

**CONSTITUTION**  
**OF**  
**THE REALTORS ASSOCIATION OF JAMAICA**

**ARTICLE 1**

**NAME:**The name of this organization shall be **THE REALTORS ASSOCIATION OF JAMAICA.**

**ARTICLE 2**

**OBJECTS:** The objects for which this Association is organized are:

1. To establish, maintain, and help regulate the Realtors Association of Jamaica. To facilitate the acquisition of, and the advancement of that knowledge which constitutes the profession of a Real Estate Broker and Appraiser.
2. To promote and maintain the high standard of professional conduct among the Members of the Association as expressed in the Code of Ethics adopted by the Association, and to enforce the Code among its Members in their dealings with one another and in their relations with the public.
3. To protect and promote the general interests of the Profession and to maintain and extend the services which the Profession renders to the public.

**ARTICLE 3**

**MEMBERSHIP**

**SECTION 1: CLASSES OF MEMBERSHIP**

There shall be four (4) classes of membership of this Association:

1. Two (2) **Professional**, and
2. Two (2) **Honorary**.

The Professional Membership of the Association shall be of two (2)

Classes, namely:

**Professional Member**

**Associate Member**

The Honorary membership of the Association shall be of two (2) classes,

namely:

1. **Life Member**
2. **Honorary Member**

**PROFESSIONAL MEMBERS**

The following persons at the date of this our Constitution shall under and by virtue of this Constitution become and be Professional Members:

Mr. Louis W. Chang	Managing Director, Hopefield Development Co. Ltd.
Mrs. E.B. Hollinsed	Managing Director, Nation's Listing Ltd.
Mr. Edward A. Lai	Managing Director E.A. Lai Realty Co. Ltd.
Mr. David Guilfoyle	Director E.A. Lai Realty Co. Ltd.
Mr. Wilfred Lai	Director E.A. Lai Realty Co. Ltd.
Mr. H.L. Clarke	Proprietor, Clarke's Real Estate Agency
Mr. Derrick C. Chang	Sole Proprietor, Derrick C. Chang & Associates
Mr. W.D. Linton	Manager, Imperial Real Estate Agency
Mr. Lucien Rattray	Estate Manager, University of the West Indies
Mr. E.N. Blythe	General Manager, Blythe & Company
Mr. Cleveland Graham	Proprietor, Graham's Real Estate & Service
Mr. S.M. Osbourne	Proprietor, S. Osbourne Real Estate Agency
Mr. A.H. Blackwood	Deputy Commissioner of Lands
Mr. Laurel E. Baillie	Manager, Baillie Realty Corp. Ltd.
Mrs. Ethlyn Baillie	Company Secretary Baillie Realty Corp. Ltd.
Mr. J.D. Baillie	Manager, J.D. Baillie Realty Corp. Ltd.
Mr. Kenneth W. Johnson	Manager, Ben Johnson Real Estate
Lord Ronald Graham	Chairman & Managing Director, Lord Ronald Graham & Co. Ltd.
Mr. Franz A. Powell	Proprietor/Manager, Franz A. Powell & Co.
Mr. James D. Webster	Manager, Richard James Associates Ltd.

Mr. J. Henry Chisholm	President, Chisholm & Co. Ltd.
Mr. George Finson	Sole Proprietor, D.C. Tavares & Finson
Mr. David Pennant	Chairman, David E. Pennant & Co. Ltd.
Mr. C.D. Alexander	Chairman, The C.D. Alexander Co. Ltd.
Mr. Verdi L. Heron	Vice President, The C.D. Alexander Co. Ltd.
Mr. Charles Olgilvie	Manager, The C.D. Alexander Co. Ltd.
Mr. H.A. Nation	Managing Director, H.A. Nation Associates Ltd.
Mr. Cecil P. Kong	Managing Director, Kong's Real Estate Agency
Mr. W.S. Chang	Commissioner of Valuations

During the first five (5) years from the date of the acceptance of this Constitution, there shall be eligible Professional Members; persons on such conditions as Bye-Laws prescribe. After the end of the five (5) years from the date of acceptance of this Constitution, every person who from time to time desires to become a Professional Member shall be required to have passed such examinations as are approved by the Council and to comply with such conditions, if any, as the Bye-Laws prescribe, **PROVIDED THAT** the passing of such examination shall be dispensed with in such cases on such conditions and in such manner as Bye-Laws prescribe.

#### **ASSOCIATE MEMBER**

All persons who are engaged in whole or in part in the work of a Real Estate Broker or an Appraiser shall be eligible to be duly elected to Associate Membership by the Council of the Association on such conditions and in such manner as Bye-Laws prescribe.

#### **LIFE MEMBER**

All persons who have performed notable service for the Association and have been Professional Members of the Association over a period of years and who, because of age or health have curtailed their activities in the Real Estate business, shall be eligible to be elected by the Council of the Association as Life Members on such conditions or in such manner as Bye-Laws prescribe.

**HONORARY MEMBER**

All persons who are not Members of the Association, and who have performed notable service for the Association, or for the public, shall be eligible for election as Honorary Members on such conditions and in such manner as Bye-Laws.

