

**TANZANIA INSTITUTION OF VALUERS
AND ESTATE AGENTS
(TIVEA)**

CONSTITUTION

Postal Address:

**P O BOX 32309
DAR ES SALAAM**

JUNE, 1997

THE CONSTITUTION OF THE TANZANIA INSTITUTION OF VALUERS AND ESTATE AGENTS (TIVEA)

1. NAME AND ADDRESS

The name of the Institution shall be '**TANZANIA INSTITUTION OF VALUERS AND ESTATE AGENTS**', abbreviated as TIVEA.

Its postal address shall be Post Office Box 32309 Dar es Salaam.

DEFINITIONS

In this constitution unless the context otherwise provides;

“Affiliate Members” shall mean members registered in the classes of Graduates, Technicians and Students as defined in Article 3.2 of this Constitution

"By -laws" means by laws made under this constitution.

"Constitution" means the constitution of Tanzania Institution of Valuers and Estate Agents (TIVEA).

"Committee" means TIVEA executive committee established under article 6.4 of this constitution.

"Council" means council established under article 6.

"Estate Agents" shall mean persons with skills in the art of marketing of real properties and such persons in agency practice as will be determined by the council from time to time.

"Full Members" shall members registered in the classes of Fellows and Associates as under article 3.2 of this Constitution.

"Institution" means Tanzania institution of valuers and estate agents (TIVEA).

"Institution of Surveyors of Tanzania" means the institution established for land surveyors and land economy surveyors. The land economy surveyors have now formed their separate institution, TIVEA , and thus leaving IST to land surveyors.

"National Council of Professional Surveyors" means council established by the Professional Surveyors (Registration) Act No. 2 of 1977.

"President" means president of TIVEA

"Registered" means registered in Tanzania with the National Council of Professional Surveyors or any other recognised professional board as the council may determine provided that a member so registered will have been practising any of the professions being catered for by TIVEA and shall be subject to Act No.2 of 1977 of the Parliament of the United Republic of Tanzania.

"Valuer" means and includes land economist, land manager or officer, estate manager or officer, property manager or officer having graduated from a recognised institution in land economy surveying as defined by the Commonwealth Association of Land Surveyors and Land Economy (CASLE) and practised for at least five years.

"Vice President" means vice president of TIVEA

2. OBJECTIVES

The Institution is established for the following objectives:

- 2.1** To support and protect the character, status and interests of the profession of Land economy Surveying and estate agency and to uphold a high code of professional conduct among its members.
- 2.2** To engender a close relationship with other professional bodies both nationally and internationally associated with the construction industry and land management.
- 2.3** To secure the advancement and facilitate the acquisition of knowledge which constitutes the professions of land economy surveying and estate agency.
- 2.4** To promote research in, and disseminate knowledge and information on subjects relating to or affecting the professions of land economy surveying and estate agency by means of lectures, seminars, publications and workshops.
- 2.5** To provide expertise in the economics of construction and land with the aim of achieving optimum use of invested resources.
- 2.6** To co-operate with institutions of higher learning which provide academic training for the profession of land economy surveying.

- 2.7 To conduct training to prospective members of the institution aspiring to sit for professional examination.
- 2.8 To inform all who may benefit from the services of a land economy surveyor or estate agent of the scope of his/her expertise.
- 2.9 To interview and recommend registration and deregistration of professionals and firms to the National Council of Professional Surveyors.
- 2.10 To encourage the formation of branches.
- 2.11 To recommend to the National Council of Professional Surveyors to take appropriate measures against persons who seem to or are interfering with TIVEA'S interests or its members interests.
- 2.12 To undertake any other activities as the institution may from time to time consider desirable.

3. MEMBERSHIP

- 3.1 The membership of the Institution shall consist of three categories namely; corporate membership, individual membership and honorary membership. These shall be:

(i) **Honorary Members:**

1. Patrons
2. Honorary Members

(ii) **Individual Members**

Full Members

1. Fellow Members.
2. Associate Members.

Affiliated Members

1. Graduate Members
2. Technician Members
3. Student Members

(iii) **Corporate Members**

1. Registered Land Economy surveying firms
2. Registered Estate Agents firms

3.2 PATRON shall be a person of distinction whose membership would, in the opinion of the Council, confer honour upon the Institution. The patron shall be nominated by the committee and approved by the council.

3.3 HONORARY MEMBERS shall be persons of eminence in the arts and sciences or of position or experience whose membership would, in the opinion of the council, further the aims of the Institution. Such members shall not be engaged in practice as valuers, land managers, estate managers or estate agents. Honorary Membership shall only be by invitation of the Council on the recommendation of the committee.

3.4 FELLOW MEMBERS shall be persons who:

3.4.1 Have been associated members of the institution for more than ten years or who hold such other qualification (s) which in the opinion of the council is of requisite standard and have high personal and professional integrity.

3.4.2 Have satisfactory experience in any of the following aspects of land economy surveying, valuation, estate/property management, land management or estate Agency of at least ten years duration.

3.4.3 Have gained suitable experience of, and have risen to a suitable elevated status, in the profession in Tanzania and who have fulfilled such further conditions as the council may prescribe.

- 3.5 ASSOCIATE MEMBERS** shall be persons who have passed an examination as approved by the council in addition of post qualification experience of a period and of a type approved by the council, and who have fulfilled such conditions as the By-Laws shall prescribe.
- 3.6 GRADUATE MEMBERS** shall be persons who have graduated from recognised institutions of higher learning approved by the Council and who have fulfilled such conditions as the By-Laws shall prescribe.
- 3.7 TECHNICIAN MEMBERS** shall be persons holding technician certificates from recognised colleges and approved by the council and who have fulfilled such conditions as the By Laws shall prescribe.
- 3.8 STUDENT MEMBES** shall be persons currently pursuing full time studies at recognised colleges and institutions of learning and who have fulfilled such conditions as the By Laws shall prescribe.
- 3.9 CORPORATE MEMBER** shall be limited to incorporated companies practising land economy surveying and or estate agency profession with the licence of the National Council of Professional Surveyors. At all times a corporate member shall have at least one of its directors a

registered Land Economy Surveyor registered by the National Council of Professional Surveyors of Tanzania.

