



CONSTITUTION OF THE SURVEYOR'S INSTITUTE OF MALAWI

1. NAME

The name of the Society shall be: "THE SURVEYORS' INSTITUTE OF MALAWI" and hereinafter is referred to as "The Institute".

2. OBJECTS

The Institute is established in Malawi:

- (a) To secure the advancement of and to facilitate the acquisition of that knowledge which constitutes the profession of a Surveyor, namely:
 - (i) The measurement and mapping of physical features and mineral contents of the earth.
 - (ii) The development and management of estates in landed property.
 - (iii) The valuation of all descriptions of land, developments thereon and the various interests therein. The valuation of chattels.
 - (iv) The measuring and estimating of buildings and civil engineering works.

- (v) The measurements, planning, development, utilization, conservation and monitoring of the country's natural resources.
- (b) To promote the general interests of the profession and to maintain and extend its usefulness for the public advantage.
- (c) To establish and maintain good relations with other professional bodies in Malawi, to establish links with similar bodies in other countries and to join and support any international bodies concerned with the work of the profession.

3. SEAT

The seat of the Institute shall be in Lilongwe or such other place as the Council may from time to time decision.

4. MEMBERSHIP

- (a) The membership of the Institute shall consist of five classes:-
 - (i) Full members
 - (ii) Lincenciates
 - (iii) Students
 - (iv) Retired members
 - (v) Honorary members
- (b) A Lincenciate Member shall be elected by the Council upon application to the Secretary and shall be a person having passed at least one part of examinations, who is undergoing a course of training (which may include practical training) approved by the Council.
- (c) A Student Member shall be elected by the Council upon being proposed and seconded by two Full Members and shall be a person who has commenced upon a course of study leading to such examinations and who is undergoing a course of training (which may include practical training) approved by the Council.

(d) A Retired Member:-

- (i) Shall be a Full Member who has formally retired from practice as a Surveyor, but who wishes to continue his connection with the Institute.
- (ii) Shall attain such status on production to the Council of satisfactory proof that he has retired from practice as a Surveyor.
- (iii) Shall pay one-half of the current annual subscription for the class of membership he held before retirement or such lesser amount as the Council may deem fit in the circumstances of each specific case.

(e) An Honorary Member:-

- (i) Shall be a person in practice in Malawi or in adjoining countries, who by reason of his experience, knowledge or position may be able to render assistance in promoting the objects of the Institute. Or some person who may by reason of his services to the profession the Institute desires to honour.
- (ii) Shall attain such status within the Institute by invitation of the Council after obtaining prior approval by ballot of the full Members of the Institute.
- (iii) May take part in all activities and General Meetings and make use of all facilities provided by the Institute except those which the Council considers are privy to the Full Members of the Institute.
- (iv) Shall possess no right of voting or intervening in the affairs of the Institute except when specifically provided for by the Council on any special occasion after obtaining prior approval by ballot of the Full Members of the Institute.
- (v) Shall not be asked or called upon to contribute to the funds of the Institute which provision would not preclude any gift he may wish to make to the Institute.

- (f) Any member wishing to resign from the Institute shall submit his resignation to the Secretary. The resignation shall take effect from the date of receipt by the Secretary of such notice. Any person who resigns or is removed from membership shall not be entitled to a refund of his subscription, or any part thereof, or any monies contributed by him at any time.
- (g) The Council shall have the power to caution, reprimand or expel from the Institute any member who, in the reasonable opinion of the Council, is found to have contravened the rules of professional conduct made by the Council. Provided that the Council shall before exercising their powers under this sub-section, notify the member concerned in writing, by registered letter, of the complaint and he shall be asked if he wishes to submit a written or verbal explanation to the Council within thirty days. No action shall be taken by the Council until the expiry of this period of thirty days. The powers of the Council under this sub-section can only be exercised by the unanimous decision of quorum.

5. CHAPTERS

Chapters may be formed within the Institute to represent the following four fields of activities:-

- (a) Land Surveying, Mining Surveying and Hydrographic Surveying;
- (b) Quantity Surveying and Building Surveying;
- (c) Land Economy, Valuation Surveying, Estate management, Chattels Valuation;
- (d) Rural Surveying, including Agricultural, Forestry Water and other natural resources management;

6. DESIGNATIONS

- (a) A Full Member shall be entitled to use after his name the initials M.S.I.M
- (b) An Honorary Member shall be entitled to use after his name the initials Hon. M.S.I.M
- (c) No other person shall be entitled to use any initials by virtue of his membership of the Institute.

