



THE JAMAICAN INSTITUTE OF QUANTITY SURVEYORS

CONSTITUTION



Amended October 2023

CONSTITUTION

of The Jamaican Institute of Quantity Surveyors

1. In this Constitution, unless the context requires otherwise:

“Bye-Laws” mean Bye-Laws of the Institute.

“the Institute” means The Jamaican Institute of Quantity Surveyors.

“Corporate Member” means Life Member, Fellow and Professional Members of the Institute.

“Council” means the Council of the Institute as from time to time constituted in accordance with the Bye-Laws.

“General Meeting” means a General Meeting of Members of the Institute.

“Member” or “Members” mean a Life Member, Fellow, Professional Member, Probationer, Student or Honorary Member of the Institute.

“Non-Corporate Member” means Probationer, Student and Honorary Members of the Institute.

“Roll of Members” means the official register of Members of the Institute.

“Special Resolution” means a resolution passed at a General Meeting by a two thirds majority of the eligible votes validly cast.

2. The Institute shall be known as “The Jamaican Institute of Quantity Surveyors”.

3. The objectives for which the Institute is established are:-

- (a) To secure, promote and protect the professional status of Quantity Surveying in Jamaica by allowing membership to persons who have passed appropriate examinations and/or satisfied the prescribed requirements of training, practical knowledge, experience and integrity;
- (b) To maintain a high standard of technical competence and professionalism amongst its members;
- (c) To promote and advance the general interests of the Quantity Surveying profession and to extend its application for the public’s benefit;
- (d) To foster, maintain close liaison with, and to further the interest of the various sectors of the Building and Construction Industry and allied professions;

- (e) To promote fellowship and to provide a medium for the exchange of knowledge of systems, techniques and laws which may affect building and construction;
- (f) To encourage the introduction and training of new members into the profession and to provide continuing professional development;
- (g) To encourage and support appropriate research,
- (h) Represent the profession at government, industry and public forums
- (i) To collaborate with Government in the operation of a system of Registration for Quantity Surveyors

4. The membership of the Institute shall consist of the following classes:-

- (a) Life Members
- (b) Fellows
- (c) Professional Members
- (d) Probationers
- (e) Students
- (f) Honorary Members

Life Members, Fellows and Professional Members shall be known as Corporate Members. Probationers, Students and Honorary Members shall be known as Non-Corporate Members.

5. Members of the Institute shall be entitled to use after their name initials designating his class of membership in such a manner and upon such conditions as the Bye-Laws prescribe.

6. Members of the Institute shall be entitled to the rights and privileges attendant upon membership of the Institute subject to the provisions of the Bye-Laws. Members shall, subject to any restriction in the Bye-Laws;

- (a) be entitled to attend General Meetings, propose resolutions, vote on resolutions proposed and take part in the discussion of business thereat.
- (b) be eligible for election to the Council and for appointment to offices of the Institute.

7. The management and direction of the Institute shall be vested in a Council, which shall have the power to act in all matters in the name of the Institute upon such conditions as the Bye-Laws prescribe.
8. There shall be a President, Vice-President, Hon. Secretary and Hon. Treasurer of the Institute.
9. The Annual General Meeting of the Institute shall be held during the last quarter of each calendar year. Extraordinary General Meetings shall be convened upon such conditions as the Bye-Laws prescribe.
10. The Council shall submit to the Annual General Meeting a written report of the Institute's activities during the proceeding year upon such conditions as the Bye-Laws prescribe.
11. The Institute may from time to time by Special Resolution make new Bye-Laws or repeal, alter or add to any of the Bye-Laws in any manner which is not inconsistent with the express provisions of this Constitution.
12. The Institute may from time to time by Special Resolution repeal, alter or add to this Constitution.
13. The Institute may enter into agreements with any organization similar in nature and character to facilitate better regulation and organization of the Quantity Surveying profession.



THE JAMAICAN INSTITUTE OF QUANTITY SURVEYORS

BYE-LAWS

October 2023 (1st Edition)