The qualifications, methods and terms of admission, privileges and obligations, including liabilities to expulsion or suspension of members of each of the classes hereinbefore referred to shall be as Bye-Laws shall provide. There shall be vested in the Council alone the absolute discretion of deciding whether any person proposed for, or seeking admission to any class of membership of the Association, who is otherwise qualified, shall or shall not be admitted.

**MEMBERSHIP PLEDGE**

The Members of the Association shall sign a pledge in the form as may be prescribed by the Association, pledging themselves to observe and submit to the requirements of this Constitution and of the Bye-Laws and Code of Ethics, and such other rules and regulations as may from time to time be established.

**WAIVER OF ACTION BY MEMBERS**

Every Member of the Association is hereby deemed to have entered into a Contract with the Association whereby in consideration of the benefits bestowed by such membership every such Member agrees that he shall not be entitled to maintain any action, at law or in equity, for damages or any other relief as a result of any act or omission by the Association or its servants or agents with regard to any business of the Association.

**CESSOR OF MEMBERSHIP**

If any person ceases for any cause whatever to be a Member of the Association he shall not, nor shall his representatives have any interest in, or claim against the funds or property of the Association nor shall the Member be relieved from any indebtedness to the Association for unpaid dues, fees or assessments.

**FEES AND DUES**

Membership fees and dues may hereafter be as Bye-Laws prescribe, shall be deemed to have been paid subject to the provision of the Bye-Laws and for Membership privileges only, and shall not carry with them any vested interests in the Association or its property.

**FINES AND EXPULSION**

The Members of the Association may be reprimanded, fined, suspended and/or expelled in accordance with such procedure as may be established in the Bye-Laws, for violations of this Constitution and Bye-Laws or regulations established thereunder, of the Code of Ethics, or for any other conduct which will tend to cause discredit to fall upon the Association or upon the Real Estate profession as a whole, and such fines shall constitute a debt to the Association and shall be recoverable in a Court of Law. Suspension or revocation by the Government of the licence of any Member shall be a sufficient but not necessary reason for invoking the penalties of this Section.

**ARTICLE 4****GOVERNMENT**

SECTION 1: The Government of the Association shall be vested in a Council.

SECTION 2: The Council shall have the management and control of the affairs of the Association involving the administration of all property and income thereof.

SECTION 3: The first Members of the Council shall be the following -

(Namely):

**KINGSTON AREA**

Mr. C.D. Alexander	President, The Realtors Association of Jamaica, Chairman, The C.D. Alexander Co. Ltd.
Mr. David E. Pennant	1 <sup>st</sup> Vice-President, The Realtors Assoc. Of Ja. Chairman, David E. Pennant & Co. Ltd.
Mr. Derrick C. Chang	2 <sup>nd</sup> Vice-President, The Realtors Assoc. Of Ja. Sole Proprietor, Derrick C. Chang & Associates.
Mr. J.H. Chisholm	Hon. Secretary, The Realtors Assoc. Of Ja. President, Chisholm & Co. Ltd.
Mr. George Finson	Treasurer, The Realtors Assoc. Of Jamaica. Proprietor, D.C. Tavares & Finson.
Mr. H.A. Nation	Managing Director, H.A. Nation Associates Ltd.
Mr. Laurel Baillie	Manager, Baillie Realty Corp. Ltd.
Mr. W.S. Chang	Commissioner of Valuation
Mr. Lucien Rattray	Estate Manager, University of the West Indies

Mr. S.M. Osbourne                      Proprietor,  
S. Osbourne Real Estate Agency

**OCHO RIOS AREA**

Lord Ronald Graham    Chairman & Managing Director  
Lord Ronald Graham & Co. Ltd.

**MAY PEN AREA**

Mr. Louis Chang                      Managing Director  
Hopefield Development Co. Ltd.

**MONTEGO BAY AREA**

Mrs. E.B. Hollinsed                  Managing Director,  
Nation's Listing Ltd.

**MANDEVILLE AREA**

Mr. H.L. Clarke                      Proprietor,  
Clarke's Real Estate Agency

**SAVANNA-LA-MAR AREA**

Mr. E.N. Blythe                      General Manager,  
Blythe & Company

SECTION 4:    The first Members of the Council shall hold office for one (1) year or UNTIL  
their

successors have been elected as Bye-Law prescribes.

SECTION 5:    The number of Members on the Council, their qualification, the mode of  
nomination of candidate for election to the Council, and the period for which  
Members of the Council hold office, shall be as Bye-Laws prescribe.

SECTION 6:    The Council will elect from their own body five (5) Members to be the following  
Officers of the Association:

- President
- 1<sup>st</sup> Vice-President
- 2<sup>nd</sup> Vice President
- Hon. Secretary
- Treasurer

SECTION 7: The 1<sup>st</sup> Vice-President and the 2<sup>nd</sup> Vice-President for the present year shall be the President and 1<sup>st</sup> Vice-President respectively for the following year.

SECTION 8: The Council will from time to time appoint Trustees for the purpose of holding and the disposal of the monies and property of the Association; and the number of Trustees, their mode of election, powers and duties will be as Bye-Laws prescribe.

