ordinances;
  - h. to pay, apply or use any monies or assets of the College for any charitable purposes which in the opinion of the Council may tend to promote all or any of the objects of the College and either to do so directly or to pay or transfer any such money or assets to some other trust or person (whether an individual or corporation) to be applied in the above manner.

4. The income and property of the College, whencesoever derived, shall be applied solely towards the promotion of its objects, and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise howsoever by way of profit to members of the College; provided that nothing herein shall prevent:

- a. the payment in good faith of reasonable and proper remuneration to any officer or servant of the College, or to any member of the Council for services rendered to the College as an examiner, lecturer or careers adviser, or to any other member of the College in return for any services rendered to the College; nor
- b. the repayment to any member of the Council of out-of-pocket expenses; nor
- c. the payment to any member of the College of interest at a rate not exceeding the base rate specified by the National Westminster Bank plc for the time being in force on money lent; nor
- d. the payment of reasonable and proper rent for premises demised or let by any member of the College;

but so that no member of the Council shall be appointed to any salaried office of the College or any office of the College paid by fees, and that no remuneration or other benefit in money or monies worth shall be given by the College to such member other than any payment specified in paragraphs (a) to (d) above or a payment to any company of which a member of Council may be a member, and of which such member holds no more than one-hundredth part of the capital; and provided that no member of the Council shall attend or vote at any Council meeting setting any remuneration or payment specified in paragraphs (a), (c) and (d) above to which he is entitled.

5. There shall be the following classes of members of the College, namely:

- ◆ Fellows of the College;
- ◆ Members of the College; and
- ◆ such other classes of membership as the Ordinances of the College for the time being in force may prescribe.

6. The qualifications for admission to each class of membership and the rights, privileges and obligations (including the payment of fees and subscriptions) of the Members thereof and all matters relating to disqualification for, and resignation or expulsion from, such membership shall be regulated by and in accordance with the Ordinances.

7. (1) There shall be a President and two Vice-Presidents of the College and the qualifications for, and tenure of, those offices and method of election shall be regulated by the Ordinances.

(2) There shall be such other officers of the College as may be prescribed by the Ordinances.

8. There shall be a Council of the College which, subject to the provisions of this Our Charter, shall exercise all the powers of the College, save to the extent that this Our Charter and the Ordinances otherwise provide.

9. Subject to the provisions of this Our Charter, the constitution of the Council, its powers and duties, the manner of appointment or election and period of office of its members, the manner of filling vacancies in its membership, the conduct of its meetings and affairs and all other matters relating to the Council shall be as prescribed by or under the Ordinances.

10. The College may institute and establish such faculties in the College (forming administrative parts of the College) as the Council may think fit and determine and may combine and co-operate with any other body in the establishment of a joint faculty of the College and such other body.

11. The Council shall have the custody and sole use of the Common Seal of the College and arrangements for its safe keeping and manner of authentication shall be as regulated by the Ordinances.

12. The Ordinances shall regulate and prescribe all matters and affairs of the College by this Our Charter directed or authorised to be regulated by the Ordinances and all other matters which consistently with this Our Charter the Council may deem useful or necessary to regulate by Ordinances. Any of the Ordinances may from time to time be revoked, amended or added to by resolution passed by a majority of not less than two-thirds of the Members present and entitled to vote at a General Meeting of the College or at an Extraordinary General Meeting specially convened for that purpose: Provided that no new Ordinances and no such revocation, amendments or addition as aforesaid shall have any force or effect if it be repugnant to any of the provisions of this Our Charter or shall take effect until the same shall have been approved by the Lords of Our Privy Council of which approval a Certificate under the hand of the Clerk of Our Privy Council shall be conclusive evidence.

13. The College may revoke, amend or add to any of the provisions of this Our Charter by resolution passed by a majority of not less than two-thirds of the Members present and entitled to vote at a General Meeting or at an Extraordinary General Meeting duly convened for that purpose and any such revocation, amendment or addition shall when approved by Us, Our Heirs or Successors in Council become effectual so that this Our Charter shall thenceforth continue and operate as though it had been originally granted and made accordingly. This provision shall apply to this Our Charter as altered, amended or added to in the above manner: Provided that no such revocation, amendment or addition shall be made which shall cause the College to cease to be a charity in law.