BYE-LAWS

of The Jamaican Institute of Quantity Surveyors

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BYE-LAW 1: DEFINITIONS

- 1.1 In these Bye-Laws the following expressions shall, unless the context otherwise requires, have the following meanings respectively assigned to them, namely:
- 1.1.1 “Annual General Meeting” means a General Meeting of the JIQS constituted in accordance with Bye-Law 5.
 - 1.1.2 “Bye-Laws” mean Bye-Laws of the Institute.
 - 1.1.3 “Code of Professional Conduct” means the rules and regulations of the Institute prescribed by the Council from time to time.
 - 1.1.4 “Constitution” means Constitution of the Institute.
 - 1.1.5 “Corporate Member” means Life Member, Fellow and Professional Members of the Institute.
 - 1.1.6 “Council” means the Council of the Institute as from time to time constituted in accordance with Bye-Law 4.
 - 1.1.7 “Designatory Letters” mean distinguishing letters used after a Member’s name to describe his professional experience.
 - 1.1.8 “Disciplinary Committee” means a committee comprising of Corporate Members constituted in accordance with Bye-Law 6.
 - 1.1.9 “Entrance Fee” means a fee payable by a person admitted to membership of the JIQS.
 - 1.1.10 “Executive Committee” means a sub-committee of Council comprising the President, Vice-President, Secretary and Treasurer of the Institute.
 - 1.1.11 “Extraordinary General Meeting” means a General Meeting of the JIQS to transact urgent, extraordinary or special business in accordance with Bye-Law 5.
 - 1.1.12 “General Meeting” means any General Meeting of the Members of the JIQS constituted in accordance with Bye-Law 5.
 - 1.1.13 “In Writing” means any written form in any way which is permanent, including by post, facsimile and email.
 - 1.1.14 “JIQS” means Jamaican Institute of Quantity Surveyors.
 - 1.1.15 “JIQS Log Book” means a log book issued by the Institute for Probationers to record their work experience.

- 1.1.16 “JIQS Test of Professional Competence” means a written examination administered by the Institute that assesses a person’s level of ability/expertise and knowledge of Quantity Surveying.
- 1.1.17 “Member” or “Members” mean a Life Member, Fellow, Professional Member, Probationer, Student or Honorary Member of the Institute.
- 1.1.18 “Non-Corporate Member” means Probationer, Student and Honorary Members of the Institute.
- 1.1.19 “Ordinary Resolution” means a resolution passed at a General Meeting by a majority of the eligible votes validly cast.
- 1.1.20 “Re-admission Fee” means a fee payable by a person re-admitted to membership of the JIQS following removal, expulsion or resignation.
- 1.1.21 “Roll of Members” means the official register of Members of the Institute.
- 1.1.22 “Special Resolution” means a resolution passed at a General Meeting by a two thirds majority of the eligible votes validly cast.
- 1.1.23 “Subscription” means the annual fee payable by a Member.
- 1.1.24 “The Institute” means The Jamaican Institute of Quantity Surveyors.
- 1.1.25 “Transfer Fee” means a fee payable by a person on transfer from one class of membership to another class of membership.
- 1.2 Unless otherwise specifically provided, words and expressions importing the masculine gender include the feminine; and words and expressions in the singular include the plural and words and expressions in the plural include the singular.

BYE-LAW 2: MEMBERSHIP

2.1 Classes and Categories of Membership

2.1.1 The Members of the Institute shall consist of the following classes and categories:

- a) Corporate Members, comprising
 - i. Life Member
 - ii. Fellow
 - iii. Professional Member

- b) Non-Corporate Members, comprising
 - i. Probationer
 - ii. Student
 - iii. Honorary Member

2.2 Eligibility for Membership

Life Members

2.2.1 Fellows or Professional Members of recognized professional excellence who are in good standing for ten (10) consecutive years prior to nomination for Life Membership and who have been engaged in the practice of Quantity Surveying for a minimum period of forty (40) years, have been a Corporate Member of the JIQS for a minimum period of twenty (20) years and have made an exceptional contribution to the Quantity Surveying profession.

Fellows

2.2.2 Professional Members who have attained the age of thirty-five years and who have practiced Quantity Surveying in Jamaica as a Professional Member for a minimum of ten (10) years, and who have been in practice in a senior capacity, and can demonstrate the performance of special duties and/or significant contribution made to the profession of Quantity Surveying beyond normal employment requirements.

Professional Members

2.2.3 Persons who have satisfied the requirements of training, practical knowledge, experience and integrity prescribed by these Bye-Laws and who have been assessed as being suitable for admission to the class of Professional Member by the Council.

2.2.4 All applications for Professional Membership must be supported by two (2) Corporate Members of the Institute who will attest to the suitability of the applicant. All applicants may be required to attend an interview with a committee appointed by the Council.

