



*At the Council Chamber, Whitehall*

THE 17th DAY OF MAY 2021

BY THE LORDS OF HER MAJESTY'S MOST HONOURABLE  
PRIVY COUNCIL

The Privy Council has approved the revised Laws of The Royal College of Surgeons of Edinburgh as set out below.

*Richard Tilbrook*

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*SCHEDULE*

REVISED LAWS OF THE ROYAL COLLEGE OF SURGEONS OF EDINBURGH

1. The Royal College of Surgeons of Edinburgh is a body incorporated by Royal Charter and is concerned with education and training for medical, surgical and dental practice and for the maintenance of high standards of professional competence and conduct. The College shall comprise Fellows in Surgery (consisting of Honorary Fellows in Surgery, *ad hominem* Fellows in Surgery, Ordinary Fellows in Surgery), Members in Surgery, Fellows in Dental Surgery (consisting of Honorary Fellows in Dental Surgery, *ad hominem* Fellows in Dental Surgery and Ordinary Fellows in Dental Surgery) and Members in the Faculty of Dental Surgery.
2. The governing body of the College shall be a Council comprised of the President, two Vice-Presidents, a Secretary and a Treasurer, all appointed in accordance with these Laws, and fifteen Fellows elected by a postal vote or online vote of the Fellows, Members, Fellows in Dental Surgery and Members in the Faculty of Dental Surgery and the President on demitting office shall remain a member, *ex officio*, of the Council for one year. In matters pertaining to Dental Surgery, the Council shall have the advice of a Dental Council elected by the Fellows in Dental Surgery and Members in the Faculty of Dental Surgery and, in addition, the Dean of the Faculty of Dental Surgery shall be a member, *ex officio*, of the Council. The government of the College shall be regulated by the provisions of the Royal Charter, these Laws and such Regulations as are enacted from time to time. Notwithstanding, the President may direct any Committee to be convened and any other measure to be taken which may appear to him/her to be immediately necessary for the security and benefit of the College. He/She shall report such action to the Council at its next meeting for ratification.
3. All Fellows and Members in Surgery, Fellows in Dental Surgery and Members in the Faculty of Dental Surgery shall be elected by the Council and shall sign the Declaration

of Intrants which reads as follows: “I hereby promise faithfully to maintain and defend all the rights, liberties and privileges of the Royal College of Surgeons of Edinburgh and to promote the interests thereof to the utmost of my power. I also promise faithfully to obey all the Laws of the said Royal College”.

#### OFFICE BEARERS

4. The Office-Bearers shall consist of the President, the two Vice-Presidents, the Secretary and the Treasurer.

#### The President

5. The President shall be a present or past member of the Council. Any Fellow so qualified may be nominated with his/her consent by three Fellows of the College who shall sign the nomination paper and return it to the Secretary before the closing date for the receipt of nominations. The President shall be elected by ballot of the Council from those nominated. He/She shall hold office for a period of three years and shall preside at meetings of the Council. His/Her appointment shall take effect from the close of the Annual Meeting of Fellows in the year of his/her election. In exceptional circumstances he/she shall be eligible for re-election for one additional year at the invitation of the Council. He/She shall be a member, *ex officio*, of the Council for one year after demitting office, but shall not thereafter be eligible for further office within the College. When for any reason the President ceases to serve on the Council before his/her term of office ends, the vacancy so arising shall be filled by a Fellow appointed in accordance with the provisions of this Law. Such Fellow shall take office immediately upon election and his/her term of office shall extend for a period of three years from the date of the Annual Meeting co-incident with or next following the date of his/her election.

#### The Vice-Presidents

6. The two Vice-Presidents shall be present or past members of the Council. Any Fellow so qualified may be nominated with his/her consent by two Fellows who shall sign the nomination paper and return it to the Secretary before the closing date for the receipt of nominations. The Vice-Presidents shall be elected by ballot of the Council from those nominated. They shall hold office for a period of three years and shall assist the President in the conduct of the business of the College and deputise for him/her in his/her absence. In exceptional circumstances they shall be eligible for re-election for one additional year at the invitation of the Council, but shall not thereafter be eligible for election as a Vice-President. When, for any reason, a Vice-President ceases to serve on the Council before his/her term of office ends, the vacancy so arising shall be filled by a Fellow appointed in accordance with the provisions of this Law. Such Fellow shall take office immediately upon election and his/her term of office shall extend for a period of three years from the date of the Annual Meeting co-incident with or next following the date of his/her election.

#### The Secretary

7. The Secretary shall be an ordinary Fellow appointed by the Council for an initial period of three years. He/She shall be eligible thereafter for annual re-appointment. He/She shall be a member, *ex officio*, of the Council and he/she shall be deputy Treasurer.

## The Treasurer

8. The Treasurer shall be an ordinary Fellow appointed by the Council for an initial period of three years. He/She shall be eligible thereafter for annual re-appointment. He/She shall be a member, *ex officio*, of the Council and he/she shall be deputy Secretary.