**ARTICLE 5**

**BRANCHES**

SECTION 1: The Council may form Branches covering such geographical areas as they may deem expedient. The duties and responsibilities of such Branches shall from time to time be laid down by the Council.

**ARTICLE 6**

**MEETINGS**

SECTION 1: Bye-Laws will prescribe for regulating the manner, the time and place for the summoning and holding of Annual and other General Meetings and Special Meetings of the Association and will prescribe the manner of voting and the conduct of the proceedings at the Meetings.

**ARTICLE 7**

**AMENDMENTS**

SECTION 1: The Constitution may be amended by a two-thirds vote of membership in good standing present at any regular meeting or at any special meeting called for the purpose PROVIDED THAT such proposed amendments shall be plainly stated in the call for the meeting at which they are to be considered.

SECTION 2: Due notice by mail to every member of meetings at which such amendments are to be considered must be given at least thirty (30) days prior to the time of the meetings.

**ARTICLE 8**

**BYE - LAWS**

The Association may from time to time, as Bye-Laws shall prescribe, make or vary or rescind any Bye-Laws as the Association deem fit PROVIDED THAT the Bye-Laws made are not repugnant to the Laws of Jamaica or inconsistent with any express provision of this Constitution.

**BYE-LAWS**  
**OF**  
**THE REALTORS ASSOCIATION OF JAMAICA**

**ARTICLE 1**  
**INTERPRETATION**

SECTION 1: In these Bye-Laws unless the subject or context otherwise requires -

“**Association**” means The Realtors Association of Jamaica. “**Real Estate Brokers and Appraisers**” means persons who, whether as an Agent or Principal, transact business connected with the buying, selling, exchanging and appraising of personal property; or with the buying, selling, exchanging, renting, managing, appraising and development of real property or interests therein; and such other functions as are associated with or incidental to such business.

“**The Profession**” means the profession of Real Estate Broker and Appraiser herein designated “**Realtor**”. “**Council**” means the Council for the time being of The Realtors Association of Jamaica. “**Member**” means a member of the Association and includes Professional Member, Associate Member, Life Member and Honorary Member of the Association and membership shall be construed accordingly.

“**Annual Ordinary and Extraordinary General Meetings**” are meetings described in Bye-Laws respectively. “**Annual Accounts**” means Income and Expenditure Account and Balance Sheet required to be laid before the Association by Bye-Laws. “**Financial Year**” means a period of one year from 1<sup>st</sup> April to 31<sup>st</sup> March inclusive. “**Bye-Laws**” means these Bye-laws and includes any alteration, amendment or addition thereto. “**Months**” means calendar months. Words importing masculine gender only, shall include the feminine; words importing the singular number shall include the plural number; and words importing persons shall include corporations.

ARTICLE 2

**QUALIFICATION AND ELECTION OF MEMBERS**

**SECTION 1: APPLICATION:**

- (a) Application for membership shall be made in writing to the Council.  
Applications shall be made upon such forms as may be approved by the Council.
- (b) An applicant for Professional Member or Associate Member must be proposed by a Professional Member and recommended by two (2) Professional Members, certifying a personal knowledge of the candidate, and vouching that he is a fit and proper person to admit to the respective class of membership in the Profession.
- (c) In the case of applicants who operate in the area of a Branch, the Council will request from the Local Board of the Branch a confidential report on the applicant.
- (d) Every applicant must be registered with the Real Estate Board.
- (e) Every Associate member shall only be elected if his Principal or Dealer is a member of the Association.

**SECTION 2: QUALIFICATION:**

**PROFESSIONAL MEMBER**

No person shall be eligible to be a Professional Member of the Association unless he satisfies the Council that at the date of his application he possesses the following qualifications, that is to say:

- (a) He/she is registered as a Dealer with the Real Estate Board of Jamaica.

Every Professional Member shall be eligible for election to the Council, for elections or appointments to all offices of the Association, and shall be entitled to all its rights and privileges.

**ASSOCIATE MEMBER**

No person shall be eligible to be an Associate Member of the Association unless he satisfies the Council that at the date of his application he possesses the following qualifications, that is to say:

(a) That his Employer or Broker is a member of the Realtors Association of Jamaica.

(b) He is registered as a Salesman by the Real Estate Board of Jamaica.

**SECTION 3: ELECTION:**

The election of persons as Life Members and Honorary Members shall be at least

three quarters (3/4) of the Council present at a special half-yearly meeting and voting by ballot PROVIDED THAT prior to the meeting, written notice of the proposed election must be given to each Member of the Council.

**ARTICLE 3**

**MEMBERSHIP FEES AND DUES**

**SECTION 1:** Entrance Fees and Annual Dues shall be the amounts as may be from time to time

determined by a Resolution of a General Meeting called for that purpose

**PROVIDED THAT** at the date of these Bye-Laws the amounts of Entrance Fees and Annual Dues are as fixed in these Bye-Laws.

**SECTION 2:** (a) Entrance Fee for each Professional Member shall be Five Thousand Dollars (\$5,000).

(b) Entrance Fee for each Associate Member shall be Three Thousand Dollars (\$3,000).

