

# **ZAMBIA INSTITUTE OF VALUATION SURVEYORS CONSTITUTION, 2023<sup>1</sup>**

## **PREAMBLE**

We, the Members of the Zambia Institute of Valuation Surveyors, present today, 25 January 2024, do hereby give to ourselves this Constitution and adopt it to be our Constitution, in accordance with the powers contained in section 5 of the Zambia Institute of Valuation Surveyors Act, 2023, (hereinafter referred to as the Act) and do submit ourselves to this constitution.

---

<sup>1</sup> Approved at First Annual General Meeting of ZIVS held on 25 January 2024



## **ACRONYMS**

Institute means the Zambia Institute of Valuation Surveyors. AGM means the Annual General Meeting of the Institute.

EOGM means the Extra-Ordinary General Meeting of the Institute. **DEFINITIONS**

Male gender includes female gender.

### **1.0 NAME OF Institution**

1.1 The Institution shall be called the Zambia Institute of Valuation Surveyors (hereinafter referred to as "Institute")

## **1. THE INSTITUTE**

1.1 The Institute shall consist of the following committees:

- a. Education Committee;
- b. Registration Committee
- c. Professional Conduct Committee
- d. Disciplinary Committee;
- e. Compliance and Ethics Committee;
- f. Nomination and Elections Committee; and
- g. Any other committee that the Council may establish.

1.2 The membership of each committee and its functions shall be determined by the Council.

1.3 The Secretariat shall be headed by the Registrar who is the Chief Executive Officer of the Institute.

1.4 The Council may, in consultation with the AGM, establish other organs of the Institute which are relevant for the smooth running of the Institute.

## **2. THE STRUCTURE**

2.1 The structure of the Institute shall be at four (4) levels, namely:

- a. Annual General Meeting (AGM)
- b. The Council
- c. Secretariat
- d. Committees

## **3. HEADQUARTERS**

3.1 The National Office of the Institute shall be at such a place, as the Council may determine from time to time.

## **4. OBJECTIVES OF THE INSTITUTE**

The objectives of the Institute are to:

- 4.1. Promote general understanding of Valuation Surveyors specialisations and the value of their practice and to establish and maintain professional status and dignity for practitioners.
- 4.2 Encourage the observance of the highest standards of professional

conduct by all practitioners through adherence to the code of ethics and professional standards for the practice of Valuation Surveyors in all forms of communication and management.

- 4.3 Protect the interests of the public in the event of any complaint of malpractice or non-adherence to the Institute's Code of Ethics and professional standards brought against a practitioner through the application of a set of disciplinary procedures.
- 4.4 Provide professional development programmes for the general benefit of all members of the Institute as well as any programmes or activities as may be decided upon by the Council of the Institute (hereinafter referred to as the "Council") or the Annual General Meeting of Institute (hereinafter referred to as "the Annual General Meeting or AGM").
- 4.5 Provide professional development and personal networking opportunities for its members and promote the professional practice of Valuation Surveyors at country level in liaison with Valuation Surveyors bodies outside the Republic.
- 4.6 Act as a legal entity to which all Valuation Surveyors specialists, and related professions, in the Republic should be registered.

## **5. CATEGORIES OF PRACTICE**

The Institute shall issue practising licences in the following categories:

- 5.1 Property Valuer
- 5.2 Property Manager
- 5.3 Facilities Manager
- 5.4 Land Administrator

## **6. CLASSES OF MEMBERSHIP**

6.1 The Institute consists of the following category of membership which shall be approved by the Council.

- 1. Fellows;
- 2. Full member;
- 3. Associate member;
- 4. Graduate member;
- 5. Student member;
- 6. Honorary member; and
- 7. Corporate member.

6.2. The Institute may confer on a member of the Institute with a category of membership where a member meets the following qualifications;

### **Fellows**

- a. Minimum of Bachelor's Degree or its equivalent;
- b. Member of the Institute or has fulfilled the conditions for such membership;
- c. Attended an appropriate university, college or school and holds a degree or other qualification acceptable to the Council for this class of membership; or
- d. At, or not more than one year before the time of making his application of admission as a Fellow, a member has any of the following: -
  - i. Engaged for not less than Ten (10) years after registration as a Full member and has been actively involved in valuation surveying practice; or
  - ii. Practised as a consultant on his own account for not less than Ten (10) years and has acquired eminence in his/her profession; or
  - iii. Lectured or taught at such university, institute or school in such responsible position and for such length of time of not less than Ten (10) years; or
  - iv. Engaged in research of an approved nature for not less than Ten (10) years.
- e. Fellows may use the designation of FZIVS after their name.

