

**THE BYE-LAWS**  
**~ Of ~**  
**THE ROYAL COLLEGE OF**  
**OPHTHALMOLOGISTS**

**ADOPTED BY THE TRUSTEE BOARD**

**ON 10 February 2017**

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**BYE-LAWS**  
**THE ROYAL COLLEGE OF OPHTHALMOLOGISTS**

**MAKING AND ALTERATION OF THE BYE-LAWS – ORDINANCE 51**

1. The Trustees have the power to make, revoke, add to or amend Bye-laws for the regulation of the College. Other Ordinances direct the Trustees to make Bye-laws.
2. The Trustees resolved at their meeting held on [ ] to adopt new Bye-laws which are set out below.
3. (a) A proposed resolution to make, amend or repeal a Bye-law which is submitted by a member will be considered by the Trustees at their next meeting unless the Secretary has already circulated the agenda to the Trustees and there is not sufficient time available before the meeting to send an amended agenda to the Trustees in which case the proposed resolution will be considered at the following meeting of the Trustees.  
  
(b) A Bye-law made by a resolution passed by the Trustees will take effect immediately.  
  
(c) Every enactment, amendment or repeal of a Bye-law will be initialled by the President and entered together with the date, in a copy of the Bye-laws kept for that purpose by the Secretary either in electronic or hard copy form.

**INTERPRETATION**

4. (a) The expressions “the Charter” and “the Ordinances” means the Royal Charter and Ordinances for the time being which are the constitutional documents for the College.

(b) "Standing Committees" means committees established by the Trustees pursuant to Ordinance 47 and referred to in the Bye-laws.

5. Any question as to the interpretation of the Bye-laws will be decided by the Trustees whose decision will be binding.
6. The Bye-laws must not conflict with the Charter or the Ordinances.

**FELLOWSHIP AND MEMBERSHIP BY EXAMINATION - ORDINANCES 2(b)(i) and 2(g)(i)**

7. (a) Examination dates will be published.  
  
(b) Candidates must apply in writing to the Examinations Committee not later than the date specified in the published announcement.  
  
(c) Candidates will be permitted to sit examinations at the discretion of the Council.  
  
(d) Candidates are not permitted to sit an examination if he or she has been removed from the medical register by the General Medical Council in the United Kingdom or if a determination of a regulatory body elsewhere has a comparable effect;
8. Candidates must provide to the Secretary such information as the Council may require for the purpose of monitoring examinations.
9. The Examinations Committee will make and alter from time to time regulations for the holding of examinations and issue instructions for the control of examinations.
10. (a) The Examinations Committee will appoint a panel of Examiners, from which will be selected Examiners for each examination.  
  
(b) The panel will be reviewed annually by the Examinations Committee.

(c) Examiners should hold a license to practise from the General Medical Council in the United Kingdom or from an appropriate regulatory body elsewhere, as determined by the Chair of the Examinations Committee.

11. Examiners will enquire into and test the professional knowledge and clinical ability of candidates for Fellowship or Membership. A report on each examination will be prepared for the Examination Committee.
12. Eligibility to sit examinations, their content and structure and the criteria to be applied to candidates will be determined and published by the Examinations Committee which will be subject to the approval of the Council.
13. If a candidate is unable to sit an examination on the date specified, the Treasurer may in appropriate cases return all or part of the fee paid by the candidate.
14. The Examinations Committee will notify the Secretary of the names of successful candidates. The Secretary will submit to the Trustees a list of the successful candidates together with the report of the Examiners for approval.
15. Examiners' reports will be confidential to the Council, the Trustees and the Examiners.
16. Fee and expenses of Examiners will be fixed from time to time by the Trustees on the recommendation of the Finance Committee.

### **FELLOWSHIP BY ELECTION**

17. Candidates may seek Fellowship by virtue of holding a substantive UK NHS Consultant post in ophthalmology for five years.

**FELLOWSHIP BY EXCEPTIONAL**  
**ATTAINMENT IN OPHTHALMOLOGY – ORDINANCE 2(b)(ii)**

18. (a) Ophthalmologists who are resident within the UK with a licence to practise in ophthalmology may apply for Fellowship by election if they have not held a substantive consultant post but can demonstrate :

- (i). An exceptional contribution at a national level to education and training in ophthalmology or
- (ii). An exceptional contribution to scientific advancement of the practice of ophthalmology;

(b) Where Council or the Chairs of the European and International Committees considers there is an ophthalmologist resident and with a licence to practise outside the United Kingdom of exceptional standing whom should be offered the opportunity to become a Fellow by election then the Honorary Secretary would invite the ophthalmologist to apply for 'Fellowship by Election'.