4. CHAPTERS OF MEMBERSHIP

There shall be two chapters formed within the institution to represent each of the sections of valuation, land management, property management and estate agency namely:

- (i) **Land Economy Surveying** to cater for valuation, land management and property management, building surveying and maintenance management.
- (iii) **Estate Agency** and auction of real property

5. DESIGNATIONS

Every Fellow and Associate members of TIVEA shall be entitled to use after his or her name the initials FTIVEA and ATIVEA respectively followed by the letters (LES) for members of the land economy surveying chapter, (EA) for Estate Agency.

6. THE COUNCIL

There shall be a council of the institution which besides what is provided in Article 6.2 below shall be the institution's policy making body and its directions shall bind all members of the institution.

6.1. Composition of the Council

There shall be a council of the Institution of which will be composed of:

- (i) All members of Executive Committee of the Institution
- (ii) The immediate past President and Honorary Secretary who shall be ex officio council members
- (iii) Two paid up elected Full Members to represent each chapter as provided in Article 4.
- (iv) The Chairmen of all branches constituted as provided by the By-Laws

6.2 Duties of the Council

The duties of the council shall be:

- (i) Draw up By-Laws of the institution and a code of conduct for members of the institution.
- (ii) Propose any necessary amendments to either the By-Laws or the Code of Conduct from time to time. The By-Laws, the Code of Conduct and any amendments to either must be ratified at a General Meeting of members of the institution.
- (iii) Give directions to the executive committee as to the manner in which, within the law, they shall perform their duties.
- (iv) The Council shall have powers to co-opt Full Members to the Council to take place of elected members of Council who are unable to carry out their duties. Not more than three Full Members may be co-opted at the discretion of the Council to hold office in the council at any one time.

- (v) To hire or otherwise such personnel who shall facilitate the duties of the institution.
- (vi) To be responsible for the management of the affairs and business of the Institution and for the implementation of the By-Laws.
- (vi) To appoint such Committees as it may deem fit to make reports to the council upon which the council may choose to take action.

6.3 Council Committees

The Council shall immediately after each annual general meeting constitute the following Council Committees:

- (i) Functions and Finance committee.
- (ii) Professional Practice and Disciplinary Committee.

(iii) Education, Editorial and Research Committee.

(iv) Constitution and Legal Affairs Committee.

(v) Any other committee as it deems fit.

6.4 Council Meetings

(i) The Council shall meet at such times and places as it shall resolve but shall meet once in every four months.

(ii) The quorum for meeting of the Council shall not be less than five members of whom not less than three shall be members of executive committee or elected members of the council.

7.0 THE EXECUTIVE COMMITTEE

7.1.0 There shall be an executive committee of the institution.

7.1.1 The executive committee shall consist of:

(a) Executives

(i) President

(ii) Vice President

(iii) Honorary Secretary

(iv) Assistant Secretary

(v) Honorary Treasurer

(vi) Assistant Treasurer

(b) All members to the executive committee shall be paid up full members of the institution and shall be elected at the Annual General Meeting.

(c) All executive committee members and members of Council shall hold office for a term of two years from the date of election and shall be eligible for re-election provided no such member shall hold office in the council for more than two consecutive terms.

(d) Any executive committee or member of Council who ceases to be a Full Member of the Institution shall automatically cease to be member of the executive committee or member of Council.

8.0 DUTIES OF THE EXECUTIVE COMMITTEE

8.1 The duties of the executive committee shall be:

(i) advisory to the council on all matters relating to the Institution

- (ii) scrutinise and recommend name(s) of suitable persons to be employed by the institution to the council.
- (iii) forward council resolutions to appropriate authorities
- (iv) do anything directed by the council for the benefit of the institution.

8.2 Individual Duties of Executive committee members

- (i) **President:** The President shall preside over all meetings of Council, committee and all other meetings of the Institution.
- (ii) **Vice President:** The Vice President shall perform the duties delegated to him by the President and deputise for the President in his/her absence. S/he shall also perform any other duties assigned to him by the Council.
- (iii) **Hon. Secretary:** The Hon. Secretary shall deal with all the correspondence of the Institution under the general supervision of the Council. In cases of urgent matters where the Council cannot be consulted, s/he shall consult the President, or if s/he is not available,

the Vice President. The decisions reached shall be subject to ratification or otherwise at the next Council meeting. S/he shall issue notices convening all general meetings of the Institution and shall be responsible for keeping minutes of all such meetings and for the preservation of all records of proceedings of the Institution and of the Council; further s/he shall keep and maintain a register of members of the institution. The duties of the Honorary Secretary to the council shall apply mutatis mutandis to the committee.

(iv) **Assistant Secretary:** The Assistant Secretary shall perform duties delegated to her/him by the Hon. Secretary and shall deputise for the Hon Secretary in the latter absence. S/he shall also perform any other duties assigned to her/him by the Council.

(v) **Hon. Treasurer:** The Hon. Treasurer shall receive and shall also disburse, under the direction of the Council, all moneys belonging to the Institution and shall issue receipts for all moneys received by him and preserve vouchers for all moneys paid by him. He or she

shall prepare annual accounts for the institution. The duties of Treasurer to the council shall apply mutatis mutandis to the committee.

The Hon. Treasurer is responsible to the Council and to the members that proper books of account of all moneys received and paid by the Institution are written up, preserved and available for inspection.

- (vi) **Assistant Treasurer:** The Assistant Treasurer shall perform duties delegated to her/him by the Hon. Treasurer and shall deputise for the Hon. Treasurer in the latter absence. S/he shall also perform any other duties assigned to her/him by the Council.

- 8.3** Quorum of the Executive Committee shall be three members. The committee shall hold its meetings at least before each council meeting. Notice of meeting of committee shall be two weeks.

9. GENERAL MEETINGS

- 9.1** General meetings of the Institution, shall be convened by the Honorary Secretary in consultation with the President or as the By Laws may prescribe.

At all General Meetings of the Institution, the President, or in her/his absence the Vice President, or in the absence of both these officers, a member selected by the meeting, shall chair the meeting. Only Full Members shall be eligible to vote at General Meetings. The quorum at all General Meetings shall be forty per cent of the Full Members or twenty Full Members, whichever is the smaller.

9.2 Annual General Meetings

There shall be an Annual General Meeting at which the President and Honorary Treasurer shall present their Reports and at which the Council and Auditors shall be elected (if elections are due) and appointed respectively.