### **Full Member**

- a. Minimum of Bachelor's Degree or its equivalent
- b. Member of the Institute or has fulfilled the conditions for such membership;
- c. Has attended an appropriate university, college or school and holds a degree or other qualification acceptable to the Council for this class of membership; or
- d. At, or not more than one year before the time of making his application of admission as a Full Member, he/she has any of the following: -
  - i. Engaged for not less than Five (5) years after registration as an Associate member and has been mentored by a Full or Fellow member of the Institute; or
  - ii. Lectured or taught valuation surveying at such a learning institution, institute or school as approved by Council and for such length of time of not less than five (5) years; or
  - iii. Engaged in research on valuation surveying for not less than five

(5) years.

e. Full Members may use the designation MZIVS after their name.

### **Associate Member**

- a. Minimum of Bachelor's Degree or its equivalent
- b. Attended an approved university, college or school and holds a degree or other qualifications acceptable to the Council for this class of membership; or
- c. Educated in the profession for such period and passed such examinations as may from time to time be determined by the Council;
- d. Proved his/her educational attainment by the submission to the Council of a Report or technical essay of a standard acceptable to the Council coupled with an oral interview on the subject matter with members of the Council to their satisfaction; and
- e. At, or not more than one year before, the time of making the application for admission as an Associate Member, he/she has any of the following:
  - 
  - i. Engaged in the administration, design, execution or operation of valuation surveying professional work; or
  - ii. Employed as a lecturer or teacher of valuation surveying; or
  - iii. Engaged in research related to valuation surveying; or
  - iv. Has served as a Graduate member.
- f. Either:
  - i. Has undergone practical training, such as Assessment of Professional Competence, prescribed by the Council for a period of at least two years under an approved professional person; or
  - ii. Satisfies the Council that he has other suitable professional training.

### **Graduate Member**

- a. Minimum of Bachelor's Degree or its equivalent
- b. Attended an approved university, technical college or school or holds a degree, diploma or other qualifications acceptable to the Council for this class of membership;
- c. At, or not more than one year before, the time of making an application for admission as a Graduate member, has the following: -
  - i. Engaged in work of an administrative or technical nature within the profession; or
  - ii. Employed as a lecturer or teacher in an approved institution; or
  - iii. Engaged in research of an approved nature; and has such practical experience as is acceptable to the Council.

### **Student Member**

Grade Twelve School Certificate or equivalent and a recommendation letter from the Institute where the student is studying a valuation surveying course.

### **Honorary fellow**

- a. Distinguished work in valuation surveying or allied discipline;
- b. Exceptional and important services relating to valuation surveying or allied discipline;
- c. Exceptional and important services rendered to the Institute; or
- d. Association to the Institute which is beneficial to it.

### **Corporate member**

A registered corporate entity or body shall be issued with a corporate practising licence which shall be renewed every year upon payment of an appropriate fee.

#### **a. Local Firm**

A firm shall be registered as a member of the Institute where:

- i. It is a sole proprietor and the sole proprietor is a Registered Valuation Surveyor who holds a valid practising certificate; or
- ii. It is a partnership and the majority of partners are Registered Valuation Surveyors and hold valid practising certificates; or
- iii. Applicant is a body corporate; the majority of directors are qualified Valuation Surveyors and hold valid practising certificates.

A Valuation Surveyor may only form a firm where a Valuation Surveyor has been continuously practising for a period of five (5) years.

#### **b. Foreign Firm**

A foreign firm may operate in Zambia:

- i. Where a foreign firm is registered by the Institute, is in a joint venture with a Zambian valuation firm and the Zambian firm takes the leading position;
- ii. Such registration shall be for the duration of a project for which the joint venture is formed;

The Minister may, by Statutory Instrument, on the recommendation of the Council, prescribe the conditions under which a foreign firm shall partner



with a Zambian firm for purposes of subsection 6.2(b).