He/She shall superintend the financial affairs of the College and shall balance his/her accounts every year to a date to be prescribed in the Regulations and shall present to the Annual Meeting of the College the accounts duly audited and signed by a duly qualified accountant appointed annually by the College containing the charge and discharge of the monies belonging to the College. For the purposes of this paragraph of this Law “a duly qualified accountant” means a member of a body of accountants established in the United Kingdom and for the time being recognised by the Secretary of State for the purposes of section 161 of the Companies Act 1948.

## MEETINGS OF THE COLLEGE

9. There shall be an Annual Meeting of Fellows and Members but other meetings may be called when necessary by the Council, or when requested by the Fellows. Not more than fifteen months shall elapse between Annual Meetings.
10. The Secretary shall prepare an agenda for the meeting stating the business and specifying the time and place. This shall be dispatched, together with the draft minutes of the previous meeting, not less than twenty-eight days before the meeting and with a view to giving reasonable notice of the meeting.
11. In addition to the business brought before the meeting by the Council, Fellows shall have an opportunity to submit motions to the meeting. Any Fellow wishing to submit a motion shall intimate in writing to the Secretary the terms of the motion not less than twenty-eight days or, in the case of the Annual Meeting, not less than three months before the meeting.
12. A meeting may be called on a request in writing to the President and signed by twenty-five Fellows in which the purpose of the meeting shall be expressly stated. Within twenty-eight days after receiving the request, the Secretary shall summon such a meeting for a date not less than twenty-eight days from the date of dispatch of the summons and shall state in the summons the purpose for which the meeting has been requested.
13. At all meetings of the College, the President when present shall preside. In his/her absence the Chair shall be taken by a Vice-President.
14. Twenty-five Fellows or Members in addition to the members of the Council present shall be a quorum.
15. A vote on any question may be taken by a show of hands or by ballot of those present as the Chairman of the meeting shall decide. Provided, however, that on or before the Chairman calling the vote to be taken, any Fellow or Member present shall have the right to demand that the vote be taken by ballot of those present.

16. A motion proposing a new Law or the amendment or revocation of an existing Law shall be stated in the agenda notice and shall specify the additions, amendments or revocations thereby contemplated.
17. All questions shall be determined by a simple majority of the Fellows and Members present. A motion proposing a new Law or the amendment or revocation of an existing Law, or a motion relating to the level of Annual Subscriptions shall require to be approved by not less than two-thirds of the Fellows and Members present and voting.
18. The Chairman shall in every question have one vote as a Fellow and thereafter shall exercise a casting vote when the votes are equal.

#### THE COUNCIL

19. The fifteen members of the Council elected by a postal vote or online vote of the Fellows, Members, Fellows in Dental Surgery and Members in the Faculty of Dental Surgery shall be appointed for a period of five years. They shall be eligible for re-election for a further period of five years and thereafter ordinarily they shall not be eligible for re-election until a period of two years has elapsed.
20. Nominations shall be called for when vacancies arise as Council Members complete their period of appointment. Any eligible Fellow who has signified his/her consent and willingness to undertake the duties of the Council may be nominated by two other Fellows who shall sign the nomination paper and return it to the Secretary by such date as the Council shall determine.
21. Voting papers showing the name and address of each Fellow duly nominated, his/her professional appointments, the date of his/her election to the Fellowship and his/her personal supporting statement shall be sent to subscribing Fellows and Members at least three months before the Annual Meeting. Voting papers shall be returned to the Secretary before such date as the Council shall determine. The votes will be counted under the scrutiny of a returning officer appointed for the purpose by the Council who shall notify the result of the ballot to the President and to the candidates. Those elected shall take office at the conclusion of that Annual Meeting.
22. When, for any reason, a Fellow ceases to serve on the Council before his/her term of office ends, the vacancy so arising shall be filled by the nomination of a Fellow by the Council. Such Fellow shall act until the next election and shall not thereafter be debarred from election to the Council in his/her own right at the end of this term.
23. Meetings of the Council shall be summoned by the Secretary. The agenda and other documents to be considered shall be made available to each member not less than three days before the meeting.
24. The President shall be Chairman of the Council. In the absence of the President the Chair shall be taken by a Vice-President.
25. Ten members of the Council shall form a quorum of the Council. If a quorum is not present after one hour from the time for which the meeting has been called, the meeting shall be adjourned. The Council for this purpose shall consist of the fifteen elected

Members together with the five Office Bearers and the Dean of the Faculty of Dental Surgery.

26. Unless otherwise agreed, all decisions of the Council shall be made by a show of hands by the majority of such members as are present and vote. The names of those voting shall be entered in the minutes when a request to do so has been expressed by two members of the Council. The Chairman shall have one vote as a member of the Council and shall thereafter have a casting vote when the votes are equal.
27. The Council shall have the right to make, alter or rescind Regulations regarding the administration of the College providing these do not conflict with the Laws.