Notice of Annual General Meeting shall be one month in advance.

- 9.3** Resolutions shall be decided by simple majority of full members in attendance and in case of equality in votes, the President or chairman shall have a casting vote.

9.4 Extra - Ordinary General Meetings

Extra - Ordinary General Meetings shall be convened by the Council when deemed necessary or by a requisition signed by not less than one third of all Full Members,

which requisition must specify the purpose of the meeting. It shall be the duty of the Council to summon an Extra - Ordinary General Meeting within one calendar month from the date of such requisition. Quorum of an extra ordinary general meeting shall be one third of all fully members of the institution.

9.5 Resolution

Resolutions shall be decided by simple majority of full members (except as may be specified herein) and in the case of equality of votes, the chairman shall have a casting vote. The mode of voting shall be as prescribed in the By - Laws.

10. FINANCE

10.1 Fees and Subscriptions

Fees and Subscriptions shall be paid to the Institution in the amounts and in such manner as the By - Laws shall prescribe and such fees and subscriptions shall constitute the main source of funds for the Institution.

10.2 Applications of Funds

The Council shall, subject to such limitations and restrictions as the By-Laws prescribe, apply the funds for the administration of the business of the

Institution, and for promoting the objects of the Institution.

10.3 Auditors

Auditors shall be appointed at the Annual General Meeting at which elections of Council member are due. The auditors shall have access at all reasonable times to the accounts and securities of the institution and shall report thereon to the next Annual General Meetings. Auditors shall be appointed annually.

10.4 Bank Account

An account in the name of the **TANZANIA INSTITUTION OF VALUERS AND ESTATE AGENTS** shall be opened and maintained with a Bank approved by the Council.

11. PROFESSIONAL CONDUCT

It is a condition of membership that each and every Full Member and Affiliated Member shall conform to the Rules of Professional Conduct as provided for in the Bye-Laws so as to uphold the dignity of the Profession and Institution.

12. BRANCHES

Branches of the Institution may be formed with the approval of the Council and will adopt the constitution so registered and By-Laws made from time to time.

13. BY - LAWS

The Council is empowered to enact, revoke or amend bye-laws provided these are not incompatible with any of the rules in this constitution. Such enactments repeal amendments to the bye-laws shall not come into operation until at a date two calendar months after all Full Members have been notified in writing, with a copy of the particular enactment, repeal or amendment. Evidence of posting shall constitute notification.

14. AMENDMENT TO THE CONSTITUTION

- (i) Amendments to the Constitution of the Institution must be approved by at least a two third of the majority of the votes cast at an Annual General Meeting or a Special General Meeting of the Institution held for that purpose.

- (ii) All proposed amendments to the Constitution shall be notified to all Full Members and Affiliated members in writing not less than 14 days before holding of the general meeting at which the proposals shall be discussed. Evidence of posting shall constitute notification of notice of the meeting.

15. DISSOLUTION

- (i) The Institution shall not be dissolved at a Special General Meeting unless at least seventy five per cent of votes cast are in favour of a resolution to this effect. The quorum of the meeting shall be as provided in Article 9.4. If no quorum is obtained, the proposal to dissolve the Institution shall be submitted to a further Special General Meeting which shall be held one month later. Notice of this meeting shall be given to all Full Members and Affiliated Members of the Institution at least 14 days before the date of the meeting. The quorum for this second meeting shall be the number of members present. Notification of

these meetings shall be by appropriate means of mail.

- (ii) The dissolution shall be subject to the law existing at that time.
- (iii) When dissolution of the Institution has been effected in accordance with the law and this Constitution, no further action shall be taken by the Council or any committee of the Institution in connection with the aims of the Institution other than notify the liquidator, as defined in Article 15(iv), of known existing assets and liabilities of the Institution. Any cash in hand shall be paid to the liquidator.
- (iv) In the event of dissolution, the bank in which the Institution's money are deposited shall act as trustee and liquidator and shall wind up the affairs of the Institution in accordance with the law.

Passed by the inaugural meeting held on 4th. April, 1997

**BY-LAWS OF THE TANZANIA
INSTITUTION OF VALUERS AND ESTATE
AGENTS (TIVEA)**

1. DEFINITIONS

- 1.1 'General meeting' shall mean the meeting held on 4th. April, 1997 and all subsequent amendments thereto.
- 1.2 'Registered' shall mean registered in Tanzania with the appropriate Authority such as the National Council of Professional Surveyors.

**2. INTERPRETATION OF THE
CONSTITUTION OR BY - LAWS**

Should any question or dispute arise at a General Meeting of the Institution or at a meeting of the Council or any committee,

as to the interpretation or meaning of the Constitution or the By - Laws, the Chairman of the Meeting shall rule thereon. Any member then present and objecting to or aggrieved by the ruling may demand to have it submitted to the meeting which shall finally decide the question or dispute by resolution.

3. CHAPTERS

3.1 As provided in Section 4 of the Constitution, the following Chapters shall be formed:

- (i) Chapter of Land Economy Surveying
- (ii) Chapter of Estate Agency

3.2 A chapter shall be composed of all members of the Institution of that section of the profession, provided always that a member who is so qualified may at his discretion join more than one Chapter.

4. MEMBER SHIP

4.1 Member Declaration

All candidates for election as members, of whatever category, shall agree to abide by the Constitution and By-Laws of the

Institute, and to be bound by the Principles of Professional Conduct promulgated by the Institute and set out in Section 10 of the By - Laws 9 and shall sign a declaration to that effect.

4.2 Privileges of Members

Members of all classes shall have the right to attend General Meeting of the Institution and meetings of their Branch and shall join in all discussions and participate in all Institution and Branch activities. However, only Full members shall vote at General Meetings.

4.3 Application For Membership

- (i) All candidates for admission to Full and Affiliated membership shall complete an application form, sign the declaration required under Bye-law No. 4.1 and submit completed form together with the requisite fees to the Hon. Secretary.
- (ii) In the event that a candidate is unable to find the requisite proposers referred to in Bye-Law 4
- (iii) the Chairman and either the Vice Chairman or the chairman of the Chapter concerned may, at their

discretion, submit the application to the Council for consideration.

