

INSTITUTE OF NAMIBIAN QUANTITY SURVEYORS



BY- LAWS

(As amended March 2018)

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BY-LAWS OF THE INSTITUTE OF NAMIBIAN QUANTITY SURVEYORS

1. DEFINITIONS

- 1.1 In these By-laws, unless contrary to the context, any expression or word to which a meaning has been assigned in the Constitution shall bear the same meaning and –

"**The Constitution**" means the Constitution of the Institute of Namibian Quantity Surveyors,

"**President**" means the President of the Board of the Institute,

"**Secretary**" means the Secretary of the Institute.

"**The Act**" means the Architects' and Quantity Surveyors' Act, 1979, and any amendments thereof,

"**INQS**" means the Institute of Namibian Quantity Surveyors,

"**The Council**" means the Namibia Council for Architects and Quantity Surveyors (NCAQS).

2. MEMBERSHIP

2.1 Resident and non-resident members

- 2.1.1 The qualifying examinations for admission to corporate resident or non-resident membership of the Institute shall be those examinations recognised for the purposes of registration in terms of the Act.
- 2.1.2 The following information shall be **recorded against the name** of each member (corporate, non-corporate and student members):
 - 2.1.2.1 educational qualifications;
 - 2.1.2.2 letter of tertiary institute if applying for a student member;
 - 2.1.2.3 nature of employment;
 - 2.1.2.4 name of practice, company or institution where employed;
 - 2.1.2.5 business address, postal address and residential address, telephone, cell phone and facsimile numbers and email address;
 - 2.1.2.6 membership of any other professional body;
 - 2.1.2.7 Namibian citizen, permanent resident permit holder or foreigner;
 - 2.1.2.8 certified copy of permanent residence permit, work permit or work visa.

2.2 Life Members

- 2.2.1 The consideration of a candidate for Life Membership shall be initiated by an individual member or a member of the Board, who shall submit the name to the President.
- 2.2.2 Such nomination shall be supported by a motivation.
- 2.2.3 On receipt of a name the President shall appoint an *ad hoc* committee which shall consider the nomination on its merits and may or may not make a recommendation to the Board.
- 2.2.4 If a recommendation is made, a secret ballot shall be held during the committee meeting considering the recommendation. If a minimum of two-thirds of the member's present vote in favour of the recommendation, the nominee shall be declared elected.

2.3 Honorary Members

- 2.3.1 A proposal for the election of an honorary member shall be initiated by an individual member or a member of the Board.
- 2.3.2 Such nomination shall be supported by a motivation.
- 2.3.3 The proposal shall be included on the agenda for the Board and should two thirds of the member's present vote in favour of the recommendation, the nominee shall be declared elected.
- 2.3.4 Such election may be for a fixed period or for an indefinite period as determined by the Board.

2.4 Fees

- 2.4.1 The enrolment fee, subscription fee and levy in respect of all categories of membership and practice shall be determined by resolution of the Board from time to time.
- 2.4.2 In the case of an unsuccessful application for enrolment, the enrolment fee shall be non-refundable.
- 2.4.2 If a person is admitted to membership during the second half of the Institute's financial year the amount of his/her subscription in respect of that year shall be reduced by one half.
- 2.4.4 In the event of any resident member (not falling under the provisions of By-law 2.4.5) being absent from, not practising in nor having any interest in a practice in Namibia for a period of at least 12 (twelve) consecutive months, his/her subscription, may on application, be reduced at the Board's discretion.
- 2.4.5 Any member having retired or being no longer actively engaged in his/her profession or work reasonably incidental thereto may, on application and at the discretion of the Board, pay such reduced subscription as may be prescribed: Provided that, should such member recommence professional activity, he shall be liable for the full subscription.
- 2.4.6 Members shall have 3 (three) months from date of invoice to pay his/her yearly fee. If the member fails to adhere to the above time frame he/she shall be deregistered with immediate effect and the Namibia Council for Architects and Quantity Surveyors will be informed.