#### VACATING OF OFFICE

28. A member of the Council shall automatically vacate office if:
  - (a) he/she has their term of office terminated by resolution of other members of Council (acting by simple majority) on the ground that he/she is considered to have been in serious or persistent breach of his/her duties under section 66(1) or (2) of the Charities and Trustees Investment (Scotland) Act 2005;
  - (b) he/she becomes disqualified from acting as a charity trustee under section 69 of the Charities and Trustee Investment (Scotland) Act 2005;
  - (c) he/she ceases to be a Member or Fellow of the College in good standing and fails to remedy this situation within a period of 12 months;
  - (d) he/she is absent (without permission from the Council) from three consecutive meetings, or more than half of the meetings held in any one year, of the Council and the Council resolves (acting by simple majority) to remove him/her from office;
  - (e) he/she becomes incapable for medical reasons of carrying out his/her duties as a member of Council, but only if such incapacity has continued, or is expected to continue, for a period of six months or more; or
  - (f) he/she signs a notice of resignation and submits that to the Council.
29. A resolution under Law 28 (a) or (d) shall be valid only if passed in accordance with the relevant procedure set out in the Regulations to these Laws.

#### COMMITTEES

30. The Council shall have power to appoint such Committees as it may consider necessary to assist and advise it in the conduct of the affairs of the College and to subsequently disband these where appropriate.
31. The Convener of each Committee shall, unless otherwise provided for in these Laws, be appointed by the Council, normally from among the members of the Council. There shall be at least two members of the Council on each Committee, and members of each Committee other than the members, *ex officio*, shall be appointed by the Council.

## INVESTMENT OF COLLEGE FUNDS

32. The funds of the College not required immediately for the ordinary purposes of the College may be invested by the Council and the Council may appoint suitably qualified agents for this purpose. It shall be competent for the Council to apply such funds -
- (a) for placing on deposit with any Banker, Public Authority, Institution or Company whose normal business includes the acceptance of such deposits;
  - (b) for the purchase of land of any tenure or any interest therein;
  - (c) for investment in any manner authorised by the Trustee Investments Act 1961 as the same may from time to time be amended or re-enacted;
  - (d) for the purchase of any other moveable or personal property;
- and
- (e) for the making of loans, with or without security; and the Council may from time to time vary such investments.

## ASSOCIATIONS OR CHAPTERS OF FELLOWS OUTWITH SCOTLAND

33. Fellows and Members practising in countries outwith Scotland may form national or regional College Associations or Chapters with the object of promoting closer links between Fellows and for educational, scientific and social purposes. The Council may make Regulations from time to time relating to such Associations or Chapters.

## MEMBERSHIP OF THE COLLEGE

34. A person shall become eligible for election to the Membership of the College after having met the necessary entry criteria determined by the Council of the College from time to time. Members of sister Colleges may apply directly to the Secretary for consideration for admission to the Membership.
35. A candidate for election to the Membership shall pay to the College such election fee as the College shall from time to time determine.
36. The Council is empowered to elect to the Membership candidates who have satisfied the foregoing entry requirements.
37. In the event of any candidate not being elected after having met the necessary entry criteria determined by the Council of the College from time to time, his/her election fee shall be returned in full.
38. Every successful candidate, after signing the Declaration of Intrans, shall then receive a Diploma bearing the Seal of the College and the Diploma shall state that such Member has been admitted after meeting the necessary entry criteria determined by the Council of the College. The form of the Diploma shall be as follows:-

“The President and Fellows of the Royal College of Surgeons of Edinburgh hereby admit to the Membership of the College ..... who has met the necessary entry criteria determined by the Council of the College.”

39. Those admitted to the Membership shall be called Members of the Royal College of Surgeons of Edinburgh (MRCSEd).
40. Every subscribing Member shall be entitled to attend the meetings of the College and to take part in the proceedings. Every Member shall pay each year such annual subscription as may be determined from time to time by the Council with the concurrence of the Fellows and Members at a meeting of the College. If a Member in spite of reminder is in default of subscription then, until he/she shall have paid all outstanding subscriptions due from him/her, such Member shall cease to be entitled to have sent to him/her any communications from the College, shall not be permitted to attend Meetings of the College or exercise his/her vote on any matters on which he/she is entitled to vote under these Laws, shall not have his/her name included in any List of Members which may be published and shall cease to have the right to be called a Member of the Royal College of Surgeons of Edinburgh (MRCSEd).
41. Members may vote in Council elections but may not nominate candidates nor themselves be nominated as candidates in such elections.
42. Members may serve on College Committees upon appointment by Council

#### THE FELLOWSHIP BY EXAMINATION

43. Members may become eligible to be elected to Fellowship following success in a Speciality Examination which is recognised by the College or they may be admitted to Fellowship without Examination after a minimum of ten years as a Member, subject to the written support of five Fellows in good standing with the College and the approval of the Council.
44. A candidate for election to the Fellowship shall pay to the College such election fee as the College shall from time to time determine.
45. The Council is empowered to elect to the Fellowship candidates who have satisfied the foregoing entry requirements.
46. In the event of any candidate not being elected after having passed the examination, his/her election fee shall be returned in full.
47. Every successful candidate, after signing the Declaration of Intrans, shall then receive a Diploma bearing the Seal of the College and the Diploma shall state that such Fellow has been admitted after examination. The form of the Diploma shall be as follows:

“The President and Fellows of the Royal College of Surgeons of Edinburgh hereby admit to the Fellowship of the College ..... who has completed the required form of training and passed the necessary examinations. He/She is hereby entitled to share all the honours and privileges enjoyed by the Fellows of the said College.”

