



No. 1 (Autumn Application) 2002

**AN BILLE UM CHOLÁISTE RÍOGA NA MÁINLEÁ IN
ÉIRINN (LEASÚ CAIRTEACHA) 2002
THE ROYAL COLLEGE OF SURGEONS IN IRELAND
(CHARTERS AMENDMENT) BILL 2002**

*Mar a ritheadh ag dhá Theach an Oireachtais
As passed by both Houses of the Oireachtas*

PREAMBLE

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ACTS REFERRED TO

Qualification (Education and Training) Act 1999	1999, No. 26
The Royal College of Surgeons in Ireland (Charter Amendment) Act 1965	1965, No. 1 (Private)
Universities Act 1997	1997, No. 24



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(CHARTERS AMENDMENT) BILL 2002**

BILL

entitled

AN ACT TO AMEND THE CHARTERS OR LETTERS PAT-
ENT AND STATUTE UNDER WHICH THE ROYAL COL-
LEGE OF SURGEONS IN IRELAND IS INCORPORATED.

10 WHEREAS the Royal College of Surgeons in Ireland was incor- Preamble.
porated by Charter or Letters Patent dated the 11th day of February
1784 and granted by His late Majesty King George the Third:

AND WHEREAS the said Charter or Letters Patent were duly
surrendered and by Charter or Letters Patent dated the 13th day of
15 September 1828 granted by His late Majesty King George the Fourth
certain persons therein named and such other persons as should from
time to time be elected in the manner therein directed were incorpor-
ated into one body politic and corporate which should at all times
thereafter consist of a President, Vice-President and Commonalty
20 and should be called by the name of the Royal College of Surgeons
in Ireland:

AND WHEREAS by Supplemental Charter or Letters Patent
dated the 11th day of January 1844 and granted by Her late Majesty
Queen Victoria the Charter of 1828 was amended and partly
25 repealed:

AND WHEREAS by a further Supplemental Charter or Letters
Patent dated the 31st day of October 1883 and granted by Her late
Majesty Queen Victoria certain amendments were made to the Char-
ter of 1828 and the Charter of 1844:

30 AND WHEREAS by a further Supplemental Charter or Letters
Patent dated the 23rd day of May 1885 and granted by Her late
Majesty Queen Victoria certain further amendments were made to
the Charter of 1844:

AND WHEREAS by The Royal College of Surgeons in Ireland
35 (Charter Amendment) Act 1965 amendments were made to the
Charter of 1828, the Charter of 1844 and the Charter of 1885 in
order inter alia to ensure that the said College would enjoy charitable
status:

AND WHEREAS it is expedient in order to provide for certain
40 matters relating to membership, governance, administration, dis-
cipline and other matters necessary for the efficient management of
the body politic that certain further amendments be made to the
Charter of 1828, the Charter of 1844, the Charter of 1883, the Char-
ter of 1885 and the Act of 1965 as provided herein:

AND WHEREAS it is expedient and proper that the jurisdiction, power and authorities and discretion of the Council of the College be confirmed:

AND WHEREAS the said amendments cannot be effected without the authority of the Oireachtas. 5

BE IT THEREFORE ENACTED BY THE OIREACHTAS AS FOLLOWS:

Definitions.

1.—In this Act, unless the context otherwise requires—

“the Act of 1965” means The Royal College of Surgeons in Ireland (Charter Amendment) Act 1965; 10

“the Charter of 1828” means the Royal Charter of Incorporation of the Royal College of Surgeons in Ireland, of the 13th day of September 1828;

“the Charter of 1844” means the Supplemental Charter of the Royal College of Surgeons in Ireland 1844, of the 11th day of January 1844; 15

“the Charter of 1883” means the Supplemental Charter of the Royal College of Surgeons in Ireland 1883, of the 31st day of October 1883;

“the Charter of 1885” means the Supplemental Charter of the Royal College of Surgeons in Ireland 1885, of the 23rd day of May 1885;

“the Charters” means the Charter of 1828, the Charter of 1844, the Charter of 1883 and the Charter of 1885; 20

“the College” means the body corporate constituted by the Charter of 1828 and supplemented and or amended by the Charter of 1844, the Charter of 1883, the Charter of 1885 and the Act of 1965.

Repeal of provisions of the Charter of 1828.

2.—Paragraphs 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15 and 16 of the Charter of 1828 shall be repealed. 25

Amendment of Paragraph 2 of the Charter of 1828.

3.—The Charter of 1828 shall be read and construed as if the following words were deleted therefrom where the same appear at Paragraph 2 thereof that is to say the words:

“AND by the aforesaid name shall have perpetual succession 30 and shall and may, for ever hereafter, implead and be impleaded, before all manner of justices in all courts, and in all manner of actions and suits; and also, that they and their successors by the same name shall be, at all times hereafter for ever, able and capable in law to hold, purchase, enjoy and take a hall, with 35 convenient appurtenances; and also any other buildings, lands, tenements, rents and hereditaments, wheresoever situate, not exceeding the yearly rent or value of two thousand pounds sterling; and also, obligations, goods, and chattels and all other things of what nature name, and quality the same may be; and 40 also to grant, demise, alien, assign, and dispose of certain lands, tenements, and hereditaments, rents, goods and chattels, and enforce and sue upon said obligations, and to do and execute all other things lawful, necessary, and convenient for the common profit of the said College.” 45

and as if in substitution for the words so last deleted the words:

5 “AND by the aforesaid name shall have perpetual succession
and shall and may, for ever hereafter, implead and be implead-
aded, before all manner of justices in all courts, and in all man-
ner of actions and suits; and also, that they and their successors
by the same name shall be, at all times hereafter for ever, able
and capable in law to hold, purchase, enjoy and take a hall, with
convenient appurtenances; and also any other buildings, lands,
10 tenements, rents and hereditaments, wheresoever situate, and
also, obligations, goods, and chattels and all other things of what
nature name, and quality the same may be; and also to grant,
demise, alien, assign, and dispose of certain lands, tenements,
and hereditaments, rents, goods and chattels, and enforce and
15 sue upon said obligations, and to do and execute all other things
lawful, necessary, and convenient for the common profit of the
said College.”

were inserted.

4.—Paragraph 3 of the Charter of 1828 is amended by the substi- Amendment of
tution of the word “Fellows” for “Members”. Paragraph 3 of the
Charter of 1828.

20 5.—Paragraph 7 of the Charter of 1828 is amended by the substi- Amendment of
tution of the word “Fellows” for “Members”. Paragraph 7 of the
Charter of 1828.

6.—Paragraph 8 of the Charter of 1828 is amended by the substi- Amendment of
tution of the words “Fellows and Members” for “Members”. Paragraph 8 of the
Charter of 1828.

25 7.—Paragraphs 3, 4, 5, 7, 9, 10, 11, 12, 13, 17, 19, 20 and 21 of the Repeal of
Charter of 1844 shall be repealed. provisions of the
Charter of 1844.

8.—Paragraph 1 of the Charter of 1844 is amended by the substi- Amendment of
tution of the word “Fellows” for “Members” and the word Paragraph 1 of the
“appointed” for “elected”. Charter of 1844.

30 9.—The Charter of 1844 shall be read and construed as if all occur- Amendment of
rences of the word “Members” contained at Paragraph 2 be substi- Paragraph 2 of the
tuted by the word “Fellows and Members” and all occurrences of Charter of 1844.
the word “Fellowship” be substituted by the words “Fellowship and
Membership”.

35 10.—The Charter of 1844 shall be read and construed as if the Amendment of
following words were deleted therefrom where the same appear at Paragraph 14 of the
Paragraph 14 thereof that is to say the words: Charter of 1844.

40 “AND We do hereby enjoin and require that the oath of affir-
mation, or declaration required by the said hereinbefore, in part,
recited Charter or Letters Patent, to be taken or made by the
President, Vice-President, Censors, Assistants, Officers, or
Members, or Licentiates of the said College respectively shall,
save where the same is hereby altered or annulled, be taken or
made by the President or Vice-President, Members of the Coun-
cil, Fellows, Examiners, Officers, or Licentiates of the said Col-
45 lege appointed; or to be appointed under these Presents; and
the President or Vice-President, or Members of the Council, or

any two of them, shall administer such oath, or affirmation, or declaration, save as aforesaid, at such time and in such manner as the President, Vice-President, and Censors, or any two of them, were empowered and required to administer the same by the said Letters Patent.”

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and as if in substitution for the words so last deleted the words:

“AND We do hereby enjoin and require that the oath of affirmation, or declaration required by the Charters or Letters Patent or Statute, to be taken or made by the President, Vice-President, Members of Council, Fellows, Members, Officers or Licentiates of the said College respectively shall, save where the same is hereby altered or annulled, be taken or made by the President or Vice-President, Members of the Council, Fellows, Members, Examiners, Officers, or Licentiates of the said College appointed; or to be appointed under these Presents; and the President or Vice-President, or Members of the Council, or any two of them, shall administer such oath, or affirmation, or declaration, save as aforesaid, at such time and in such manner as the President, Vice-President or any one of them, shall be empowered and required to administer the same by the said Charters or Letters Patent or Statute.”

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were inserted.

Amendment of
Paragraph 16 of the
Charter of 1844.

11.—The Charter of 1844 shall be read and construed as if the following words were deleted therefrom where the same appear at Paragraph 16 thereof that is to say the words:

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“AND We do hereby further for us, our heirs and successors, ordain, direct and appoint that, except as hereinbefore mentioned, no person shall become or be admitted a Fellow of the said College until after he shall have attained the age of twenty-five years and shall also have gone through such extended course of studies, and have complied with such other rules and regulations and conditions as the Council of the said College shall from time to time consider expedient and direct, nor unless he shall have passed such special examination by the Examiners of the said College as the Council shall, from time to time, think fit and direct that candidates for a Fellowship of said College shall undergo; but every fit and proper person, having attained such age and gone through such extended course of studies, and complied with such rules and regulations and conditions, and passed such special examination, shall be admissible as a Fellow of the said College in the manner hereinafter specified.”

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and as if the following words were deleted therefrom where the same appear at the Proviso to the said Paragraph 16 that is to say the words:

“PROVIDED ALWAYS, and our will and pleasure is that every person so admitted”

45

and as if in substitution for the words so deleted the words:

“Our will and pleasure is that every person admitted”

were inserted.

12.—The Charter of 1844, as amended, shall be read and construed as if the following words were deleted therefrom where the same appear at Paragraph 18 thereof that is to say the words:

Amendment of
Paragraph 18 of the
Charter of 1844.