**SECTION 3:** Annual Dues are due on 1<sup>st</sup> April in each year and are payable in advance, either annually or semi-annually in the following amounts:

Annual Dues for each Professional Member on election shall be Six Thousand Dollars (\$6,000)

(a) Annual Dues for each Associate Member on election shall be Four Thousand Dollars (\$4,000).

**SECTION 4:** Annual Dues Pro-Rated. Annual Dues for the first year of membership shall be payable by the applicant proportionately for the balance of the year remaining to 31<sup>st</sup> March.

**SECTION 5: NON-PAYMENT OF DUES**

Any Member failing to pay any dues, fines, fees, assessments, or other charges for thirty (30) days after the due date thereof shall be notified by the Council of his delinquency. Failure to pay within fourteen (14) days immediately following such notice shall automatically suspend such delinquent member and he shall be notified immediately by the Council of such suspension. Following such suspension, such delinquent shall have twenty (20) days in which to become reinstated by payments in full. Failure to pay within the twenty (20) day period shall automatically forfeit and terminate the membership of such delinquent Member and all rights thereunder, and he shall be notified by the Council of such forfeiture and termination. Such delinquent members will be posted with the Real Estate Board.

**A R T I C L E 4**

**RIGHTS AND PRIVILEGES, OBLIGATIONS AND RESPONSIBILITIES  
AND DISABILITIES OF MEMBERS**

**SECTION 1: RIGHTS OF MEMBERS**

- (a) All persons who are Members of the Association shall be issued such Certificate of Membership as the Council shall from time to time determine which shall be renewed annually to all Members in good standing. Certificates of Membership are the property of the Association, and may be recalled on termination of the membership of any Member.
- (b) Professional Members, Associate members and Life Members only shall be entitled, when in good standing, to vote at any election or meeting of the Association, and to have any interests in the assets of the organization.
- (c) Professional members and Life Members only shall be eligible for election to the Council.

Honorary Members shall be eligible for appointment to and service on committees, to attend general meetings of the Association, and to the general services of the organization.

Any member in good standing, upon surrender of membership credentials and payment of all charges then owing to the Association, may honorably withdraw from membership of the Association upon acceptance of his resignation by the Council.

**SECTION 2: PRIVILEGES OF MEMBERS**

- (a) A person who has been elected as a professional member shall be entitled to the use of the registered trade mark of a Realtor and to the application of the copyrighted term “**Realtor**” to himself and to his business **PROVIDED THAT** such use shall always be in accordance with the principles governing it, as determined by the Association.
- (b) Membership in the Association shall be non-transferable. In case any Member of the Association changes his business associations, organizes a new business or otherwise materially alters the circumstances under which he was originally elected to membership, his status shall be that of an applicant for membership and shall be subject to review and approval by the Council.

**SECTION 3: OBLIGATION OF MEMBERS**

The members of the Association pledge themselves to aid in the upholding of the Constitution and in the enforcement of its Bye-Laws, including the Code of Ethics, Scale of Minimum Commission and fees, and to do all in their power to further the aims and objects of the Association.

**SECTION 4: CODE OF ETHICS**

The Code of Ethics as set out in Schedule “A” is hereby adopted, as a part of the rules and regulations of this Association, and shall constitute this Section of Bye-Laws as set forth herein. This Section shall be deemed to be amended and changed whenever the said Code of Ethics is amended or changed by the Association.

**SECTION 5: SCHEDULE OF MINIMUM COMMISSIONS AND FEES**

- (a) The rules and schedules of minimum commissions and fees adopted by this Association are as set out in Schedule "B" forming a part of these Bye-Laws. This Section shall be deemed to be amended and changed whenever the said rules and schedule of minimum commissions and fees are amended or changed by the Association.

Any Branch of the Association may, with the approval of the Council, recommend local rules and schedule of minimum commissions and fees for all Members of the Association for practice within the area of the Branch **PROVIDED THAT** the schedule of minimum commissions and fees fixed by a Branch shall not be less than the schedule of minimum commissions and fees adopted by the Association.

**SECTION 6: RESPONSIBILITY OF MEMBERS**

The Members of the Association who are principals shall be held accountable to the Council for the observance of the rules and regulations of the Association by their partners, salesmen and other employees and shall be responsible therefor in all respects as for themselves.

**SECTION 7: DISABILITIES OF MEMBERS**

The Council may suspend or expel any Member under one or the other of the following circumstances:

- (a) Any Member against whom an order in bankruptcy has been made.
- (b) Any Member convicted of embezzlement, larceny, fraud or any other criminal offence, which in the opinion of the Council is prejudicial to the best interest of the Association.
- (c) Any member who has been adjudged to be of unsound mind.

Any Member whose registration has been revoked by the Real Estate Board of Jamaica.