48. Those admitted to the Fellowship shall be called Fellows of the Royal College of Surgeons of Edinburgh (FRCSEd). The appropriate specialty suffix shall be added in brackets after these letters.
49. Every subscribing Fellow shall be entitled to attend the meetings of the College and to take part in the proceedings.
50. Every Fellow shall pay each year such annual subscription as may be determined from time to time by the Council with the concurrence of the Fellows at a meeting of the College. If a Fellow in spite of reminder is in default of subscription then, until he/she shall have paid all outstanding subscriptions due from him/her, such Fellow shall cease to be entitled to have sent to him/her any communications from the College, shall not be permitted to attend Meetings of the College or exercise his/her vote on any matters on which he/she is entitled to vote under these Laws and shall not have his/her name included in any List of Fellows which may be published and shall cease to have the right to use to be called a Fellow of the Royal College of Surgeons of Edinburgh (FRCSEd).

Fellows who have retired from active practice shall not ordinarily be required to pay the annual subscription.

#### CONDUCT OF MEMBERS AND FELLOWS

51. Fellows and Members are expected to conduct themselves personally and professionally with integrity and honesty. They must not allow any views they may have about lifestyle, culture, beliefs, race, colour, gender, sexuality, age, social status or perceived economic worth to prejudice the treatment they provide or arrangements for patients or their professional relationships with colleagues.
52. Any Fellow or Member or one awaiting election by Council who -
  - (i) has been convicted of a criminal offence relating to dishonesty or violence whether within the United Kingdom or elsewhere and or
  - (ii) has been disciplined by the General Medical Council/General Dental Council in the United Kingdom or the equivalent Registering Body elsewhere by way of reprimand, suspension or erasure or has failed to comply with any condition or qualification imposed by the registering body under their performance review procedures or
  - (iii) is alleged to have committed an act or acts of personal or professional misconduct

may be summoned to attend a disciplinary hearing convened in the name of the Council. The disciplinary hearing will be conducted in accordance with the disciplinary procedure set out in the Regulations to these Laws.

On the conclusion of the disciplinary hearing and of any subsequent appeal, the Council may censure or suspend the Fellow or Member as they see fit and may either revoke their Fellowship or Membership or deny their said election.



## THE FELLOWSHIP WITHOUT EXAMINATION

53. Notwithstanding the provisions of these Laws relating to Fellowship by examination it shall be in the power of the Council to admit to the Fellowship without Examination:
- (i) Fellows of sister Colleges or Corporations of Surgery;
  - (ii) Registered medical practitioners who are not Fellows of sister Colleges or Corporations of Surgery whose professional status is of a high order and who are deemed to have rendered special service to surgery in general or to the College in particular;
  - (iii) Registered medical practitioners who are not Fellows of sister Colleges or Corporations of Surgery, but who have passed an Intercollegiate Specialty Examination and have completed a Higher Surgical Training programme recognised by the appropriate Specialist Advisory Committee.
54. Fellows of sister Colleges or Corporations of Surgery may apply directly in writing to the Secretary for consideration for admission to the Fellowship without Examination.
55. Proposals to award the Fellowship without Examination to registered medical practitioners who are not Fellows of sister Colleges or Corporations of Surgery shall be made in writing to the Secretary by five Fellows of the College in good standing. The Council shall decide which applicants shall be awarded the Fellowship without Examination.
56. Fellows admitted without Examination shall have the same rights, and privileges and obligations as Fellows elected after examination.
57. The form of the Diploma granted to Fellows admitted without Examination shall be as follows:

“The President and Fellows of the Royal College of Surgeons of Edinburgh hereby admit ..... to the Fellowship of the College in token of his/her experience and qualifications and ordain that he/she is entitled to share all the honours and privileges enjoyed by the Fellows of the said College.”

## THE FELLOWSHIP *AD HOMINEM*

58. Notwithstanding the provisions of the Laws relating to Fellowship without Examination, it shall be in the power of the Council to admit to the Fellowship *ad hominem*:-
- (i) Fellows of sister Colleges or Corporations of Surgery;
  - (ii) Current or former practitioners or other individuals of distinction whose professional status is of a high order and who are deemed worthy of the honour.
59. Proposals to award the Fellowship *ad hominem* shall be made in writing to the Secretary by a Fellow of the College and seconded by another Fellow.

60. Fellows *ad hominem* shall become ordinary Fellows and shall have all the rights and privileges of ordinary Fellows and shall conform to these Laws except that they shall not be required to pay an election fee or an annual subscription.

61. The form of the Diploma granted to Fellows *ad hominem* shall be as follows:-

“The President and Fellows of the Royal College of Surgeons of Edinburgh hereby admit ..... to the Fellowship *ad hominem* of the College in token of his/her experience and qualifications and ordain that he/she is entitled to share all the honours and privileges enjoyed by the Fellows of the said College.”