**c. Valuation surveying units within body corporates**

A valuation surveying unit within a body corporate qualifies for registration as a corporate member if that corporate entity or body is incorporated under Companies Act, or Business Names Registration Act and is tax compliant, not undergoing winding-up proceedings, is compliant with relevant statutory obligations, and legally represented by Directors with a clean no criminal record.

**7. WITHDRAWALS**

Any category of membership of the Institute, may be reduced, withdrawn, or terminated by the Institute as the Council may determine in accordance with the Institute's Code of Ethics and Professional Standards for the Practice of Valuation surveyors.

**8. FEES**

The fees payable to practitioners shall be determined and approved by the Council and issued in a Schedule of Fees.

**9. CESSATIONS THROUGH DEFAULT**

A person whose registration fee is not paid in full within three months after the fee has become due, shall cease to be a registered member of the Institute and shall be required to surrender any property of the Institute in that member's possession.

**10. REGISTRATION LEVIES**

In addition to the annual registration fee, each registered member may be required to contribute such other sum of money by way of a levy as and when members at a general meeting may by two thirds of the members present and voting at a meeting vote, provided that such levy shall not exceed half of the annual registration fee in any one year.

**11. MANAGEMENT**

11.1 The affairs of the Institute shall be managed by the Council in accordance with this Constitution and the Act.

11.2 Subject to section 4 of the Act, the Council is a policy making body of the Institute and shall approve the code of ethics and be accountable to the general membership.

- 11.3 The Council shall be vested with, and shall exercise, full executive powers in the management of the Institute. It shall have the power to appoint such office-bearers and staff of the Institute, and to appoint, establish, or arrange to be elected, such committees, including the establishment of a secretariat and to delegate powers to them.
- 11.4 The Council shall, subject to the functions specified in the Act, have the power to dissolve a committee or body, or to dismiss or to terminate the appointment of an employee of the Institute on recommendation of the Registrar.
- 11.5 The Council shall be responsible for determining norms and standards and rules of procedure for accreditation to give effect to the objectives of the Institute. On the approval of such norms and standards and rules of procedure by the Council, the Secretariat shall cause the said norms and standards and rules of procedure to be published in the newspaper of general circulation or any media that the Council may determine.

## **12. THE COUNCIL**

### **Eligibility**

- 12.1. Membership on the Council shall be categorised into two categories:
- a. Executive Council being the Past President, President and Vice Presidents.
  - b. Four ordinary members.
- 12.2. Fellow and Full members of the Institute who are in good standing shall be eligible to hold office as Executive Council members.

## **13. VOTING RIGHTS**

A member shall have voting rights at any meeting of the institute except Honorary member, student member, the Registrar of the Institute and employees of the Institute.

## **14. ELECTIONS FOR MEMBERS OF THE COUNCIL**

- 14.1. A member of the Executive Council shall:
- a. has a minimum of a Degree in Valuation Surveying or any related discipline and at least 5 years of practical experience in Valuation surveying; and

- b. be a paid-up member of the Institute for a continuance period of not less than three (3) years, except for the positions of President and Vice President of the Institute who should have been a paid-up member for at least a continuance period of five (5) consecutive years.

14.2. A member may qualify for ordinary membership on the Council, if the member is and has been fully paid up since Registration.

## **15. NOMINATION PROCEDURE**

15.1. A member intending to stand shall be required to seek nomination and endorsement from five (5) valuation surveyors who are fellow, full or associate members of the Institute.

15.2. Closing date and time for nominations of candidates will be seven days prior to the date for the election.

## **16. CONDUCT OF ELECTIONS**

There shall be constituted an independent Electoral Committee, known as the Nominations and Electoral Committee comprising five members, to conduct all the Institute's elections and to dissolve the Council, prior to holding the elections, to ensure that the elections are properly and fairly conducted.

## **17. ELECTION OF OFFICE BEARERS**

17.1 Election of the Institute to various positions shall be by simple majority and in case of equal vote, a re-run of the top two contenders only shall be held.

17.2 For elections of the Council Members, the top four candidates who get the highest votes shall be deemed to have been elected. Where there are equal votes, for the last one position in the Council, a re-run between the two contenders with equal votes shall be held.

17.3 The election shall be held by Secret Ballot.

17.4 Candidates with single nominations shall be deemed elected at the declaration of dissolution of the Council by the Presiding Officer.