- (iii) All candidates for admission shall be proposed and seconded by two Full Members of the Chapter which they propose to join except that this requirement shall not apply to Technician and Student members.
- (iv) When applying for Full or Affiliated membership, each candidate shall state the class of membership and the Chapter (or Chapters) for which s/he considers herself/himself eligible but the Council may, in its discretion vary either the class or the chapter if such action is deemed appropriate.
- (v) The Honorary Secretary shall issue a receipt for the completed application form and for the application fees and subscription, and shall bring the application to the next Council meeting following its receipt.
- (vi) The Council, in its absolute discretion, may require additional information from the candidate for election and may investigate an application without divulging reasons. Failure of the applicant to prove further requisite information

within 3 months shall render his application automatically lapsed.

- (viii) A member wishing to transfer from one class of membership to another and/or join another chapter shall complete an application form and his application shall be considered by the Council.
- (ix) Members of the Institution of Surveyors of Tanzania may be admitted to the Institution provided they are land economy surveyors.

4.4 Admission to Membership

- (a) Admission shall be by a majority vote of the council
- (b) Upon a candidate being admitted, the Hon. Secretary shall inform him that his name has been inscribed in the Register of members in the appropriate class and chapter.

4.5 Rejection of application

- (a) In the event that an application is rejected, at the discretion of the Council, a short summary of the reasons for the rejection shall be given in writing by the Hon. Secretary to the candidate.

- (b) No rejected member may again apply for full or affiliated membership within a period of one year from the date of such rejection.

4.6 Ineligibility for Membership

The following Categories of persons shall be ineligible for membership of the Institution;

Any person who;

- (i) is serving sentence for criminal offence or
- (ii) has been refused registration as a Valuer, Land Manager, Property Manager or Estate Agent by the National Council of Professional Surveyors or,
- (iii) is currently subjected to the disciplinary provisions of Clause - of the Professional Surveyors (Registration) Act of 1977.
- (iv) for a reasons which are considered by the Council to be contrary to the Code of Conduct detailed in By - Law No. 10 will be ineligible for membership of the institution.

4.7 Termination of Membership

4.7.1 Membership of the Institution shall cease or be terminated by the Council:

- (i) on receipt by the Council of a letter of resignation from a member, provided always that the Council in considering the circumstances may first request the member to withdraw his resignation; or
- (ii) upon being notified of the death of a member; or
- (iii) if any of the circumstances mentioned in By-Laws No. 4.6 becomes applicable to a member; or
- (v) upon failure to pay any moneys due to the Institution as specified in By-Law No. 6; or
- (vi) in the event that a member, after having been warned by the Council in writing fails or refuse to abide by the Constitution or By - Laws of the Institution; or
- (vii) in the event that a member is found by the Council to be guilt of professional misconduct such as to warrant the termination of his membership.

- 4.7.2** On termination of membership, the member's name shall be removed from the Register of Members and he shall be so advised by the Honorary Registrar whereupon he shall return any Certificate of Membership which may have been issued to him. On termination of membership a member shall not be entitled to a refund of annual subscription or of any moneys contributed from time to time.
- 4.7.3** The Council may publish a termination of membership in a manner deemed appropriate subject to granting a right to be heard to the affected member.

4.8 Reinstatement of Membership

A member whose name has been removed from the Register of Members may be reinstated at the discretion of the Council and on such terms as they may consider appropriate.

4.9 Fellow Members

Fellow members shall be those persons elected as Fellow Members in accordance with the requirements of Article 3.5 of the Constitution.

4.10 Associate Members

To be eligible for election as an Associate Members a Candidate shall

- (i) have attained the age of 21 years
- (ii) be a principal or employee of an approved company, organisation or practice
- (iii) have two years approved post graduate experience at least one of which must be in Tanzania
- (iv) be registered or be eligible for registration by the National Council of Professional Surveyors (Tanzania), or hold such other qualification required by the Council
- (v) fulfil such other requirements as the Council may determine

4.11 Graduate Members

To be eligible for election as a Graduate Members a Candidate shall:

be the holder of an approved degree or diploma or such other qualification approved by the Council

4.12 Technician Members

To be eligible for election as a Technician Member a Candidate shall

- (i) have attained the age of 21 years
- (iii) be the holder of an approved Full Technician Certificate or other qualification approved by the Council

4.13 Student Members

4.13.1 To be eligible for election as a Student Member a candidate shall:

- (i) have attained the age of 16 years
- (ii) be a student undergoing an approved full time course of study in Land Economy surveying.
- (b) be an employee in an approved organisation and undergoing an approved course of study in Land Economy surveying.

4.13.2 Student membership is limited to a maximum of ten years, thereafter it shall automatically lapse.

4.14 Advancement of Class Membership

A member wishing to advance to another class of membership shall submit a new application on the prescribed form.

4.15 Certificate of Membership

- (i) Upon election to Corporate Membership, the member shall be entitled to receive a sealed certificate of membership specifying the class of membership, the date of election and his registration number.
- (ii) The certificate shall be signed by the President and the Honorary Secretary.
- (iii) The certificate shall remain the property of the Institute and shall be returned by the member to the Institute upon cessation or termination of membership or when so demanded in writing by the Council.

5. PROFESSIONAL AFFIXES

- 5.1** Full Members and Honorary members shall be entitled to use whichever of the following affixes is applicable:

Fellow Members	FTIVEA
Associate Members	ATIVEA
Honorary Members	MTIVEA (Hon)

Members of the various chapters will then add in brackets their respective Chapter e.g.

FTIVEA (LES) for Land Economy Surveying Chapter,

FTIVE (EA) for Estate Agency.

- 5.2** Affiliate members shall not be entitled to use any professional affix with respect to the Institution, neither shall they use such titles as Valuer, Land Manager, Estate Agent or any similar phrase implying that he has the right and qualifications to offer and perform the services of the Land Economy profession to the public.

6. FINANCE

6.1 Entrance Fees Subscription and Other Sources of Funds

6.1.1 Entrance fees for the Institution shall be as stated hereunder:

Fellow member	50,000/=
Associate member	30,000/=
Affiliate member	15,000/=
Technician member	10,000/=
Student member	5,000/=

or such other sums as set from time to time by the Council

6.1.2 Annual subscription shall be paid in advance within the first quarter of the financial year. Fees may be paid in instalment spread throughout the year shall be as follows:

Fellow member	50,000/=
Associate member	30,000/=
Graduate member	20,000/=
Technician member	10,000/=
Student member	5,000/=

or such other sums as set from time to time by the Council. In the case of members elected after the 30th of September, their subscription shall be valid until the end of the following year.