14. It shall be lawful for the College at an Extraordinary General Meeting convened for that purpose to surrender this Our Charter subject to the sanction of Us, Our Heirs or Successors in Council and on such terms as We or They may consider fit and to wind up or otherwise deal with the affairs of the College in such manner as shall be directed by such Extraordinary General Meeting or in default of such direction as the Council shall think expedient having due regard to the liabilities of the College for the time being. If upon the winding up or dissolution of the College there remains after the satisfaction of all its debts and liabilities any property whatsoever, it shall not be paid or distributed amongst the Members of the College or any of them but shall, subject to any special trusts affecting it, be given and transferred to some other charitable institution or institutions having objects similar to the object of the College to be determined by the College in General Meeting at or before the time of dissolution.

15. Lastly, We do hereby for Us, our Heirs and Successors grant that these Our Letters shall be in all things good, firm, valid, sufficient and effectual in law notwithstanding any omission, imperfection, defect, matter, cause or thing whatsoever to the contrary thereof in these Our Letters contained and shall be taken, construed and adjudged in the most favourable and beneficial sense and to the best advantage of and for the College as well in Our Courts of Record as elsewhere any recital, mis-recital, uncertainty or imperfection whatsoever notwithstanding.

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

WITNESS Ourselves at Westminster the sixteenth day of March in the Forty-first year of Our Reign.

LEGG

BY WARRANT UNDER THE QUEEN'S SIGN MANUAL

# ORDINANCES OF THE ROYAL COLLEGE OF ANAESTHETISTS

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## 1. INTERPRETATION

1.1 In these Ordinances, unless the context otherwise requires:

- ◆ 'Affiliate' means an Affiliate of the College.
- ◆ 'Associate Fellow' means an Associate Fellow of the College.
- ◆ 'Associate Member' means an Associate Member of the College.
- ◆ 'Charter' means the Charter of the College granted on 16th March 1992, as amended from time to time.
- ◆ 'critical care' and 'pain management' mean subjects related to anaesthesia within the meaning of the Charter.
- ◆ 'Diploma' means a diploma conferred or recognised by the College.
- ◆ 'Election Day' means the third Wednesday in December or such other time as the Council may from time to time determine.
- ◆ 'Fellow' means a Fellow of the College.
- ◆ 'Fixed Day' means the first Wednesday in March or such other day, within one month thereafter, as the Council may from time to time determine.
- ◆ 'Honorary Fellow' means an Honorary Fellow of the College.
- ◆ 'Member' means a person in the category of Member of the College and, where the context so requires, includes persons in the categories of Fellow, Associate Fellow, Member, Associate Member, or Affiliate.
- ◆ 'registered medical practitioner' means a medical practitioner registered, whether with full or limited registration, by the General Medical Council under the Medical Act 1983 [1983 c.54].
- ◆ 'Regulations' means Regulations made by the Council in accordance with these Ordinances.
- ◆ 'specialist register' means the Register kept by the General Medical Council in accordance with article 8(1) of the European Specialist Medical Qualifications Order 1995 [S.I. 1995/3208].
- ◆ 'trainee' means a registered medical practitioner who is registered with the College for training in anaesthesia, critical care or pain management.
- ◆ 'United Kingdom' means United Kingdom of Great Britain and Northern Ireland.

1.2 Words or phrases defined in the Charter have the same meanings herein.

1.3 References to any Act of Parliament, or order or instrument thereunder, include any statutory modification or re-enactment thereof.

1.4 Words importing the masculine gender include the feminine and vice versa, and words in the singular include the plural and vice versa.

## 2. CATEGORIES OF MEMBERSHIP OF THE COLLEGE

### Fellowship

2.1 Subject to such further provision as may be made in Regulations, Fellows shall be such persons as are:

- a. admitted by Examination
- b. medical, dental or veterinary practitioners or other persons as prescribed by Council, elected without examination
- c. practising anaesthesia, critical care or pain management in the United Kingdom admitted *ad eundem*.

### Associate Fellow

2.2 Associate Fellows shall be such registered medical practitioners practising anaesthesia, critical care or pain management as are admitted to associate fellowship in accordance with Regulations.