5 “AND We do hereby further for us, our heirs and successors,
declare and direct that if it shall at any time hereafter appear
that any Licentiate or Fellow of the said College shall have
obtained his Letters Testimonial or his Diploma respectively by
any fraud, false statement or imposition or that he shall have
10 committed, done or suffered any act or thing in consequence or
by reason whereof his name shall have been erased from the
General Register of Medical Practitioners for Ireland, or shall
have been erased or removed from a register or other authorised
roll or record of medical practitioners by law established or
15 maintained elsewhere than in Ireland, then in every such case,
and after such previous notice to, and such hearing of, such Fel-
low or Licentiate, as under the circumstances the Council of the
said College shall think proper, it shall be lawful for the Council
to pass such judgment or censure upon such Fellow or Licentiate
20 or (in case it should seem expedient) to recall and to declare the
Letters Testimonial or Diploma respectively, of such Fellow or
Licentiate, to be void, and thereupon every such Licentiate or
Fellow shall accordingly cease to be a Licentiate or a Fellow of
the said College, as the case may be.”

and as if in substitution for the words so last deleted the words:

25 “AND We do hereby further for us, our heirs and successors,
declare and direct that if it shall at any time hereafter appear
that any Licentiate, Member or Fellow of the said College shall
have obtained his or her Letters Testimonial or his or her Dip-
30 loma respectively by any fraud, false statement or imposition
then in every such case, and after such previous notice to, and
such hearing of, such Fellow, Member or Licentiate, as enacted
or to be enacted under the Bye-Laws and as under the circum-
stances the Council of the said College shall think proper and
as allows for him or her the exercise of his or her Constitutional
35 rights and respects those rights, it shall be lawful for the Council
to pass such judgment or censure upon such Fellow, Member or
Licentiate or (in case it should seem expedient) to recall and to
declare the Letters Testimonial or Diploma respectively, of such
Fellow, Member or Licentiate, to be void, and thereupon every
40 such Licentiate, Member or Fellow shall accordingly cease to be
a Licentiate, Member or a Fellow of the said College, as the
case may be.”

were inserted.

13.—The Charter of 1883 shall be repealed.

Repeal of the
Charter of 1883.

45 **14.**—The Charter of 1885 shall be read and be construed as if the
following words were deleted therefrom where the same appear in
Paragraph 1 thereof that is to say the words:

Amendment of
Paragraph 1 of the
Charter of 1885.

“and that in all votes, ballots scrutinies or divisions at any Meet-
ing of Fellows or Members of the said College”

50 and as if in substitution for the words so last deleted the words:

“and that in all votes, ballots scrutinies or divisions at any Meet-
ing of Fellows and Members of the said College”

were inserted.

15.—The Charter of 1885 shall be read and construed as if the following words were deleted therefrom where the same appear at Paragraph 2 thereof that is to say the words:

“AND that it shall and may be lawful to and for the Council, or a majority of such Members thereof as shall assemble (the whole number then and there present not being less than one-third part of the whole Council), to exercise the powers and privileges and perform the duties and functions of the said body politic and corporate, as the governing or executive Council of the said College, and in all respects to act for or on behalf of the said College, as lawfully representing the same, and to make and publish and also to alter, change, or annul, from time to time, such Bye-Laws, Rules, Ordinances, and Constitutions as to them may seem requisite for the regulation, good government, and advantage of the said body and the administration of the funds and property thereof, or concerning qualifications of the candidates, for Letters Testimonial, the enrolment, registry, matriculation, administration, and examination of Fellows, Licentiates, Pupils, Students, and Apprentices, the Fees to be payable by them and every of them to the said College or to any Fellow or to any Licentiate thereof, the terms and conditions of admission of taking them or any of them, and to provide and enact Bye-Laws and Rules for the regulation of the meetings and assemblies under these Presents to be holden, and the adjournment thereof as occasion may require.”

and as if in substitution for the words so last deleted the words:

“AND that it shall and may be lawful to and for the Council, or a majority of such Members thereof as shall assemble (the whole number then and there present not being less than one-third part of the whole Council), to exercise the powers and privileges and perform the duties and functions of the said body politic and corporate, as the governing or executive Council of the said College, and in all respects to act for or on behalf of the said College, as lawfully representing the same, and to make and publish and also to alter, change, or annul, from time to time, such Bye-Laws, Rules, Ordinances, and Constitutions as to them may seem requisite for the regulation, good government, and advantage of the said body including Fellows and Members of the said College and the administration of the funds and property thereof, or concerning qualifications of the candidates, for Fellows, Members and for Letters Testimonial, the enrolment, registry, matriculation, administration, and examination of Fellows, Members, Licentiates, Pupils, Students, and Apprentices, the Fees to be payable by them and every of them to the said College, the terms and conditions of admission of taking them or any of them, and to provide and enact Bye-Laws and Rules for the regulation of the meetings and assemblies under these Presents to be holden, and the adjournment thereof as occasion may require.”

were inserted.

16.—The following Paragraph is inserted after Paragraph 2 of the Charter of 1885:

2A “AND in the exercise of its functions and powers as aforesaid, the Council shall be afforded the widest flexibility as regards the governing of the College, the administration of the funds and property thereof and the regulation of admissions and qualifications.”.