2.2.5 Applicants for the class of Professional Member must satisfy one of the following:

- (a) Be a Quantity Surveyor who is a qualified member of an organization or professional body that the Council may recognize from time to time as being of equal status to the JIQS and have completed one year of Quantity Surveying practice in Jamaica approved by the Council. An applicant who meets this requirement shall be required to submit for assessment by the Council a certified copy of their professional qualification and a detailed resume.
- (b) Be a holder of a degree in Quantity Surveying from an academic institution approved by the Council. An applicant who meets this requirement shall be required to complete the JIQS Log Book for a minimum period of two years, and upon successful completion shall then demonstrate professional proficiency by undertaking the JIQS Test of Professional Competence.
- (c) Have practiced Quantity Surveying for a minimum of twenty-five (25) years and is considered by the Council as possessing the right combination of academic and professional qualifications, and relevant experience. Applicants who meet this requirement shall be required to submit, for assessment by the Council:
 - i. A detailed resume (2,000 words);
 - ii. A critical analysis (maximum 3000 words) of a project with which the applicant has been extensively involved. The critical analysis should be in the form of a report giving an appraisal of the project, problems encountered and how these were solved or addressed by the Applicant. The purpose of the critical analysis shall be to assess professionalism and technical skill.
 - iii. Details of any professional development undertaken in the previous three (3) years.

Probationers

2.2.6 Persons who are holders of a degree in Quantity Surveying from an academic institution approved by the Council, or who have passed examinations prescribed by or acceptable to the Council, but who have not yet satisfied the Council's requirements as to practical knowledge and experience. Probationers must be employed in the practice of Quantity Surveying in an approved place of employment.

2.2.7 An approved place of employment shall be an office approved by the Council which is engaged wholly or in part in the practice of Quantity Surveying or Construction Cost Consultancy and which has in its employ a Corporate Member of the JIQS e.g. a private Quantity Surveying Office, Quantity Surveying Department of Government or Statutory Body, Construction Firm, etc.

2.2.8 The Council may however, in special circumstances approve the employment of a Probationer in an office in the practice of Quantity Surveying, but in which there is not a Corporate Member of the JIQS, with the provision that:-

- (a) A monitor be appointed for the Probationer. This monitor shall be a Corporate Member of the JIQS who shall at intervals not exceeding three (3) months, examine the Probationer's work and his log of jobs performed and shall advise the Council as to the extent and suitability of the Probationer's Quantity Surveying work experience. The monitor must interview the Probationer's supervisor.
- (b) The Probationer shall keep a log indicating his work experience. This log shall show:- dates, size of project, types of Quantity Surveying duty e.g. estimates; bills of quantities preparation; cost planning; reporting on tenders; valuations for certificates; variation accounts, together with written information of any special problems or unusual experiences encountered.
- (c) This log of work experience shall be submitted for the monitor's scrutiny and approval at intervals of not more than three (3) months. The log shall also be available at any time for the inspection of the Council of the JIQS. A written report by the monitor along with the Probationer's log shall accompany the Probationer's application to sit the JIQS Test of Professional Competence for admission to the class of Professional Member of the JIQS.

2.2.9 Membership as a Probationer for any individual shall be limited to a maximum period of seven (7) years.

2.2.10 A Probationer will be required to convert his status to the class of Professional Member by or before the expiration of the seven-year limit. Failure to do so will result in the immediate loss of membership status at the end of the seven-year limit.

2.2.11 A Probationer who has lost his membership status at the end of the seven-year limit may submit an application for re-admission as a Probationer in accordance with bye-law 2.4.2. Upon successful approval of his application for re-admission and the payment of any fees, subscriptions or arrears as directed by the Council, the re-admitted Probationer shall recommence the process of fulfilling the requirements stipulated in bye-laws 2.25(b), 2.26, 2.27 and 2.28.

Students

2.2.12 Persons who are enrolled in a Quantity Surveying programme of study at an approved institution with a view to entering the profession of Quantity Surveying.

Honorary Members

2.2.12 Persons who, by means of their position, experience or eminence have made an outstanding contribution to the profession of Quantity Surveying, or in promoting the

objectives of the Institute. Honorary members shall not be, or have been Quantity Surveyors.

2.3 Rights & Privileges

2.3.1 The following designatory letters may be used by Members after their names:

- | | | |
|-------------------------|---|------------------|
| (a) Life Member | - | Life Member JIQS |
| (b) Fellow | - | FJIQS |
| (c) Professional Member | - | MJIQS |
| (d) Honorary Member | - | JIQS (Hon.) |

2.3.2 All Corporate Members shall be entitled to be issued a membership certificate indicating their category of membership. The certificate shall remain the property of the Institute and must on the request of Council be returned by a person whose membership ceases for any reason.

2.3.3 All Corporate Members shall be entitled to be issued a personalized embossed seal bearing the logo of the JIQS and the Member's registration number and name. The seal shall be used by the member to authenticate all certifying documents, bills of quantities, final accounts, etc. issued to clients by the Member, in his capacity as a Professional Quantity Surveyor. All members must ensure that the use of the seal does not in any way whatsoever cause the Institute to be brought into disrepute. Ownership of the seal shall reside with the Institute and where a member has been suspended or expelled by the Institute that member's seal shall be returned to the Secretary of the Institute, forthwith.