### Honorary Fellow

2.3 The Council may elect distinguished persons to be Honorary Fellows of the College, who shall enjoy such rights and privileges as may be specified from time to time in Regulations, provided that they shall not by virtue of such honorary fellowship hold themselves out as qualified to practise medicine or anaesthesia, critical care or pain management. Honorary Fellows shall not be subject to the disciplinary procedures of the College, but their status as Honorary Fellows may be rescinded by the Council.

### Member

2.4 Subject to such further provision relating to admission as may be made in Regulations, Members shall be registered medical practitioners who are, at the time of application, Associate Members or have completed training in the United Kingdom in accordance with requirements specified in Regulations, and have passed the relevant examination of the College or such other examination as may be specified from time to time in Regulations.

### Associate Member

2.5 Associate Members shall be registered medical practitioners practising anaesthesia, critical care or pain management as are admitted to associate membership in accordance with Regulations.

### Affiliate

2.6 Affiliates shall be such persons, not being registered medical practitioners but being involved in the development or delivery of anaesthesia, critical care or pain management, as may be admitted to this category of membership in accordance with Regulations.

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

3.1 Provided that they are in good standing with the College and/or Faculty, Fellows, Associate Fellows, Honorary Fellows, Members, Associate Members, and Affiliates may describe themselves respectively without abbreviation as 'Fellow', 'Associate Fellow', 'Honorary Fellow', 'Member', 'Associate Member' or 'Affiliate' of:

- a. the Royal College of Anaesthetists and/or
- b. a Faculty of the Royal College of Anaesthetists.

3.2 The following post-nominal letters may be used:

#### Royal College of Anaesthetists

- ◆ Fellow: 'FRCA'
- ◆ Member: 'MRCA'

#### Faculty of Pain Medicine of the Royal College of Anaesthetists

- ◆ Fellow: 'FFPMRCA'
- ◆ Member: 'MFFPMRCA'

3.3 Subject to the Regulations, Fellows and Members shall be entitled to stand for election to the Council, and Fellows, Associate Fellows, Members and Associate Members shall be entitled to vote in elections to the Council.

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

### 4. FEES AND SUBSCRIPTIONS

4. Subject to the approval of a general meeting of the College, the Council may prescribe fees payable in respect of admission or election to any category of membership of the College and annual subscriptions. Regulations may provide for the remission of all or any of such fees and subscriptions, for the forfeiture of rights and privileges of membership for those in arrears, and for any other matter relating to fees and subscriptions. The Council may also provide for the charging of fees in respect of examination entry.

#### Register

4a. A Register of Fellows shall be maintained in accordance with Regulations. The College may also maintain a voluntary register of registered medical practitioners practising anaesthesia, critical care or pain management who are not in membership of the College nor trainees.

## Diplomas

4b. The admission or election as the case may be of Fellows, Associate Fellows, Honorary Fellows, Members, Associate Members and Affiliates shall be signified by Diploma under the seal of the College in such form as the Council may from time to time determine.

The designatory letters 'FRCAnaes' were originally permitted for Fellows to use after their names. In accordance with the requirements of the Charter, at an extraordinary General Meeting of the College held on 1<sup>st</sup> May 1992, it was resolved that the letters 'FRCA' should be substituted for those originally permitted. This amendment was approved by the Privy Council on 22<sup>nd</sup> October 1992.

## 5. COUNCIL

### 5.1 Constitution

(1) The Council shall consist of:

- a. up to 20 members, who are on the specialist register, elected by the Fellows and Associate Fellows from amongst the Fellows by Examination of four or more years' standing, the Fellows by Election without examination and the Fellows *ad eundem*;
- b. two members, who are neither consultant anaesthetists nor trainees, elected by the Fellows, Associate Fellows, Members and Associate Members, from amongst the Fellows and Members;
- c. two members, who are Fellows by Examination of less than four years' standing, elected by Fellows by Examination of less than four years' standing; and
- d. up to eight co-opted members.

(2) For the purpose of elections to Council, the Council shall have power, within the limits fixed by sub-paragraph (1) of this paragraph, to determine the number of Council Members to be elected.

