



# BY-LAWS

## By- laws of the Association

### INDEX

<u>Section</u>	<u>Page</u>
1	Definitions ..... 1
2	Membership Categories ..... 1
3	Admission of Members .....2
4	Rights and Liabilities of Members .....2
5	Letters of designation .....3
6	Membership information .....3
7	Practices ..... 5
8	Election of Board Members ..... 5
9	Meetings of the Board ..... 6
10	Chapters ..... 7
11	Divisions ..... 8
12	Code of Professional Conduct ..... 10
13	Inquiry by the Board ..... 10

### 1 DEFINITIONS

- 
- 1.1 In these By-laws, unless contrary to the context, any expression or word to which a meaning has been assigned in the Constitution shall bear the same meaning and –
- 1.2 “The Constitution” means the Constitution of the Association of South African Quantity Surveyors;
- 1.3 “President” means the president of the Association;
- 1.4 “**Executive** Director” means executive director of the Association

### 2 MEMBERSHIP CATEGORIES

- 
- 2.1 Members categories shall comprise –
- 2.1.1 **Professional members** – Any person who is registered as a professional quantity surveyor in terms of the Act who has passed

the prescribed qualifying examinations and complies with such other conditions as the Board may prescribe from time to time.

- 2.1.2 **Member** – Any person who has completed a prescribed post secondary qualification in quantity surveying or related discipline and is employed or active in the built environment.

- 2.1.3 **Affiliate member** – Any person with an interest in the activities of and who subscribes to the objects of the association.

- 2.1.4 **Student affiliate member** – Any student in quantity surveying or related discipline at a university or Technicon in South Africa or abroad.

- 2.1.5 **Life members** – Any member whom the Board wishes to honour for distinguished service to the Association or to the profession of quantity surveying may be elected as a life member.

- 2.1.6 **Honorary members** – Any person of distinction whom the Board wishes to honour may be elected as an honorary

member for such period as the Board may determine.

- 2.1.7 **Senior members** – Any member who has been a member for a continuous period of not less than 40 years or such other period as the Board may in any particular case decide.

### 3 ADMISSION OF MEMBERS

---

- 3.1 Application for membership of the Association shall be made on the prescribed form. If the Board is satisfied that the applicant complies with the requirements for membership and is a fit and proper person to be admitted as member of the Association the Board shall grant him membership as member in the appropriate category.
- 3.2 Any person who has been a member of the Association and ceased to be a member by reason of his expulsion or otherwise may be readmitted to membership of the Association by the Board provided that he shall furnish such information as the Board may require in support of his application for re-admission and provided further that he shall have paid all arrears of subscription and any levies and fines due by him to the Association at the date when his former membership ceased.
- 3.3 Members shall receive an appropriate membership certificate and/or card in the prescribed form. The certificate and/or card shall remain the property of the Association, and, if so required by the Board, shall be surrendered on demand.
- 3.4 The name, address and other prescribed details of every member shall be entered in a register to be called the “Roll of Members”

### 4 RIGHTS AND LIABILITIES OF MEMBERS.

---

- 4.1 Every member shall be entitled –
- 4.1.1 to attend any general meeting of any chapter or, by invitation, any meeting of a chapter committee or of the Board;
- 4.1.2 to receive any information which it is competent for officers of the Association to give;

- 4.1.3 to receive, at the discretion of the Board, such assistance in any matter as may be rendered in terms of this Constitution;
- 4.1.4 to nominate and vote for members of the Board;
- 4.1.5 to take part in any discussion on any matter at any general meeting of any chapter;
- 4.1.6 to vote on any resolution put to the membership of the Association or to a general meeting of the chapter in the region in which he is ordinarily practicing or employed;
- 4.1.7 to nominate and vote for members of the chapter committee in the region in which he is ordinarily practicing or employed;
- 4.1.8 to be nominated and elected as a member of the Board or a committee and to hold any office in the Association, or any committee of the Association or of the chapter in the region in which he is ordinarily practicing or employed;
- 4.2 Life members shall be entitled to the full privileges of professional members: Provided that they shall be exempt from the payment of the annual subscription and any levies.
- 4.3 Honorary members shall not incur any of the obligations nor be entitled to any of the rights of members other than those referred to in sub-clause 6.3.1.1 – 6.3.1.3 of this Constitution: Provided that they shall be entitled to designate themselves as honorary members of the Association.
- 4.4 Affiliate and Student affiliate members shall be entitled to such rights as may be prescribed by the Board.
- 4.5 The liability of each member is limited to the amount of any subscription, fine, levy or other debt due to the Association.
- 4.6 Membership of the Association shall not confer upon any member any right whatever to a share or a participation in any assets belonging to the Association.
- 4.7 Termination of membership for whatever reason shall entail forfeiture of all rights of membership, including the right to the use of the letters of designation referred to in clause 6.4 of this Constitution.
- 4.8 It shall be the duty of every member expeditiously to notify the Board of any change

in composition of partnership, address or nature of employment in writing.

