



Association of Noise Consultants is a company limited by guarantee, registered in England under No 05289002, and the address of whose registered office is St John's Court, Easton Street, High Wycombe HP11 1JX.

## **RULES & BYLAWS OF THE ASSOCIATION OF NOISE CONSULTANTS ("the Company")**

### **MEMBERSHIP**

#### **1 Eligibility for Membership**

- 1.1 All individuals, firms, corporations and other entities engaged in the sole or primary provision of consultancy on the subject of noise, acoustics and vibration ("**Field**") are eligible in principle to apply for membership of the Company ("**Membership**").
- 1.2 Organisations affiliated to, or wholly or partly owned by manufacturers will not normally be eligible for membership.

#### **2 Information to be supplied to the company by applicants for Membership ("Applicants")** Applicants will be required to supply the following information to the Company in writing:

- 2.1 An organisational chart showing the relation of the Applicant to the other companies forming the corporate group (if any) of which it is part ("**Group**");
- 2.2 A list of its technical employees and of their respective general functions and qualifications, professional memberships;
- 2.3 A general description of the Applicant's history, organisation and technical experience in the Field;
- 2.4 Evidence of the professional indemnity insurance referred to in paragraph 4.6 in the form of a certified copy of the insurance document, an affidavit, or such other documentation as the Company may in its discretion prescribe;
- 2.5 A statement concerning relevant financial interests of the Applicant in products, and/or in manufacturing activities, related to the Field;
- 2.6 A duly completed application form as prescribed by the Company from time to time, signed by the Applicant or by a duly authorised person on its behalf; and
- 2.7 Copies of 2 (two) reports by the Applicant, each in a different application area within the Field (eg. industrial noise, environmental noise, architectural etc), that reflect the major areas of acoustic consultancy undertaken by the Applicant, and that include recommendations and/or design content rather than merely measurements.

### **3 Processing of Applications for Membership (“Applications”)**

- 3.1 Correspondence with an Applicant relating to its Application will be handled by the Secretary. Following receipt of an Application a minimum of 2 (two) members of the Board of the Company (“the Board”) will interview the person nominated by the Applicant to represent it, but only if the Application prima facie satisfies the requirements of paragraph 2.
- 3.2 The Board may, if it wishes, seek from or through the Applicant further information in support of the Application, which the Applicant shall promptly provide to the Board. Following the interview procedure, the Board will decide to accept or reject the application, according to a majority vote, after which the Secretary will notify the Applicant of the result. In rare cases, the Board may request further information from the Applicant, post interview, in which case the decision to accept or reject will be deferred to a later date.
- 3.3 The Board may, at its discretion, award Associate Membership or Full Membership. Rejected applicants shall be advised of the reasons for rejection and may be given outline advice to assist with a future application. The Company shall be informed of the outcome of the interview at the next Company meeting.

### **4 Conditions of Membership**

The following conditions (a) shall, as appropriate, be used by the Board in order to assess the eligibility of the Applicant for Membership and (b) shall bind and apply to each member of the Company (“**Member**”) from and including the date of the approval of its Application:-

#### **4.1 Sub-contracting**

No member may, in any financial year, sub-contract in excess of 25% (twenty-five per centum) of its total turnover in the Field, and each Member must be primarily responsible to its client for the quality of the work done under sub-contract, unless prior agreement to the contrary is clearly made between the Member and the client.

#### **4.2 Staff qualifications**

No less than 50% (fifty per centum) of the permanent technical staff of a Member shall:-  
Have graduate or equivalent status (which includes completed technician apprenticeships), and

Hold Corporate Membership of the Institute of Acoustics or (in respect of jurisdictions other than the United Kingdom) equivalent membership of the primary acoustics association, society or institute in that jurisdiction, e.g. the Australian Acoustical Society, *Societe Francaise d’Acoustique*, *Deutschen Gesellschaft fur Akustik* etc. For the avoidance of doubt “Corporate Membership of the Institute of Acoustics” as defined by the Institute means the grades thereof described as “Honorary Fellow”, “Fellow” and “Member” **only**. Permanent technical staff does not include apprentices registered on the Acoustics Technician Apprenticeship and students in full-time education on a sandwich year placement on an acoustics related qualification.

#### **4.3 Organisational Structure**

The principal, head, manager [senior partner or chairman, as the case may be (together “Principal”)] of a Member organisation must be a competent, practicing acoustician and shall be able to commit the Member technically and financially, meaning that he or she is a senior decision-maker within the Member organisation, with the authority to make technical and financial decisions on behalf of the organisation. The Member organisation must be able to demonstrate substantial independence of service.

