

Disciplinary Bye-laws



SCHEDULE OF CHANGES (OCTOBER 2017)

Disciplinary Bye-law (DBL) 1.2	Definitions of 'defendant', 'Foundation Qualification Holder', 'registered address' and 'respondent' have been amended.
	The definition of 'Foundation Qualification Student' has been deleted and has been replaced with definitions for 'CFAB student' and 'Provisional Foundation Qualification Holder'.
DBL 3	The reference to 'Foundation Qualification Students' has been replaced by references to 'Provisional Foundation Qualification Holders' and 'CFAB students'.
DBL 4.1	Both references to 'Foundation Qualification Student' have been replaced with 'Provisional Foundation Qualification Holder' and 'CFAB student'.
DBL 6A	The DBL now includes within its scope former Foundation Qualification Holders
DBL 7.2	Paragraph c) has been inserted to enable reliance on the following as proof of certain matters for the purposes of disciplinary proceedings: disqualification orders, declarations of restriction and disqualification and restriction undertakings under the Irish Companies Act 2014.
DBL 7.3	New paragraphs inserted at paragraphs c) and d) to include within the scope of the DBL disqualification orders, declarations of restriction and disqualification and restriction undertakings under the Irish Companies Act 2014.
DBL 10.6	References to 'member/provisional member' have been replaced with 'respondent' in paragraph b). The DBL also now refers to a respondent's resignation of their <i>registration</i> (i.e. not just membership).
DBL 12.3(b), 12A.2(b) and 12A.3(b)	DBLs amended to insert cross-reference to new DBL 14A.
DBL 14A	New DBL inserted to enable the Head of Staff, acting on powers delegated by the Investigation Committee, to deal with certain types of designated complaints by way of fixed penalty.
DBL 16.2	Cross-reference to paragraphs i) to vii) has been inserted; the reference to 'foundation qualification student' has been replaced with 'provisional foundation qualification holder' and 'CFAB student'.
DBL 19.1	Cross-reference to paragraph 6 has been corrected.

DBL 22.9	References to 'Foundation Qualification Student' have been replaced with 'Provisional Foundation Qualification Holder or CFAB student'.
DBL 24.4	The reference to 'respondent or respondent firm' has been replaced with 'member, member firm or regulated firm'; references to the Investigation Committee have been replaced with 'tribunal'.
DBL 27.2	Cross-reference to paragraph 7 has been corrected.
DBL 34B	References to 'complaint' in the sub-heading and bye-law have been replaced with 'complainant'.
DBL 36.3	Reference to 'complaint' has been replaced with 'complainant'.
DBL 36.8	Typo in paragraph numbering has been corrected.
DBLs 38 – 50	All references to 'member' and 'member/provisional member' have been replaced with 'respondent' to capture Foundation Qualification Holders, Provisional Foundation Holders and CFAB students within the scope of the fitness regime.
DBL 40.7	The further reference to the Fitness Panel considering written representations from the member has been deleted to remove duplication.
DBL 41.5	DBL amended to refer to a respondent's resignation of their <i>registration</i> (i.e. not just membership or provisional membership).
DBL 41.6	Paragraphs a) and b) amended to address cases where, following resignation, individuals apply for re-registration as provisional members, provisional foundation qualification holders or CFAB students.
DBL 42.1; 42.3, 42.4, 42.5 and 42.6	DBL amended to clarify that the terms of a consent order may be approved by either the Fitness Committee Chair or the Fitness Panel Chair (as appropriate).
DBL 47.1	<p>Paragraph a) amended to clarify that the Fitness Panel may order the continued suspension of the respondent's membership, provisional membership <i>and/or</i> any licence, certificate or registration, or that any conditions imposed be continued indefinitely or until such time as a successful interim review application is made.</p> <p>Paragraph c) amended to address cases where, following resignation, individuals apply for re-registration as provisional members, provisional foundation qualification holders or CFAB students.</p>
DBLs 48.1 and 48.7	DBL has been amended to enable the Fitness Panel to make an expedited order suspending a respondent's certificate, licence or registration (along with their membership, provisional membership or practising certificate).
DBL 49.6	Cross-references to paragraph 5 have been corrected.
Schedule to DBLs, paragraphs 5.1 and 5.1	Paragraphs have been amended to clarify that the Reviewers of Complaints shall be 'lay persons' in the context of the complaint, as defined in paragraph 5.