## 5 LETTERS OF DESIGNATION

---

5.1 In order to designate their membership of the Association, corporate members, honorary members and quantity surveying technicians shall be entitled to use the following letters of designation:

5.1.1	<b>Professional member</b>	<b>PMAQS</b>
5.1.2	<b>Member</b>	<b>MAQS</b>
5.1.3	<b>Affiliate</b>	<b>AAQS</b>
5.1.4	<b>Student affiliate</b>	<b>SAAQS</b>
5.1.5	<b>Life members</b>	<b>MAQS (Life)</b>
5.1.6	<b>Honorary members</b>	<b>Hon MAQS</b>

## 6 MEMBERSHIP INFORMATION

---

### 6.1 Professional Members

6.1.1 The following information shall be recorded against the name of each professional member:

- 6.1.1.1 Educational qualification and status of professional registration
- 6.1.1.2 Nature of employment
- 6.1.1.3 Name of practice, company or institution where employed
- 6.1.1.4 Business address, postal address and residential address, telephone and facsimile numbers and e-mail address
- 6.1.1.5 Membership of any other professional body
- 6.1.1.6 Continuing professional development status

### 6.2 Members

6.2.1 The following information shall be recorded against the name of each Member:

- 6.2.1.1 Educational qualification and status of professional registration
- 6.2.1.2 Nature of employment
- 6.2.1.3 Name of practice, company or institution where employed
- 6.2.1.4 Business address, postal address and residential address, telephone and facsimile numbers and e-mail address
- 6.2.1.5 Membership of any other professional body

### 6.3 Affiliate and Student Affiliate

6.3.1 Student affiliates shall be entitled to attend and take part in any discussions at an annual general meeting of any chapter or at any congress, conference or seminar, symposium or any other gathering of any kind organised by a chapter or by the Association, but shall have no voting rights

6.3.2 The following information shall be recorded against the name of each Affiliate and Student Affiliate

- 6.3.2.1 Name of practice, company or institution where employed or registered

- 6.3.2.2 Business address, postal address and residential address, telephone and facsimile numbers and e-mail address
- 6.4 Life Members**
- 6.4.1 The consideration of a candidate for Life Membership shall be initiated by an individual member, a members of the Board or a chapter committee, who shall submit the name to the President
- 6.4.2 Such nomination shall be supported by a motivation and signed in support by at least ten members
- 6.4.3 On receipt of a nomination the President shall appoint an ad hoc committee which shall consider the nomination on its merits and may or may not make a recommendation to the Board
- 6.4.4 If a recommendation is made, a secret ballot shall be held during the Board meeting considering the recommendation. If a minimum of two thirds of the members present vote in favour of the recommendation, the nominee shall be declared elected
- 6.4.5 The following information shall be recorded against the name of each life member:
- 6.4.5.1 Educational qualification and status of professional registration
- 6.4.5.2 Nature of employment
- 6.4.5.3 Name of practice, company or institution where employed
- 6.4.5.4 Business address, postal address and residential address, telephone and facsimile numbers and e-mail address
- 6.4.5.5 Membership of any other professional body
- 6.5 Honorary Members**
- 6.5.1 A proposal for the election of an honorary member may be made either by a member of the Board or by a chapter committee
- 6.5.2 Such nomination shall be supported by a motivation
- 6.5.3 The proposal shall be included on the agenda for the Board and should two thirds of the members present vote in favour of the recommendation, the nominee shall be declared elected
- 6.5.4 Such election may be for a fixed period or for an indefinite period as determined by the Board.
- 6.6 Fees**
- 6.6.1 The enrolment fee subscription and levy in respect of all categories of membership and practice shall be determined by resolution of the Board from time to time: Provided that in the case of an application for an alteration in membership category , such fee shall be reduced by the amount paid by him in respect of enrolment, subscription or levy in the previous category
- 6.6.2 In the case of an unsuccessful application for enrolment as an ordinary member, the non-refundable portion in respect of administration charges shall be 25% of the fees.
- 6.6.3 If a person is admitted to membership during the second half of the Association's financial year the amount of his subscription in respect of that year shall be reduced by one-half.
- 6.6.4 In the event of any member (not falling under the provisions of By-law 2.8.6) being absent from, not practising in nor having an interest in practice in the Republic of South Africa for a period of at least 12 consecutive months, his subscription may, on application, be reduced at the Board's discretion
- 6.6.5 Any member having retired or being no longer actively engaged in his profession or work reasonably incidental thereto may, on application and at the discretion of the Board, pay such reduced subscription as may be prescribed: Provided that, should such member recommence professional activity, he shall be liable for the full subscription
- 6.6.6 Any ordinary member in the full-time, salaried employment in a professional quantity surveying office, including those in the service of the State, may, at the discretion of the Board, pay such reduced subscription as may be prescribed