## ARTICLE 5

## DISCIPLINARY POWERS, DISCIPLINARY ACTION AND APPEALS

## SECTION 1: REPRIMANDS, SUSPENSIONS, EXPULSIONS AND

## REINSTATEMENTS

- (a) The Council at a meeting specially convened for the purpose and on resolution of three-quarters (3/4) of those present and voting, shall have the power to:
- (i) reprimand the Member;
  - (ii) fine the Member;
  - (iii) suspend the Member for such time as the Council may think fit;
  - (iv) expel the Member from membership in the Association.
- (b) Any Member who shall refuse or neglect when called upon to submit to arbitration by a proper committee on any arbitrable matter provided for in these Bye-Laws shall be liable to suspension or expulsion by a vote of the Council as provided for in (a) of this Bye-Law.
- (c) Any Member who fails to carry out a verdict of a proper committee which is adverse to him, or to make some satisfactory adjustment of same at once, and who does not appeal from the decision in fourteen (14) days after same has been rendered, shall be cited to the Council by the Secretary and shall be subject to suspension or expulsion by a vote of the Council as provided for in (a) of this Bye-Law. Any Member who, having appealed to the Council, fails to carry out a verdict of a proper committee, or a verdict of the Council within fourteen (14) days after such decision, or to make satisfactory adjustment of same shall be subject to suspension or expulsion by a vote of the Council as provided for in (a) of this Bye-Law.
- (d) Any Member who refuses or neglects to defend himself when called upon by the Council when a complaint against him has been filed, shall be **ipso facto** adjudged guilty of insubordination, and subject to reprimand, fine, suspension or expulsion by a vote of the Council as prescribed for in (a) of this Bye-Law.

- (e) Any Member forfeiting his membership through expulsion, suspension, or otherwise, shall forfeit all claim to any interest in the property of the Association or its assets.
- (f) Any Member having been expelled for any cause may re-apply for re-instatement of his membership in the manner prescribed for application of new Members **PROVIDED THAT** no application for re-instatement will be considered within one (1) year of the date of such expulsion.
- (g) Any Member having been suspended for any cause may be re-instated by a majority vote of the Council.

SECTION 2: The Council may on its own motion or on the application of any person, hold or order an inquiry into whether or not any member of the Association has been guilty of:

- (a) A breach of the Constitution, of any of the provisions of these Bye-Laws, of the Code of Ethics, of the Minimum Schedule of Commissions and fees, or of any of the rules and regulations.

Conduct unbecoming as a Member of the Association which tends to bring discredit on the Association or on the Real Estate Profession.

SECTION 3: The Council may decide that in the particular case:

They inquire into the matter themselves, or

- (1) They will refer the matter to the Disciplinary and Ethics Committee, and the provisions of these Bye-Laws shall apply accordingly.

SECTION 4: **DISCIPLINARY ACTION**

- (a) Any person whether he be a Member or non-Member, may lodge with the Secretary a complaint against any member of the Association for any breaches of the Constitution, Bye-Laws, Code of Ethics, minimum Schedule of Commissions and Fees, or of any of the rules and regulations, or any other business conduct tending to bring discredit on the Association or on the Real Estate Profession.
- (b) Any such complaint must be filed within ninety (90) days after the cause of which the complaint arose.

- (c) The complaint shall be made in writing, signed by the complainant and shall specify the Member complained against, and the offence with which he is charged.
- (d) Any complaint filed pursuant to this Section of the Bye-Laws shall be deemed a privileged communication and shall not subject the complainant to any liability, nor shall this Association, nor any officer, committee member,
- (e) nor employee thereof, nor any member of the Disciplinary and Ethics Committee is liable for any action on any complaint so made. All claims of liability arising out of any Section shall be deemed to be waived by all Members of the Association.
- (f) Any Member concerning whom a complaint is filed shall be duly informed in writing by the Secretary of the Complaint made against him, and be given full opportunity of stating his defense in writing. The matter may then be referred, by the Council, to the Disciplinary and Ethics Committee.
- (f) In the case of a reference to the Disciplinary and Ethics Committee, the Secretary shall serve upon the Member concerned a certified copy of the charges or complaint, together with a written notice of the date, time and place of the meeting at which the complaint will be considered.  
This date shall not be less than twenty-eight (28) days after the serving of the notice.
- (g) Such copy of the charges and complaint and notice of hearing sent by registered post to the last known address of the Member shall be deemed sufficient notice. The serving of the notice shall be attested to the Committee by a certified statement of the Secretary.
- (h) The notice of hearing shall call upon the Member to file a written answer or to notify the Secretary of his intention to appear personally before the Committee, or both, within twenty-one (21) days of the serving upon him of the notice.
- (i) The Committee shall be sole judge as to the character of evidence to be received and the procedure to be followed. It may decide a case after

