



ROYAL INSTITUTION OF SURVEYORS MALAYSIA

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# CONSTITUTION

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**CONSTITUTION  
OF  
ROYAL INSTITUTION OF SURVEYORS MALAYSIA**

**ARTICLE 1 NAME**

The Institution shall be known as the **ROYAL INSTITUTION OF SURVEYORS MALAYSIA** with the abbreviation RISM, which is hereinafter referred to as the "Institution".

**ARTICLE 2 ADDRESS OF INSTITUTION**

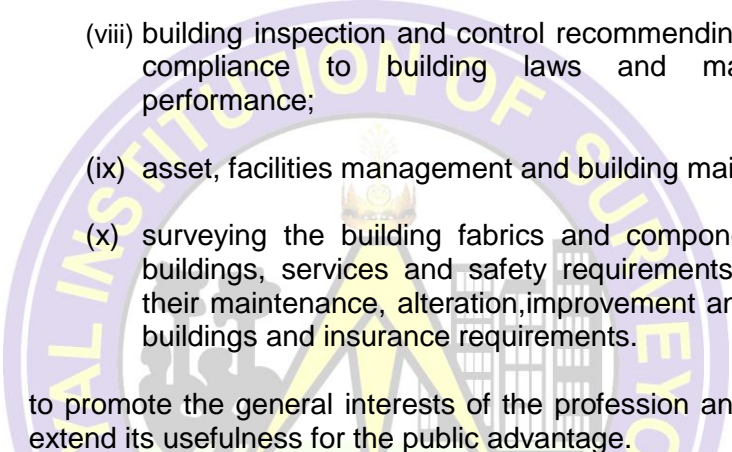
The office of the Institution is situated at 3rd Floor, Bangunan Juruukur, No. 64 & 66, Jalan 52/4, 46200 Petaling Jaya, Selangor, Malaysia or such other registered place where General Council shall from time to time determine and be approved by the Registrar of Societies.

**ARTICLE 3 VISION AND MISSION**

- (1) The vision of the Institution is to be a world-class professional institution and a centre of excellence in surveying and related services.
- (2) The mission of the Institution is:
  - (a) to set and continuously improve the standard of professional practice and ethics;
  - (b) to promote the welfare, educational and professional development of members;
  - (c) to provide quality, value-added and comprehensive services to members; and the public.

**ARTICLE 4 OBJECTIVES**

- (1) The Institution is established for the following objectives:
  - (a) To secure the advancement and facilitate the acquisition of that knowledge which constitutes the profession of a surveyor, namely the art, science and practice of:
    - (i) collection, distribution, storage, analysis, processing, presentation and maintenance of geographic data or geographic information;
    - (ii) surveying for the registration of title to land, strata, stratum, spatium, mapping of topographical features, ground elevations, contours, utilities, river and seabed topography;

- 
- (iii) providing financial appraisal of real property development, determining cost and economics of design, technical auditing and advising on construction contracts;
  - (iv) contract and financial management of construction projects including measurement and valuation of construction works;
  - (v) determining the value of all description of real and intangible properties and of various interests therein;
  - (vi) investing, managing and developing property and other businesses concerned with the management of real and intangible properties;
  - (vii) selling (whether by private treaty, auction or otherwise) buying or letting, as an agent, real or personal property or any interest therein;
  - (viii) building inspection and control recommending for integrity and compliance to building laws and managing building performance;
  - (ix) asset, facilities management and building maintenances; and
  - (x) surveying the building fabrics and components, condition of buildings, services and safety requirements and advising on their maintenance, alteration, improvement and conservation of buildings and insurance requirements.
- (2) to promote the general interests of the profession and to maintain and extend its usefulness for the public advantage.

#### **ARTICLE 5 PATRON**

The Patron of the Institution is His Royal Highness, The Sultan of Selangor.

#### **ARTICLE 6 THE GENERAL COUNCIL**

- (1) There shall be a General Council of the Institution.
- (2) The General Council shall direct and manage the affairs of the Institution.
- (3) The General Council shall be the sole authority for the interpretation of these Articles of the Constitution and the decision of the General Council upon any question of interpretation or upon any matter affecting the General Council and the affairs of the Institution and not provided for by these Articles of the Constitution shall be final and binding on the members, unless revoked by the General Meeting.

#### **ARTICLE 7 DEFINITIONS**

In these Constitution the following expressions shall unless the context otherwise requires have the meanings respectively assigned to them namely:

**‘Annual Accounts’** means the Income and Expenditure Account and the Balance Sheet required to be laid before the Institution by Article 37(4).