3. PRACTICES

- 3.1 A registered practice or branch office shall comply with the following criteria:
- 3.2 Be under the fulltime, in house personal supervision of a registered professional quantity surveyor.
- 3.3 Be located at a readily identifiable location with appropriate communication infrastructure.
- 3.4 A quantity surveying practice shall be controlled by 50% registered professional quantity surveyors in terms of number, shareholding and voting power.
- 3.5 A multi-disciplinary practice which also practises quantity surveying shall be controlled by registered members of allied build environment professionals, and the quantity surveying division/section shall be under fulltime supervision of a register professional quantity surveyor.
- 3.6 Display on all letterheads and other relevant material the names of all principal/s, partners/s and director/s of the practice or branch office so as to unambiguously indicate the professional capacity of the practice or branch office.
- 3.7 Shall annually furnish proof of adequate professional indemnity insurance.
- 3.8 Provide the Institute with any change of address and other relevant information relating to the branch within 4 (four) weeks of such change.
- 3.9 The following information shall be recorded against the name of each practice or branch office:
 - 3.9.1 name of practice or branch office;

- 3.9.2 name of professional quantity surveyor in fulltime, in house supervision of the practice or branch office;
- 3.9.3 names of all assistant, in-training and student quantity surveyors of the practice or branch office;
- 3.9.4 physical address, postal address, telephone and facsimile numbers and e-mail addresses.

4. ELECTION OF BOARD MEMBERS

- 4.1 All members of the Board shall be elected for a period of 2 (two) years and shall hold office until the next Board is elected.
 - 4.1.1 The tenure of the Board in terms of clause 4.1 shall commence on 1 March in any calendar year.
- 4.2 All candidates for election shall be nominated and seconded in writing and each candidate shall signify his/her acceptance by signing his/her nomination form.
- 4.3 If more candidates are nominated than are required for election to the Board, a ballot shall be held and conducted in the following manner:
 - 4.3.1 The names of the candidates nominated shall be arranged in alphabetical order on the ballot.
 - 4.3.2 The ballot papers shall be handed out to all corporate resident members with voting powers, present at the annual general meeting.
 - 4.3.3 Each member shall cast 1 (one) vote per ballot paper by marking with an "X" next to the nominated candidates name in ink.
 - 4.3.4 Members with proxy forms shall cast their vote on a separate ballot paper whereby the proxy form to be handed to the Secretary for record purposes.
 - 4.3.5 The ballot papers shall then be placed in a ballot box, whereby 2 (two) scrutinisers appointed by the President and with the Secretary whom shall then retire and count the votes recorded on the ballot papers and report the result of the ballot to the President.
 - 4.3.6 Members shall have access to the ballot results on request.
 - 4.3.7 Ballot papers shall not be invalidated by reason of any signature thereon.
 - 4.3.8 Upon the declaration of the result of the ballot, the scrutinisers shall hand to the Secretary the whole of the ballot papers which she shall retain for at least 3 (three) calendar months from the date of the ballot.

4.4 Board Members (nominations & procedures)

- 4.4.1 Each year the Secretary shall, at least 6 (six) weeks before the date fixed for the annual general meeting of the Institute, send to every resident member an invitation to nominate a candidate or candidates from amongst the resident corporate members of the Institute.
- 4.4.2 Such nomination shall be received by the Secretary not later than 3 (three) weeks before the date fixed for the annual general meeting of the Institute.

- 4.4.3 After the expiry of the time for nominations in terms of By-law 4.4.2 the Board shall, if necessary, nominate additional candidates for election to the Board to make up the minimum number required to form a Board and may, in its discretion, nominate a greater number than the minimum required.
- 4.5 A maximum of one member not in private practice may be elected to the board. If the ballots for the members of the Board result in the election of more than one member not in private practice, the member not in private practice who has polled the highest number of votes will be elected to the board. The members in private practice who polled the next highest number of votes in the ballot for the general members of the Board shall be declared elected to the board.

5. MEETINGS OF THE BOARD

- 5.1 A majority of all members of the Board shall form a quorum at any meeting of the Board.
- 5.2 Any persons present at a meeting shall excuse himself/herself if any matter affecting his/her personal or professional interest is discussed.
- 5.3 At meetings of the Board only such business as is on the agenda, which shall be prepared by the President in consultation with the Secretary, shall be decided, unless the Board unanimously determines otherwise.
- 5.4 Not less than 2 (two) weeks before the date fixed for any meeting of the Board, written notice of the meeting shall be sent to every member of the Board at his/her registered e-mail address whereby the member shall confirm his/her attendance. The agenda for such meeting shall be similarly sent not less than 1(one) week before the said date.
- 5.5 In cases of extreme urgency and discretion of the President, for a special meeting of the Board, not less than 3 (three) days notice shall be given and the notice shall set out the object of the meeting.
- 5.6 All matter that may come before any meeting of the Board shall, in the case of a difference of opinion, be decided by a majority of the members present at that meeting. The chairman not having a deliberative vote, but in the case of an equality of votes the chairman may exercise a casting vote.
- 5.7 Notwithstanding any other provisions in these By-laws, a resolution in writing signed by all members of the Board or by a number of members not less than 5 (five) is sufficient to form a quorum shall be as valid and effectual as if it had been passed at a meeting of the Board duly called and constituted. Any such resolution may consist of several documents in book form, each signed by one or more of the members of the Board.
- 5.8 Minutes shall be recorded in book form for all resolutions and proceedings of meetings of the Board.