- 6.1.3** On advancing from one class of membership to another, a member shall pay the entrance fee for the new class.
- 6.1.4** Annual subscriptions once paid shall be valid for the whole financial year, irrespective of any subsequent changes(s) of class of membership during the year. Where a member is elected to a new class of membership before he has paid his annual subscription he shall be required to pay the annual subscription for the new class.
- 6.1.5** The Council may after consultation with Full members, at any time and from time to time, raise funds for special purposes, by levies on all or any of the Full members, payable at such time and in such manner as the Council may determine. Such levies shall first have been approved by a resolution passed by a majority of those present and voting at a general meeting of the members on whom the same is to be levied.
- 6.1.6** The Council shall whenever necessary, devise ways of collecting funds from Land/Estate Management Valuation, and Estate Agency firms or any other firms employing TIVEA members, Government Ministries, Parastatals, Donor Agencies, or any persons, provided, it does not

contradict with the interests and objectives of the Institution.

6.1.7 If any member fails to pay his annual subscription or any other moneys due from him to the Institution, whether in respect of a levy or otherwise, for two months after the date upon which it become due, the Honorary Secretary shall by registered letter or by recorded delivery notify the member giving him a further one month within which to pay.

6.1.8 Should he not pay within this further one month, his membership shall automatically cease.

6.2 Application of Funds

6.2.1 The funds of the Institution may only be used for the following purposes:-

- (i) to pay for all correspondence expenses incurred by the Honorary Secretary and other officers on behalf of the Institution
- (ii) to pay for the production of approved publications of the Institution
- (iii) to pay for approved expenses in connection with meetings

- (iv) to pay registration and membership of National and International Bodies with which the Institute may seek affiliation
- (v) to pay for approved expenses in connection with the holding of examinations
- (vi) to pay for any other approved expenses in connection with the business of the Institution

6.2.2 All cheques drawn on the Institutions Bank Account shall be signed first by the Honorary Treasurer and either the President, or the Honorary Secretary.

6.3 Misappropriation of funds

The Council shall have the power to suspend any office bearer who in its opinion, has misappropriated the Institution funds or property or rendered false accounts. Such suspension shall be reported to a General Meeting to be convened on a date not later than two months from the date of such suspension.

The General Meeting shall have the power to decide what further action shall be taken on the matter.

6.4 Financial Year

The financial year of the Institution shall be from 1st January to 31st December.

7. GENERAL MEETINGS

7.1 Annual General Meetings

7.1.1 The Annual General Meeting shall take place during the month of April and shall mark the beginning of the session.

7.1.2 The Annual General Meeting shall be convened by the Honorary Secretary who shall give not less than four weeks notice in writing to every member stating the date, time, venue and agenda of the meeting. Proxy voting shall be sent along with the notice, together with the annual statement of Accounts.

7.1.3 The Agenda for any Annual General Meeting shall consist of the following:

- (i) Minutes of the previous Annual General Meeting of the Institution and of any subsequent Extra Ordinary General Meetings. On confirmation, the minutes are to be signed by the Chairman and Secretary.
- (ii) Matters arising from the minutes.

- (iii) To receive for consideration and adoption a report by the President of the activities of the previous year.
- (iv) To receive for consideration and adoption a report from the Honorary Treasurer and to approve the annual audited accounts for the previous financial year.
- (v) To appoint auditors for the current financial year.
- (vi) to consider any other business of which 7 days notice in writing has been received by the Honorary Secretary or which has the approval of the Chairman of the meeting.

7.2 Extra Ordinary Meeting

7.2.1 Extra Ordinary meeting as provided for under Clause 8.3. of the Constitution shall be convened by the Honorary Secretary in the manner provided in By-Laws No.7.1.2.

7.2.2 The Agenda for any Extra-Ordinary General Meeting shall be limited to that business(es) included in the notice convening the meeting.

7.3 Matters to be excluded from the agenda

7.3.1 The Council shall have the power to exclude any business from the Agenda of any General Meeting (subject to the provisions of the whole of this clause) if it is satisfied that it contains material which is:

- (i) of a political or religious nature, the raising of which may have the effect of causing friction amongst the members of the Institution or between the Institution and the Authorities.
- (ii) not in the interest of the Institution, or is not relevant to, or is contrary to the object of the Institution.

7.3.2 The Chairman of any General Meeting shall have the power to suspend discussion on any topic (subject to the provisions of the whole of this clause) if he is satisfied that the topic contains material which is specified in 7.3.1 (i) and (ii) above.

7.3.3 Where the Council acts under this power, there shall be included in the papers circulated for the meeting note of the resolution or business in question and the Council's opinion that such resolution should be dealt under this By-Law. A motion shall be put to the meeting from the Chair and the Council's refusal be confirmed. On such motion being put, no discussion whatever will be permitted nor

shall amendments, points of order, or any other matter is raised but the motion shall be put immediately to the vote. If the motion be carried no person may at that meeting raise the subject of the business in question or the ruling of the Council either directly or indirectly nor, unless it appears on the Agenda, shall it be raised at any subsequent meeting. If the motion is defeated, the business shall be deemed to be on the agenda.

- 7.3.4** Where the Chairman of any General Meeting acts under this power, he shall present a motion to the meeting that the matter be dealt with under this By - Law. On such motion being put no discussion whatever will be permitted nor shall amendments, points of order or any other matter be raised but the motion shall put immediately to the vote.

If the motion be carried on person may at that meeting raise the subject of the business in question or the ruling of the Council either directly or indirectly nor, unless it appears on the agenda shall it be raised at any subsequent meeting. If the motion be defeated, the business shall be deemed relevant and shall be discussed.

7.4 Attendance register

All members attending a General Meeting shall be required to sign an attendance register.

7.5 Quorum

7.5.1 The quorum at all General Meeting shall be 15 Corporate Members or 1/5th of the total Corporate Members which ever is the smaller.

7.5.2 In the event of a quorum not being present within one hour of the time fixed for the meeting, the meeting shall stand adjourned for 14 days and notice of such adjournment shall be posted to all members of the Institute.

7.5.3 In the event of a quorum not being present at an Extra Ordinary general meeting called at the request of members under By - Law 6.2.1 the meeting shall be cancelled.