- (ii) examination of the written statements submitted, or may adjourn the hearing from time to time and require the principals to testify in person. It may examine such witnesses or documentary evidence as may be produced.
- (j) If the Member accused shall decline or fail to answer the charges in writing, or to appear before the committee when requested do so, it may construe such declination or failure as an admission of the charges or complaint against him.
- (k) Notice to appear before the Committee shall be given ten (10) days in advance of the hearing date, and shall be served and attested in the same manner as herein provided.
- (l) The Committee, in considering the complaint, may recommend to the Council:
  - (i) to dismiss the complaint; or
  - (ii) to reprimand the Member; or
  - (iii) to fine the Member, or;
  - (iv) to suspend the Member to such time as they may think fit; or
  - (v) to expel the Member from membership of the Association.
- (m) The decision of the Disciplinary and Ethics Committee shall be in writing, signed by a majority of the Committee Members sitting on the case, and shall contain a summary of the charges and the evidence, its findings and recommendations. Such decisions shall be reported to the Council and a written notice thereof shall be sent by registered post by the Secretary to the principals in the case.
- (n) If no such appeal is filed the Council shall examine the Committee's report and recommendations which, if approved or modified by a majority of three quarters (3/4) of those present and voting at a meeting of the Council specially convened for the purpose, shall constitute final action in the case.

#### SECTION 5: **APPEAL**

An appeal in writing may be taken to the Council not later than fourteen (14) days after the receipt of the decision appealed against.

In an appeal the same rules shall govern the hearing by the Council as apply to the Disciplinary and Ethics Committee **SAVE AND EXCEPT** the decision of the Council shall be by a majority of three-quarters (3/4) of those present and voting.

**ARTICLE 6**

**COUNCIL**

**SECTION 1: COMPOSITION OF COUNCIL**

The Council shall consist of:

- (a) Eleven (11) Professional Members of the Association elected by the Association at an **ANNUAL GENERAL MEETING**.
- (b) One **REPRESENTATIVE** of each **BRANCH** of the Association or such number of **REPRESENTATIVES** as is determined by the Council from time to time.
- (c) Ex-officio Members - i.e. The two last Past Presidents of the Association as long as they remain Members of the Association.

**SECTION 2: RETIREMENT OF ELECTED MEMBERS**

- (a) At every **ANNUAL GENERAL MEETING**, four (4) of the Elected Members of the Council shall retire from office.
- (b) The four (4) Elected Members so retiring shall be the four (4) who have been longest in office excepting the elected members holding offices of 1<sup>st</sup> and 2<sup>nd</sup> Vice-Presidents, respectively.
- (c) As between two (2) or more Elected Members who have been in office for equal lengths of time, the question as to the Members of the Council to retire shall, in default of agreement between them, be determined by the Council by ballot.
- (d) A retiring Council Member shall act as a Council Member throughout the meeting at which he retires.
- (e) No Elected Member of the Council retiring at the **ANNUAL GENERAL MEETING** shall be eligible for re-election to the Council for the ensuing

- (f) year, unless his nomination has been supported by fifteen (15) members of the Association, NOT more than five (5) of whom shall be Members of the Council.

**SECTION 3: NOMINATIONS TO COUNCIL**

The Council shall select from among the Professional Members of the Association, persons eligible, suitable and available to serve on the Council. The Council shall make a list of nominations for all the vacancies to be filled on the Council for the ensuing year.

The aggregate of the candidates nominated in the list of nominations shall be twice the number of vacancies to be filled, and this list shall be the balloting list for the annual election of Council.

- (d) A copy of the balloting list, together with the requisite instructions for voting shall be sent to every Member at least twenty-eight (28) days before the date fixed for the **ANNUAL GENERAL MEETING** and shall be returned to the Secretary at least seven (7) days before the date fixed for the **ANNUAL GENERAL MEETING**.
- (e) No Member shall be deemed to be in good standing for the purpose of voting, being nominated for, or elected to any elective office in the Association, whose dues have not been paid up to and including the semi-annual period in which such election is held.

**SECTION 4: ELECTION OF COUNCIL**

- (a) The President, with the approval of the Council, shall appoint judges to supervise and conduct the voting by ballot.
- (b) The judges shall prepare and present to the **ANNUAL GENERAL MEETING** a Certificate of the result of the voting, and shall state the number of votes received by all candidates on the balloting list.
- (c) All candidates receiving the highest number of votes in the balloting shall be declared at the **ANNUAL GENERAL MEETING** elected to the Council to fill the existing vacancies.
- (d) In the case of a tie in the last place, the selection shall be made by lot under the discretion of the judges in charge of the election.

- (e) In the case of a **BRANCH** of the Association, the representative/representatives elected to represent the **BRANCH** on the Council shall be communicated to the Council in the form of a Resolution.
- (f) Such a Resolution of a Branch will also give additional names as alternative Member(s) whom, in the absence of the other, shall represent and vote for the Branch on the Council.

**SECTION 5: VACANCIES**

Vacancies by resignation or otherwise in the Council shall be filled by the Council until the next ANNUAL GENERAL MEETING at which time the vacancy shall be filled in the manner provided in Article 6.

**SECTION 6: MEETING OF COUNCIL**

- (a) The Council shall meet at least six (6) times per annum at regular periods or when called by the President.
- (b) Absence from three (3) consecutive regular meetings without an excuse deemed valid and so recorded by the Council shall be construed as a resignation.
- (c) The President shall be Chairman at all meetings of the Council and in his absence the 1<sup>st</sup> Vice-President, or 2<sup>nd</sup> Vice-President.  
  