#### THE HONORARY FELLOWSHIP

62. The Honorary Fellowship of the College may be conferred on those (whether or not medically qualified) who are deemed worthy of the honour.

63. Proposals to confer the Honorary Fellowship shall be considered by the Council.

64. The form of Diploma granted to Honorary Fellows shall be as follows:

“The President and Fellows of the Royal College of Surgeons of Edinburgh hereby admit to the Honorary Fellowship of the College ..... as a token of their admiration and gratitude for his/her achievements in the service of mankind. He/She is hereby entitled to share all the honours and privileges enjoyed by the Fellows of the said College.”

#### COMPANION OF THE COLLEGE

65. The title Companion of the College may be conferred on those (whether or not medically qualified) who have made significant and lasting contributions to the College.

66. Candidates for the award of Companionship shall be nominated and seconded by a Fellow or Member of the College. Nominations must be submitted in writing to the Honorary Secretary with biographical details and other relevant information, together with a testimony as to the reason for nomination. The Council shall be empowered to award the Companionship of the College.

67. Persons bestowed with the award of Companion shall be admitted at a Diploma Ceremony and shall be presented with a certificate together with a medal bearing, on its obverse, a representation of the Coat of Arms of the College and, on the reverse, the inscription of the name of the recipient and the year of the award.

#### THE FACULTY OF DENTAL SURGERY

68. The Faculty of Dental Surgery is formed within the College and is concerned with education and training for dental surgical practice and for the maintenance of high standards of professional competence or conduct therein. The Faculty of Dental Surgery shall comprise Fellows in Dental Surgery (consisting of Honorary Fellows in Dental Surgery, Fellows *ad hominem* in Dental Surgery and ordinary Fellows in Dental Surgery) and Members in the Faculty of Dental Surgery.

## OFFICE BEARERS

### The Dean of the Faculty of Dental Surgery

69. The Dean of the Faculty of Dental Surgery shall be a past or present member of the Dental Council. Any Fellow so qualified may be nominated with his/her consent by two Fellows who shall sign the nomination paper and return it to the Secretary of the Faculty of Dental Surgery before the closing date for the receipt of nominations. The Dean shall be elected by ballot of the Dental Council from those nominated. He/She shall hold office for a period of three years. In exceptional circumstances he/she shall be eligible for re-election for one additional year at the invitation of the Dental Council, but shall not thereafter be eligible for election as the Dean of the Faculty of Dental Surgery. He/She shall be a member, *ex officio*, of the Dental Council for one year after demitting office. When for any reason the Dean of the Faculty of Dental Surgery ceases to serve as the Dean before his/her term of office ends, the vacancy so arising shall be filled by a Fellow in Dental Surgery appointed in accordance with the provisions of this Law. Such Fellow in Dental Surgery shall take office immediately upon election and his/her term of office shall extend for a period of three years from the date of the Annual Meeting of Fellows in Dental Surgery co-incident with or next following the date of his/her election.
70. The Dean of the Faculty of Dental Surgery shall serve as a member, *ex officio*, of the Council of the College.

### Vice Dean of the Faculty of Dental Surgery

71. The Vice Dean shall be a present or past member of the Dental Council. Any Dental Fellow so qualified may be nominated with his/her consent by two Fellows who shall sign the nomination paper and return it to the Secretary of the Faculty of Dental Surgery before the closing date for receipt of nominations. The Vice Dean shall be elected by ballot of the Dental Council from those nominated. The Vice Dean shall hold office for a period of three years and shall assist the Dean in the conduct of the business of the Faculty of Dental Surgery and deputise for the Dean at the Dean or President's request. In exceptional circumstances the Vice Dean shall be eligible for re-election for one additional year at the invitation of the Dental Council.

### The Secretary to the Faculty of Dental Surgery

72. The Dental Council shall appoint one of the Fellows in Dental Surgery to the office of Secretary. He/She shall be appointed for an initial period of three years and thereafter shall be eligible for annual re-appointment. The Secretary shall be an *ex officio* member of Dental Council.

### Convener of the Dental Examinations Committee

73. The Convener of the Dental Examinations Committee shall be a Dental Fellow of the College and be appointed by Dental Council for an initial period of three years and thereafter shall be eligible for annual re-appointment. The Convener will be an *ex officio* member of Dental Council.

## ANNUAL MEETING

74. There shall be an Annual Meeting of Fellows, Members and other affiliated categories but other meetings may be called when necessary by the Dental Council, or when a request is made in writing to the Dean of the Faculty of Dental Surgery and signed by eight Fellows in Dental Surgery in which the purpose of the meeting shall be expressly stated.
75. Whenever a meeting is to be called the Secretary of the Faculty of Dental Surgery shall prepare an agenda stating the business and specifying the time and place of the meeting. This shall be dispatched together with the minutes of the previous meeting not less than twenty-eight days before the meeting and with a view to giving reasonable notice of the meeting.
76. At meetings of the Fellows and Members, the Chair shall be taken by the Dean of the Faculty of Dental Surgery, failing whom by a member of the Dental Council in order of seniority.
77. The procedure at the meeting of the Fellows and Members shall otherwise conform to that provided in these Laws and the Regulations for meetings of the College. Ten Fellows or Members in addition to the members of Dental Council will be a quorum.