#### **4.4 Acoustic Products and Hardware**

The Member shall not receive commissions or any other form of financial advantages for the recommendation of acoustic products and hardware. Any commercial relationships with such products and hardware shall be clearly declared to the client or potential client. Each Member shall, if so required by the Board, supply to it relevant information concerning interlocking directorships, consulting agreements, licences, franchises etc. in order to enable the Board to assess compliance with this condition.

#### **4.5 Sound Insulation Testing and the ANC Registration Scheme**

Members shall not undertake Pre-Completion Testing, i.e. mandatory sound insulation testing to demonstrate compliance with Approved Document E of the building regulations, unless they are;

- a) Registered with the ANC Registration Scheme or have an application in progress
- b) Accredited through UKAS for pre-completion sound insulation testing
- c) Testing only in Scotland and registered with the Institute of Acoustics as competent to test in Scotland.

The rule applies to all UK regions where Approved Document E of the building regulations or its equivalent applies and which are covered by the ANC Registration Scheme. *This presently includes England, Wales, the Isle of Wight and the Isle of Man and Scotland where the Scottish Building Standards apply. It may in due course cover Northern Ireland.*

#### **4.6 Professional Indemnity Insurance**

Each Member shall carry appropriate and proportionate professional indemnity insurance consistent with the work undertaken by it.

#### **4.7 Independent Entity**

Where a Member is part of a Group, the Member must satisfy the Company that it is an independent entity which is able to carry on its consultancy activities according to the conditions of Membership, without interference from other parts of the Group.

#### **4.8 Compliance with Rules & Bylaws**

Each Member shall comply with the requirements and recommendations applicable to Members that are contained in the Company’s Rules and Bylaws as the same may be amended from time to time.

#### **4.9 Continuity of Service**

Each Member shall ensure that a satisfactory standard of continuity of service is maintained.

#### **4.10 Merger or acquisition**

If a merger or acquisition occurs where one of the organisations is not an existing member, then membership is not guaranteed to continue but will be subject to review.

#### **4.11 Ownership of another company**

A Member company, or its directors, must not own or be a “Person of significant control” (as defined by Companies House) of another company, that, in the opinion of the ANC Board, there is a conflict with the wider interests of the ANC.

## **RULES & BYLAWS**

### **MEMBERSHIP GRADES**

#### **5 Associate Membership**

- 5.1 Associate Membership is the grade of Membership that will be offered to all successful Applicants. Associate Members must be staffed by technically-competent people and must demonstrate the same high standards in this respect for Corporate Members. The maximum period of Associate Membership is 3 (three) years. During this period an Associate Member will be expected to seek Corporate Membership.

#### **6 Corporate Membership**

- 6.1 The grade of Corporate Member is available to Associate Members who, within three years after admission as an Associate Member, have successfully demonstrated to the Board the necessary continuing technical expertise and professional excellence over a sustained period.
- 6.2 No additional benefit is associated with Corporate Membership, and membership subscriptions shall be the same as for Associate Membership.

#### **7 Membership Applications**

- 7.1 All new applicants for membership will be automatically considered as Associate Members.
- 7.2 Once admitted as an Associate Member, a company may seek Corporate Membership at any time within the next three years. No company may remain an Associate Member for longer than three years. The decision to grant Corporate Membership will rest with the Board.
- 7.3 Where lack of experience in operating as a Consultancy in the Field is a primary concern when admitting an Applicant to Associate Membership, the applicant shall undertake to gain the requisite experience.

## **RULES & BYLAWS**

### **CODE OF ETHICS**

#### **8 General Ethic**

- 8.1 A Member shall uphold and advance the dignity, standing and reputation of the Profession. A Member shall at all times act ethically, professionally and lawfully subject to which the member shall endeavour to serve the legitimate interests of the client, without wrongfully harming the interests of third parties.

#### **9 Relations with Clients**

- 9.1 A Member shall act in professional matters as a faithful agent or trustee for each client.
- 9.2 A Member shall not disclose or permit to be disclosed confidential information concerning the business affairs or technical processes of any present or former client without the consent of that client.
- 9.3 A Member shall not accept compensation – financial or otherwise – from more than one party for the same services pertaining to the same work, without the consent of all interested parties.
- 9.4 A Member shall act fairly and justly towards vendors and contractors, and will not accept from them any commissions or allowances, directly or indirectly.
- 9.5 A Member shall inform a client of any financial interest in any vendor or contractor, or in any invention, machine or equipment which is involved in work carried out for that client. A Member shall not allow such an interest to affect decisions regarding their professional services.
- 9.6 A Member shall not make misleading, deceptive, or false statements or claims about their professional qualifications, experience, or performance and shall accurately state the scope and nature of their responsibilities in connection with work for which they are claiming credit.