2.3.4 Life Members, Fellows and Professional Members shall be:

- (a) Entitled to the entire rights and privileges attendant upon membership of the Institute, including the right to:
 - i. Attend and take part in General Meetings.
 - ii. Vote on or propose resolutions at a General Meeting.
 - iii. Receive and retain a membership certificate and a personalized embossed seal.
- (b) Eligible for election or appointment to Council, and for election or appointment to all offices of the Institute

2.3.5 Probationers shall be:

- (a) Entitled to:
 - i. Attend and take part in General Meetings.
 - ii. Nominate and vote for a Probationer to serve on Council as their representative.

- (b) Eligible for:
 - i. Election or appointment to Council, and for election to any office excluding election as President, Vice-President, Secretary or Treasurer of the Institute or for appointment as chairman of a sub-committee of the Council.

2.3.6 Students and Honorary Members:

- (a) Shall be entitled to attend and take part in General Meetings of the Institute.
- (b) Shall not be eligible for election to the Council or for appointment to any office of the Institute.
- (c) Shall be restricted from voting or proposing any resolution to be voted upon at a General Meeting.

2.3.7 Life Members, Honorary Members and Students shall be exempted from paying Subscriptions.

2.4 Election to, Transfer, Cessation and Reinstatement of Membership

2.4.1 The Council shall, subject to these Bye-Laws, elect to membership applicants of good character who meet the educational and professional requirements of the Institute.

2.4.2 Any person desirous of being admitted as a Member of the Institute, or to be transferred from one class of membership to another, shall apply to the Secretary in writing in such a form approved by the Council. The Secretary shall submit the application to Council which may approve or reject same.

2.4.3 A successful application for election to or transfer from one class of membership to another shall only be effective upon payment to the Institute of any fee, subscription or arrears.

2.4.4 The procedure for admitting any person to the class of Life Member or Honorary Member shall involve the submission of a written request signed by a minimum of two (2) Corporate Members outlining the reason(s) for the recommendation. The request shall be considered by Council, or a committee appointed by Council, with a view to assessing the nominee's eligibility and suitability, following which the Council may admit the person as a Life Member or Honorary Member. The Secretary shall then immediately notify all Members of the Council's decision in writing.

2.4.5 Any Member, not in arrears for Subscriptions or otherwise, may at any time resign his membership by tendering a written notice to the Council accompanied by the certificate of his membership and membership seal, if any provided, and on its acceptance his membership shall cease accordingly. Any Member giving such notice shall remain liable for any Subscriptions or other sums due from him at the date of such notice.

- 2.4.6 The Council, upon becoming aware of the death or mental incapacity of any Member, shall remove his name from the Roll of Members.
- 2.4.7 Any Member (other than an Honorary Member) of the Institute non-resident in Jamaica for a period of more than twelve (12) consecutive months shall be removed from the Roll of Members unless said Member notifies the Council in writing indicating their intention to retain their membership.
- 2.4.8 Any Member who has been expelled from the Institute or whose name shall have been removed from the Roll of Members owing to non-payment of fees or Subscriptions or absence overseas and who is desirous of being reinstated into membership of the Institute shall apply in writing to the Secretary in a form approved by the Council. The Secretary shall submit the application to Council which may approve or reject the application as they see fit making such conditions as to payment of any arrears of Subscriptions and Re-admission fees as they deem expedient.

BYE-LAW 3: FEES AND SUBSCRIPTIONS

3.1 Determination

3.1.1 Entrance Fees and Subscriptions shall be determined by a simple majority at a General Meeting on a proposal from the Council. Re-admission fees, Transfer fees and all other fees shall be determined by a majority of votes of those present at a meeting of Council.

3.2 Payment

3.2.1 Subscriptions shall be paid for one year in advance and shall become due and payable on the first day of January each year. A Member shall pay his subscription within three months of the Subscription becoming due.

3.2.2 A Member who is transferred from one class designation of membership to another will be required to pay within three months of the date of his transfer the difference, if any, between the annual Subscriptions for the classes prorated to the portion of the administrative year remaining at the time of his transfer to the higher class.

3.3 Failure to Pay

3.3.1 If a Member's fees and/or Subscription are still outstanding after a period exceeding three months, the Council shall, in the first instance, direct that said Member ceases to have the rights of attendance and voting at meetings of the Institute and if in arrears for more than six months, the Council shall direct that his name be immediately removed from the Roll of Members of the Institute. The Secretary shall notify the defaulting member in writing of the decision taken by Council to remove his name from the Roll of Members of the Institute, and the defaulting Member shall immediately return his certificate of membership and personalized embossed seal, if any provided. The Council may reinstate a person whose name has been removed from the Roll of Members of the Institute subject to the provisions of Bye-Law 2.4.8.