## The Dental Council

78. The Dental Council shall consist of:
  - (i) The President or a Vice-President of the College *ex officio*.
  - (ii) The Dean of the Faculty of Dental Surgery.
  - (iii) The Vice Dean of the Faculty of Dental Surgery.
  - (iv) The Secretary of the Faculty of Dental Surgery *ex officio*.
  - (v) The Convener of the Dental Examinations Committee *ex officio*.
  - (vi) Ten elected Fellows in Dental Surgery.
  - (vii) One elected Members' representative in Dental Surgery
79. The ten Fellows in Dental Surgery who are members of the Dental Council shall be elected by a postal vote or online vote of the Fellows and Members in Dental Surgery while the Members' representative of the Dental Council shall be elected by the same voting system from amongst the Members in Dental Surgery alone. Fellows in Dental Surgery who also hold a Membership in the Faculty of Dental Surgery shall be deemed to be a Fellow for the purposes of Dental Council nomination and voting. The ten Fellows and Members' representative of Dental Council shall be appointed for a period of five years. They shall be eligible for re-election for a further period of five years and thereafter ordinarily they shall not be eligible for re-election until a period of two years has elapsed.

80. Nominations shall be called for when vacancies arise as Fellows and the Members' representative of the Dental Council complete their term of appointment. Any subscribing Fellow in Dental Surgery, who is eligible under any provision of these Laws and who has signified his/her consent and willingness to undertake the duties of the Dental Council may be nominated by two other Fellows in Dental Surgery. Any subscribing Member in the Faculty of Dental Surgery who is eligible under any provision of these Laws and who has signified his/her consent and willingness to undertake the duties of the Dental Council may be nominated by two other Fellows and or Members in Dental Surgery who, in both circumstances shall sign the nomination paper and return it to the Secretary of the Faculty of Dental Surgery by such date as the Dental Council shall determine.
81. Voting papers showing the name and address of each Fellow and Member in Dental Surgery duly nominated, his/her professional appointments, the date of his/her election to the Fellowship/Membership in Dental Surgery and his/her previous service to the College shall be sent to subscribing Fellows and Members in Dental Surgery at least three months before the Annual Meeting of the Fellows, Members and other affiliated categories in Dental Surgery. Voting papers shall be returned to the Secretary of the Faculty of Dental Surgery before such date as the Dental Council shall determine. The votes shall be counted under the scrutiny of a returning officer appointed for the purpose by the Dental Council who shall notify the result of the ballot to the Dean of the Faculty of Dental Surgery and to the candidates. Those elected shall take office at the conclusion of that Annual Meeting.
82. When for any reason a member of the Dental Council is unable to complete his/her term of office, the Dental Council shall have the power to fill the vacancy so arising by nomination of a Fellow in Dental Surgery/Member of the Faculty of Dental Surgery. Such Fellow in Dental Surgery/Member of the Faculty of Dental Surgery shall act until the next election and shall not thereafter be debarred from election to the Dental Council in his/her own right at the end of this term.
83. The procedure at meetings of the Dental Council shall otherwise conform to that provided in these Laws and the Regulations for meetings of the Council of the College except that the quorum for the Dental Council shall be eight.
84. The Dental Council shall advise the Council of the College on all matters pertaining to dental surgery.

#### VACATING OF OFFICE

85. A member of the Dental Council shall automatically vacate office if:
  - (a) he/she has their term of office terminated by resolution of other members of the Dental Council (acting by simple majority) on the ground that he/she is failing in their duties as a member of the Dental Council, or their actions or inactions are bringing or may bring the Faculty of Dental Surgery into disrepute;
  - (b) he/she becomes disqualified from acting as a charity trustee under section 69 of the Charities and Trustee Investment (Scotland) Act 2005;

- (c) he/she ceases to be a Member or Fellow in Dental Surgery in good standing and fails to remedy this situation within a period of 12 months;
  - (d) he/she is absent (without permission from the Dental Council) from three consecutive meetings, or more than half of the meetings held in any one year, of the Dental Council and the Dental Council resolves (acting by simple majority) to remove him/her from office;
  - (e) he/she becomes incapable for medical reasons of carrying out his/her duties as a member of Dental Council, but only if such incapacity has continued, or is expected to continue, for a period of six months or more; or
  - (f) he/she signs a notice of resignation and submits that to the Dental Council.
86. The procedure for passing a valid resolution under Law 85 (a) or (d) shall otherwise conform to that provided in the Dental Regulations to these Laws for members of Council vacating office.