6. CODE OF CONDUCT

- 6.1 Members shall order their conduct according to the Code of Professional Conduct in the Regulations made in terms of the Act and shall also comply with the provisions of the Constitution and these By-laws as published elsewhere.

- 6.2 A copy of the Regulations referred to in By-laws 6.1 shall be issued to each member of the Institute and any infringement of these Regulations shall be deemed to be unprofessional conduct in terms of the Constitution.
- 6.3 Students shall, in addition to applying themselves diligently to their academic studies, give loyal service to their employers. They should also behave themselves in a manner becoming a future member of the profession.

7. INQUIRY BY THE BOARD

- 7.1 In the following By-laws, "Committee" shall mean any sub-committee of the Board appointed in terms of clause 7.6.1 of the Constitution.
- 7.2 The conduct of any member of the Institute shall be considered by the Board of its own accord or upon complaint made and, if deemed necessary, such conduct shall be inquired into by the committee and such member duly charged with the unprofessional conduct alleged.
- 7.3 The committee may require the complainant to file further particulars of any of the matters complained of and may require the complaint or any part thereof to be verified by affidavit.
- 7.4 The Board may call upon the member whose conduct is complained of or is being considered to file within 10 (ten) days an explanation in answer to the complaint and may require such explanation to be verified by affidavit.
- 7.5 If it is deemed necessary to inquire into a charge of unprofessional conduct, the Board shall give notice to the member concerned as to which of the By-laws have allegedly been contravened, together with a statement of the alleged contravention and shall further give notice as to the day on which the inquiry will be held.
- 7.6 The Board may summon before it any member of the Institute against whom the complaint may be lodged or whose conduct may appear to the Board to require investigation and may call upon him/her to produce any document, contract, book, paper, drawing, specification, quantities or other writing in his/her possession or under his/her control in any way relating to or concerning the complaint or matters under investigation and shall hear any relevant evidence and addresses incidental thereto and inspect any relevant documents which the complainant or the member concerned may desire to produce.
- 7.7 The Board may summon any other member of the Institute to attend such inquiry and may require him/her to give evidence in regard to the complaint or matter under investigation and to produce such documents as the committee may consider to be relevant thereto. In addition, the committee shall be entitled to summon any other person to attend and give evidence at such inquiry.
- 7.8 The member against whom the complaint is made may have legal representation at the hearing of such inquiry, and the committee may appoint a legal representative (who shall not be a member of the Board or sub-committee hearing the inquiry) for the purpose of assisting in the compiling of the charge/s and of adducing the evidence, re-examining witnesses and cross-examining the witnesses for the defence and addressing the committee when necessary.
- 7.9 Should the member against whom the complaint is made not appear or not file an explanation, the inquiry may be proceeded with forthwith.

- 7.10 At any inquiry held under this Constitution, all verbal evidence shall be taken on oath administered or affirmation accepted by the chairman and shall be recorded in such a manner as the committee shall determine.
- 7.11 The committee, after having inquired into the conduct of any member, may -
- 7.11.1 take no further action;
 - 7.11.2 caution and/or reprimand the member;
 - 7.11.3 impose a fine on the said member up to such amount as may be prescribed by the Board from time to time;
 - 7.11.4 terminate the membership of the said member.
- 7.12 If unprofessional conduct is held to be proved against a member who is a registered professional quantity surveyor, it shall be the duty of the Board to notify the Council of unprofessional conduct and the penalty imposed.
- 7.13 The Board may take such order as to the cost incurred in the hearing of the inquiry as it may deem fit.
- 7.14 If any inquiry is commenced during the period of office of the Board, such inquiry shall continue until its completion by that committee appointed by the Board and the chairman shall continue in office as such at the inquiry notwithstanding that a new Board or President or Vice-president may have been elected after the commencement of such inquiry and before the inquiry is concluded.
- 7.15 All questions as to the admissibility of evidence and as to procedure during the hearing and conduct of an inquiry save as set forth in By-law 7.1 to 7.14 hereof, shall be decided by the committee.
- 7.16 If a member is found guilty, the finding of the committee may be reported to the Institute's membership. Such report may or may not, in the discretion of the Board, include the reasons for the finding.