In the Absence of the President the 1<sup>st</sup> Vice-President and 2<sup>nd</sup> Vice-President, the Chairman shall be elected from the Members of the Council present.
- (d) Five (5) Members of Council present at any meeting shall constitute a quorum.
- (e) Decision of the Council shall be established by majority vote. The President shall have, in addition to a vote as a Member of the Council, an additional vote in the case of a tie.

ARTICLE 7

OFFICERS

SECTION 1: **ELECTION**

- (a) The Council shall appoint from their own body at their first meeting after election, officers for the year consisting of a President, 1<sup>st</sup> Vice-President, 2<sup>nd</sup> Vice President and a Treasurer.
- (b) The Council shall appoint at their first meeting after election, an Honorary Secretary who may or may not be a Member of the Council.

SECTION 2: **BONDS**

The Honorary Secretary and/or the Executive Secretary, and Treasurer may be required to furnish surety **BOND** if, and in such amounts as the Council may deem necessary, the cost to be paid by the Association.

SECTION 3: **DUTIES**

The duties of the officers shall be such as their title, by general usage, would indicate, and such as may be assigned them respectively by the Council from time to time, and such as are required by Law.

SECTION 4: **EXECUTIVE SECRETARY**

The Council may employ an Executive Secretary and may delegate to him all or part of the duties of the Honorary Secretary, and may otherwise prescribe his functions. The Council may otherwise prescribe his functions. The Council may also employ such other persons as may be necessary properly to conduct the activities of the Association.

SECTION 5: **LEGAL COUNSEL**

The Council may retain a Barrister or Solicitor for legal advice and fix the terms of his compensation.

SECTION 6: **AUDITORS**

- (a) There shall be three (3) Auditors of the Association, two (2) Honorary and one (1) Professional to be elected annually by Members of the Association at the Annual General Meeting.
- (b) The Honorary Auditors shall be elected from among Members of the Association.

- (c) No Honorary Auditor may be a Member of the Council.
- (d) The Professional Auditor shall be a recognised practicing Accountant.

ARTICLE 8

FINANCES

SECTION 1: The Council shall administer the Finances of the Association. They may **INVEST** its funds at their discretion provided, however, that funds shall preferably be invested in Real Estate, Bonds, or in Mortgages secured on Real Estate.

SECTION 2: The Council shall be the sole authority to allocate money.

SECTION 3: (a) The Council shall not incur an obligation nor authorize expenditure in excess of **ONE HUNDRED POUNDS** (£100.00), other than normal running expenses of the Association, without the expenditure being approved at a meeting of the Council by a majority of two-thirds (2/3) of the Members present and voting.

Comment [RAoJ1]:

(b) Any use, appropriation or expenditure of any reserve of funds shall first be approved at a meeting of the Council by a **UNANIMOUS** resolution of the Members presents.

SECTION 4: At the end of each financial year, and at any other time that the Council may determine, the Accounts of the Treasurer shall be audited by the Auditors.

ARTICLE 9

MEETINGS

SECTION 1: (a) The **ANNUAL GENERAL MEETING** of the Association shall be held within six months of the close of the previous financial year, the place and hour to be designated by the Council.

(b) The business of the **ANNUAL GENERAL MEETING** is to receive, adopt or reject the report of the Council, the audited Accounts for the past year, to announce the result of the ballot for the election of Members to the Council, and to appoint the Auditors.

- (c) Notice of the **ANNUAL GENERAL MEETING** shall be sent by post at

23

least twenty-eight (28) days before the date fixed for the meeting to all Members of the Association.

**SECTION 2: EXTRAORDINARY GENERAL MEETING**

- (a) An **EXTRAORDINARY GENERAL MEETING** may be called by the Council at such time as the Council may determine. Upon the written request of twenty-five per cent (25%) of the Members in good standing, the Council shall convene an **EXTRAORDINARY GENERAL MEETING** of the Association.
- (b) Notice of the **EXTRAORDINARY GENERAL MEETING** shall be sent by post at least twenty-eight (28) days before the date fixed for the meeting to all Members of the Association.
- (c) In the case where the **EXTRAORDINARY GENERAL MEETING** is requested by twenty-five per cent (25%) of the Members, the notice of the meeting shall contain a statement of the purpose of the meeting.

- SECTION 3:**
- (a) Twenty-five per cent (25%) of Members of the Association in good standing on the date of the last preceding **ANNUAL GENERAL MEETING** shall constitute a quorum for the ensuing year for all General Meetings - Annual or Extraordinary.
  - (b) If within half-an-hour after the time appointed for the **ANNUAL GENERAL MEETING** or **EXTRAORDINARY GENERAL MEETING** a quorum of Members is not present, the meeting shall stand adjourned for four (4) weeks to be held at the same hour and place, and at such a re-convened General Meeting the business shall be transacted whatever the number of Members present.

- SECTION 4:**
- (a) All meetings shall be held at such place and such time as the Council or persons convening such meeting shall appoint.
  - (b) Any notice or other document required to be served on any Member shall be deemed sufficiently served by personal service or by leaving the same at or

sending it pre-paid through the post addressed to the then registered address in this Island of such Member.