3.3.2 A Member who is unable to pay his fees or Subscription, within the stipulated period of three months, due to extraordinary circumstances, must notify the Council in writing with his explanation no later than three months of the date of his fees or Subscriptions becoming due.

3.3.3 The Council may, under special or extraordinary circumstances, reduce, suspend, permit payment by instalments or waive the amount of any fee or Subscription payable by any Member, which in the Council's discretion warrant such consideration.

3.4 Special Levies

3.4.1 The Council may from time to time, by Special Resolution passed at an Annual General Meeting or an Extraordinary General Meeting, make a levy upon members for particular purposes.

BYE-LAW 4: THE COUNCIL

4.1 The Council

- 4.1.1 The management and direction of the Institute shall be vested in a Council to be elected annually at the Annual General Meeting, to hold office during the ensuing year commencing on the first day of January.
- 4.1.2 Council members shall be elected for one year and the Council shall consist of no less than eight (8) nor more than fifteen (15) members including a President, Vice-president, Secretary, Treasurer, and outgoing President (unless re-elected).
- 4.1.3 No more than two (2) Probationers may serve on the Council at the same time, of which one (1) is to be nominated by the Probationers present at an Annual General Meeting.
- 4.1.4 If there are not more candidates than vacancies for any position on Council, the candidates shall be deemed elected without a vote at the Annual General Meeting. If there are more candidates than vacancies, candidates shall be elected by a show of hands or by ballot.
- 4.1.5 Any member of Council may at any time resign his position by tendering a written notice to the Council, and on its acceptance, his position on Council shall cease accordingly. A Council member who is absent from three consecutive Council meetings in an administrative year without the approval of Council shall be liable to have his membership of the Council terminated and his place declared vacant by resolution of the Council. The Secretary shall notify all Members in writing of any elected position on Council that has been vacated for any reason.
- 4.1.6 The Council may co-opt another Member to fill any vacancy on Council (excluding the position of President, Vice-President, Secretary or Treasurer) caused through resignation, absence from consecutive meetings without the approval of Council, death, or inability to act, and the Member so co-opted shall serve only for the period of absence or for the residue of the term for which his predecessor was elected at the discretion of the Council.
- 4.1.7 All members of Council shall retire annually and retiring members of Council shall be eligible for re-election, except that no Member shall serve as President for more than (2) years consecutively. The retiring Council shall hold office until the conclusion of the administrative year and the new Council shall take office the ensuing year commencing on the first day of January.
- 4.1.8 The Council shall from time to time prescribe rules and regulations to govern any matters for which the Council's approval or acceptance is required by the Constitution and these Bye-Laws and shall take all necessary steps to ensure compliance therewith. Such rules and regulations shall remain in force until rescinded by the Council or by the Institute in a General Meeting.

4.2 Council Meetings

- 4.2.1 The Council shall sit whenever summoned by the Secretary who may convene a meeting of his own accord, or by the direction of the President, or on a requisition signed by three members of the Council. The Council shall meet at least once per month, and in addition whenever the business of the Institute so require. At meetings of the Council, fifty percent (50%) or seven (7) of the members thereof (whichever is less) shall be required to constitute a quorum.
- 4.2.2 The Executive Committee may, in its sole discretion, determine that a meeting of the members of Council shall not be held at a physical location, but may instead be solely held by means of remote communication via teleconference communication system or a video conference communication system, or any other similar electronic communication facility that permits all members participating in such meeting to hear each other during the meeting. An individual member of Council, who, through such communication system attends a meeting, shall be deemed to be personally present at that meeting. Participation in a Council meeting held by remote communication shall constitute presence in person at the meeting for all purposes, including quorum and voting. Members of Council shall receive at least seven (7) days advance notice of the change to a remote meeting.

4.3 Chairing of Meetings

- 4.3.1 The President shall take the chair by right at all meetings of the Institute and of the Council. In the President's absence the Vice-President shall preside. In the absence of both, the Members present shall elect, by a show of hands, a chairman for the meeting.

4.4 President

- 4.4.1 The President shall (in addition to any other functions outlined elsewhere in the Constitution or these Bye-Laws);
- (a) Preside at all Annual General Meetings and other meetings of the Institute;
 - (b) Direct all officers of the Institute in the performance of their duties;
 - (c) Present an annual report on the activities of the Institute at the Annual General Meeting.