## **18. APPEAL AGAINST ELECTION RESULTS**

18.1 A losing candidate who is not satisfied with the outcome of election results may within 72 hours from the date of pronouncement of the winning candidate appeal to the Elections Appeals Committee

established by the Council. Where there is an appeal, the Registrar shall within twenty-four (24) hours on receipt of the appeal constitute an Election Appeals Committee to hear and dispose of the matter.

18.2 The Elections Appeals Committee shall dispose of the appeal within Seven days following the first sitting of the Committee.

18.3 The Election Appeals Committee may, after hearing an appeal, dismiss the appeal, or order a re-election of the position involved at the earliest available opportunity.

## **19. MEETING FREQUENCY**

19.1 The Council shall hold meetings as provided in the Act.

19.2 Meetings shall be scheduled and called through the distribution of the Notice of Meeting and Agenda. However, the President may call, or delegate the power to call, a meeting at Seventy-Two (72) hours' notice, whenever urgent circumstances occur. Four (4) members of Council will constitute a quorum.

19.3 In the event of such a meeting being necessary, the Notice may be given by electronic mail, telephone or any conventional method of business communication provided that always proof of serving of such notice shall be availed upon demand.

## **20. RECORDING OF PROCEEDINGS**

20.1 The Chairperson of a Council meeting shall ensure that a complete and accurate account of the discussions and decisions of the meeting and proceedings is taken by the Registrar so as to constitute the official record of the meeting in the form of minutes.

20.2 The minutes of a Council meeting shall have full legal and binding effect once they have been approved at the subsequent meeting of the Council.

## **21. EMERGENCY RESOLUTION PROCEDURES**

21.1 A written or telephonic resolution submitted by the President to all Council members and to which at least fifty percent (50%) respond within three (3) days and the majority of the response is approved, is as valid as if passed at a Council meeting. It is considered passed on the date on which the last member responds.

21.2 Where half of the members request that the resolution stand over for a full Council meeting, no decision can be taken until that meeting. This also applies to other electronic means of communication such as e-mail or social media adopted as a form of communication by the Council.

## **22. DUTIES OF OFFICE BEARERS**

### **22.1 The President**

The President of the Institute shall:

- a. Preside over all the meetings of the Council and the Annual General Meeting.
- b. Be the administrative head of the Institute and shall preside over all Committee meetings when present at such meetings.
- c. Have the powers necessary to ensure orderly proceedings in the meetings.
- d. Have a deliberative vote where there is an equality of votes.
- e. Be responsible for all the work done by the Council and the Annual General Meeting.
- f. Represent the Institute at national and international level.
- g. Where the President is unable to perform the President's powers, delegate the President's powers to the Vice president.

### **22.2 Immediate Past President**

- a. Shall provide institutional memory to a new Council.
- b. Shall facilitate smooth transition for new office bearers by handing over the Institute's affairs.
- c. Shall provide such advice to the President and the Council, or represent the Institute at local and international level as the President may determine.

### **22.3 The Vice-Presidents**

- a. Shall assist the President in discharging his/her duties.
- b. Shall have all the powers and duties of the President in the absence of the President.
- c. Shall act as an advisor to the President in matters pertaining to the Institute.
- d. Shall assume the position of president if the latter vacates office, or is required to vacate the office by the Council to complete the current term of office.

- e. Shall attend meetings of the Council and vote like any other Council member.

#### **22.4 Four other Members**

- a. Shall attend any Institute meeting of the Institute and vote at such meetings like any other member of the Council.
- b. Shall actively participate in Institute activities.
- c. Shall promote Institute activities (by encouraging people to attend) and contribute to the decision-making process.
- d. Shall perform any functions assigned to the four members by the President or any other member acting on behalf of the President.

### **23. THE SECRETARIAT**

23.1 There shall be a Secretariat headed by a Registrar and assisted by other officers appointed by the Council.

23.2 The Registrar shall ensure effective and efficient operations of the Institute by:

- a. Engaging such staff, as the Council shall deem necessary on terms and conditions set out by the Council for smooth operations of the Institute
- b. Implement any decisions made by the Council or resolutions made by the general membership at the Annual General Meeting (AGM) or Extraordinary Meeting.
- c. Supervise and ensure periodic appraisal of employees.
- d. Ensure safe custody and effective utilisation of assets of the Institute.