#### MEMBERSHIP IN THE FACULTY OF DENTAL SURGERY

87. A person shall become eligible for election to Membership in the Faculty of Dental Surgery after (i) completion of an appropriate period of training and, (ii) success in an examination for Membership in the Faculty of Dental Surgery as the College shall from time to time require.
88. A candidate for election to Membership in the Faculty of Dental Surgery shall pay to the College such election fee as the College shall from time to time determine.
89. The Dental Council is empowered to admit to Membership in the Faculty of Dental Surgery candidates who have satisfied the foregoing entry requirements.
90. In the event of any candidate not being elected having passed the examination, his/her election fee shall be returned to him/her in full.
91. Every successful candidate after signing the Declaration of Intrants shall then receive a Diploma bearing the Seal of the College and the Diploma shall state that such a Member has been admitted after examination. The form of the Diploma shall be as follows:-

“The President and Fellows of the Royal College of Surgeons of Edinburgh hereby admit to Membership in the Faculty of Dental Surgery of the College ..... who has completed the required form of training and passed the necessary examination.”

#### MEMBERSHIP IN THE FACULTY OF DENTAL SURGERY WITHOUT EXAMINATION

92. Notwithstanding the provisions of these Laws relating to the Membership in the Faculty of Dental Surgery by examination, it shall be in the power of the Council of the College to award the Membership in the Faculty of Dental Surgery without Examination to registered dental practitioners who do not hold a UK/Irish post-registration

qualification but have a verifiable record of dental clinical, research or educational achievement which is considered to be of notable merit.

93. Applicants for the Membership in the Faculty of Dental Surgery without Examination must provide verifiable evidence of:
  - (i) A minimum of ten years' post registration experience (with an emphasis on professional achievement since registration);
  - (ii) Notable clinical experience and a demonstrable interest in the area of dental education and/or research and/or leadership and management; and
  - (iii) A notable personal contribution to the standing of the dental profession.
94. Proposals to award the Membership in the Faculty of Dental Surgery without Examination shall be made in writing to the Secretary of the Faculty of Dental Surgery by two Fellows of the Faculty of Dental Surgery. The Secretary of the Faculty of Dental Surgery shall transmit such proposals to the Dental Council who shall advise the Council of the College upon them.
95. Members of the Faculty of Dental Surgery without Examination shall become ordinary Members of the Faculty of Dental Surgery and shall have all rights and privileges of the ordinary Member of the Faculty of Dental Surgery and shall conform to these Laws, except that they shall not be required to pay the election fee.
96. The form of the Diploma granted to the Members of the Faculty of Dental Surgery without Examination shall be as follows:

“The Presidents and Fellows of the Royal College of Surgeons of Edinburgh hereby admit ..... to Membership in the Faculty of Dental Surgery of the College in token of his/her experience and qualifications and ordain that he/she is entitled to share all the honours and privileges enjoyed by the Members of the Faculty of Dental Surgery of the said College.”
97. Those admitted to Membership shall be called Members either of the Faculty of Dental Surgery or in a specialty of dentistry that the College shall from time to time determine.
98. Every Member of the Faculty of Dental Surgery shall be entitled to attend the meetings of the Faculty of Dental Surgery and to take part in the proceedings.
99. Members in the Faculty of Dental Surgery may vote in Dental Council elections for both Fellows and for the Members' representative and while they may nominate candidates for election as a Member, they may not nominate candidates for election as a Fellow.
100. Members in the Faculty of Dental Surgery may serve on the Committees of the Dental Council upon appointment by the Dental Council.
101. Members in the Faculty of Dental Surgery may become eligible to be elected to Fellowship in Dental Surgery following success in a Fellowship Examination or Assessment held by the College.

## THE FELLOWSHIP IN DENTAL SURGERY

102. A person shall become eligible for election to the Fellowship in Dental Surgery when he/she has passed such form of examination/assessment for the Diploma of Fellowship in Dental Surgery as the College shall from time to time determine.
103. A candidate for election to the Fellowship in Dental Surgery shall pay to the College such election fee as the College shall from time to time determine.
104. The Dental Council shall lay before the Council of the College the petitions of candidates who have satisfied the foregoing entry requirements and the Council may admit such candidates to the ordinary Fellowship in Dental Surgery.
105. In the event of any candidate not being elected after having passed the examination his/her election fee shall be returned to him/her in full.
106. Every successful candidate after signing the Declaration of Intransits shall then receive a Diploma bearing the Seal of the College and the Diploma shall state that such Fellow has been admitted after examination. The form of the Diploma shall be as stated in the Regulations.

Those admitted to the Fellowship shall be called Fellows in Dental Surgery of the Royal College of Surgeons of Edinburgh (FDS RCSEd).