## 7 PRACTICES

---

- 7.1 A registered practice or branch office shall comply with the following criteria:
- 7.1.1 Be under the fulltime, in house personal supervision of a professional quantity surveyor
- 7.1.2 Be located at a readily identifiable location with appropriate communication infrastructure
- 7.1.3 A quantity surveying practice shall be controlled by two-thirds registered professional quantity surveyors in terms of number, shareholding and voting power.
- 7.1.4 A multi-disciplinary practice which also practice quantity surveying shall be controlled by registered members of allied built environment professionals, and the quantity surveying division/section shall be under fulltime supervision of a registered professional quantity surveyor
- 7.1.5 Display on all letterheads and other relevant material the names of all principal/s, partner/s and director/s of that practice or branch office so as to unambiguously indicate the professional capacity of that practice or branch office
- 7.1.6 Be suitably indemnified against appropriate professional indemnity cover
- 7.1.7 Provide the Association with any change of address and other relevant information relating to the branch within 4 weeks of such change
- 7.2 The following information shall be recorded against the name of each practice or branch office:
- 7.2.1 Name of practice or branch office
- 7.2.2 Name of professional quantity surveyor in fulltime, in house supervision of the practice or branch office
- 7.2.3 Physical address, postal address, telephone and facsimile numbers and e-mail address

## 8 ELECTION OF BOARD MEMBERS

---

- 8.1 All members of the Board shall be elected for a period of two years and shall hold office until the next Board is elected
- 8.2 All candidates for election shall be nominated and seconded in writing and each candidate shall signify his acceptance by signing the nomination form
- 8.3 If more candidates are nominated than are required for election to the Board, a ballot shall be held and conducted in the following manner:
- 8.3.1 The names of the candidates nominated shall be arranged in alphabetical order on the ballot paper
- 8.3.2 The ballot paper and two envelopes shall be forwarded to each member
- 8.3.3 After completion by the member, the ballot paper shall be enclosed in the smaller envelope which shall then be enclosed in the larger envelope and the member shall sign his name on the larger envelope
- 8.3.4 After the time fixed for the closing of the ballot, two or more scrutineers appointed by the President shall with the Executive Director ascertain that the member whose signature appears in the larger envelope is entitled to vote for the Board member concerned and shall then open the larger envelope and deposit the smaller envelope contained therein in the ballot box
- 8.3.5 The scrutineers shall then retire and count the votes recorded on the ballot papers and report the result of the ballot to the President.
- 8.3.6 Members shall have access to the ballot results on request
- 8.3.7 Ballot papers shall not be invalidated by reason of and signature thereon
- 8.3.8 Upon the declaration of the result of the ballot, the scrutineers shall hand to the Executive Director the whole of the ballot papers which he shall hold for a period of three months from the date of the ballot
- 8.4 *Chapter Board Members*
- 8.4.1 In each year in which an election is due, the Director shall at least 12 weeks before the date fixed for the annual meeting of the

Board, send to every member and invitation to nominate a candidate or candidates for election as a Board member of the chapter in the region in which he ordinarily practices or is employed

8.4.2 Such nominations shall be received by the Director not later than 9 weeks before the date fixed for the annual meeting of the Board

8.4.3 The ballot papers and envelopes shall be forwarded not later than 8 weeks before the date fixed for the annual meeting of the Board. Completed ballot papers shall reach the Director not later than 09:00 on the day 6 weeks before the date fixed for the annual meeting of the Board, at which time the ballot shall be closed

8.4.4 The successful candidates shall be deemed to be elected at the same time as the general members of the Board for the ensuing period

#### 8.5 Division Board Members

8.5.1 In each year in which an election is due, the Director shall at least 12 weeks before the date fixed for the annual meeting of the Board, send to every member and invitation to nominate a candidate or candidates for election as a Board member of the division in which the member is registered.