4.5 Vice-President

- 4.5.1 The Vice-President shall (in addition to any other functions outlined elsewhere in the Constitution or these Bye-Laws);
- (a) In the absence of the President, preside at all meetings of the Institute;
 - (b) Perform all duties, which the President owing to ill health or prior commitments is unable to perform or as shall be prescribed to him by the President;

4.6 Secretary

4.6.1 The Secretary shall;

- (a) Attend meetings of the Institute and of the Council and take minutes of the proceedings. The minutes shall be prepared in a form acceptable to the Council and presented for confirmation at the following meeting;
- (b) Keep a correct Roll of Members together with dates of their election and their current addresses and contact information;
- (c) Have charge of the records and correspondence of the Institute and shall exhibit them when directed to do so by the Council;
- (d) Issue notice of all official meetings of the Institute and attend promptly to all official correspondence. Should the Secretary fail to summon within seven days a meeting requested by the President or three Council members; the President of Council shall be competent to summon such a meeting;
- (e) Notify all new Members of their election and supply them with their certificate of membership, personalized embossed seal as well as copies of the Constitution, Bye-Laws, Code of Conduct and rules and regulations issued by the Council;
- (f) Perform any other appropriate duties required by the Council.

4.7 Treasurer

4.7.1 The Treasurer shall;

- (a) Receive all monies due to the Institute and pay all debts contracted by it, keeping a correct account of the same in a book (or books) provided for that purpose;
- (b) Report to the Council from time to time on all his receipts and disbursements with a Statement of the amount of money then in his possession and the amount of dues collected.
- (c) Lodge in the name of the Institute, all monies and interest accruing therefrom in a bank or other financial institution approved by the Council.
- (d) Perform any other appropriate duties required by the Council.
- (e) At the end of his term of office, deliver all books, monies and other records to the new Treasurer.

4.8 Sub-Committees

- 4.8.1 The Council shall appoint sub-committees and may prescribe terms of reference as the Council thinks fit.
- 4.8.2 The sub-committee chairman shall be a member of, and represent the work of the sub-committee to the Council.

BYE-LAW 5: GENERAL MEETINGS

5.1 Annual General Meeting

- 5.1.1 The Annual General Meeting shall be held during the last quarter of each calendar year and the notice convening the meeting shall be posted to Members no later than the first day of November in each year.
- 5.1.2 The notice convening the meeting shall be signed by the Secretary and shall state the time and place of the meeting and the business to be transacted, and shall be posted to Members at least twenty-one (21) days before the date of such meeting.
- 5.1.3 Corporate Members desiring a matter to be brought up at an Annual General Meeting shall submit the text of such matter signed by at least four (4) members eligible to vote, to the Secretary not later than the end of August preceding the Annual General Meeting so that members may be notified of the matter before the meeting.
- 5.1.4 If a quorum is not obtained within half of an hour of the time set for the Annual General Meeting, another meeting shall be convened within twenty-one (21) days but not less than seven (7) days hereafter and the Members in attendance at the subsequent meeting shall constitute a quorum and shall proceed with the meeting as an Annual General Meeting.

5.2 Extraordinary General Meeting

- 5.2.1 Extraordinary General Meetings shall be convened by direction of the Council or on written requisition of not less than six (6) Corporate Members of the Institute eligible to vote. The notice convening the meeting shall be signed by the Secretary, shall state the time and place of the meeting, shall state in full detail the nature of the business to be transacted, and shall be posted to members at least fourteen (14) days before the date of the meeting.
- 5.2.2 If a quorum is not obtained within half of an hour of the time set for the Extraordinary General Meeting, another meeting shall be convened within twenty-one (21) days but not less than seven (7) days hereafter and the Members in attendance at the subsequent meeting shall constitute a quorum and shall proceed with the meeting as an Extraordinary General Meeting.

5.3 Virtual Meetings

- 5.3.1 The Council may, in its sole discretion, determine that a General Meeting of Members shall not be held at a physical location, but may instead be solely held by means of remote communication via teleconference communication system or a video conference communication system, or any other similar electronic communication facility that permits all Members participating in such meeting to hear each other during the meeting. An individual Member, who, through such communication system attends a General Meeting, shall be deemed to be personally present at that meeting. Participation in a meeting

held by remote communication shall constitute presence in person at the meeting for all purposes, including quorum and voting. Members shall receive at least seven (7) days advance notice of the change to a remote meeting.

5.4 Amendments to Constitution and/or Bye-Laws

5.4.1 The Constitution and/or Bye-Laws may be amended or altered at an Annual General Meeting or an Extraordinary General Meeting of the Institute convened for that purpose. The Constitution and/or Bye-Laws shall be duly amended or altered if supported by two thirds ($\frac{2}{3}$) of the total votes cast.

5.5 General Meeting Quorum

5.5.1 The Quorum of a General Meeting shall be fifty percent (50%) of the total registered Life Members, Fellows and Professional Members of the Institute, resident in Jamaica and eligible to vote.