107. Laws 50, 51 and 52 shall be applicable to the Fellows and Members in Dental Surgery.

## THE FELLOWSHIP IN DENTAL SURGERY WITHOUT EXAMINATION

108. Notwithstanding the provisions of these Laws relating to the Fellowship in Dental Surgery by examination it shall be in the power of the Council of the College to award the Fellowship in Dental Surgery without Examination to:
  - (i) Fellows in Dental Surgery of sister Colleges;
  - (ii) Registered dental practitioners who are not Fellows in Dental Surgery of sister Colleges whose professional status is of a high order and who are deemed to have rendered special service to Dental Surgery in general or to the College in particular;
  - (iii) Registered dental practitioners who are not Fellows in Dental Surgery of sister Colleges, but who have passed a recognised Specialty Examination/Assessment.
109. Fellows in Dental Surgery of sister Colleges may apply directly in writing to the Secretary to the Faculty of Dental Surgery for consideration for admission to the Fellowship in Dental Surgery without Examination. The Secretary of the Faculty of Dental Surgery shall transmit these applications to the Dental Council, who shall advise the Council of the College.
110. Proposals to award the Fellowship in Dental Surgery without Examination to registered dental practitioners who are not Fellows in Dental Surgery of sister Colleges shall be made in writing to the Secretary to the Faculty of Dental Surgery by five Fellows in



Dental Surgery of the College. The Secretary of the Faculty of Dental Surgery shall transmit such proposals to the Dental Council who shall advise the Council of the College upon them.

111. Fellows in Dental Surgery admitted without Examination shall become ordinary Fellows in Dental Surgery and shall have all the rights and privileges of the ordinary Fellow in Dental Surgery and shall conform to these Laws except that they shall not be required to pay the election fee.
112. The form of the Diploma granted to Fellows in Dental Surgery without Examination shall be as follows:

“The President and Fellows of the Royal College of Surgeons of Edinburgh hereby admit ..... to the Fellowship in Dental Surgery of the College in token of his/her experience and qualifications and ordain that he/she is entitled to share all the honours and privileges enjoyed by the Fellows in Dental Surgery of the said College.”

#### FELLOWSHIP IN DENTAL SURGERY *AD HOMINEM*

113. Notwithstanding the provisions of the Laws relating to Fellowship in Dental Surgery by Examination, it shall be in the power of the Council to admit to Fellowship in Dental Surgery *ad hominem*:-

- (i) Fellows in Dental Surgery or Fellows of sister Colleges;
- (ii) Current or former dental practitioners or other individuals of distinction whose professional status is of a high order and who are deemed worthy of the honour.

114. Proposals to award the Fellowship in Dental Surgery *ad hominem* shall be made in writing to the Secretary of the Faculty of Dental Surgery by a Fellow in Dental Surgery of the College and seconded by another Fellow in Dental Surgery. The Secretary of the Faculty of Dental Surgery shall transmit such proposals to the Dental Council who shall advise the Council of the College upon them.

115. Fellows in Dental Surgery *ad hominem* shall become ordinary Fellows in Dental Surgery and shall have all the rights and privileges of the ordinary Fellows in Dental Surgery and shall conform to these Laws except that they shall not be required to pay an election fee or an Annual Subscription.

116. The form of Diploma granted to Fellows in Dental Surgery *ad hominem* shall be as follows:-

“The President and Fellows of the Royal College of Surgeons of Edinburgh hereby admit ..... to the Fellowship in Dental Surgery *ad hominem* of the College in token of his/her experience and qualifications and ordain that he/she is entitled to share all the honours and privileges enjoyed by the Fellows in Dental Surgery of the said College.”

#### THE HONORARY FELLOWSHIP IN DENTAL SURGERY

117. The Honorary Fellowship in Dental Surgery of the College may be conferred on members of the dental profession or others who are deemed worthy of the honour.

118. Proposals to confer the Honorary Fellowship in Dental Surgery shall be considered by the Dental Council who shall make recommendations to the Council of the College upon them.

119. The form of the Diploma granted to Honorary Fellows in Dental Surgery shall be as follows:

“The President and Fellows of the Royal College of Surgeons of Edinburgh hereby admit to the Honorary Fellowship in Dental Surgery of the College ..... as a token of their admiration and gratitude for his/her achievements in the service of mankind. He/She is hereby entitled to share all the honours and privileges enjoyed by the Fellows in Dental Surgery of the said College.”

#### OTHER AFFILIATIONS

120. Other affiliated categories may participate in the Faculty of Dental Surgery educational and social activities upon payment of such annual subscription as may be determined from time to time by the College.

#### OTHER DIPLOMAS

121. Regulations may from time to time be approved by the College for the granting, solely by the College or conjointly with other bodies, of Diplomas in other recognised branches of medicine or dentistry.

#### INDEMNITY INSURANCE

122. The Council may purchase and maintain for any Office Bearer of the College or any member of the Council or Dental Council or a Committee of the College, insurance against:-

(i) any liability which by virtue of any rule of law may attach to him/her in respect of any negligence, default, breach of duty or breach of trust of which he/she may be guilty in his/her capacity as such Office Bearer or Council or Committee Member;

(ii) all costs, charges and expenses which may be incurred by him/her in contesting any such liability or alleged liability;

but always excluding liability arising from any act or omission by such Office Bearer or Member who knew it to be a breach of the Charter, Laws or Regulations of the College or of any other duty, or which was committed in reckless disregard of whether it was such a breach or not.

123. Schedule 1 – Disciplinary Procedure is deleted.