### **24. REGIONAL AND SPECIAL INTEREST COMMITTEES**

24.1 The Council may establish chapters and other committees to represent the interests of any sector of registered members of the Institute at Regional level.

24.2 The Council may appoint, or arrange to be elected such committees of the Chapters or Regions as the members at the general meeting may determine.

### **25. RESPONSIBILITIES OF CHAPTERS AND SPECIAL INTEREST COMMITTEES**

The function of a committee or chapter is to undertake such tasks and fulfil such responsibilities in respect of organising events and providing

specialised services for registered members of the Institute belonging to any of these groups or chapters, as the Council may determine and in accordance with any law or guidelines issued by the Institute.

## **26 ANNUAL GENERAL MEETING**

26.1 The Annual General Meeting (AGM) of Zambia Institute of Valuation Surveyors shall be held once every year on a day and place that the Council members may approve.

26.2 The Annual General Meeting shall:

- a. Receive, consider and approve reports from the Council presented by the President
- b. Receive, consider and approve audited accounts for the preceding financial year.
- c. Elect members to the Council as provided for in the Act.
- d. The Council shall give thirty (30) days' notice of the AGM to all members, in writing, and by placing notices in the media, clearly setting out the agenda, venue and time of the meeting.

26.3 The Council shall ensure that the Secretariat sends out all documents not later than seven (7) days before the date of the meeting. The documents shall include minutes of the previous meeting, agenda, financial statements and report.

26.4 At any AGM, thirty (30) percent of valuation surveyors shall constitute a quorum to transact any business of the meeting.

26.5 Where on a scheduled date and time of an AGM, a quorum is not formed, the meeting shall stand adjourned for one hour, and thereafter reconvene. Those present upon reconvening shall be considered to have formed the quorum to transact business.

26.6 Where a secret ballot is taken, decisions at any meeting of the Institute, shall be by a simple majority of those present and voting by a show of hands. The chairperson of any such meeting shall have an additional casting vote in case of a tie.

26.7 Proceedings at every AGM shall be governed by the rules and regulations to be prepared by the Council.

## **27. EXTRAORDINARY GENERAL MEETING**

27.1 An Extra-Ordinary General Meeting shall be convened at the request of the members, in writing of not less than thirty (30) percent of the members, accompanied by a full agenda of the business to be

transacted, and resolutions proposed to be passed.

27.2 On receipt of the written request for the Extra-Ordinary General Meeting, the Registrar shall, not later than seven (7) days, facilitate and communicate the date of the meeting.

27.3 The Council may call for an Extraordinary General meeting to attend to any urgent matter, where in its discretion, it is in the best interest of the Institute to do so.

27.4 Notice for an Extra-ordinary General Meeting shall be not less than fourteen (14) days and shall be served in accordance with all provisions of this constitution relating to the notices for the AGM.

27.5 During an Extraordinary General Meeting, two-thirds of the members shall constitute a quorum to transact business. Where the scheduled date and time of any Extraordinary General Meeting, a quorum is not formed, the meeting shall stand adjourned for thirty (30) minutes, and thereafter reconvene. Those present on re convening shall be considered to have formed the quorum to transact business provided the President is present.

27.6 A member of the Institute with voting rights shall have one voting right at the Extraordinary General Meeting.

27.7 Resolutions of the Extraordinary General Meeting shall be passed by a two thirds majority vote.

## **28. FINANCE**

28.1 All funds paid or payable to Zambia Institute of Valuation Surveyor for any purpose whatsoever, shall become the property of the Institute. The Council shall approve all payments coming out from the Accounts of the Institute at a meeting of the Council to be presided by the President or Vice-President of the Institute. All funds of the Institute shall be deposited at the bank account for the Institute which shall be approved by the Council members.

28.2 The Funds available for investment shall only be invested with registered financial institutions approved by the Council members at a meeting.

## **29. DISSOLUTION**

The Zambia Institute of Valuation Surveyors may be dissolved as provided by any other written law.



### **30. AMENDMENTS OF THIS CONSTITUTION**

- 30.1 This Constitution shall be amended as provided for under the Zambia Institute of Valuation Surveyors Act, 2023 and by a written submission submitted to the Registrar of the Institute at least fourteen (14) days before the date of the AGM.
- 30.2 The various documents related to this Constitution may from time to time be amended by the Council.