### 5.2 Elected Council Members

(1) \*Subject to sub-paragraph (6) of this paragraph\*, the initial period of service of a Council Member elected under Ordinance 5.1(1)(a) shall not exceed \*six\* years. On completing his initial period of service, he shall be eligible for re-election for one further period, which shall not exceed four years, but shall not be eligible for re-election thereafter or to serve for a period longer than \*ten\* years in the aggregate; provided that:

- a. the foregoing provisions shall not apply to those persons who were Council Members of the College of Anaesthetists immediately before the grant of the Charter whose periods of service shall be those which they would have been entitled to serve if the Charter has not been granted;
- b. the foregoing provisions shall be subject to the operation of sub-paragraph (5) below; and

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\*Amended by approval of the Privy Council on 27<sup>th</sup> November 1997

c. in the event of the resignation of a Council Member from his office the completion of his initial period or of any subsequent period to which he may have been elected, he shall be eligible at a later date to stand for re-election for that part of his period of office of \*six\* years, as the case may be, that remains uncompleted

d. + in the case of Council Members whose first term of service had already exceeded six years at the time of the amendment, reducing that term from eight to six years, came into force, their term shall expire on the next fixed day and the total period of service for which such Members shall be eligible to serve shall be modified accordingly, and in the case of Council Members who, at such date, are serving a second period of service, the total period of service for which they are eligible shall continue to be twelve years+.

(2) The period of service of a Council Member elected under Ordinance 5.1(1)(b) shall be four years and he shall be eligible for re-election for one further term of four years, and a Council Member elected under Ordinance 5.1(1)(c) shall serve for one four year term.

(3) On the Fixed Day in every year any Council Member whose current period of office shall, in accordance with sub-paragraphs (1) or (2) of this paragraph, be due to expire shall cease to be a Council Member, without prejudice to his re-election for any further period for which he may be eligible.

(4) In computing the period for which a Council Member elected or re-elected otherwise than on the Fixed Day in any year has held office he shall be deemed to have been elected or re-elected on the Fixed Day nearest to the day of his actual election or re-election.

(5) Notwithstanding the foregoing provisions of this Ordinance no elected Member of Council shall serve beyond the Fixed Day which first occurs after the Member reaches the age of 67.

(6) Special provisions relating to the holders of the office of President

a. The provisions of sub-paragraphs (1), (2) and (3) of this paragraph relating to the lengths of periods of service as a Council Member and the termination of such periods of service shall not apply to \*any such Member holding the office of President or Vice-President during any term or terms to which such Member may be elected to any such office and such Member shall remain a Member of Council throughout such term or terms.\*

b. A President \*or a Vice-President\* who, by virtue of the foregoing sub-paragraph, continues in office as Council Member for a period longer in aggregate than \*ten\* years, or such longer period to which he may be entitled through the operation of proviso (a) \* or (d)\* of Ordinance 5.2(1), shall remain a Member of the Council until the date of the Council election following his demission of office as President \*or Vice-President, as the case may be.\*

c. If a Member of Council, by virtue of sub-paragraph (a) of this paragraph, has been exempted from standing for re-election as a Council Member after \*six\* years of service he shall remain so exempt if there is less than one year to run between his demission of the office, of President or \*Vice-President\* and the date on which he will complete \*ten, subject to proviso (d) of paragraph 5.2(1),\* years' service as a Council member.

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\*Amended by approval of the Privy Council on 27<sup>th</sup> November 1997

+Sub-paragraph (d) included by approval of the Privy Council on 27<sup>th</sup> November 1997

### Conduct of Elections

(7) Vacancies amongst Council Members occasioned either by Council Members going out of office in accordance with Ordinance 5.2(3) or by any other cause shall be filled by election as hereinafter prescribed on the Election Day in every year: provided that if at any time the number of Council Members shall be reduced below twelve the Council may appoint such date for filling such vacancies as it may think fit.

(8) Notice of the Election Day and of the number of vacancies, distinguishing between those arising under Ordinance 5.1(1)(a), (b) and (c), shall be advertised in such manner as the Council may direct.

(9) Every candidate for election as a Council Member, shall, within such period and in such form as shall be directed by the Council in Regulations, deliver to the College a notice signed by himself of his intention to stand as a candidate together with a nomination, signed by three Fellows, of the candidate as a fit person to be a Council Member. Subject to Ordinance 5.2(10)(a), a list of such candidates and of the Fellows nominating them respectively shall be published by the Council at such time before the Election Day as the Council shall direct.

(10) *a.* In the election of Council Members, if the number of candidates does not exceed the number of vacancies and each candidate is a Council Member eligible for re-election, no election need be held, and no list need be published under the foregoing paragraph, but such candidates shall be deemed to be re-elected.