(c) Candidates must be sponsored by two Fellows or Members in good standing.

(d) The Trustees will require the Council to appoint two or more of its members to assess each candidate. The assessors will be provided with copies of any published works and a statement of a candidate's attainments. The assessors will submit to the Secretary any recommendations for admission to Fellowship or Membership on the grounds of exceptional attainment in ophthalmology, and the Secretary will submit to the Council the names of the candidates and their sponsors for the approval of the Council..

(e) Council may refer decisions to the Trustees who have absolute discretion to decide on the success or failure of any application and their decision will be final and binding on the candidates and the College.

### **MEMBERSHIP BY ELECTION**

19. Candidates may seek Membership by virtue of holding a substantive UK NHS Consultant post in ophthalmology for less than five years or a Specialty and Associate Specialist (SAS) post in ophthalmology the UK NHS for five years or more.

### **SENIORS**

20. (a) Fellows and Members who have attained the normal UK pensionable age or who declare themselves to have retired permanently from clinical practice may, on application to the Secretary, become either a Paying Senior member or a Non-Paying Senior member.
- (b) A Paying Senior member will pay a reduced annual subscription, receive such College publications and enjoy such privileges as the Trustees may from time to time decide. A Non-Paying Senior will pay no annual subscription and receive a reduced number of College publications as the Trustees may from time to time decide. Paying Senior members and Non-Paying Senior members may continue to use designations after their names.
- (c) Paying Senior members in good standing are entitled to receive notice of and to attend, speak and vote at General Meetings but not to stand in College elections. Non-Paying Senior members are entitled to receive notice of and attend, but not to speak or vote at General Meetings or to stand or vote in College elections.

(d) By notice to the Secretary, a Paying Senior member may become a Non-Paying Senior member and vice versa.

### **AFFILIATES - ORDINANCE 2(k)**

#### **AFFILIATESHIP BY QUALIFICATION OR EXPERIENCE**

21. The Council will determine applications for Affiliateship by qualification or experience. Applicants must be sponsored by two Fellows and submit in a form approved by the Council written evidence of their qualifications or experience for review by the Council.

#### **AFFILIATESHIP OF THOSE WITH A NATIONAL TRAINING NUMBER**

22. The Council will determine applications for Affiliateship by those undergoing training in a recognised ophthalmic specialist training post. Applicants must submit in a form approved by the Council written evidence that they are undergoing training. An application must be endorsed by a Consultant Ophthalmologist in charge of the applicant's training.

#### **AFFILIATESHIP BY NON-MEDICAL QUALIFICATION**

23. The Council will determine applications for Affiliateship by non-medical applicants. Applicants must be sponsored by two Fellows, and submit in a form approved by the Council written evidence of the higher qualification which they hold.

### **SUBSCRIPTIONS – ORDINANCE 4**

24. Members, except Honorary Fellows and Non-Paying Senior members, must pay an annual subscription.
25. The annual subscription is payable for the period from 1<sup>st</sup> January to 31<sup>st</sup> December in any given year except as provided for in Bye-law 24.

26. Members admitted on or after 1<sup>st</sup> April in any year will pay three-quarters of the current appropriate subscription for that calendar year; those admitted on or after 1<sup>st</sup> July will pay half; those admitted on or after 1<sup>st</sup> October will pay a quarter.
27. Members who do not permanently reside in the United Kingdom may pay their annual subscriptions in a currency other than sterling if it is approved by the Trustees.
28. Fellowship, Membership, Diplomateship or Affiliateship of members will be invalidated unless the annual subscription is received by the Treasurer by the date specified by the Trustees. Trustees may determine that a member who is in arrear with any fee or subscription for twelve months or more shall cease to be a member. Upon any such determination being made the member's name shall be removed from the Register and he or she shall thereupon cease to be a member but shall nevertheless remain liable to pay to the College all fees or subscriptions due up to the date on which membership ceased. Persons who have been removed from the Register are no longer entitled to use College post-nominals.
29. In special circumstances and on application by a member the Treasurer is empowered to waive the payment of fees or subscriptions from the member, in which case the member will remain in good standing and shall continue to enjoy the privileges accorded to members.

### **ELECTION OF HONORARY OFFICERS – ORDINANCE 29**

30. **PRESIDENT**

(a) The election of the President will be by ballot of Fellows, Members and Diplomates and, if determined by the Trustees, with the use of electronic communication.

(b) The Secretary or person determined by the Trustees will be the Responsible Officer for the process of nomination and election and will act as the returning officer.