17.—The Charter of 1885 shall be read and construed as if the following words were deleted therefrom where the same appear at Paragraph 4 thereof that is to say the words:

Amendment of
Paragraph 4 of the
Charter of 1885.

5 “AND We do hereby for us, our heirs and successors, grant
declare, ordain, and direct that whenever and so often as it shall,
after the date of these Presents, be necessary to elect an Exam-
iner or Examiners, or a Professor or Professors, of the said Col-
10 lege, the President or Vice-President, together with not less than
two-thirds of the other Members of the said Council for the time
being in that behalf convened, shall assemble, or in case of the
absence or non-attendance of the President or Vice-President,
then not less than three-fourths of the said Council, exclusive of
15 the said President or Vice-President, shall meet and assemble
together, pursuant to special summons in that behalf to be issued
and transmitted in the manner provided in the said Supplemen-
tal Charter or Letters Patent, three clear days at least before
such meeting and assemblage, and being so assembled shall pro-
20 ceed to elect, by majority of votes, such Examiner or Examiners,
Professor or Professors, to respectively examine in or teach, as
the case may be, such branches of Surgical, Medical, and col-
lateral arts or sciences as the Council may have already directed,
or may hereafter direct, with respect to any or each of the Exam-
inationships or Professorships to be filled up or elected. PRO-
25 VIDED the said Members of the Council shall find among the
candidates for the offices of Examiners or Professors a person
or persons having the qualifications determined to be necessary
by the Bye-Law of the College in that behalf for the time being
in force, and also being in their judgment, or in the judgment of
30 a majority of them, fit and competent to discharge the duties of
the said office of Examiner or Professor, as the case may be;
such candidates for such office as Examiners shall not be
Members of the said Council, and shall not be capable of being
elected as Members of the said Council so long as they hold the
office of Examiners.”

35 and as if in substitution for the words so last deleted the words:

40 “AND We do hereby for us, our heirs and successors, grant
declare, ordain, and direct that whenever and so often as it shall,
after the date of these Presents, be necessary to elect an Exam-
iner or Examiners, or a Professor or Professors, of the said Col-
lege, the President or Vice-President, together with not less than
two-thirds of the other Members of the said Council for the time
being in that behalf convened, shall assemble, or in case of the
absence or non-attendance of the President or Vice-President,
45 then not less than three-fourths of the said Council, exclusive of
the said President or Vice-President, shall meet and assemble
together, pursuant to special summons in that behalf indicating
the time and place of the said meeting so to be convened and
the purpose thereof which said summons on notice shall be
50 addressed respectively to each person who shall be a Member
of the said Council at the time of transmitting and such sum-
mons shall be transmitted by whatever means (including elec-
tronic communication) the Council may by majority determine
at any time and such summons shall give seven clear days at
55 least before such meeting and assemblage, and being so
assembled shall proceed to elect, by majority of votes, such
Examiner or Examiners, Professor or Professors, to respectively
examine in or teach, as the case may be, such branches of Surgi-
cal, Medical, and collateral arts or sciences as the Council may
have already directed, or may hereafter direct, with respect to

any or each of the Examinerships or Professorships to be filled up or elected. PROVIDED the said Members of the Council shall find among the candidates for the offices of Examiners or Professors a person or persons having the qualifications determined to be necessary by the Bye-Law of the College in that behalf for the time being in force, and also being in their judgment, or in the judgment of a majority of them, fit and competent to discharge the duties of the said office of Examiner or Professor, as the case may be; such candidates for such office as Examiners shall not be paid for Examining where such Examiners are also Members of the Council.”

were inserted.

Declaration to be taken by examiners.

18.—The following Paragraph is inserted after Paragraph 4 of the Charter of 1885:

4A “AND we do hereby enjoin and require that such examiners shall, on being appointed to their respective offices, make and subscribe the following Declaration, that is to say: ‘I, A.B., do solemnly and sincerely promise and declare that I will, to the best of my knowledge, skill and judgment, without hatred, evil-will, partiality, affection, favour, or fear, justly, equally and faithfully discharge the trust and execute the powers vested in me by the Charters, and Acts of the Oireachtas relating to the Royal College of Surgeons in Ireland’.”

Amendment of Paragraph 5 of the Charter of 1885.

19.—The Charter of 1885 shall be read and construed as if the following words were deleted therefrom where the same appear at Paragraph 5 thereof that is to say the words:

“AND the said Members of such Council, before proceeding to such election, shall make and subscribe the Declaration which by the said Supplemental Charter, it was provided should be made by the electors of the Professors and Examiners thereby constituted.”

and as if in substitution for the words so last deleted the words:

“AND the said Members of such Council, before proceeding to such election, shall make and subscribe the following Declaration, that is to say: ‘I, A.B., do solemnly and sincerely promise and declare that I will, to the best of my knowledge, skill, and judgment, without hatred, evil-will, partiality, affection, favour, or fear, justly, equally, and faithfully discharge the trust now reposed in me to elect the most fit and proper person to fill the situation of Examiner (or Professor) of [insert discipline]. And further, that I consider myself bound to elect the candidate who affords the most unquestionable proofs of good character and of ability, acquirements, industry and perseverance applied to the branch for which I am now called upon to elect an Examiner (or Professor); and that I do not consider previous services in the College, in this or any other department as establishing a peculiar claim to a preference. And also, that I have not, directly or indirectly, promised to vote for or favour any particular candidate’.”

were inserted.