*b.* In Council elections, votes shall be given by voting papers or in such other manner, and subject to such other requirements, as shall be specified from time to time in Regulations.

### Definition of 'Prescribed Seniority'

(11) For the purpose of this Ordinance, 'prescribed seniority' shall mean such seniority as shall from time to time be prescribed by the Council by regulations.

### 5.3 Co-opted Council Members

(1) The Council may from time to time co-opt additional Council Members ('co-opted Council Members') to represent branches of medicine, groups of practitioners or kindred institutions not represented by the elected Council Members.

(2) If no election has been made under Ordinance 5.1(1)(c), the Council may co-opt not more than two Fellows of such seniority and, notwithstanding the provisions of Ordinance 5.3(3), for such periods of less than one year, as the Council may determine.

(3) A co-opted Council Member shall hold office in that capacity for one year and shall be eligible for re-co-option but no co-opted Council member shall hold office in that capacity for a period exceeding five years in the aggregate nor shall he be entitled to voting rights enjoyed by elected Council Members unless he is a fellow co-opted under Ordinance 5.3(2).

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\* Amended by approval of the Privy Council on 25th November 1997.

(4) Not less than seven days' notice shall be given to Council Members of the number of co-options and the branches of practice to be considered and the Council shall, unless otherwise determined, consult that College or other body which in the opinion of the Council represents the appropriate branch of practice. The co-option of Council members shall be determined by ballot, and to be co-opted a candidate must receive the favourable votes of an absolute majority of those present whether voting or not.

#### 5.4 Meetings of Council

(1) A meeting of the Council shall be held in October, December, March and June in every year and at such other times as may be determined by the Council or by the President or by the President on the request in writing of eight or more elected Council Members.

(2) The quorum for the transaction of business at a meeting of the Council shall be the President or a Vice-President and ten other elected Council Members. Provided that at any meeting held for the purpose of electing the President and Vice-Presidents if neither the President nor a Vice-President is present the quorum shall be ten elected Council Members.

(3) At least seven days' notice shall be given of any meeting of the Council at which the business includes the election of a President or Vice-President. Subject as aforesaid meetings of the Council and the proceedings thereat shall be regulated by Regulations.

#### 5.5 Delegation of Council Powers

(1) The Council may establish such standing and ad hoc committees or sub-committees for the purpose of dealing with any subject as it may from time to time determine and in particular there shall be established committees to deal with Finance, Education and Examinations.

(2) The Council shall have power to determine by Regulations the constitution and procedures of such committees and sub-committees.

(3) The Council may by resolution delegate all or any of its functions, powers, duties and discretions to any body, committee, sub-committee, officer or individual upon terms and subject to such conditions as the Council may from time to time, by resolution, determine.

#### 5.6 Regulations

Subject to the provisions of the Charter and these Ordinances the Council by resolution may from time to time make, alter and repeal such Regulations as it may think fit for regulating generally the affairs of the College save that Regulations in respect of election or admission fees and subscriptions require the approval of the Members in General Meeting.

## 6. OFFICERS OF THE ROYAL COLLEGE OF ANAESTHETISTS

6.1 The President and the Vice-Presidents shall be elected, or re-elected, annually by the Council from amongst the elected Council Members as prescribed by the Regulations.

6.2 The maximum terms of office of a President shall be three years, and of a Vice-President two years. A casual vacancy in any of the said offices may be filled at any duly constituted meeting of Council.

6.3 The President and Vice-Presidents, together with the Chairman for the time being of the Finance Committee, shall be joint Treasurers of the College.

\*6.4 For the purpose of this ordinance the expression 'elected Council member' shall include such a member, elected or re-elected under Ordinance 5.1(1)(a) who, having completed ten years' service in that capacity has continued in office as a Member of the Council for longer than ten years by virtue of the operation of Ordinance 5.2(6).\*

## 7. FACULTIES AND JOINT FACULTIES

7.1 Any faculty or joint faculty instituted or established pursuant to Article 10 of the Charter shall be instituted and established, and Fellowships in any such faculty or joint faculty (including Honorary Fellowships) may be granted, in accordance with such Regulations as the Council (in the case of a faculty) or the Council acting in combination with the other body concerned (in the case of a joint faculty), may from time to time determine and prescribe.