## **10 Relations with Fellow Consultants**

- 10.1 A Member shall not act so as to injure or attempt to injure the professional reputation, prospects or business of another noise consultant, whether or not a Member of the Association.
- 10.2 A Member's professional charges shall be appropriate to a self-sustaining organisation.
- 10.3 A Member shall not purposely supplant another Member; nor shall a Member knowingly intervene, or attempt to intervene, in work which has been entrusted to another Member.
- 10.4 If so instructed by the prospective client, Members may takeover the work of another Noise Consultant or Consultants, whether or not they be Members of the ANC, who, currently are, or in the past have, acted for the same, or another, client on the same project provided only that the Member takes all reasonable steps to ensure that the other Noise Consultant(s) is/are advised of the instructions received by the Member prior to its commencement of the work. A Member may accept the verbal assurance of a Client that the other Member(s) or other Noise Consultant(s) has/have been so informed but shall confirm back, in writing, to the Client that this assurance has been given and is relied upon.
- 10.5 If so instructed by the prospective client, Members may review the work of another Noise Consultant or Consultants provided always that the Member acts ethically and professionally in carrying out such reviews and without intent to injure the professional reputation, prospects or business of another Noise Consultant.

Note: "takeover the work" would normally apply to commissioned work that has not been completed where, in the absence of notification, there is a risk that the first consultant may continue with work for which no payment would be made.

## **11 Relations with the Public**

- 11.1 A Member shall have proper regard for the safety, health and welfare of the public in the performance of professional duties.
- 11.2 A Member shall endeavour to extend public knowledge and appreciation of the profession and its achievements and will oppose any untrue, unsupported, or exaggerated statements regarding it.
- 11.3 A Member shall be dignified in explaining the Member's services and shall not misrepresent professional qualifications or experience.

## **12 Advertising**

- 12.1 Members are permitted to advertise, but only in a dignified manner appropriate to a professional organisation and without the disparagement of competitors.
- 12.2 Members are recommended to include the Association of Noise Consultants logo in all advertisements.
- 12.3 Any Member concerned about another Member's advertisement may raise the matter with the Board for adjudication.
- 12.4 A Member shall be able to distribute brochures and other articles describing the Member's activities, provided such material meets the requirements of paragraphs 9.6, 11.3 and 12.1.
- 12.5 The Association may on behalf of the membership advertise the corporate services of the membership.



## **RULES & BYLAWS**

### **QUALITY OF MEMBERS' WORK**

- 13.1 The Company requires the high standard of technical, professional and educational competence demonstrated by each Applicant in order to gain Membership of the Association to be maintained and (where applicable) improved during Membership.
- 13.2 The Company requires that all Members give regular consideration to the maintenance and improvement of their standards for the benefit of themselves, their clients and all other Members. To this end, the Company recommends that (*inter alia*)
- Continuing Professional Development programmes be implemented by Members for all their relevant staff,
  - A suitable Quality Assurance Scheme is implemented by the Member which requires that reports and significant correspondence prepared by technical staff on the Member's behalf, be reviewed before issue and countersigned by a senior consultant or Principal where such procedure is not already implemented. Where a Member comprises only one individual, or is a sole-trader, then the individual shall carefully read and review his/her own work before issue and countersign the document to that effect.
- 13.3 The Company requires prompt notification if the Principal changes. If in any rolling three year period, more than half of the technical staff at MIOA grade or higher have left the Member, this shall be notified to the Company as soon as possible. The Member shall continue to comply paragraph 4.2 and may be required to provide evidence of compliance with paragraph 4.10.
- 13.4 In the event that a Member's work is audited under the Complaints procedure, the Company and its Investigating Committee may take cognisance of the degree to which the Member has adopted the Company's recommendations and may draw conclusions accordingly.
- 13.5 Members are required to provide updated information about their status from time to time as may be reasonably requested by the Board in order to establish their continued compliance with the Rules & Bylaws.

## **RULES & BYLAWS**

### **COMPLAINTS**

- 14.1 Complaints regarding improper conduct only about a Member made to the Company will be investigated according to the Complaints Procedure approved by the Board and in force when the complaint is received.
- 14.2 A Member found to be in breach of the Rules & Bylaws of the Company may be subject to disciplinary action including suspension or expulsion as determined by the Board.
- 14.3 A Member in receipt of a written decision notice may within 28 days of the date of the notice appeal in writing to the President of the Company as set out in the Complaints Procedure.
- 14.4 All information pursuant to a complaint will be treated in strictest confidence and in accordance with relevant general data protection and privacy regulations.