20.—The Charter of 1885 shall be read and construed as if the following words were deleted therefrom where the same appear at Paragraph 7 thereof that is to say the words:

Amendment of
Paragraph 7 of the
Charter of 1885.

5 “And they, the said President or Vice-President or Vice-President and Council, shall, in like manner from time to time, fill up any vacancy or vacancies that may occur in the body of Examiners, so that the said Examiners shall always consist of such number of persons as shall be from time to time, determined by said Council; and they shall in like manner elect Professors of the said College when and so often as a vacancy or vacancies shall occur, from the persons who shall offer themselves to the Council of the said College as candidates for the said office, provided the Members of Council shall find among the said candidates for the said office a person or persons in their judgment or in the judgment of the majority of them, fit and competent to the discharge of the duties thereof, so that the Professors of the said College shall always consist of thirteen persons, unless such number shall be altered by any Bye-Law of the said College; and the said persons, so respectively elected and appointed to fill the said respective offices of Examiner or Professor, shall respectively hold and enjoy their said office during such period as shall be fixed by Bye-Laws of the said College to be duly enacted for that purpose, and such Examiner shall be entitled to such salary, emolument, and reward as the said Council shall, by any rule or Bye-Law in that behalf, make or provide for any person so chosen and appointed an Examiner as aforesaid. PROVIDED ALSO that it shall and may be lawful for the President or Vice-President and Council of the said College, from time to time, to elect and appoint a Secretary, and also to elect and appoint a Registrar and such other officer or officers, servant or servants, for such periods and at such salaries as to them shall seem meet for the better regulation of the said College.”

and as if in substitution for the words so last deleted the words:

35 “And they, the said President or Vice-President or Vice-President and Council, shall, in like manner from time to time, fill up any vacancy or vacancies that may occur in the body of Examiners, so that the said Examiners shall always consist of such number of persons as shall be from time to time, determined by said Council; and they shall in like manner elect Professors of the said College when and so often as a vacancy or vacancies shall occur, from the persons who shall offer themselves to the Council of the said College as candidates for the said office, provided the Members of Council shall find among the said candidates for the said office a person or persons in their judgment or in the judgment of the majority of them, fit and competent to the discharge of the duties thereof provided that where such candidates for Examiners are Members of the Council, they will not be paid for examining, and the said persons, so respectively elected and appointed to fill the said respective offices of Examiner or Professor, shall respectively hold and enjoy their said office during such period as shall be fixed by Bye-Laws of the said College enacted or to be enacted for that purpose, and such Examiner shall be entitled to such salary, emolument, and reward as the said Council shall, by any rule or Bye-Law in that behalf, make or provide for any person so chosen and appointed an Examiner as aforesaid except where the examiner is a Member of Council in which case no salary, emolument and reward shall be enjoyed for Examining. PROVIDED ALSO that it shall and may be lawful for the President

or Vice-President and Council of the said College lawfully convened, from time to time, and on a majority of votes to elect and appoint a Secretary, and also to elect and appoint a Registrar who shall be Chief Executive and such other executive officer or officers, servant or servants, for such periods and at such salaries as to them shall seem meet for the better regulation of the said College.” 5

were inserted.

Amendment of
Paragraph 8 of the
Charter of 1885.

21.—The Charter of 1885 shall be read and construed as if the following words were deleted therefrom where the same appear at Paragraph 8 thereof that is to say the words: 10

“AND We do hereby, for us, our heirs and successors, grant, ordain, and appoint that the President or, in his absence, the Vice-President, or any two Members of the Council shall, upon the first Monday in the month of June, one thousand eight hundred and eighty-five or in ten days thereafter, and upon the first Monday in June in every succeeding year, or within ten days thereafter, convene a Meeting of the Fellows of the said College, at the Hall of the said College, or some other convenient place within the City of Dublin, by special summons as hereinafter provided, and the Fellows shall then and there elect yearly, by a majority of votes given by ballot papers in such method as the Council may, from time to time direct, from amongst those fellows who shall have sent in their names as hereinafter provided, one President and one other Fellow to be Vice-President, and any number of Fellows not exceeding the number of twenty-one, including the said President and Vice-President, to be Members of the Council of the said College. No person shall be qualified for election who shall not be a Fellow of the said College, and have complied with the existing regulations, or who shall not have sent in or delivered in writing to the Registrar of the College, ten clear days before the day of election, his name and place of abode, notice of such Meeting specifying the time and place of which such meeting shall be held shall, together with a list of such duly qualified persons as shall have so offered themselves for election, be sent by post six clear days before said day of election to the usual place of abode of each of the Fellows of said College then residing in the United Kingdom where the same may be known at the said College.” 15 20 25 30 35

and as if in substitution for the words so last deleted, the words: 40

“AND We do hereby, for us, our heirs and successors, grant, ordain, and appoint that the President or, in his absence, the Vice-President, or any two Members of the Council shall, upon the first Monday in the month of June, one thousand eight hundred and eighty-five or within ten days thereafter, and upon the first Monday in June in every second year, or within ten days thereafter, convene a Meeting of the Fellows and Members of the said College, at the Hall of the said College, or some other convenient place within the City of Dublin, by special summons which summons shall be addressed respectively to each person so entitled to vote at the time of transmitting and such notice shall be transmitted by whatever means (including electronic communication) as the Council may from time to time direct, and the paid-up Fellows and Members shall elect biennially, by a majority of votes given by ballot papers in such method as the Council may, from time to time direct, from amongst those fellows who shall have sent in their names as hereinafter provided, 45 50 55