**‘Branch’** means any Branch established pursuant to Article 32.

**‘Branch Committee’** means the committee for the Branches pursuant to Article 32.

**‘Building Surveyor’** means a member whose name appears in the Register of Building Surveyors kept pursuant to Article 31(11).

**‘Chapter’** means the Chapter established pursuant to Article 33.

**‘Division’** means any Division established pursuant to Article 31.

**‘Divisional Committee’** means the Committee for the Divisions pursuant to Article 31.

**‘Financial year’** means a period of one year from 1<sup>st</sup> January to 31<sup>st</sup> December inclusive.

**‘Forms’** referred to under the letters or description in column 1 hereunder are those prescribed by the General Council pursuant to the Article set against the letter or description in column 2.

<b>Form</b>	<b>Article</b>	<b>Subject Matter</b>
A	<u>15(3)</u>	Applications
B	<u>15(10)</u>	Application For Transfer
C	<u>15(4), (5) and (6)</u>	Obligation
D	<u>15(7)</u>	Letters with result of application
E	<u>15(8) and (9)</u>	Promise
F	<u>17</u>	Undertaking
G	<u>21(17), (18) and (19)</u>	Application for subscription
H	<u>21(17), (18) and (19)</u>	Second application
I	<u>21(17), (18) and (19)</u>	Notice of removal from the Register
J	<u>34(10), (11), (12), (13) (14) and (15)</u>	Proxy

**‘Geomatics and Land Surveyor’** means a member whose name appears in the Register of Geomatics & Land Surveyors kept pursuant to Article 31(11).

**‘Management Committee’** means the Management Committee pursuant to Article 29(4).

**‘Member’** means a Fellow, Member, Associate or Honorary Fellow of the Institution.

**‘Property Surveyor’** means a member whose name appears in the Register of Property Surveyors kept pursuant to Article 31(11). Property Surveyor includes professionals and executives engaged in the valuation of both tangible and intangible property, management, development and investment of property and estate agency.

**‘Professional Diploma’** means diploma awarded by the Institution to successful candidates after passing the final examination conducted by the Institution pursuant to Article 24.

**‘Quantity Surveyor’** means a member whose name appears in the Register of Quantity Surveyors kept pursuant to Article 31(11).

**‘Surveying’** includes all branches of the profession of a surveyor as defined in the constitution.

**‘Surveyors’ Boards’** mean the Land Surveyors Board Malaysia, Board of Quantity Surveyors Malaysia and Board of Valuers, Appraisers and Estate Agents Malaysia.

**‘The General Council’** means the General Council for the time being of the Institution.

**‘The Disciplinary Committee’** means the committee appointed pursuant to Article 27.

**‘The Institution’** means ROYAL INSTITUTION OF SURVEYORS MALAYSIA.

**‘The Malaysian Surveyors’** means the official publication of the Institution.

## **ARTICLE 8 MEMBERSHIP**

- (1) The membership of the Institution consists of the following classes:
  - (a) Honorary Fellow
  - (b) Fellow
  - (c) Member
  - (d) Associate
  - (e) Graduate
  - (f) Probationer
  - (g) Technician
  - (h) Student

## **ARTICLE 9 HONORARY FELLOW**

- (1) An Honorary Fellow shall be a person who by reason either of his position or experience, or of his eminence in science, may be enabled to render assistance in promoting the objectives of the Institution but who is not engaged in practice as a surveyor in Malaysia.
- (2) A person who has received the approval of the General Council may be elected to be an Honorary Fellow.
- (3) An Honorary Fellow shall not be entitled to be present at or take part in any Extraordinary General Meeting but he shall have the privilege of being present at and taking part in all Annual and Ordinary General Meetings and of access to the Library. He shall have no right of voting, discussing, or otherwise intervening in the affairs of the Institution, nor shall he be called upon to contribute to its funds.

## **ARTICLE 10 FELLOW**

- (1) A Fellow must:
  - (a) be at least thirty-five years of age;
  - (b) have acquired practical knowledge of surveying in any of its disciplines; and
  - (c) have more than five years professional experience after being elected as a Member of the Institution.
- (2) A person who has received the approval of the General Council may be transferred to the class of Fellow.
- (3) A Fellow shall be eligible for election to the General Council, for election or appointment to all offices of the Institution, and shall be entitled to all its rights and privileges.
- (4) A Fellow who has:
  - (a) reached the age of 55;
  - (b) been a Fellow for more than 5 years;
  - (c) made outstanding contributions to the profession and the Institution with distinction; and
  - (d) served in the Institution as President, or member of the General Council or in other capacity as the General Council may determine.
- (5) A Fellow shall be eligible for nomination and subject to the approval of the General Council may be conferred the title of Distinguished Fellow. The number of Distinguished Fellow at any one time shall be determined by the General Council.