8.5.2 Such nominations shall be received by the Director not later than 9 weeks before the date fixed for the annual meeting of the Board

8.5.3 The ballot papers and envelopes shall be forwarded not later than 8 weeks before the date fixed for the annual meeting of the Board. Completed ballot papers shall reach the Director not later than 09:00 on the day 6 weeks before the date fixed for the annual meeting of the Board, at which time the ballot shall be closed

8.5.4 The successful candidates shall be deemed to be elected at the same time as the general members of the Board for the ensuing period

#### 8.6 General Board Members

8.7 In each year in which an election is due, the Director shall at least 5 weeks before the date fixed for the annual meeting of the Board, send to every member and invitation to nominate a candidate or candidates from amongst the membership of the whole

Association for election as a Board member excluding those already elected as chapter or division Board members or who hold ex officio membership on the Board

8.7.1 Such nominations shall be received by the Director not later than 3 weeks before the date fixed for the annual meeting of the Board

8.7.2 After expiry of the time for nominations in terms of By-law 3.5.2 the Board shall, if necessary, nominate additional candidates for election to the Board to make up the minimum number required to form the Board and may, in its discretion, nominate a greater number than the minimum required

8.7.3 The ballot papers and envelopes forwarded not later than 2 weeks before the date fixed for the annual meeting of the Board. Completed ballot papers shall reach the Director not later than noon on the day preceding the date fixed for the annual meeting of the Board

## 9 MEETINGS OF THE BOARD

---

9.1 The majority of all members of the Board shall form a quorum at any meeting of the Board

9.2 Any person present at a meeting shall recuse himself if any matter affecting his personal is discussed

9.3 At meetings of the Board only such business as is on the agenda, which shall be prepared by the President in consultation with the Director, shall be decided, unless the Board unanimously determines otherwise

9.4 Not less than 4 weeks before the date fixed for any meeting of the Board, written notice of the meeting shall be sent to every member of the Board at his registered address. The agenda for such meeting shall be similarly sent not less than 2 week before the said date

9.5 In cases of extreme urgency and at the discretion of the President, for a special meeting of the Board, not less than 3 working days notice shall be given setting out the object of the meeting

9.6 All matters that may come before any meeting of the Board shall, in the case of a difference of opinion, be decided by the majority of the members present at that meeting the chairman not having a deliberative vote, but in

the case of an equality of votes the chairman may exercise a casting vote

9.7 Notwithstanding any other provisions in these By-laws, a resolution in writing signed by all members of the board or by a number of members not less than is sufficient to form a quorum shall be valid and effectual as if it had been passed at a meeting of the Board duly called and constituted. Any such resolution may consist of several documents in like form, each signed by one or more of the members of the Board

9.8 Minutes shall be recorded in book form of all resolutions and proceedings of meetings of the Board

## 10 CHAPTERS

### 10.1 *Constitution of a chapter committee*

10.1.1 A chapter committee shall consist of such numbers of members as the outgoing chapter committee may from time to time determine: Provided that the number is not less than four.

10.1.2 A chapter committee shall be elected by and out of the members employed in the area of jurisdiction of the chapter concerned

10.1.3 The members of a chapter committee shall be elected to serve a tenure of office of two years

10.1.4 The chapter committee shall add to its elected membership the Board member elected in terms of clause 8.1.2.5 of the Constitution, if not already elected to the chapter committee

10.1.5 In addition up to but not exceeding 25% of the combined number of members may, at the option of the chapter committee, be co-opted with voting powers

### 10.2 *Chapter committee meetings*

10.2.1 The chapter committee shall meet at least four times a year

10.2.2 50% of the members of the chapter committee shall form a quorum:

10.2.3 The chapter committee shall elect from all its members a chairman, a vice chairman and a secretary

10.2.4 Minutes shall be recorded of all resolutions and proceedings of meetings of the chapter committee and copies thereof shall be distributed to all chapters and to the Board

10.2.5 Except in the case of urgency, not less than seven days' notice of a meeting of the chapter committee shall be given by the chapter secretary to each member of the chapter committee

### 10.3 *General meetings*

10.3.1 Each chapter shall convene an annual general meeting of its members, to be held not later than 31<sup>st</sup> May

10.3.2 The chapter committee shall give at least four weeks' notice of the place, date and time of the holding of the annual general meeting. In such notice the chapter committee shall issue to all [corporate] chapter members an invitation to nominate candidates for election to the chapter committee in terms of By-law 4.1.8

10.3.3 The chapter committee may, whenever it thinks fit, call a special general meeting

10.3.4 A special general meeting shall be called by the secretary within twenty one days after the receipt by him of a written requisition signed by not less than one-tenth, but in no case less than five, of the members, stating the object of the proposed meeting

10.3.5 The quorum necessary to constitute any general meeting shall be 5% of the chapter membership but not less than five

10.3.6 If no quorum is present at any general meeting, the meeting shall be adjourned and shall be resumed one week later at the same time and place (if on a public holiday on the next succeeding *week day*). The members then present shall constitute a quorum

10.3.7 The chairman or the vice-chairman or, in their absence, the chairman duly elected by the meeting shall decide all matters of procedure and his decision shall be final: Provided that he may not adjourn or terminate such meeting save on a majority vote to that effect. Should any member feel aggrieved by such decision, he shall have the right to appeal to the Board

10.3.8 The chairman shall not vote on any resolution, save in the case of a tie, in which case he may exercise a casting vote

10.3.9 Minutes shall be recorded in book form of all resolutions and proceedings of meetings of general meetings

10.4 *Election of chapter committee*

10.4.1 Any member may nominate in writing a candidate or candidates for election to the chapter committee. Such nomination shall be seconded and each candidate shall signify his acceptance by signing his nomination form

10.4.2 Such nominations shall be in the hands of the secretary not later than three weeks before the date fixed for the annual general meeting

10.4.3 After the expiry of the time for nominations, the chapter committee shall, if necessary, nominate additional candidates for election to the chapter committee to make up the minimum required to form a chapter committee and may, in its discretion, nominate a greater number than the minimum required

10.4.4 If more candidates are nominated than are required for election to the chapter committee, a ballot shall be held and conducted in the manner set out in By-law 4.3

10.4.5 The ballot papers shall be forwarded not later than two weeks before the date fixed for the annual general meeting of the chapter. Completed ballot papers shall reach the secretary not later than noon on the last week-day prior to the date fixed for the annual general meeting of the chapter

10.5 *Powers and duties of the chapter committee*

10.5.1 The chapter committee may establish sub-committees to assist it in the performance of its functions and duties

10.5.2 The chapter shall endeavour to provide support to chapter members by way of seminars, workshops and the like with a view to the advancement and upgrading of their technical and professional skills

10.5.3 The chapter committee shall make available annually to each chapter member and to the Board, a report on the affairs of the chapter for the previous year. In addition the chapter shall submit interim reports to the Board at intervals determined by the Board from time to time

10.5.4 The chapter committee shall submit annually to the Board, not later than four

weeks after the close of the financial year of the Association, an income and expenditure account for the chapter's financial year and such accounts shall be signed by the chairman and the secretary

10.5.5 The chapter committee shall submit to the Board, not later than four weeks after the close of the financial year of the Association, a budget for the following financial year of the chapter

10.5.6 The chapter committee may recommend salaries which practitioners should pay students, as well as conditions of employment

10.6 *Duties of the chapter Board Member*

10.6.1 The Board member shall act as the liaison person between the chapter and the Board. He shall facilitate the transfer of information relating to chapter activities and Board policies between the chapter and the Board including the preparation and presentation of chapter reports to the Board on behalf of the chapter

---

## 11 DIVISIONS

---

11.1 *Constitution of division and division committee*

11.1.1 A divisional member shall firstly be a member of the Association

11.1.2 A division shall consist of such of members who identify with the primary professional activity, interest or objective represented by the division.