(c) A vacancy in the office of President will be notified to those eligible to stand by the Responsible Officer in a call for nominations at least 30 days before the closing date for nominations. The call for nominations will include particulars of the post, the criteria for eligibility, the closing date for nominations and the supporting documentation required to assist electors to make a choice.

(d) The details of the supporting documentation required, and the maximum length, will be determined by the Responsible Officer and specified in the call for nominations.

(e) If a nomination is incomplete, the candidate will be informed promptly by the Responsible Officer. If it is still materially incomplete by the closing date, it will not be accepted. The Responsible Officer's judgment on the completeness of documentation or otherwise will be final.

(f) Nominations must be signed by two Fellows or Members in good standing who propose the candidate, and by the candidate in order to indicate consent to serve if elected.

(g) The Responsible Officer has the discretion to reject any statement or supporting documentation if, in his or her view, it is not helpful to electors or is vexatious, defamatory or offensive. If documentation exceeds the maximum

length specified, the Responsible Officer will provide to electors the first part of the supporting documentation up to the maximum length specified.

(h) Candidates and proposers are prohibited from sending to electors circulars or additional information and from engaging in canvassing.

(i) The Responsible Officer will send to electors a ballot paper containing a list of candidates nominated, their present appointments, the names of their proposers, the accompanying documentation and an envelope for the return of the ballot paper by the closing date. Ballot papers received by the College after the closing date will not be counted.

(j) The accidental omission to send a call for nominations or a ballot paper to a Fellow, Member or Diplomat, or the non-receipt of such documents, will not invalidate the election.

(k) The Responsible Officer may appoint an independent person or organisation to open and count the ballot papers or to process the whole or any part of the election for the President.

(l) The College will employ the single transferable vote system. Under this system the voter has one vote but it can be transferred to as many candidates as he/she wishes.

(m) The individual with the highest number of votes will be duly elected as the President. If more than one candidate achieves the same highest number of votes, there will be a second ballot. Candidates who receive fewer votes will not participate in the second ballot.

(n) Candidates will be informed as promptly as possible of the results of the election. The results (but not the voting figures) will be posted on the College web-site after all candidates have been notified, or once a reasonable attempt

has been made to notify them and will be presented to the members at the next Annual General Meeting. Subject to Bye-law 44, the elected President will take office at the conclusion of that Annual General Meeting.

(o) If relevant, ballot papers will be retained for eight weeks after the announcement of the result, to facilitate the hearing of any appeal regarding the election, and will then be destroyed. Voting figures will be retained by the Responsible Officer and made available on request to any Fellow or Member in good standing.

(p) If a candidate is in breach of the Bye-laws or has behaved in a manner prejudicial to a fair electoral process, the Responsible Officer may, after consultation with the current President, the Chief Executive and the College's Solicitors, either warn the candidate as to his conduct or disqualify the candidate from standing in the election. If candidates are disqualified, they may appeal. An appeal will be heard at the earliest possible date. Where voting has already taken place prior to disqualification, votes for a disqualified candidate will be disregarded.

(q) Appeals against any decisions under this Bye-law concerning its interpretation or implementation will be heard by the Trustees, whose decision will be final and not subject to further appeal. If an appeal against disqualification is successful, the Trustees may decide, in their discretion, that the results of an election should be set aside and direct the Responsible Officer to call for a new election.

(r) To facilitate an appeal, the Secretary may order that the dispatch of ballot papers, the closing date for the return of ballot papers or the announcement of the election results should be delayed for as long as is necessary.

**VICE PRESIDENT, HONORARY SECRETARY, HONORARY  
TREASURER (“THE OFFICERS”)**

31. (a) Applications for the offices of Vice President, Honorary Treasurer and Honorary Secretary may be made by Fellows or Members in good standing.
- (b) Applications must be submitted in writing to the Secretary signed by a proposer and the nominee to indicate consent to serve if appointed.

**APPOINTMENT OF THE OFFICERS AND CHAIRS OF STANDING  
COMMITTEES**

- (c) Applications for the position of Chair of a Standing Committee may be made by Fellows and Members in good standing who are resident in the United Kingdom. Applications must be submitted in writing to the Secretary and be signed by the applicant and two referees.
- (d) There will be a role description and a person specification for each Chair of a Standing Committee.

**PROCESS FOR APPOINTMENT OF THE OFFICERS AND CHAIRS OF  
STANDING COMMITTEES**

32. An appointment panel will be convened to interview applicants for each post.
- (a) The appointment panel will consist of:
- The President or The Vice President who is serving as a Trustee
- A member of Council
- One person who is either not a member of the College or is a lay person.
- One member of the senior management team

(b) The appointment panel will shortlist the applicants to be interviewed. Applicants may be requested to attend more than one interview or comply with other procedures at the request of the Secretary.