7.6 Voting generally

7.6.1 Voting at all General Meeting shall be by a show of hands except as provided for elsewhere, and every Full Member shall have one vote. In the case of equality of votes the Chairman shall have a second or casting vote. Any three Full Members

present may demand that voting shall be by secret ballot.

7.6.2 Members who are in arrears in payment of annual subscription or any other moneys due to the Institute may not vote at a General Meeting.

7.7 Voting by Proxy

7.7.1 Any Corporate Member unable to attend a General Meeting may appoint a proxy to vote on his behalf.

7.7.2 The instrument appointing a proxy shall be in writing under the hand of the Appointor or his Attorney, and shall be in a prescribed manner approved by the Council.

7.7.3 The instrument appointing a proxy and the power of Attorney (if any) under which it is signed shall be delivered to the Honorary Secretary of the Institution not less than forty eight hours before the time for holding the meeting at which the person named in the proxy proposes to vote, but no instrument appointing a proxy shall be valid after the expiration of six calendar months from its date.

7.7.4 The instrument appointing a proxy can be revoked at anytime by the principal in writing to the Honorary secretary. The instrument will be automatically revoked by

the personal attendance of the principal at the meeting or by his death.

7.7.5 No person shall be appointed a proxy to vote at any meeting who is not entitled in his own right to vote at such meeting.

7.8 Postal Voting

7.8.1 If a member desires to vote by post he shall record his vote on the voting paper circulated for the purpose and affix his signature thereto. The voting paper shall be returned to the Honorary Secretary so that it is received by him not later than the date and time of the relevant general meeting.

7.8.2 All postal votes shall be made available to the ballot

7.8.3 If a member who has duly recorded his vote upon a voting paper as aforesaid shall be present at the meeting, such recorded vote may be counted or at the direction of the Chairman the member shall be entitled to withdraw such recorded vote to vote at the meeting, but in no case shall be entitled to vote twice.

8. THE COUNCIL

8.1 Election of Council members (In an Annual General Meeting in which elections are due)

8.1.1 Election of council members shall be during an Annual General Meeting during which elections are due

8.1.2 Not less than eight weeks before the Annual General Meeting, the Honorary Secretary shall circulate forms of nomination to the Council to all corporate members. Such forms dully completed and signed by the proposer, seconder and nominee, shall be returned to the Honorary Secretary not less than four weeks before the Annual General Meeting.

8.1.3 Prior to the voting two members of the Institution shall be selected to act as scrutineers who shall count the votes and report thereon at the Annual General Meeting.

8.1.4 Voting shall be by secret ballot. Any ballot paper with more votes recorded than stipulated shall be declared invalid by the election supervisors. Election shall be by majority vote. In the case of equality of votes the names of such candidates having equal number of votes shall be submitted to the electorate for a second vote and the election determined accordingly; in the

event of a second tie, the election will be by a loss of coin

8.1.5 Members of Council so elected shall hold office for two years. Each year shall commence immediately after the Annual General Meeting and finish at the conclusion of the next Annual General Meeting.

8.2 Vacancies

8.2.1 The office of a member of the Council shall be declared vacant if the member

- (a) ceases to be a member of the Institution; or
- (b) by notice in writing to the Institution resigns his office; or
- (c) is removed from office by a resolution passed at a General Meeting; or
- (d) fails to attend three consecutive meetings of the Council without an acceptable reason

8.2.2 If the vacancy arising is that of the office of President, it shall be filled by the election of one of the remaining Council members by the Council. The person so elected shall then resign his previous office in accordance with By-Law 8.2.1

8.2.3 All other vacancies arising shall be filled by co - option by the Council.

8.2.4 All members so elected or co -opted shall hold office until when the next elections are due.

8.3 Meetings

8.3.1 The first meeting of the Council shall be within one month of the Annual General Meeting. At this first meeting, the dates of all subsequent regular meetings will be determined.

8.3.2 The Secretary shall, at the request of the President, Vice President or any four members of the Council convene a special meeting of the Council.

8.3.3 Voting at Council meetings shall be by show of hands and every members of the Council shall have one vote. In the case of equality of votes the Chairman shall have a second or casting vote. The Chairman or any two members present may demand that voting shall be by secret ballot.

8.3.4 Minutes shall be recorded at all meeting, copies circulated to members within seven days and confirmed minutes, signed by the Chairman and Secretary, shall be filled in a minutes book.

8.4 Duties of Office Bearers

- 8.4.1** Generally, the duties of the Office Bearers shall be to serve the best interests of the Institution through the office of the Council.
- 8.4.2** The President, when present, shall preside over all meetings of the Institution and the Council and shall be responsible for carrying out the policies of the Council.
- 8.4.3** The Vice President shall perform the duties of the President in his absence.
- 8.4.4** The Honorary Secretary shall deal with all correspondence of the Institution under the general direction of the Council and shall be responsible for maintaining and safe keeping of minutes of all General Meetings, Council meetings and all records of the Institute.
- 8.4.5** The Honorary Treasure acting under the general direction of the Council shall receive all moneys belonging to the Institute and deposit the same into the Institutions bank account. He shall pay all bills and charges properly incurred by the Institutions, issue receipts for all moneys received by him, preserve vouchers for all moneys paid by him, and shall be responsible for the maintenance of proper books of account and the preparation of an annual balance sheet.

8.4.6 The Honorary Registrar shall receive applications for membership for presentation to the Council, shall maintain a Register of all members with full names, addresses, qualifications and class of membership, and shall cause a list of members to be prepared annually. He shall in addition be responsible for the issue of Membership Certificates and recovery of these Certificates in the event of termination of membership.

8.5 Committees

8.5.1 The Council may appoint such standing or ad - committees as it may consider necessary from time to time. The Chairmen of such committees shall be selected from the members of the Council. The Council may appoint the members of the committee or may authorise such Chairmen to appoint their own committees all of whom must be members of the Institution.

8.5.2 Committees shall appoint a secretary from among their number, shall determine their own quorum and shall have the power to co - opt additional persons who may not be members of the Institution.

8.5.3 Committees shall have no mandate to incur any expense on behalf of the Institution unless specifically authorised by the Council.