11.1.3 A division committee shall consist of not less than four

11.1.4 A division committee shall be elected by and out of the divisional members

11.1.5 Members of a division committee shall be elected to serve a tenure of office of two years

11.1.6 The division committee shall add to its elected membership the Board member elected in terms of By-law 4.1.8, if not already elected to the division committee

11.1.7 In addition up to but not exceeding 25% of the combined number of members may, at the option of the division committee, be co-opted with voting power

- 11.2 *Division committee meetings*
- 11.2.1 The division committee shall meet at least four times a year
- 11.2.2 50% of the divisional members of the division committee shall form a quorum
- 11.2.3 The division committee shall elect from all its members a chairman, a vice chairman and a secretary
- 11.2.4 Minutes shall be recorded of all resolutions and proceedings of meetings of the division committee and copies thereof shall be distributed to all chapters and to the Board
- 11.2.5 Except in the case of urgency, not less than seven days' notice of a meeting of the division committee shall be given by the secretary to each member of the division committee
- 11.3 *General meetings*
- 11.3.1 Each division shall convene an annual general meeting of its members, to be held not later than 31st May
- 11.3.2 The division committee shall give at least four weeks' notice of the place, date and time of the holding of the annual general meeting. In such notice the division committee shall issue to all divisional members an invitation to nominate candidates for election to the division committee in terms of By-law 6.1.4
- 11.3.3 The division committee may, whenever it thinks fit, call a special general meeting
- 11.3.4 A special general meeting shall be called by the secretary within twenty one days after the receipt by him of a written requisition signed by not less than one-tenth, but in no case less than five, of the divisional members, stating the object of the proposed meeting
- 11.3.5 The quorum necessary to constitute any general meeting shall be 5% of the divisional membership but not less than five
- 11.3.6 If no quorum is present at any general meeting, the meeting shall be adjourned and shall be resumed one week later at the same time and place (if on a public holiday on the next succeeding week day). The members then present shall constitute a quorum
- 11.3.7 The chairman or the vice-chairman or, in their absence, the chairman duly elected by the meeting shall decide all matters of procedure and his decision shall be final: Provided that he may not adjourn or terminate such meeting save on a majority vote to that effect. Should any member feel aggrieved by such decision, he shall have the right to appeal to the Board
- 11.3.8 The chairman shall not vote on any resolution, save in the case of a tie, in which case he may exercise a casting vote
- 11.3.9 Minutes shall be recorded in book form of all resolutions and proceedings of meetings of general meetings
- 11.4 *Election of division committee*
- 11.4.1 Any member may nominate in writing a candidate or candidates for election to the division committee. Such nomination shall be seconded and each candidate shall signify his acceptance by signing his nomination form
- 11.4.2 Such nominations shall be in the hands of the secretary not later than three weeks before the date fixed for the annual general meeting
- 11.4.3 After the expiry of the time for nominations, the division committee shall, if necessary, nominate additional candidates for election to the division committee to make up the minimum required to form a division committee and may, in its discretion, nominate a greater number than the minimum required
- 11.4.4 If more candidates are nominated than are required for election to the division committee, a ballot shall be held and conducted in the manner set out in By-law 3.3
- 11.4.5 The ballot papers shall be forwarded not later than two weeks before the date fixed for the annual general meeting of the chapter. Completed ballot papers shall reach the secretary not later than noon on the last week-day prior to the date fixed for the annual general meeting of the chapter
- 11.5 *Powers and duties of the division committee*
- 11.5.1 The division committee may establish sub-committees to assist it in the performance of its functions and duties
- 11.5.2 The chapter shall endeavour to provide support to divisional members by way of seminars, workshops and the like with a view to the advancement and upgrading of technical and professional skills

- 11.5.3 The division committee shall make available annually to each divisional member, and to the Board, a report on the affairs of the division for the previous year. In addition the division shall submit interim reports to the Board at intervals determined by the Board from time to time
- 11.5.4 The division committee shall submit annually to the Board, not later than four weeks after the close of the financial year of the Association, an income and expenditure account for the chapter's financial year and such accounts shall be signed by the chairman and the secretary
- 11.5.5 The division committee shall submit to the Board, not later than four weeks after the close of the financial year of the Association, a budget for the following financial year of the division
- 11.6 *Duties of the divisional Board member*
- 11.6.1 The Board member shall act as the liaison person between the division and the Board. He shall facilitate the transfer of information relating to the division activities and Board policies between the division and the Board including the preparation and presentation of division reports to the Board on behalf of the division