## **ELECTION RULES**

### **Interpretations**

(1) In these Rules, unless the context otherwise requires-

“candidate” means a member seeking to be elected into office of the Council or in a section, region or branch;

“Ballot box” means a box or container, or other storage means provided to the Returning Officer for the purposes of receiving votes;

“Ballot paper” means a slip of paper or other means provided to a voter for the purposes of registering a vote;

“Electronic voting” means casting a vote by means of an approved electronic device, as an alternative to manual voting;

“Elective general meeting” means an Annual General Meeting at which elections to the Council or in a section, region or branch will be held; and

“Returning Officer” means the Returning Officer referred to under rule 2.

(2) The Returning Officer shall be the Nominations and Elections Committee Chairperson for an election of the Institute.

(3) The Returning Officer shall-

(a) perform the functions of a presiding officer;

(b) ensure the elections are conducted impartially and in accordance with these Rules; and

(c) perform any other functions provided under these Rules.

### **2. Procedure for nomination**

(1) A candidate shall use the names appearing on the voters roll or member’s register to identify the candidate.

(2) A candidate shall be resident in Zambia at the time of the election and have paid membership subscription fees for a continuance period of five years before being nominated as a candidate for the election.

(3) An employee of the Institute shall not be eligible to stand for an office in any organ of the Institute.

### **3. Nomination of Candidates**

- (1) The Nominations and Elections Committee shall, at least five weeks before an elective general meeting, call for nominations by a notice to the Members indicating the number of positions to be contested in each category of the Council membership or in a section, region or branch.
- (2) A candidate for an election shall lodge a filled nomination form with the Returning Officer.
- (3) The nomination form shall be in the manner prescribed by the Nominations and Elections Committee and shall be available at the Registrar's office and the Institute's website.
- (4) A nomination shall be, both of whom shall be eligible to vote.
- (5) The proposer and seconder shall be fellow, full or associate members of the Institute and shall be in good standing at the time of nomination.
- (6) For regional or branch elections, the proposer and seconder shall be from the same region or branch as the candidate being proposed.
- (7) A candidate personally signs the nomination form and lodge the nomination form within the period specified in the call for nomination.
- (8) A Member shall only be nominated for election to one office at any election.
- (9) The Nominations and Elections Committee may receive, handle and process nominations of candidates for an election or delegate to the Registrar of the Institute.
- (10) The Nominations and Elections Committee shall, at least two weeks before the date of holding the elective general meeting, publish in print and electronic media circulating throughout the Republic the day, time and places when the Nominations and Elections Committee shall receive nominations.
- (11) The Nominations and Elections Committee shall appoint the- (a) day and time when nominations for candidates shall be opened; and (b) places where the nomination boxes will be placed.
- (12) A nomination received after the day and time specified by the Nominations and Elections Committee under sub-rule (3) and in a place other than the designated places under sub-rule (3) shall not be valid. made in writing and signed by the proposer and seconder of the nomination

#### **4. Receiving of Nominations**

- (1) A nomination shall be sealed according to the position and signed by the Returning Officer.
- (2) A sealed nomination form shall be lodged in the nomination box at the designated places as shall be advertised in the notice for the call for nomination.
- (3) The Registrar shall, on consideration of the nominations lodged by the Nominations and Elections Committee, inform the unsuccessful candidates within 7 days after the close of Nominations.
- (4) The unsuccessful candidates shall within seven days of receipt of the information of being unsuccessful appeal to the Registrar against the nomination process.
- (5) A complaint or appeal referred to under sub-rule (8) shall be heard by the Ethics and Integrity Committee whose decision shall be final.

#### **5. Withdrawal of Nominations, Opening of Nomination box and Validity of Nomination**

- (1) A nomination may not be withdrawn by a candidate five weeks before an elective general meeting.
- (2) A nomination box shall be opened by the Returning Officer immediately after closure on the last day of receiving nominations, including nominations submitted electronically.
- (3) A candidate or the candidate's representative shall witness the opening of the nomination box and shall sign an attendance register.
- (4) The Nominations and Elections Committee shall, after the period for receiving a nomination has expired, determine the validity of a nomination.
- (5) The Nominations and Elections Committee shall declare a nomination invalid where the nomination form-
  - (a) is not duly completed;
  - (b) is not properly proposed, seconded or signed;
  - (c) is not lodged as required by these rules;
  - (d) is not accompanied by the declaration referred to in the nomination form; or
  - (e) is supported by a person who is not a fellow member of the Institute.

