

BEFORE		AFTER	NOTES
Charter			
	Delete article 4(bb) 4 (bb) To facilitate arbitration, conciliation or mediation of any kind between Members and their clients;	Article 4(bb) - deleted	This provision is unnecessary - it is covered by other powers and 4(u) if the Institute wanted to provide arbitration etc facilities. Having an express power, however, gives the impression to the public that CIMA is an automatic forum for commercial disputes, which is not intended.
Byelaws			
1	'misconduct' means failure to comply with the Laws of the Institute and/or conduct of any Member or Registered Student resulting in any conviction, or adverse finding by, or sanction or order of, or undertaking to any tribunal or court or other body or authority, which the Institute considers relevant to their membership of, or registration with, the Institute;	"misconduct" means in respect of any Member or Registered Student: (i) failure to comply with the Laws of the Institute; or (ii) conduct resulting in any conviction (or adverse finding by, or sanction or order of, or undertaking to, any tribunal or court or other body or authority) relevant to their membership or registration with the Institute;"	This clarifies the existing provision: the matter of relevance relates to the conviction not to the failure to comply with Laws of the Institute.
4	The Institute may terminate membership where a Member: (a) resigns by writing to the Chief Executive (provided that such resignation will not be accepted if the Member is currently the subject of a complaint); or	After (c) insert: "(d) is found to have made a misleading or false statement in connection with admission to membership or has failed to disclose a relevant conviction or disciplinary sanction prior to admission to membership; or"	This amendment introduces a new ground for summary exclusion from membership, and avoids the need for disciplinary proceedings in case where a member has been admitted on the basis of false or misleading information or declarations.

	<p>(b) fails to pay a subscription or any other money owed to the Institute; or (c) is disqualified from acting as a company director or a charity trustee; or (d) is expelled as a result of disciplinary proceedings, provided that unless a person is notified by the Institute that his membership has been terminated, that person shall remain a Member.</p>	<p>and re-letter existing (d) as (e).</p>	
11	<p>It shall be the responsibility of the Council to ensure that complaints against Members and Registered Students are thoroughly and fairly investigated and determined, and that appropriate sanctions are imposed if such complaints are upheld. It shall be the duty of Members and Registered Students to observe the Laws of the Institute and to cooperate with and submit to its disciplinary procedures and those of any organisation to which a complaint may have been referred, or passed on request, by the Institute in the <u>public interest</u>. A Member or Registered Student shall report to the Institute any facts or matters which cause him</p>	<p>After 2nd sentence add “Such a request shall be complied with by the Institute as soon as practicable and may be complied with at any time after a complaint is received by the Institute.”</p>	<p>This revision reflects the new AADB provision that complaints can be called in after a prima facie case has been found by the Investigation Committee; previously “call in” only applied up until that point</p>

	reasonably to believe that another Member or Registered Student may have been guilty of misconduct as defined in Byelaw 1 and when considering such report shall have regard to guidelines issued in this connection by the Institute.		
20	An elected member of the Council shall serve as a member from the close of the Annual General Meeting following his election until the close of the third Annual General Meeting following the date his service commenced, or such shorter period as may be prescribed by Council Regulations for the purpose of securing rotation.	The period of office of an elected member of the Council shall be three years, from the close of the Annual General Meeting immediately following his election until the close of the Annual General Meeting three years later, provided that the Council may fix a shorter period in any particular case, before or after such member takes office, for the purpose of securing appropriate rotation on the Council.	No changes other than to remove the erroneous reference to Council Regulations.
21	A co-opted member of the Council shall serve as a member for such period as may be prescribed by the Council not being longer than until the end of the second Annual General Meeting following the date his service commenced.	The period of office of a co-opted member of the Council shall be three years or such shorter period determined by the Council in any particular case.	It is thought better to deal with co-optees separately even though the terms of offices have been made consistent. This allows for Council to co-opt at any time, if there are vacancies available, and periods of office do not necessarily have to run from the next AGM.
28	A former member of the Council shall be eligible for re-election or further co-option, except that neither a former President who shall have completed his period of service as an ex officio member nor a former co-opted	In this Byelaw, "election" includes re-election, co-option and further co-option and "elected" includes re-elected, co-opted, and further co-opted. A former member of the Council shall be eligible for election provided that (a) a former Immediate Past President may not be	Changes reflect the proposal agreed at Council in December 2010 for a maximum term of service for all Council members. The requirement for a Past President to allow a year to elapse prior to seeking re-election/re-

	<p>member who shall have served as a co-opted member for six continuous years, shall be eligible for co-option or further co-option as the case may be until at least one year shall have elapsed from the date of the expiration of his last period of service</p>	<p>elected until a year has elapsed since completion of his last period of service in that office; (b) subject to (c) below, a person elected after January 2012 shall not serve on the Council, whether continuously or otherwise, for more than 9 years excluding service as an honorary officer; and (c) a person who, in 2011, has served as a member of the Council for six or more years, may be elected for only one more term of three years irrespective of his total years of service including such further term.</p>	<p>co-option has been retained, and the additional provision for persons who have served as a member of Council for six or more years to serve a further term of three years from the date of their re-election/re-co-option has been added.</p>
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