## 12 CODE OF PROFESSIONAL CONDUCT

---

- 12.1.1 Members shall order their conduct according to the Association's Code of Professional Conduct, the Act, the Regulations made in terms of the Act and shall also comply with the Constitution and the By-laws as published elsewhere
- 12.1.2 A copy of the Association's Code of Professional Conduct shall be issued to each member of the Association
- 12.1.3 Any infringement of the Association's Code of Professional Conduct, the Regulations or the Act shall be deemed to be unprofessional conduct in terms of the Constitution
- 12.1.4 Students shall, in addition to applying themselves diligently to their academic studies, give loyal service to their employers. They should also behave themselves in a manner becoming a future member of the profession

## 13 INQUIRY BY THE BOARD

---

- 13.1 In the following By-laws, "Board" shall mean either the Board or any committee thereof appointed in terms of clause 8.7.2 of the Constitution
- 13.2 The conduct of any member of the Association shall be considered by the Board of its own accord or upon complaint made and, if deemed necessary, such conduct shall be inquired into by the Board and such member duly charged with the unprofessional conduct alleged
- 13.3 The Board may require the complainant to file further particulars of any of the matters complained of and may require the complaint or any part thereof to be verified by affidavit
- 13.4 The Board may call upon the member whose conduct is complained of or is being considered to file within ten days an explanation in answer to the complaint and may require such explanation to be verified by affidavit
- 13.5 If it is deemed necessary to inquire into a charge of unprofessional conduct, the Board shall give written notice to the member concerned as to which of the By-laws have allegedly been contravened, together with a statement of the alleged contravention and shall further give notice as to the date on which the enquiry will be held
- 13.6 The Board may summon before it any member of the Association against whom a complaint may be lodged or whose conduct may appear to the Board to require investigation and may call upon him to produce any document, contract, book, paper, drawing, specification, quantities or other writing in his possession or under his control in any way relating to or concerning the complaint or matter under investigation and shall hear any relevant evidence and addresses incidental thereto and inspect any relevant documents which the complainant or the member concerned may desire to produce
- 13.7 The Board may summon any other member of the Association to attend such enquiry and may require him to give evidence in regard to the complaint or matter under investigation and to produce such documents as the Board may consider to be relevant thereto. In addition, the Board shall be entitled to summon any other person to attend and give evidence at such inquiry

- |   |   |
|---|---|
| <p>13.8 The member against whom the complaint is made may have legal representation at the hearing of such inquiry, and the Board may appoint a legal representative (who shall not be a member of the Board or committee hearing the enquiry) for the purpose of assisting in the framing of the charges and of adducing the evidence, re-examining witnesses and cross-examining witnesses for the defence and addressing the Board as and when necessary</p> <p>13.9 Should the members against whom is made not appear or not file an explanation, the inquiry may be proceeded with forthwith</p> <p>13.10 At an inquiry held under this Constitution, all verbal evidence shall be taken on oath administered or affirmation accepted by the chairman and shall be recorded in such manner as the Board shall determine</p> <p>13.11 The Board, after having inquired into the conduct of any member, may:</p> <p>13.11.1 Take no further action</p> <p>13.11.2 Caution and/or reprimand the member</p> <p>13.11.3 Impose a fine on the said member up to such amount as may be prescribed from time to time</p> <p>13.11.4 Terminate the membership of the said member</p> | <p>13.12 If unprofessional conduct is held to be proved against a member who is a registered professional or candidate quantity surveyor, it shall be the duty of the Board to notify the Council of the unprofessional conduct and the penalty imposed</p> <p>13.13 The Board may make such order as to the cost incurred in the hearing of the inquiry as it may deem fit</p> <p>13.14 If any inquiry is commenced during the period of office of the Board, such inquiry shall continue until its completion by the Board and the chairman and the committee (if appointed) shall continue in office as such at the inquiry notwithstanding that a new Board or President, Vice President or Deputy Vice-President may have been elected after the commencement of such inquiry and before the inquiry is concluded</p> <p>13.15 All questions as to the admissibility of evidence and as to procedure during the hearing and conduct of the enquiry, save set forth in By-law 7.1 to 7.14 hereof, shall be decided by the Board</p> <p>13.16 If a member is found guilty, the finding of the Board shall be reported to the Association's professional membership. Such report may or may not, in the discretion of the Board, included the reasons for the finding</p> |
|---|---|