- (6) The Nominations and Elections Committee shall declare a nomination invalid if the nominee-
- (a) has committed professional misconduct within a period of five years preceding the nomination or election;
  - (b) is in lawful custody or the nominee's freedom of movement is restricted under any law in force in, or outside, the Republic on the date of the nomination or election;
  - (c) has not been a paid-up member of the Institute for a continuance period of five years preceding the nomination or election;
  - (d) is legally disqualified;
  - (e) is an undischarged bankrupt; or
- (7) The Returning Officer shall endorse the reasons for declaring the nomination invalid on the nomination form and sign the endorsement.
- (8) The Nominations and Elections Committee shall, at least thirty days before the elective general meeting, deliver to the Registrar valid nomination forms.
- (9) The Nominations and Elections Committee shall, by notice and at least fourteen days before the elective general meeting, circulate to the Members the list of valid nominations together with the details of each candidate and any other relevant information submitted by the candidates.
- (10) Where the Nominations and Elections Committee determines that no candidate is validly nominated for election to a particular position, the Nominations and Elections Committee shall declare the position uncontested and inform the Registrar after the close of nominations.
- (11) Where one candidate is validly nominated for election to a particular position, the Returning Officer shall declare the candidate to be unopposed and inform the Registrar after the close of nominations.
- (12) Where two or more candidates are validly nominated for election to a particular position, the Nominations and Elections Committee shall, give notice to the Registrar showing the date on which the election shall take place and setting out the names of the candidates in alphabetical order beginning with surnames.

## **ELECTIONS**

### **6. Procedure on determining the validity of nominations**

- (1) A member of the Institute in good standing and appearing on the Voters

Roll in the category of membership shall have the right to vote in an election at an elective general meeting.

(2) A Voters Roll shall be made available at least thirty days before nominations are filled.

(3) Despite sub-rule (1)-

(a) a representative of a respective category of membership shall be voted for by the eligible members in that particular category of membership; and

(b) section or branch office bearers shall be voted for by eligible members of that particular section or branch.

## **7. Elections**

(1) An election shall be conducted in a manner as the Nominations and Elections Committee may determine.

(2) An election shall be conducted at an elective general meeting and shall constitute part of the business of the general meeting and an adjournment to the general meeting.

(3) Where an elective general meeting is conducted virtually as determined by the Council, the elections shall be conducted through electronic voting.

(4) These Rules shall, with the necessary modifications, apply to a virtual elective general meeting and electronic voting.

(5) A candidate shall be given an opportunity to speak for twenty minutes at an elective general meeting for the purpose of introducing themselves to the voters.

## **8. Ballot box and election material**

The Nominations and Elections Committee shall ensure that-

(a) there are sufficient ballot boxes and ballot papers;

(b) there is sufficient equipment for electronic voting;

(c) there is sufficient security protection against fraud and malpractices;

(d) other adequate arrangements are made to facilitate the holding of an election.

## **9. Procedure for casting vote**

(1) An eligible member shall be issued with a ballot paper for voting or the

- means to carry out electronic voting, including access control credentials and a security password for electronic voting.
- (2) Where an eligible member is voting physically, the eligible Member shall signify that eligible member's vote by marking against the name of the preferred candidate and afterwards, folding the ballot paper and placing the ballot paper in the ballot box.
  - (3) In the case of electronic voting, votes will be received, retained and recorded in a form and manner as the Nominations and Elections Committee shall direct using the necessary equipment and method.

#### **10. Counting of votes**

- (1) The Returning Officer shall ensure that the counting of votes cast takes place within twenty-four hours of the poll.
- (2) The votes cast shall be counted by the Returning Officer with the assistance of the Registrar and Secretariat.
- (3) In the case of votes cast electronically, the Nominations and Elections Committee shall appoint qualified people to examine and ascertain the number of votes cast for each candidate in each position.
- (4) A candidate or the candidate's representative shall be present during the counting of votes.