7. MANAGEMENT

- (a) (i) The Chairman shall be elected at the Annual General Meeting for a period of one year and shall not be eligible for re-election to that office for a period of one year after his retirement from office. He shall assume office at the end of the Annual General Meeting at which his successor is elected. When present he shall take the chair at all meetings of The Institute and the Council.
- (ii) The Vice-Chairman shall be elected at the Annual General Meeting for a period of one year and shall not be eligible for re-Election to that office for a period of one year after his retirement from office. He shall assume office at the end of the Annual General Meeting at which he is elected and shall retire at the end of the Annual General Meeting at which his successor is elected. In the absence of the Chairman he shall take the chair of all meetings of the Institute and the Council.
- (iii) The Secretary shall be elected for a period of one year at the Annual General Meeting and shall be eligible for re-election.
- (iv) The Treasurer shall be elected for a period of one year at the Annual General Meeting and shall be eligible for re-election.
- (v) The four full Members shall be elected at the Annual General Meeting for two years each but so that two retire each year.
- (b) (i) Any officer or member of the Council, or the whole Council May be removed and replaced by a three-quarter majority vote at an Extraordinary General Meeting at which two-thirds of the Full Members are present or represented by proxy.
- (ii) Any Officer or member of Council who ceases to be a member of the Institute shall automatically cease to be an Officer or member of Council.
- (iii) In the event of a seat on the Council falling vacant between Annual General Meetings, the Council may co-opt a Full Member of the Institute to fill such vacancy. The Co-optee will retire with such re-election bar as there may have been attaching to the seat so filled, at the time at which the

original occupier of the seat would have retired in the normal course of events.

- (c) The Council may co-opt non-voting members from within or without the membership of the Institute if it so wishes.
- (d)
 - (i) The Council shall meet at least three times per year. The Chairman or any four members of the Council, may by written request to the Secretary, require as Extraordinary Meeting of the Council to be called within fourteen days after the receipt of such request by the Secretary.
 - (ii) At any meeting of the Council a quorum shall be four including any two Officers.
- (e) The Council shall have the power, on behalf of the Institute to:-
 - (i) Acquire by purchase, by gift or by way of donation, bequest or otherwise, hold possess and manage property both movable and immovable.
 - (ii) Lease and rent any property on such terms as they shall think fit.
 - (iii) Compound or compromise any action, suit or proceedings or any debts.
 - (iv) Open an account at any bank, savings bank or building society operating in Malawi, effect any payment into such account or withdraw any sum there from.
 - (v) Appoint and disband such committees or sub-committees as they shall think fit.
 - (vi) Appoint such representatives as they shall think fit to take part in any activities, professional or social, in Malawi or elsewhere.
 - (vii) Sue or be sued, implead or be impleaded under the name of The Surveyors' Institute of Malawi.
 - (viii) Appoint employees, either permanent or temporary, for such duties and at such remuneration as they deem necessary.

- (f) The Council may make such regulations as they deem necessary for the good management of the Institute and in the furtherance of the objects thereof, provided that all such Regulations shall be submitted for approval to the next Annual General Meeting after the making thereof.

8. ANNUAL GENERAL MEETING

- (a) The Annual General Meeting of the institute shall be held in the month of November each year, on such date and at such place as the Council shall appoint.
- (b) The annual General Meeting shall be convened by notices addressed by the Secretary to all members not less than twenty-one clear days prior to the date thereof, such notice shall include an Agenda for the meeting, and a copy of the Annual Accounts.
- (c) The quorum for an Annual General Meeting shall be one tenth of the Full Members in person or ten Full Members in person, whichever is the greater, including at least four members of the Council.
- (d) The business of the Annual General Meeting shall be to receive, deliberate upon and if thought fit accept the Report of the Council and the Annual Accounts, to elect the Officers and Members of the Council, to elect the Auditors and to deliberate and vote upon such motions as the Council shall have included or been asked to include in the Agenda sent out with the convening notice.
- (e) Any member wishing to put down a motion for discussion at the Annual General Meeting shall submit it in writing to the Secretary before the 1st October preceding the Annual General Meeting, provided however that nothing in this clause shall prevent a member present at an Annual General Meeting from proposing during the course of the meeting an amendment to any motion included in the Agenda.
- (f) Voting at the Annual General Meeting shall be by show of hands, or by proxy, or by ballot if so demanded by the person presiding or not less than five members present and voting. In case of equality of votes, the person presiding shall have a casting vote.

9. EXTRAORDINARY GENERAL MEETINGS

- (a) Extraordinary General Meeting shall be held at such times and places as the Council may decide, either when requested to do so by any five Full Members in writing, or upon their own decision, but so that such meeting is held within fourteen days of the receipt of such request or the reaching of such decision.
- (b) Any notice by any five Full Members requesting an Extraordinary General Meeting shall set out in full the motion or motions which they intend to put to such meeting.
- (c) The Secretary shall convene an Extraordinary General Meeting by notices in writing to all members. The convening notice shall give seven days notice and shall include an Agenda for the meeting, which shall set out all motions to be put to the meeting.
- (d) A quorum shall be as for an Annual General Meeting. As shall be the voting procedures.