5.6 Annual Report

5.6.1 The Council shall submit to the Annual General Meeting a written report of the Institute's Activities during the proceeding year together with a statement of account and a copy of the Roll of Members of the Institute all of which shall be sent to Members with the notice convening the meeting.

5.7 Voting

5.7.1 At General Meetings, except as hereafter provided, a majority of votes of those present and eligible to vote decides an Ordinary Resolution and two thirds ($\frac{2}{3}$) majority of votes of those present and eligible to vote decides a Special Resolution. The Chairman shall have a casting vote in cases of even voting. Voting may be by a show of hands or by ballot as the Chairman of any such meeting may decide, or by electronic means in the case of a virtual meeting.

5.7.2 Any Special Resolution for an amendment to the Constitution and/or Bye-Laws shall be decided by a majority vote of two-thirds of those present and eligible to vote at an Annual General Meeting or at an Extraordinary General Meeting.

BYE-LAW 6: PROFESSIONAL CONDUCT AND DISCIPLINE

6.1 Rules of Conduct

- 6.1.1 This section of these Bye-Laws shall apply to all Members.
- 6.1.2 No Member shall conduct himself in such a manner as would, in the opinion of the Council, prejudice his professional status or the reputation of the Institute.
- 6.1.3 Every Member shall at all times conduct himself with honesty, probity and professional propriety.
- 6.1.4 No Member shall in any way be connected with any occupation or business, if such connection is, in the opinion of the Council, inconsistent with membership of the Institute and/or will bring the Institute into disrepute.
- 6.1.5 Members who are principals of a Quantity Surveying firm shall be held responsible for the acts of their partners and staff who practice as Quantity Surveyors and who are not Corporate Members or Probationers of the Institute so far as they relate to matters coming within the scope of their practice. For the purpose of this Bye-Law, a Member who is a principal shall be liable for disciplinary action in the event that it has been established that such Member has been negligent in their duty as a principal.
- 6.1.6 No Member shall accept or give any illicit or secret trade or other discounts, commission or allowance in connection with any professional business which may be entrusted to him or any goods he may order on behalf of clients.
- 6.1.7 No Member shall directly or indirectly allow or agree to allow any person, other than a member of his own profession, to participate in his remuneration.
- 6.1.8 No Member shall offer any financial inducement to secure instructions.
- 6.1.9 Members shall ensure that advertisements and other public announcements with which their names are associated are neither inaccurate, misleading nor such as would in the opinion of the Council bring the Institute into disrepute.
- 6.1.10 The Council may issue directions for the regulation of Members' publicity and Members shall conform to such directions.
- 6.1.11 No Member shall purport to represent the views of the Institute unless authorized by the Council so to do.
- 6.1.12 Every Member shall keep confidential information concerning his client's affairs, unless he has his client's consent to disclose the information, or has been compelled by law to do so.
- 6.1.13 A Member shall provide written notification to his client (except where the client is his employer) of the terms and conditions on which he is to act. The terms shall include provisions relating to the calculation and payment of his charges and expenses.

- 6.1.14 Members shall not accept commissions where there is either a conflict between his interests and those of his client or, a conflict between the interests of two or more of his clients.
- 6.1.15 A Member shall furnish to the Institute such particulars of his practice and business as may be reasonably required by the Institute to regulate the Member's professional conduct and discipline.
- 6.1.16 The personalized embossed seal issued in accordance with bye-law 2.3.3 shall be used solely by the Member whose name and registration appears thereon. The Member shall on no account use the said personalized embossed seal to authenticate any documents, certificates, final accounts, reports, etc. prepared by any person other than the named Member, unless prepared under their direction/supervision. Any Member breaching this provision shall be liable to disciplinary action. The Disciplinary Committee established in accordance with bye-law 6.2.3 shall determine the required sanction from any of the following:-
- (i) Suspension for a period to be determined by the Committee.
 - (ii) A fine to be determined by the Committee, or
 - (iii) Expulsion from the Institute.
- 6.1.17 The rules stated in the Code of Professional Conduct, which is published separately by the JIQS, are deemed to be rules of the Institute.

6.2 Disciplinary Powers

- 6.2.1 The Council shall have the power to reprimand and/or suspend or expel from the Institute a Member who, in their opinion:-
- (a) has been guilty of unacceptable conduct in the pursuit of his profession as a Quantity Surveyor; or,
 - (b) has violated any of the provisions of the Rules of Conduct set out in Bye-Law 6.1 and/or the rules stated in the Code of Professional Conduct.
 - (c) has failed to adhere to these Bye-Laws
 - (d) has been convicted of a criminal offence which in the opinion of Council renders him unfit to be a Member.
- 6.2.2 A Member shall be liable to disciplinary action in accordance with Bye-Law 6.2 (d) whether or not he/she was a member of the JIQS at the time of the occurrence giving rise to such liability.
- 6.2.3 The Council may, on grounds which seem to them proper, direct that an inquiry be held into the conduct of a Member. For this purpose a Disciplinary Committee shall be appointed which shall consist of five (5) Corporate Members, no less than (2) nor more than three (3) being members of the Council.