7.2 The status of Fellows and Honorary Fellows in any such faculty or joint faculty and the rights, privileges, conditions and restrictions applicable to such status shall be such as the Council or the Council acting in combination with the other body concerned may from time to time by Regulations prescribe, save that Regulations relating to the subscriptions, if any, payable in respect thereof shall require the approval of a meeting of Fellows and Members.

## 8. TERMINATION OF MEMBERSHIP AND RESCISSION OF DIPLOMAS

8.1 The Council shall have power to terminate the membership of any Member:

- a. if he is convicted of any criminal offence;
- b. if he has his name erased from the Medical Register by the General Medical Council under section 36 of the Medical Act 1983 (or any statutory re-enactment or modification thereof);
- c. if a Receiving Order is made against him or he makes any composition with his creditors;

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+ Text deleted from the end of this paragraph, by approval of the Privy Council on 25th November 1997.

\*Paragraph added by approval of the Privy Council on 25th November 1997.

- d. if at any time the Council, after due enquiry, in accordance with the disciplinary proceedings set out in paragraph 8.2 below, shall resolve that the interests of the College so require.

8.2 The procedure for disciplinary proceedings shall be as follows:

- a. The Council shall establish a disciplinary Committee of three persons to hold an Inquiry; whose members shall include the President or one of the Vice-Presidents.
- b. Not less than twenty-one days' notice of the date, time and place for the Inquiry shall be given to the Member concerned accompanied by written details of the allegations against him which are to be considered; and he shall be informed that he will (if he so desires) be given an opportunity of stating his case and defending himself before the disciplinary Committee and that he may cross-examine and himself call witnesses and that he may be represented at such Inquiry.
- c. If the disciplinary Committee at or following that meeting shall determine that a motion be placed before Council that membership shall be terminated in the interests of the College the Member shall be notified in writing that he is entitled to appeal to the Council itself within twenty-one days.
- d. Any appeal to the Council shall be heard by the Council following the same procedure for the appeal as laid down in sub-paragraph (b).

8.3 Any Member whose membership shall have been terminated under sub-paragraph 8.1 of this Ordinance may only be reinstated by a resolution of the Council.

8.4 If any person holds a Diploma (other than a Diploma in Veterinary Anaesthesia) and shall have obtained the Diploma by any fraud or false statement and a hearing has been afforded to such person in accordance with the relevant provisions in sub-paragraph 8.2 of this Ordinance, the Council may by resolution rescind and declare void the Diploma. The Diploma shall then become the property of the College and shall on demand be delivered up to the College and such person shall forfeit all and any of his rights and privileges as a holder of the Diploma.

8.5 Any person whose Diploma shall have been rescinded and declared void under sub-paragraph 8.4 of this Ordinance may only have his Diploma restored to him upon a resolution of the Council revoking the resolution passed under sub-paragraph 8.4 of this Ordinance. The person shall, subject to such conditions as the Council may in the particular case see fit to impose, be restored to his rights and privileges as a holder of the Diploma.

## 9. MEETINGS OF MEMBERS

### Annual General Meeting

9.1 The Council shall convene an Annual Meeting of Members for the transaction of such business as the President or the Council may determine and for the discussion of such Motions as may be delivered to the College by Members in the form prescribed in the Regulations. Each Annual Meeting shall be summoned for the day preceding the meeting of Council in March or for such other time as the Council may determine provided that not more than fifteen months shall elapse between Annual Meetings.

### Extraordinary Meeting

9.2 The Council may, as and when it thinks fit, convene Extraordinary Meetings of Members for the purposes aforesaid.

9.3 The Council shall, on the requisition of not less than thirty members, forthwith proceed to convene an Extraordinary Meeting of Members for such objects as shall be stated in the requisition. The requisition shall be signed by the requisitionists and delivered to the principal office of the College and may consist of several documents in like form each signed by one or more requisitionists. If the Council does not within twenty-one days from the date of delivery of the requisition proceed duly to convene a meeting the requisitionists or any of them numbering more than one-half of all of them may themselves convene a meeting but no meeting so convened shall be held after three months from the said date. Any reasonable expenses incurred by the requisitionists by reason of the failure of the Council duly to convene a meeting shall be repaid to the requisitionists by the College.