the Members of Council the number of which shall not exceed twenty-one, (including the said President and Vice-President), to be Members of the Council of the said College. No person shall be qualified for election who shall not be a Fellow of the said College, and have complied with the existing regulations, or who shall not have sent in or delivered in writing to the Registrar of the College, sixty clear days before the day of election, his or her name and place of abode. Notice of such Meeting specifying the time and place at which such meeting shall be held shall, together with a list of such duly qualified persons as shall have so offered themselves for election, be sent as hereinbefore provided twenty-one clear days before said day of election. The President and Vice-President of the College shall be paid-up Fellows of the College and shall be chosen by ballot biennially of the Fellows and Members in a like manner and at the same time as the Members of Council save that in relation to the President and Vice-President persons shall be qualified for election where they have complied with the existing regulations and have either sent in or delivered in writing to the Registrar of the College, sixty clear days before the day of election their names and places of abode or have been nominated as Council Nominees for President or Vice-President by the Council sixty clear days before the day of election. Candidates for President and Vice-President shall be notified to the Fellows and Members by Notice as hereinbefore provided. All of the persons elected aforesaid under this paragraph are elected for and during two whole years and thenceforth until others shall be duly elected in their places respectively.”

were inserted.

30 **22.**—The Charter of 1885 shall be read and construed as if the following words were deleted therefrom where the same appear at Paragraph 9 thereof that is to say the words:

Amendment of
Paragraph 9 of the
Charter of 1885.

“AND We do hereby, for us, our heirs and successors, grant and ordain that in case such election shall not be held and completed as aforesaid, or if, at any time, any vacancy shall occur by death, resignation, removal, or incapacity of the President or Vice-President, or any Member of the said Council, or any other officer of the said College hereby nominated or hereafter to be elected then and in such case it shall and may be lawful for any two of the Fellows of said College, on being thereunto so required by notice in writing, signed by any six Fellows, to issue a summons six clear days before the day therein named and appointed for the Meeting, and thereby to convene a Meeting of the Fellows of said College at the Hall of said College or other convenient place within the City of Dublin, upon a day and at an hour, between the hours of nine and three, to be mentioned in such summons, and the said Fellows shall then and there elect, as hereinbefore provided, a Fellow or Fellows to fill up and supply the said office or offices, or such of them as shall have so become vacant or required to be filled up, for such part of the ensuing year as shall be then to come and unexpired. And the person or persons so elected shall thereupon enter the office to which he or they shall have been so elected, and shall serve for the remainder of the year and thenceforth until a new appointment and election be made as hereinbefore provided, and shall have all the powers, privileges, and authorities which would have belonged to him or them if originally elected and appointed thereunto. PROVIDED ALWAYS that every summons issued under the authority of this clause, and by virtue of

this provision, shall specifically state the object for which the meeting thereby convened is to be held.”

and as if in substitution for the words so last deleted the words:

“AND We do hereby, for us, our heirs and successors, grant and
ordain that in case such election shall not be held and completed 5
as aforesaid, or if, at any time, any vacancy shall occur by death,
resignation, removal, or incapacity of the President or Vice-
President, or any Member of the said Council, then and in such
case it shall and may be lawful for any two of the Fellows of the
College, on being thereunto so required by notice in writing, 10
signed by any six Fellows, to issue a summons six clear days
before the day therein named and appointed for the Meeting,
and thereby to convene a Meeting of the Fellows and Members
of said College at the Hall of said College or other convenient
place within the City of Dublin, upon a day and at an hour, 15
between the hours of nine and three, to be mentioned in such
summons which summons shall be transmitted in a manner as
aforementioned, and the said Fellows and Members shall then
and there elect, as hereinbefore provided, a Fellow or Fellows
to fill up and supply the said office or offices, or such of them 20
as shall have so become vacant or required to be filled up
(except in the case of the vacancy being that of the President or
Vice-President in which case the Members of the Council then
and there shall elect as hereinbefore provided a Fellow or Fel-
lows to fill up and supply the said office), in any case, for such 25
part of the ensuing term as shall be then to come and unexpired.
And the person or persons so elected shall thereupon enter the
office to which he, she or they shall have been so elected, and
shall serve for the remainder of the term and thenceforth until
a new appointment and election be made as hereinbefore pro- 30
vided, and shall have all the powers, privileges, and authorities
which would have belonged to him, her or them if originally
elected and appointed thereunto. PROVIDED ALWAYS that
every summons issued under the authority of this clause, and by
virtue of this provision, shall specifically state the object for 35
which the meeting thereby convened is to be held.”

were inserted.

Filling of vacancies
for officers of the
College.

23.—The following Paragraph is inserted after Paragraph 9 of the Charter of 1885:

9A “AND We do hereby, for us, our heirs and successors, 40
grant and ordain that in case any vacancy shall occur by death,
resignation, removal, or incapacity of any officer of the College
hereby nominated or hereafter to be elected (excluding the
Office of President and Vice-President and Members of
Council) then and in such case it shall and may be lawful for the 45
Council to elect, as hereinbefore provided, a person to fill up
and supply the said office or offices, or such of them as shall
have so become vacant or required to be filled up, for such part
of the ensuing term as shall be then to come and unexpired.
And the person or persons so elected shall thereupon enter the 50
office to which he or they shall have been so elected, and shall
serve for the remainder of the term and thenceforth until a new
appointment and election be made as hereinbefore provided,
and shall have all the powers, privileges, and authorities which
would have belonged to him, her or them if originally elected 55
and appointed thereunto.”