8.5.4 The meetings and proceeding of any such committees shall be governed by the provisions of By - Law No. 8.3

8.5.5 The appointment and proceedings of the disciplinary committee shall be in accordance with By - Law No. 12

9. BRANCHES

9.1 Branches of the Institution may be formed in any geographical area or town in Tanzania where this is so requested of the Council in writing by the members residing in the area or town.

9.2 The establishment, the running and the dissolution of such branches shall be in accordance with rules to be formulated

9.3 All branches so formed shall remain subject at all times to the Constitution and By - Laws of the Institute.

10. PRINCIPLES OF PROFESSIONAL CONDUCT

10.1 A member shall at all times fully discharge his duties and shall not commit any act which will have the effect of avoiding or diminishing professional responsibility.

- 10.2** A member shall at all times be honest in his dealings and his decisions shall be made with integrity of purpose.
- 10.3** A member shall at all times be free from corruption
- 10.4** A member's advice shall at all times be impartial
- 10.5** A member must never place himself in a position where his duties are likely to create a conflict with his professional interest.
- 10.6** A member shall at all items act in an honourable manner towards his professional colleagues.
- 10.7** No Member shall conduct himself in such a manner as would in the opinion of the Council prejudice his professional status or the reputation of the Institution.
- 10.8** No Member shall in any way be connected with any occupation or business if such connection is, in the opinion of the Council, inconsistent with membership of the Institution.
- 10.9** Members who are Principals shall be held responsible for the acts of their partners, fellow directors and staff so far as they relate to matters coming within the scope of professional practice.

10.10 All members of the Institution who are employees of firms which do not abide by the principles and rules of professional conduct of the Institution may be required either to resign from their employment or resign from the Institution.

10.11 No Member or Affiliated member shall accept or give any illicit or secret trade or other discounts, commission or allowance in connection with any professional business which may be entrusted to him or any goods he may order on behalf of clients.

10.12 In Work other than sales and letting

(i) Except in the case of a client for whom a Full Member or Associated member regularly acts, no such Member shall in any circumstances solicit instructions in any manner whatsoever or

(ii) No Member shall offer to accept instructions on the basis that no charge will be made unless a successful result is attained.

10.13 In work concerned with sales and letting

(i) No Member shall, either directly or indirectly, orally or in writing, seek

instructions for business which he knows, or with ordinary care could have ascertain is in the hands of another agent.

- (ii) A Full Member who seeks instructions to deal with a property on which another agents board or notice is exhibited will be deemed knowingly to have disregarded this injunction.
- (iii) The seeking of instructions by a Member or one of his staff by personal call or telephone or by any communication which in the opinion of the Council constitutes a circular, is prohibited.

10.14 Member shall ensure that advertisements and other public announcements with which their names are associated are not such as would in the opinion of Council bring the Institution into disrepute.

- (i) No Member or Affiliated Member shall carry on his business under a name or style which would in the opinion of the Council be inconsistent with the profession.

10.15 The Council may issue directions for the regulation of Members' publicity and such directions may be applicable generally or to

particular sections of the profession.
Members shall conform to such directions

- 10.16** The Council may recommend scales of fees for professional services and may, if called upon to do so, determine disputes over fees.

11. CODE OF CONDUCT

Without derogation of the Council's authority to include other matters a member shall be guilty of professional misconduct if he should:

- 11.1** Act or be a partner, principal, director or shareholder in any firm or Company carrying on business.
- 11.2** Accept a commission for Valuation, Land/Estate Management and Estate Agency services for which he is paid other than fee, salary or royalty.
- 11.3** Act in a professional capacity for a third party to whom his principals owe contractual duty.
- 11.4** Allow his name and professional affixes to appear on the letter heads tendered on behalf of a firm or company other than in connection with his professional services to the firm or company.

- 11.5** Accept any work which involves the giving or receiving of discount or commission.
- 11.6** Accept any discount, gift or commission from Contractors or tradesmen whether employed upon his work or not.
- 11.7** In any way be connected with any occupation or business if such connections, in the opinion of the council inconsistent with membership of the institution.
- 11.8** Advertise or tout his professional services or make announcement in the press except to:
- (a) publish in the press and notify his correspondents by post once of any change of address, opening of a firm or branch office, temporary or permanent closure of a firm or branch office, change of office hours or alterations in the partnership or constitution of a firm.
 - (b) advertise in the press or professional journals for the purpose of notifying interested parties of a vacant position with his firm.
 - (c) advertise in the press for the purpose of inviting prospective tenants, clients etc. for applications

for project to which he is commissioned.

Advertisements placed under (a) and (b) above shall not be ostentatious and the name of the member of his firm shall not be in bolder type than the text of the advertisement.

- 11.9** Give monetary consideration for the insertion of illustrations and descriptions of his work in the press or allow illustrations and descriptions of his work to be used by the publishers for extorting advertisement from unwilling contributors.
- 11.10** Exhibit his name outside his office in an ostentatious way or in lettering more than 50 m in height.
- 11.11** Allow his name or the name of a firm of which he is a principal or manager to be exhibited on any notice board at a building under construction alteration or extension unless the following restrictions are observed:
- (a) such notice board shall show the name of the member or that of his firm but not both and shall contain no descriptive matter about him or them other than professional affixes, professional qualifications, service provided and address

- (b) such notice board shall show the name of the member or of his firm only if he or his firm are providing a bona fide service to the project on behalf of the client
- (c) the above information shall be in lettering not more than 50mm in height and the notice board and its format shall not be ostentatious.
- (d) except with the prior approval of the Council, not more than one notice board containing the above information shall be erected for anyone site or the access road leading to it and
- (e) such notice board shall not be erected before the commencement of normal building operations on the site and shall be removed on practical completion of the building works.

11.12 Issue any document which does not bear his name or signature.

11.13 Share or agree to share fees for Valuation, Land/Estate Management and Estate Agency services or enter into any financial arrangement in regard to Valuation and Estate Agency work with any person not registered or otherwise approved by the

National Council of Professional Surveyors. Provided that nothing herein shall prevent a valuer, Land/Estate Management or Estate Agent from entering into partnership with a registered corporate member of a related professional body.