### Notice of Annual General Meeting

9.4 The date, time and venue for every Meeting of Members shall be announced in the College Newsletter and or the *British Journal of Anaesthesia* or such other publication as the Council may determine and by postal notification sent to each member (including Fellows) whose address is recorded at the College and is in the British Isles. At least twenty-one days' notice of every Meeting of Members (exclusive of the day on which it is served and of the day for which it is given) specifying the place and hour of the Meeting and of the business to be transacted shall be given. The timing shall permit the publication of the final agenda in the College Newsletter and/or the *British Journal of Anaesthesia*, or such other publication as the Council may determine, not less than seven clear days before the date of the Meeting.

### Agenda and quorum

9.5 The agenda of the Annual Meeting shall include the presentation of the annual report and audited accounts of the College for the last completed financial year.

9.6 The quorum for the transaction of business at a Meeting of Members shall be twenty (exclusive of Council Members). The Chair shall be taken by the President or in his absence a Vice-President selected by the meeting or if neither the President nor any Vice-President is present then by the senior Council member present. The Chairman may with the consent of the Meeting and shall if so directed by the Meeting adjourn the Meeting from time to time and from place to place.

### Motions for the Annual Meeting

9.7 A resolution put to the vote of the Meeting shall be decided on a show of hands and every Member present.

9.8 Motions introduced by Members for discussion at the Meeting shall be signed by the Mover or by the Mover and other Members, and shall be received by the \*Secretary by the date stipulated in the announcement of the meeting.

9.9 The President shall determine what motions are in order, and direct the arrangement of the agenda.

9.10 With the exception of approval of changes in the Charter and Ordinances and in the level of annual subscription, motions passed at a Meeting of Members are only advisory to the Council.

9.11 Subject as aforesaid meetings of Members and the convening thereof and proceedings thereat shall be regulated by the Regulations.

## 10. ACCOUNTS

The Council shall cause proper books of accounts to be kept with the respect to the receipts and expenditure of the College and of its assets and liabilities. Once at least in every year the accounts shall be examined and their correctness ascertained by one or more auditors being a person or persons who, if the College were a company formed and registered under the Companies Acts, would be qualified for appointment as its auditor. There shall be laid before each Annual Meeting of Members the audited accounts for the last financial year of the College.

## 11. INVESTMENT POWERS

11.1 Monies held by the College (including the sale proceeds of other investments held) may be invested in such stock funds shares securities and other investments (including without limitation land of any tenure or any interest therein and works of art) within the United Kingdom or elsewhere and whether producing income or not and without need for diversification as may be thought fit; and for the avoidance of doubt but without prejudice to the generality of the foregoing the College may invest monies within its control in:

- a. foreign currency;
- b. futures and options;
- c. the subscription for or underwriting of (for the purpose of allocation) new issues:  
Provided that in the case of an investment under (a) and (b) such investment is for the protection of monies and other investments held by the College and the Council is satisfied that such investment is not speculative and will not expose such monies and other investments to undue risk.

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\*Chief Executive, since February 1993.

## 11.2 Registration and Management of Investments

(1) Investments, and certificates or other documents of title to investments, in the beneficial ownership of the College or of which it is a trustee may be registered in the names of, and/or deposited for safe keeping with, nominees acting as bare trustees for the College in accordance with such arrangements (including remuneration) as may from time to time be approved by the Council;

(2) Management of investments in the beneficial ownership of the College or of which it is a trustee may be delegated on a discretionary basis to such persons, duly authorised under the Financial Services Act 1986, as may from time to time be approved by the Council and upon such terms and conditions (including remuneration) and subject to such limitations as may be agreed between such persons and the Council.

11.3 The provisions of this Ordinance shall not apply to monies held by the College (including sale proceeds from other investments held) on specific trusts and which are subject to separate investment powers.

## 12. RAISING OF MONEY

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

## 13. COMMON SEAL

13.1 The Common Seal of the College shall consist of the Armorial Bearings, Crest, Supporters and Motto of the College as registered in Her Majesty's College of Arms and shall be kept in the custody and for the sole use of the Council.

13.2 The Common Seal shall not be affixed to any instrument unless it is witnessed by the signature of the President or one of the Vice-Presidents (or in their absence by the senior Council Member available).

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ENDS