24

- (c) Non-receipt by a Member of a notice convening any meeting shall not invalidate the proceedings at such a meeting.

## ARTICLE 10

### COMMITTEE

- SECTION 1: (a) The President shall appoint all Standing and Special Committees subject to confirmation by the Council.
- (b) Members of Committees may be drawn from amongst the Members of the Council, or from Members of the Association, or from any other person not being Members of the Association whose services would be of benefit to the Association.
- (c) The President shall be notified of all Committee meetings and shall have the right to attend their sessions and to take part in discussions.

SECTION 2: Committees shall have such duties and functions as may be assigned to them by the Council except as herein provided.

SECTION 3: **SIZE AND TERM**

Committees shall consist of such a number of Members as the Council may determine and shall be appointed for a term of one (1) year, or until their successors have been duly appointed and confirmed, or for such a duration as had been fixed by the Council at the appointment of the Committee.

SECTION 4: **ACTIONS**

All actions of the Committees shall be subject to approval by the Council.

SECTION 5: **ABSENCES**

Any Committee Member who remains absent from three (3) consecutive meetings of a Committee without good cause shall automatically forfeit his appointment unless upon his written request he shall be restored to the Committee by action of the Council in the exercise of its own discretion.

**SECTION 6: QUORUM**

At Committee Meetings a majority shall constitute a quorum, except that when a Committee consists of more than nine (9) members, five (5) shall constitute a quorum.

25

**ARTICLE 11**

**STANDING COMMITTEES**

**SECTION 1: MEMBERSHIP RULES AND ADMISSION COMMITTEE**

- (a) This Committee shall be composed of not less than five (5) nor more than nine (9) members. The Committee shall be charged with the following broad duties:
- (i) To build up the membership of the Association, to investigate the eligibility of and qualifications of applicants, and to report in writing their approval or disapproval of each applicant to the Council.
  - (ii) To formulate rules under which applicants for membership may be admitted to this Association, and to hold examinations for applicants for admission.
- (b) Favourable recommendations to the Council from this Committee shall be a prerequisite before an applicant can be elected to membership.

**SECTION 2: PROGRAMME AND ENTERTAINMENT COMMITTEE**

It shall be the duty of the Committee to provide such programmes, discussions, speakers and entertainment, as may be for the best interest and welfare of the Association.

**TAXATION AND LEGISLATION COMMITTEE**

This Committee shall guard and promote the interests of Real Estate before all legislative bodies, and shall have a careful oversight of matters of assessment and general taxation, and shall perform such other duties relating to taxation and legislation as may be referred to it by the Council.

**SECTION 4: DISCIPLINARY AND ETHICS COMMITTEE**

The Disciplinary and Ethics Committee shall have the powers to inquire into the conduct of the Members of the Association, and take cognizance of all matters pertaining to ethical practices. The Committee shall have authority to make investigations, to file charges, and to perform such other duties as may be logically done within its province.

26

**ARTICLE 12**

**BRANCHES**

- SECTION 1:** (a) The Council may on its discretion create Branches of the Association covering such geographical areas as they shall think fit.
- (b) Membership of a Branch shall be limited to:
- (i) Member of the Association whose place of work or principal place of work is in the area covered by the Branch.
  - (ii) Member of the Association with no place of work but who resides in the area covered by the Branch.

**ARTICLE 13**

**STANDARD FORMS**

- SECTION 1:** Standard business forms, office forms and forms used in the conduct of the Real Estate Profession may be prepared under the discretion of the Council and may be offered for sale to Members.

**ARTICLE 14**

**FISCAL YEAR**

- SECTION 1:** The fiscal and elective year of the Association shall begin on 1<sup>st</sup> April.

**ARTICLE 15**

**RULES OF ORDER**

- SECTION 1:** Robert's Rules of Order, latest edition, shall be recognized as the authority governing the meetings of the Association, its Council and its Committees, not in conflict with the Constitution or Bye-Laws.

ARTICLE 16

AMENDMENTS

SECTION 1: These Bye-Laws may be amended by a majority vote of the Members in good standing present at any Regular General Meeting or at any special General Meeting called for that purpose **PROVIDED THAT** such amendments shall be plainly stated in the call for the meeting at which they are to be considered.

SECTION 2: Due notices by mail of meetings at which amendments are to be considered must be given to every Member at least thirty (30) days prior to the time of the meeting.

27

ARTICLE 17

INDEMNITY

SECTION 1: The Association shall indemnify every Member of the Council and other officers of the Association against all losses, costs and expenses, (including travelling expenses), in any way incurred or that may be incurred in the proper discharge of his duty and the Council shall pay or retain the same out of the funds of the Association. If any Member of the Council or other officer of the Association is guilty of actual fraud or dishonesty whereby the Association incurs any loss or damage, such Member of the Council or other officer shall be liable to recoup the same to the Association. Except as aforesaid no Member of the Council or other officer of the Association shall be liable to the Association for any loss, damage, costs or expenses that may happen to or be incurred by the Association in consequence of any act, omission, or default by such Member of the Council or other officer while purporting to act as such.