- 11.14** Accept a commission to work as a sub - consultant to or himself commission as a sub - consultant, any person or firm not properly qualified and/or registered in the profession concerned in the country in which he carries out his business, or participate in a consultancy team which includes any such person or firms.
- 11.15** Attempt to influence unfairly or dishonourably whether directly or indirectly the award in a competition.
- 11.16** Wilfully destroy his original measurements, field notes, draft reports, analyses and other documentary evidence necessary to verify his work until two years after the final completion of the contract and the settlement of all accounts.
- 11.17** Attempt to supplant another member by means of reduction of fees or by other inducement.
- 11.18** Knowingly proceed with work which was previously entrusted to another member before communicating with the member

previously employed and taking steps to ensure that the other member has been terminated.

- 11.19** Quote a fee in competition for professional services, without having receiving an invitation to do so and sufficient information to enable the member to assess the nature and scope of the services required.
- 11.20** Having once quoted a fee for professional services, revise that quotation to take account of the fee quoted by another member of the profession for the same services.
- 11.21** Quote a fee for professional services which is to be calculated by reference to the fee quoted or charged by another member of profession reduced by some proportion or amount.
- 11.22** Undertake or accept instructions for professional work on the basis that if a successful result is not attained reduction of the fee laid down in the approved scale of charges will be made or that no fee will be charged, or on the footing that the amount of the charge will be related to the degree of success attained.

- 11.23** Obtain or attempt to obtain professional work by means of offering or paying monetary or other valuable consideration or inducement to any person or persons or by any other improper means.
- 11.24** Act other than in an impartial manner between two parties in a transaction other than with entire fairness as between all parties to the transaction.
- 11.25** Knowingly, contravene the provisions of the By - Laws of the Institution or make a false declaration in his application for membership.
- 11.26** Conduct himself in a manner which the Institution may deem incompetent, dishonourable or negligent in connection with the professional work performed by him as a member of the Institution.
- 11.27** Conduct himself in a manner which may bring his profession or Institution into disrepute.

12. DISCIPLINARY POWERS

- 12.1** Should any complaint be received in writing by the Honorary Secretary concerned the conduct of a member, the matter shall be reported to the Council. The Council shall send a copy of the complaint by registered letter or recorded delivery to

the member concerned and refer the matter to a Disciplinary Committee which shall be appointed by the Council for the purpose.

- 12.2** The Disciplinary Committee shall consist of three Full members, at least one of whom shall be a Council member. Should the member to be investigated have grounds for objection to the inclusion of any persons(s) in the Disciplinary Committee, he must so inform the Council. In the event of the objection being sustained, the Council will re-appoint the Committee as appropriate.
- 12.3** The Disciplinary Committee shall make such investigation as it considers appropriate and the member shall be invited to appear in person and/or to be represented by another person who need not necessarily be legally qualified.
- 12.4** The invitation to appear shall be sent by registered post or recorded, delivered one month prior to the meeting, except where a postponement has been granted or determined by the Council, the meeting shall take place on the stipulated date whether the member and/or his representative be present or not. Notwithstanding the foregoing, the Council may give less than one month's notice of the meeting when it is imperative so to do.

- 12.5** Unless the member requests otherwise, the investigation shall be held in camera.
- 12.6** A record of the proceedings shall be kept and unless the member requests otherwise, the record shall be confidential.
- 12.7** After completing its investigations the Disciplinary Committee shall by secret ballot find the member guilty or not guilty of professional misconduct and shall at its discretion either
- (a) exonerate; or
 - (b) warn; or
 - (c) reprimand; or
 - (d) suspend; or
 - (e) expel the member from the Institution

The record and the decisions of the Disciplinary Committee shall be submitted to the Council which shall notify the member by registered post or recorded delivery accordingly.

- 12.8** Should the member wish to appeal against the decisions made by the Disciplinary Committee, he would so inform the Council in writing stating the grounds of his appeal within one month from the date of notification. The appellant may be required to deposit with the Honorary secretary an amount equivalent to the Council's estimate

of the costs of appeal before the commencement of the hearing. The costs of appeal shall only be refunded if the appeal succeeds.

In the event that no appeal is made within the prescribed time, the decision of the Disciplinary Committee shall thereafter have immediate effect.

12.9 The Council shall appoint an Appeals Committee consisting of five Fellows of the Institute who were not members of the Disciplinary Committee. The Appeals Committee shall consider the appeal after hearing the appellant and/or his representative and shall have powers to affirm, vary or revise any opinion or decisions previously made by the Disciplinary Committee. The record and the decisions of the Appeal Committee shall be submitted to the Council which shall notify the member by registered post or recorded delivery. The decision of the Appeals Committee shall take immediate effect.

12.10 The decisions of the Disciplinary Committee or of the Appeals Committee shall in due course be made public within the Institution and conveyed to any outside body which the Council consider should be so informed.

- 12.11** If a Member is expelled his name shall be removed from the Register and he shall there upon cease for all purposes to be a Member of the Institution. His certificate(s) of membership shall be immediately returned and he shall not be entitled to use any designation or description which implies membership or former membership of the Institution.
- 12.12** If a Member is suspend his certificate(s) of membership shall be immediately returned and he shall not be entitled during the period of his suspension to exercise any of the rights or privileges of membership of the Institution or to use any such designation or description as a aforesaid. He shall however remain in all other respects subject to the provisions of these By - Laws and to the exercise of the Institute's disciplinary powers in respect of any contravention of those provisions committed by him during the period of his suspension.
- 12.13** Should the same complaint have been previously and separately made to the National Council of Professional Surveyors and the Board has held and concluded an enquiry and recorded its decision, then the Council may, at its discretion, waive its own investigations, not the decision of the Board and take appropriate action under By - Law No.12.7

12.14 Should the same complaint be currently under investigation by the National Council of Professional Surveyors then the Council may postpone investigation by the Institute until after the hearing before the Board whereupon By - Law 12.13 shall apply.

13. CONFLICT WITH THE LAWS OF TANZANIA

Notwithstanding the provisions of the foregoing By - Laws, in any inadvertent conflict with an Act or Law of Tanzania, the latter shall prevail.

14. EXAMINATIONS

The Council may appoint such examiners and officials as it deems necessary for the holding of any examinations for membership of the Institution.

15. PETTY CASH

The Hon Treasurer may keep up to Shs. 50,000/= for petty disbursements.

16. COPIES OF THE CONSTITUTION AND BYE-LAWS

All members as soon as possible after election shall receive copies of the Constitution and Bye Laws□