6.3 Disciplinary Procedures

- 6.3.1 The Member concerned shall be notified of the complaint in writing and summoned with at least seven (7) day's notice to appear before the Disciplinary Committee to rebut or explain the matter(s) of which complaint has been made. If the Member concerned fails to appear, without good reason, the committee may hear, consider and decide upon the complaint without further reference to him.
- 6.3.2 Where a Member is required by the Committee to furnish information in such form as may reasonably be required, the information shall be provided within 14 calendar days, unless an extension is granted by the Committee.
- 6.3.3 After due inquiry and consideration the Committee shall, submit to the Council a report of its findings and of the penalty recommended to be imposed. A recommendation for expulsion shall require the unanimous decision of the Disciplinary Committee. This recommendation shall be submitted to the Council within three months of the date at which the Member concerned was first notified of the complaint. The Council may extend this three (3) month period where extraordinary circumstances beyond the control of the Disciplinary Committee prevent the committee from submitting to the Council a report of its findings and recommendation.
- 6.3.4 The Council may by a simple majority uphold, reduce, or nullify the recommendation of the Disciplinary Committee, except that a penalty of expulsion shall require a two-thirds majority of the Council.
- 6.3.5 The Secretary shall advise the Member concerned in writing via recorded delivery of the decision of the Committee and the effect thereof.
- 6.3.6 The Secretary shall also inform each Member of the Institute in writing of the penalty imposed.
- 6.3.7 No Member shall be entitled to resign from the Institute after he has been notified by the institution of any proceedings against him under the provisions hereof. A Member shall be entitled to representation at all Disciplinary Committee proceedings by legal counsel.

BYE-LAW 7: LIFELONG LEARNING

7.1 Description

- 7.1.1 For the purpose of this Bye-Law, lifelong learning is the continued process of professional development, following certification for the profession, to maintain, improve and expand the competence and flexibility of quantity surveyors throughout their career. This can be seen as training/activities to keep current with changing technology and practices in the profession in support of the individual's personal growth and development and economic competitiveness for individuals, businesses and the local economy.
- 7.1.2 Qualifying activities may be: the proven study of the theory and practice of quantity surveying or other professional, technical or personal development programmes relating to a member's occupation; attendance at conferences, workshops, seminars, courses, formal technical meetings; undertaking relevant supervised study programmes, making significant (papered) contribution to meetings, working groups and panels; private study and pre-course reading in a structured form (not including regular readings of professional journals), (for up to two thirds of the required total hours); job development and experience based learning including that gained through project secondment, temporary job changes, exchanges and the development of subordinates and trainees; preparation for publication of technical work, research and the preparation and first delivery of presentations to colleagues and other professionals; additional activities such as acting as an assessor or external examiner.

7.2 Application

- 7.2.1 This section of these Bye-Laws apply to a member who is a Corporate Member or a Probationer.

7.3 Obligation to Undertake Lifelong Learning

- 7.3.1 All Corporate Members and Probationers shall:
- (a) Complete a minimum of twenty (20) hours of lifelong learning comprising qualifying activities each calendar year. Lifelong learning is computed on actual time spent on the events.
 - (b) Record and maintain in writing, for twelve (12) complete calendar months, learning objectives and achievements to be presented in a clearly stated and concise form indicating activities, place, times and dates. This should be available for submission to the Institute within twenty-eight (28) days of being required by the Institute.
- 7.3.2 Records are to be kept for three years after the qualifying activities have been undertaken.

7.4 Penalty for Non-compliance

7.4.1 Any member who fails to provide proof of Lifelong Learning activities within twenty-eight (28) days of being requested to do so by the Council shall in the first instance be fined a fee equivalent to his annual Subscription. Continued failure to provide the necessary information for an additional twenty-eight (28) days shall result in the member being suspended and his name struck from the Roll of Members. A member who subsequently satisfies the Council of compliance with the requirements of Lifelong Learning may have his membership reinstated by the Council.

7.5 Waiver of Lifetime Learning Obligations

7.5.1 The Council of the Jamaican Institute of Quantity Surveyors may waive or modify in writing, with or without any conditions, any of the provisions of this section of these Bye-Laws in response to an application from a member based on the grounds of redundancy, ill health, pregnancy or any exceptional reason.