(c) Applicants may appeal against the process employed by the appointment panel but not against the decision reached to appoint a particular candidate.

### **THE EDITOR**

33. The Trustees will appoint an Editor in the same manner described in Bye-law 30 but who may not be an Honorary Officer. If the Editor is not a Trustee he may attend meetings of the Trustees but will not have a vote. The Editor may also attend meetings of the Council. The Editor will hold office for a term of five years which may be renewed for a further term. The Editor may not serve for more than ten consecutive years.

### **ELECTION OF MEMBERS OF COUNCIL – ORDINANCE 30**

34. (a) The elected members of the Council will consist of medical practitioners from geographical regions to be determined by the Trustees.
- (b) At least two months before each Annual General Meeting the Secretary will send (in electronic form) to members in good standing practising in the appropriate constituency who are entitled to vote, a request for nominations accompanied by a list of the vacancies arising, any Trustees' nominations of candidates to fill the vacancies, and specifying the time within which nominations must be received electronically by the Secretary.
- (c) Each nomination must be signed by a proposer and a seconder who are members in good standing. Each nominee must signify willingness to be nominated and to serve if elected. Nominations must be accompanied by a

written statement of not more than 400 words by the nominee. Nominations must be submitted in electronic form as more particularly described by the Secretary.

35. If more candidates are nominated by a particular region for election than the number of vacancies which exist, the candidates will be elected by ballot of the Fellows, Members and Diplomates in good standing members in the region in such manner as the Trustees think fit. The time table for a ballot will be determined by the Secretary.
36. If a ballot is required, the Secretary will, at least one month before the Annual General Meeting, serve upon each member entitled to vote in electronic form a ballot paper containing a list of the candidates nominated for election, their present posts, the names of their proposers and seconders and stating that each completed ballot paper must be received by the Secretary not later than two days before the meeting of the Trustees next before the Annual General Meeting. Completed ballot papers must be signed by the member who has voted and be submitted in electronic form as more particularly described by the Secretary.
37. The names of candidates nominated for election who received the greatest number of votes in a ballot will be reported to the Trustees by the Secretary at their last meeting before the Annual General Meeting.
38. In the case of an equality of votes the Chair will, in addition to his or her own vote, have a casting vote.

37. Except on the specific instruction of the Trustees the number of votes cast for individual candidates will not be divulged to anyone other than the candidates.
38. Honorary Officers and other members of the Council elected as provided in the Ordinances will hold their appointment from the end of the Annual General Meeting at which their election is announced.

### **CHAIR OF THE ACADEMIC GROUP – ORDINANCE 33**

39. The Chair of the Academic Group for the time being will serve on the Council and be selected by a panel which consists of the President, a member of the Council and one other person to be appointed by the Trustees. The decision of the panel will be binding.

### **MEETINGS OF THE COUNCIL – ORDINANCE 38**

40. The Council will meet at least four times in each year and will regulate their proceedings as they see fit.

### **APPOINTMENT OF TRUSTEES – ORDINANCE 40**

41. The Trustees will select the Chairs of two of the Standing Committees of the College to be appointed as Trustees when a vacancy arises. The Chair of each Standing Committee will be invited to express an interest and to submit a statement of not more than 400 words as to why they should be appointed as a Trustee. The Secretary will circulate the names of the candidates and their statements to the Trustees, who will vote for the candidate(s) at the next Trustee meeting after the vacancy arises. The candidate(s) who attract the most votes will be appointed as Trustees, to take effect at the end of that meeting.

42. (a) Lay Trustees should be selected by reason of their profession, knowledge and/or skills and capacity to contribute to the good administration of the College including, without limitation, governance, human resources, fund-raising, finance and law. They may serve as Trustees for one term of four years and may not be reappointed for a further term whether consecutive or otherwise except in exceptional circumstances. The positions may be advertised in a national newspaper or on an appropriate website and the Trustees may also engage the services of a recruitment agency for this purpose.
- (b) A panel will be appointed to consider the candidates' applications and conduct interviews. The Panel will consist of the President and two of the Trustees. The panel will determine who is to be appointed and their decision will be final.
43. The Chair of The Ophthalmologists in Training Group will be appointed by the members of that Group.

### **THE ROLE OF THE PRESIDENT**

44. (a) In addition to presiding as the Chair at General Meetings and meetings of the Trustees at which he or she is present, the President will be an ex-officio member of all committees and Chair of the Council;
- (b) In the event of the death or resignation of the President the Vice President will act in his or her stead until a new President is elected;
- (c) In the event of the death or resignation of the President and the Vice President, the longest serving Chair of a Standing Committee who is also a Trustee will act in their stead until a new President is elected.