24.—Paragraph 12 of the Charter of 1885 is amended by the substitution for the Declaration and affirmation set out in that Paragraph of the following declaration and affirmation:

Amendment of Paragraph 12 of the Charter of 1885.

5 *“I, A.B., do solemnly and sincerely declare that I will observe and be obedient to the Charters, Statutes, Bye-Laws, and Ordinances of the Royal College of Surgeons in Ireland, and that I will, to the utmost of my power, endeavour to promote the reputation, honour, and dignity of the said College.”.*

10 **25.**—The following Paragraph shall be inserted at Paragraph 14A of the Charter of 1885 and particularly the words:

Appeals of examinations.

15 “AND WE DO HEREBY PROVIDE that in case any person examined as aforesaid shall think himself aggrieved by the Judgment of the Examiners, he may lodge an appeal within 21 days from such judgment to the Board of Censors who if they
20 so determine may provide that the party so complaining is re-examined within a reasonable time by Examiners other than the original examiners. In the event that on re-examination, the complaining party satisfies the Appeal Examiners that he or she is duly qualified he or she shall be treated as if no such appeal took place.”.

26.—The Charter of 1885 shall be read and construed as if the following words were deleted therefrom where the same appear at Paragraph 15 thereof that is to say the words:

Amendment of Paragraph 15 of the Charter of 1885.

25 “AND We do hereby, for us, our heirs and successors, grant and declare, ordain and direct that it shall be lawful for the Council of the said College, by diploma under the seal of the College, to admit without examination to the Letters Testimonial or Fellowship of the said College, on such conditions and on the payment of such respective fee as the Council of the College shall by Bye-Law determine the Members Licentiate of the Royal College of Surgeons, England, and the Royal College of Surgeons, Edinburgh, provided such Licentiate Members and Fellows shall be
30 at the time of said application for admission in the *bona fide* practice of the profession of a surgeon in Ireland, and such persons so admitted to such Letters Testimonial or Fellowship shall
35 take rank amongst the Licentiates and Fellows of the said College, according to the date of such last mentioned diplomas or licences.”

and as if in substitution for the words so last deleted the words:

40 “AND We do hereby, for us, our heirs and successors, grant and declare, ordain and direct that it shall be lawful for the Council of the said College, by diploma under the seal of the College, to admit without examination to the Letters Testimonial, Membership or Fellowship of the said College, such persons engaged in
45 the practice of the profession of surgery on such conditions as may be from time to time be determined by Council and on the payment of such respective fee as the Council of the College shall determine, and such persons so admitted to such Letters Testimonial, Membership or Fellowship shall be known as
50 Licentiates, Members or Fellows ad Eundem and shall take rank amongst the Licentiates, Members and Fellows of the said College, according to the date of such last mentioned diplomas or licences.”

were inserted.

27.—(1) Subject to the following subsections of this section, the Council shall have the power to elect a new and distinct category of Fellow to the body politic and corporate of the College.

(2) A Fellow elected under this section shall enjoy the same rights as other persons part of the body politic and corporate except as otherwise provided for in the subsections of this section. 5

(3) A Fellow elected under this section shall be called or known by the name and style of “FELLOW BY SPECIAL ELECTION OF THE ROYAL COLLEGE OF SURGEONS IN IRELAND”.

(4) A Fellow elected under this section shall not be entitled to vote in any elections. 10

(5) A Fellow elected under this section shall not be eligible to hold the office of President, Vice-President or Member of the Council.

(6) A Fellow elected under this section shall, before he or she shall be so elected make and subscribe to the following declaration and affirmation: 15

“I, A.B., do solemnly and sincerely declare that I will observe and be obedient to the Charters, Statutes, Bye-Laws, and Ordinances of the Royal College of Surgeons in Ireland, and that I will, to the utmost of my power, endeavour to promote the reputation, honour, and dignity of the said College.”. 20

28.—(1) Subject to the following subsections of this section, the Council shall have the power to appoint a new and distinct category of Member to the body politic and corporate of the said College and such category shall be called or known by the name or style of “THE MEMBERS OF THE ROYAL COLLEGE OF SURGEONS IN IRELAND”. 25

(2) Members of the College shall be entitled to attend Meetings (not being Council Meetings) and shall be conferred with voting rights in relation to the election of the Council of the College. 30

(3) Members of the College shall not be eligible to hold the office of President, Vice-President or Member of the Council.