#### **11. Spoilt papers**

- (1) The Returning officer shall not count a ballot paper if the ballot paper is: -
  - (a) not properly completed; or
  - (b) unmarked.
- (2) The Returning Officer or a member of the Nominations and Elections Committee appointed by the Returning Officer shall write the word "rejected" on a rejected ballot paper and sign the rejected ballot paper.

#### **12. Questions arising on decision of Returning Officer**

A decision by the Returning Officer on a question arising with respect to a ballot paper shall be final.

#### **13. Sealing of ballot papers**

- (1) The Returning Officer shall, on completion of the counting of votes cast, seal the ballot papers in a marked packet and place the rejected ballot

- papers in a separate sealed marked packet.
- (2) The Returning Officer shall, on sealing the ballot paper, deliver the marked packet to the Registrar.
  - (3) In the case of electronic voting, on completion of the counting of votes cast, the Returning Officer shall render and sign a report stating the-
    - (a) total number of votes received;
    - (b) number of votes rejected and the grounds for rejection;
    - (c) total number of votes in favour of each candidate; and
    - (d) names of the candidates duly elected.
  - (4) The Returning Officer shall submit the report to the Registrar.

#### **14. Declaration of results of election**

- (1) The Returning Officer shall, when the counting of the votes cast is completed and the result of the poll ascertained, declare the candidate with the highest number of votes cast as duly elected into a particular position.
- (2) Where two or more candidates have received equal vote for an elective position, the voting shall be repeated to decide the candidate with the highest number of votes and if, after repeating the vote, the vote is still tied, the Returning Officer shall conduct a raffle to determine the candidate that is duly elected to a particular position.
- (3) Where only one valid nomination is received for a particular office, the Returning Officer shall declare that nominee as duly elected and a vote shall not be taken.
- (4) The Returning Officer shall announce the names of all the candidates that have been elected, either as a result of the elections or because a candidate was unopposed.

#### **15. Custody and destruction of ballot papers**

- (1) The Registrar shall retain the marked ballot papers in packets and any report for a period of seven days beginning the day after the election results are declared.
- (2) Subject to any other written law, the Registrar shall, after the expiry of seven days period under sub-rule (1), cause the marked packets and the report to be destroyed by burning, or any means as the Registrar may determine.
- (3) The Registrar shall not, where the Registrar is informed that an election petition has been filed in respect of an election, destroy the marked



packets until the election petition is disposed of.

## **16. Offences**

(1) A Member shall not-

(a) directly or indirectly-

(i) give, lend, procure or offer money, directly, for another person or on behalf of a voter, to induce a member to vote or refrain from voting at an election; or

(ii) promise or agree to give, lend, procure or offer money to induce a member to vote or refrain from voting at an election.

(b) cause another person to directly or indirectly act in the manner that will make a person refrain from voting; or

(c) before or during an election, publish a false or misleading statement in relation to the character or conduct of a candidate.

(2) A member who contravenes sub-rule (1) commits an offence and shall be reported in writing to the Returning Officer and dealt with in accordance with the Act and disqualified from any further election.

(3) A candidate or member who engages in canvassing shall conduct oneself as they would in carrying out a professional

(4) A candidate or member who, when canvassing for votes, produces material that is seditious or issues a statement calculated to incite hatred or ridicule against another member commits an offence and shall be reported to the Disciplinary Committee for professional misconduct.

(5) A member or candidate shall during the campaign period not be allowed to print posters, t-shirts or banners for a candidate.

(6) A member who contravenes sub-rules (2) and (3) is guilty of professional misconduct and shall be dealt with in the manner provided in the Act, and in the case of a contravention of subrule (3), the candidate shall be automatically disqualified from the election.

## **17. Election petition**

(1) A candidate who is aggrieved with the results of an election may, within 72 hours of the announcement of the results of an election, give notice in writing of the candidate's intention to petition the results.

- (2) A candidate who is aggrieved with the results of an election may, in addition to sub-rule (1) and within seven days of the announcement of the results of an election, submit the petition to the Registrar stating the candidate's grounds.
- (3) The Registrar shall, on receipt of the petition under sub-rule (2), submit the petition to the Election Appeals Committee that shall make a ruling based on the evidence presented by the aggrieved candidate.
- (4) The Election Appeals Committee's ruling shall be final.
- (5) An election petition shall be disposed of within one month from the date of the petition.