### **PROCEEDINGS OF THE TRUSTEES – ORDINANCE 43**

45. (a) The Trustees will meet together for the dispatch of business at least four times every year;
- (b) One meeting in every year will be convened to consider annual reports from the Treasurer, the Secretary and the Standing Committees as well as the business to be transacted at the next Annual General Meeting;

### **COMMITTEES – ORDINANCE 47**

#### **EXAMINATIONS COMMITTEE**

46. There is a Standing Committee on examinations which has the power to co-opt advisers on special subjects when necessary. It carries out the functions delegated to it by the Trustees in addition to those specified in Bye-laws 9 and 10.

### **EDUCATION, PROFESSIONAL STANDARDS, SCIENTIFIC AND TRAINING**

#### **COMMITTEE(S)**

47. (a) There are Standing Committees as follows:
- (a) Education Committee;
  - (b) Professional Standards Committee
  - (c) Scientific Committee;
  - (d) Training Committee.
- (b) They carry out the functions delegated to them by the Trustees.

#### **FINANCE COMMITTEE**

48. (a) There is a Standing Finance Committee of which the Treasurer is the Chair.
- (b) It carries out the functions delegated to it by the Trustees.
49. (a) Each Chair of a Standing Committee is *ex-officio* a member of every other Standing Committee.

- (b) If a Chair is absent from a meeting the members of the Standing Committee will elect a Chair for the meeting from amongst those present.
- (c) All committees and sub-committees must have written terms of reference which should be reviewed and amended, if necessary, on a regular basis.
- (d) There must be a transparent policy on the selection procedures for new members of committees which should be applied consistently but not in a manner which reduces flexibility or stifles innovation
- (e) The minutes of meetings of Standing Committees will be made and kept by the Secretary or some other person appointed by the Trustees.
- (f) Standing Committees will submit an annual report on their activities to the Trustees.
- (g) A Standing Committee will have the power, subject to the prior approval of the Trustees, to establish sub-committees from among its members, or other members of the College.
- (h) Apart from the Finance Committee, no expenditure may be incurred by any committee, without the prior approval of the Trustees.
- (i) The Trustees may if necessary remove a Chair or a member of a Standing Committee.
- (j) The period of office and age limits for members of Standing Committees will be the same as for the Trustees.
- (k) A Trustee whose resignation has been accepted, who has been removed, or vacated office for any other reason shall *ipso facto* cease to be a member of every committee to which he or she shall have been appointed.

#### **NOTICES - ORDINANCES 65-67**

50. (a) A notice required to be given by the College to the members or any of them, which is not expressly provided for in the Ordinances or Bye-laws, will be deemed to be served if it is published in two daily newspapers to be selected by the Trustees.

(b) Notices will be signed by, or have printed at the foot thereof, the name of the Secretary or any other person appointed by the Trustees except in the case of a meeting convened by requisition of members in accordance with the Ordinances, and in that case will be signed by, or have printed at the foot thereof, the names of the members convening the meeting.

#### **PROCEDURE FOR GENERAL MEETINGS – ORDINANCES 10-27**

51. A Special Resolution which is to be considered by a General Meeting will be lodged with the Secretary not less than ten clear weeks before the date of the General Meeting.

52. If the Trustees decide that one or more votes of the members are to be taken by a ballot they may also determine whether, prior to the ballot, the resolutions should be debated by the members at a General Meeting and whether any amendment thereto which has been duly moved at such General Meeting should be included on the ballot paper.

53. Amendments to resolutions to be considered at General Meetings will be in writing, signed by a proposer and seconder and handed to the Chair of the meeting.

54. On a point of order raised at a General Meeting (including whether a member is conforming to the requirements of the Charter, Ordinances and Bye-laws) the ruling of the Chair will be final and will not be open to discussion: provided that if the Chair rules that a point of law has arisen which requires

determination, he or she may invite the members to reach a decision on the resolution under discussion conditionally upon and pending the determination of such point of law.

55. The business to be transacted at Annual General Meetings will consist of receiving the annual report of the College, receiving a report from the President, receiving a presentation on the annual financial statements by the Treasurer, the appointment of the auditors, approval of the annual subscriptions, approval of draft amendments to the Ordinances (if any), receiving the results of elections of Honorary Officers and members of the Council in place of those retiring and such other business as may be decided by the Trustees or submitted in writing to the Secretary not less than 4 weeks before the meeting signed by fifteen Fellows or Members.