10. ORDINARY MEETINGS

Ordinary Meetings may be called from time to time by the General Secretary on the decision of the Council. Ordinary Meetings shall be convened by notice in writing to all members. Members may invite guests to attend Ordinary Meetings.

11. AMENDMENT OF CONSTITUTION

No amendment shall be made to this constitution except by two-thirds majority of the Full Members present or represented by proxy at a General Meeting.

12. PROXY VOTING AT GENERAL MEETINGS

When a Full Member is representing another by proxy he shall have in his possession at the Meeting a written statement signed by the Full Member not present in person setting out:

- (a) The name of the Full Member to whom the proxy vote is given
- (b) The date and place of the meeting
- (c) The resolution upon which a proxy vote is given.
- (d) Whether the proxy vote is to be affirmative, negative or discretionary.

13. ANNUAL SUBSCRIPTIONS

- (a) All members other than honorary members shall pay subscriptions to the Institute, at amounts which shall be fixed by Council by Regulation from time to time. Provided that the Council may also fix by Regulation a once-only Life Subscription for Full Members if it so decides.
- (b) Annual subscription shall be payable upon election or on the 1st January each year. A member whose subscription is six months in arrears shall cease to be a member of the Institute, provided that he shall be sent a reminder after five months by the Secretary or Treasurer.
- (c) A member elected after the 1st October in any year shall not be liable to pay an annual subscription in the following year.

14. ENTRANCE AND TRANSFER SUBSCRIPTION

The Council may by regulation fix entrance subscriptions which shall be payable upon election to Full Membership of the Institute and transfer subscriptions which shall be payable upon a member being elected to a different class of membership.

15. ANNUAL REPORT

The Council shall present to the Annual General Meeting a Report on the state of affairs of the Institute.

16. DUTIES OF THE SECRETARY

The Secretary shall:

- (a) Draw up minutes of the proceedings of all meetings of the Institute and of the Council. The minutes shall after confirmation at the ensuing meeting be signed by the person presiding and the Secretary.
- (b) Keep a Register of Members in which shall be recorded:-
 - (i) The name and surname of each member.
 - (ii) The address of each member;
 - (iii) The date of his election;
 - (iv) Such other particulars as the Council may require.

- (c) Have the custody of the records of the Institute.

17. DUTIES OF THE TREASURER

The treasurer shall:

- (a) Keep the accounts of the Institute and all such accounts shall be open to inspection by any person having an interest in funds of the Institute;
- (b) Effect or accept any payment,
- (c) Give full and valid discharge for any debt and sign any receipt therefor;
- (d) Pay into the Institute's bank account as soon as may be all monies received by him, but providing that he may keep in his possession for petty cash such sum as may be prescribed by Regulation by the Council from time to time;
- (e) Prepare the Annual Accounts as at the 30th September each year and a statement as accounts at such other time as the chairman may require.
- (f) Produce his books for examination whenever required to do so by the Chairman or the Auditors;
- (g) In conjunction with any one other Officer sign all cheques drawn on any Institute bank account.

18. AUDIT

- (a) The Auditors (who need not be members) shall be elected at the Annual General Meeting.
- (b) They may be removed and replaced by a three-quarters majority vote at an Extraordinary General Meeting at which two-thirds of the Full Members are present or represented by proxy.
- (c) They may make an inspection of all books and documents in the custody of the Treasurer at anytime and shall forthwith report to the Chairman any error or omission detected in the course of the examination.
- (d) They shall also verify and certify the Annual Accounts

previous to them being submitted to the Annual General Meeting.

19. DEEDS

Every deed, act or document relating to the Institute shall be signed by the Chairman and the Secretary.

20. BRANCHES

Branches of the Institute in different parts of Malawi may be formed subject to the approval of the Council.

21. PROFESSIONAL CONDUCT

All members shall conform to the Rules of Professional Conduct which the Council may take by Regulation.

22. DISSOLUTION

- (a) The Institute shall only be dissolved at an Extraordinary General Meeting called for that purpose at which three-quarters of the votes cast are in favour of a resolution to this effect. In no quorum is obtained, the proposal to dissolve The Institute shall be submitted to a further Extraordinary General Meeting which shall be held one month later. Notice in writing of this meeting shall be given to all members of The Institute at least 14 days before the date of the meeting.
- (b) The dissolution shall be subject to the law existing at that time.
- (c) When the dissolution of The Institute has been effected in accordance with the law and this Constitution, no further action shall be taken by the Council or any Officer of The Institute in connection with the aims of The Institute other than to notify the trustee, as defined in Section 22(d) of known existing assets and liabilities of The Institute. Any cash in hand shall be paid to trustee.
- (d) In the event of dissolution, the bank in which the Institute's monies are deposited shall act as trustee and liquidator and shall wind up the affairs of the Institute in accordance with the law.