## **ARTICLE 11 MEMBER**

- (1) A Member must:
  - (a) be at least twenty-one years of age; and
  - (b) have acquired a practical knowledge of surveying in any of its disciplines, subject to acceptance by the General Council; and
  - (c) have passed the examinations required for election to that class under the Rules of Examination, or such other examination or examinations accepted by the General Council.
- (2) A person who has received the approval of the General Council may be transferred to the class of Member.
- (3) Members are not eligible for the office of President or Deputy President. Subject to the Article of the Constitution and regulations of the General Council. Members are eligible for election or appointment to other offices of the Institution and are entitled to all its rights and privileges.

## **ARTICLE 12 ASSOCIATE**

- (1) Any person who is professionally qualified, licensed or registered to practise surveying, who is not eligible to become a Member of the Royal Institution of Surveyors Malaysia ordinarily, shall be eligible for election as an Associate.
- (2) Such a person shall obtain prior approval of the General Council to be so elected as an Associate.
- (3) Associate shall be entitled to all rights and privileges of the Institution except that they shall not be eligible to hold any office of the Institution nor have any voting rights.

## **ARTICLE 13 DESIGNATIONS**

- (1) The designation of membership for various classes is distinguished by the initials after their names as follows:
  - (a) Every Fellow is entitled to use the initial FRISM, (which is an abbreviation for Fellow of the Royal Institution of Surveyors Malaysia).
  - (b) Every Member is entitled to use the initial MRISM, (which is an abbreviation for Member of the Royal Institution of Surveyors Malaysia).
  - (c) Every Associate is entitled to use the initial ARISM, (which is an abbreviation for Associate of the Royal Institution of Surveyors Malaysia).

- (d) Every Graduate is entitled to use the initial GradRISM, (which is an abbreviation for Graduate of the Royal Institution of Surveyors Malaysia).
- (e) Every Technician is entitled to use the initial TechRISM, (which is an abbreviation for Technician of the Royal Institution of Surveyors Malaysia).
- (2) All Fellows and Members are entitled to use before their names the title Sr (which is an abbreviation for Surveyor).
- (3) Every Past President is entitled to use after their name the additional initial PPRISM, (which is an abbreviation for Past President of the Royal Institution of Surveyors Malaysia).
- (4) The General Council shall take any such appropriate actions as may be deemed necessary against any abuse or misuse of the title of "Sr".

**ARTICLE 14 NON-CORPORATE MEMBER, GRADUATE, PROBATIONER, TECHNICIAN AND STUDENT**

- (1) A person who has received the approval of the General Council may be elected to the class of Graduate, Probationer, Technician or Student as the case may be.
- (2) Graduate shall be a person who has:
  - (a) passed the Final Examination or such other examination, if any, as may be accepted by the General Council; and
  - (b) who has yet to acquire practical knowledge of surveying in any of its disciplines.
- (3) Probationer shall be a person who has passed the Intermediate Examination, or such other examination, if any, as may be accepted by the General Council. Such person may continue as Probationer until the end of the fifth calendar year after that in which he has passed such examination; provided always that the General Council shall have power to vary the probation period.
- (4) Technician shall be a person:
  - (a) who is at least twenty-one years of age;
  - (b) who has obtained qualifications acceptable by the General Council; and
  - (c) who has at least one year of practical experience accepted by the General Council.
- (5) Student shall be a person not under seventeen years of age who has fulfilled the minimum requirements as may be accepted by the General Council. Such person may continue as Student until he has passed the Intermediate Examination or such other examination, if any, as may be accepted by the General Council or until the end of the fifth calendar

year from the date upon which he has been enrolled into the class whichever happens first; provided always that the General Council shall have power to vary the probation period.

- (6) Only Fellows and Members shall have voting rights.