(4) The Examiners of the College or so many of them as may hereafter be declared necessary to constitute a Court or Board, shall from time to time and in the presence of the President or, in his absence of the Vice-President and two or more Members of the Council, upon request made to the President or, in his absence, to the Vice-President, examine in such form and manner, and on such subjects, as the Council may, from time to time, direct and prescribe, any candidate for a Membership who shall pass such examination as the Council of the said College shall, from time to time, think fit and direct that candidates for a membership shall undergo, to the satisfaction of the said Examiners, to be certified to the said Council, then and in such case the said Council shall grant to such persons such diploma under seal of the said Corporation or College, and in such form as the Council of the College shall direct, upon his performance or compliance with the following requisites and provisions, that is to say, every person so examined and approved of shall, before 45

he or she shall obtain or be entitled to obtain such diploma, make and subscribe to the following declaration and affirmation:

5 *“I, A.B., do solemnly and sincerely declare that I will observe and be obedient to the Charters, Statutes, Bye-Laws, and Ordinances of the Royal College of Surgeons in Ireland, and that I will, to the utmost of my power, endeavour to promote the reputation, honour, and dignity of the said College.”.*

10 **29.**—(1) Subject to the following subsections, the Council of the College, shall from time to time and in the presence of the President or, in his absence, the Vice-President and two or more Members of the Council, upon request made to the President or, in his absence, to the Vice-President, elect in such form and manner, as the Council may, from time to time, direct and prescribe, any Member of Members of Council for the position of Censor. Censors of the College.

15 (2) A Censor under this section shall be called or known by the name and style of “CENSOR OF THE ROYAL COLLEGE OF SURGEONS IN IRELAND”.

 (3) Censors shall be Members of the Council of the College.

20 (4) The Council shall have the power to appoint a Board of Censors, which shall be three in number.

25 (5) In addition to the powers vested by Paragraph 14A of the Charter of 1885, as inserted by this Act, the Censors may also be called upon by the Council to determine such matters of discipline of students of the College as the Council may from time to time direct.

 (6) Censors may promulgate their own rules of procedure and any such rules shall take account of and respect the Constitutional rights of those concerned.

 (7) Censors shall not be eligible to hold the office of Examiner.

30 (8) Except in the said Paragraph 14A, a reference in the Charters to a Censor does not include a reference to a Censor as provided for by this section.

35 **30.**—Without prejudice to the generality of powers conferred upon the College and the Council of the College by the Charters and the Act of 1965, the Council of the College shall in addition have the following powers: Additional powers of the College.

40 (a) to provide courses and examinations and to award certificates, diplomas and licentiates in surgery, medicine, nursing, radiology, pharmacy, anaesthesiology, physiotherapy, dentistry and such further disciplines as the Council may determine;

45 (b) to provide courses and examinations and to award degrees in such of the following disciplines, that is to say, surgery, medicine, nursing, radiology, pharmacy, anaesthesiology, physiotherapy and dentistry, and in such further disciplines, as may be provided for by Bye-Laws made by the Council of the College;

- (c) to promote and facilitate research in the disciplines referred to in *paragraphs (a) and (b)* of this section;
- (d) to promote and facilitate higher standards of patient care in the disciplines referred to in the said *paragraphs (a) and (b)*; 5
- (e) to collaborate with educational, business, professional, trade union, medical or other interests, both inside and outside the State, to further the objects of the College;
- (f) to maintain, manage and administer, dispose, invest, develop and otherwise deal with the property, funds, monies, 10 assets and rights of the College;
- (g) to accept gifts of money, land and other property on the trusts and conditions, if any, not in conflict with the Charters and the Act of 1965 specified by the donor;
- (h) to purchase or otherwise acquire, hold, develop and dispose 15 of land or other property.

Additional power of the Council to establish faculties, colleges, centres and schools.

31.—Without prejudice to the generality of powers conferred upon the College and the Council of the College by the Charters and the Act of 1965, the Council of the College shall have the power to establish by resolution any faculties, colleges, centres and schools including faculties, colleges, centres and schools of medicine, nursing, radiology, pharmacy, dentistry, physiotherapy or such other disciplines as to the Council seems fit. 20

Amendment of Act of 1965.

32.—The Act of 1965 is hereby amended by—

- (a) the deletion of sections 1, 2, 3, 4, 5 and 8, 25
- (b) the insertion in section 6 after “line 33 thereof” of “in paragraph 2”, and
- (c) the insertion in section 7 after “lines 42 to 45 thereof” of “in paragraph 3”.

Bye-Laws.

33.—(1) The Charters and the Act of 1965 shall have effect subject to the substitution of the Minister for Education and Science as approving authority for Bye-Laws made by the Council of the College and the substitution in Paragraph 3 of the Charter of 1885 of “Minister for Education and Science” for “Lord Lieutenant of Ireland”. 30 35

(2) Without prejudice to the generality of the powers of the Minister for Education and Science as approving authority as aforesaid, he or she may approve of such Bye-Laws as aforesaid subject to such amendments as he or she may specify after consultation with the Council of the College (including amendments applying to the College, with any modifications considered appropriate, specified provisions of the Universities Act 1997 and the Qualification (Education and Training) Act 1999). 40

34.—Save as hereby amended, the Charters shall be and remain in full force and effect. Charters and Act of 1965 to remain in full force.

35.—The costs, charges and expenses preliminary to and of and incidental to the preparing, obtaining and passing of this Act shall be paid by the College out of the funds of the College. Expenses.

36.—This Act shall come into operation on the day that is one month after the date of its passing. Commencement.

37.—(1) This Act may be cited as The Royal College of Surgeons in Ireland (Charters Amendment) Act 2003. Short title and collective citation.

10 (2) The Royal College of Surgeons in Ireland (Charter Amendment) Act 1965 and this Act may be cited as The Royal College of Surgeons in Ireland (Charters Amendment) Acts 1965 and 2003.