## **ARTICLE 15 THE ELECTION AND TRANSFER OF MEMBERS**

- (1) The election of Honorary Fellow shall be by the General Council, voting by ballot and the proportion of votes required for election shall be at least four-fifths of the full General Council voting in favour.
- (2) The election of persons as Members and Associates shall be by the General Council at a meeting of which notice of the proposed election shall have been given; the proportion of votes required for election shall be three-fourths of the number of members of General Council present and voting at such meeting provided that at least eight members vote.
- (3) Any person desirous of being admitted a Member or Associate of the Institution shall be proposed and recommended on a form prescribed by the General Council (in these Constitution called Form A) in which the full name, place of business, usual residence and qualifications of the candidate shall be distinctly specified. This form shall be subscribed by him and signed by at least three members inclusive of the proposer of whom one shall be a Fellow and the remainder Fellows, Members or Associates, certifying a personal knowledge of the candidate, or by two members of the General Council inclusive of the proposer of whom the President shall be one, after careful enquiry into the circumstances of the candidate, and Form A shall provide accordingly.
- (4) The proposal so made according to Form A shall be delivered to the Honorary Secretary General who, provided he shall have received from the candidate an obligation form prescribed by the General Council (in these Constitution called Form C) signed by the candidate, shall submit the proposal to the General Council, and the General Council if they consider the candidate to be qualified according to the Constitution and the regulations of the General Council and to be a fit and proper person for admission to membership may elect him to the appropriate class of membership.
- (5) The General Council may in their discretion refuse to admit any person to membership without being required to give any reason for such refusal.
- (6) The Honorary Secretary General on the instructions of the General Council shall notify all candidates of the results of their applications; and a list of the name or names of those elected shall be made available for inspection by any member on request.
- (7) Any person duly elected a Member shall be informed thereof without delay by a letter in a form prescribed by the General Council (in these Constitution called Form D) enclosing a promise in a form prescribed by the General Council (in these Constitution called Form E) that he will

abide by the Constitution of The Institution and that he will not at any time after ceasing to be a member of the Institution use or permit to be used in conjunction with his name, or the name of any firm or undertaking with which he may be associated, any designation or expression whatever denoting or suggesting membership of or connection with the Institution, or referring to his past membership thereof. The person elected shall sign and return this form to the Honorary Secretary General and pay the entrance fee, library contribution, scholarship fund contribution and annual subscription prescribed in his case within one month after the date of his election, which otherwise shall become void; but the General Council may in special cases extend the time.

- (8) Every person elected shall as soon as he has signed Form E and made the payments prescribed by the Constitution be entitled to the rights and privileges of his particular class. He shall within twelve months of his election attend a meeting of the Institution or of his Branch for formal admission to membership, and shall sign the Register of the Institution. Any person who fails to attend a meeting for formal admission during that period may be debarred from making use of the rights and privileges attaching to his class until he has complied with this requirement. Nevertheless, the General Council for reasons which appear to them to be sufficient shall be empowered to relieve a member from his obligation under this Constitution.
- (9) The method to be adopted for the formal admission of a member at a meeting of the Institution or of a Branch shall be such as the General Council may from time to time direct.
- (10) The proposal for transferring any person from the class of Member to that of Fellow shall be according to a form prescribed by the General Council (in these Constitution called Form B). This form, being subscribed by at least four Fellows inclusive of the proposer certifying a personal knowledge of the candidate, or by two Fellows on the General Council, inclusive of the proposer, of whom the President shall be one, after careful enquiry into the circumstances of the applicant, shall be submitted to the General Council who if they see fit may make the proposed transfer.
- (11) No person shall be eligible for transfer from one class of membership to another unless he has paid the fees and fulfilled all the obligations relating to his present class of membership as prescribed in the Constitution.
- (12) There shall be no transfer from the class of Fellow to that of Member.
- (13) Any person whose application for transfer from the class of Member to that of Fellow has been approved by the General Council shall be informed by letter from the Honorary Secretary General that on payment of the fees and subscriptions prescribed in Article 21(10) and the contribution prescribed in Article 21(20) within three months his transfer to the higher class will be completed; and on the necessary payment prescribed in the Constitution being made the transfer to Fellowship shall be carried out accordingly.

- (14) In default of payment within the prescribed period the transfer shall become void.
- (15) Any Associate may apply to be transferred to the class of Member of the Institution under Subarticle (3) of this Article after fulfilling the requirements determined by the General Council.

#### **ARTICLE 16 DIPLOMAS**

- (1) Every Fellow and Member shall, upon payment of the first subscription due from him under these Constitution or within a reasonable time thereafter, receive a diploma of membership in respect of the year or portion of a year to which the said first subscription applies, and shall, so long as he remains a member of the Institution, be entitled to renew his diploma annually subject to the provisions of these Constitution.
- (2) Every diploma issued to a Fellow or Member shall be in such form as the General Council may from time to time determine, and shall be the property of the Institution. In the event of cessation or suspension of membership from any of the causes set forth in the Constitution, diplomas shall be returned to the General Council, and failing this shall be recoverable on demand.
- (3) Every diploma issued shall denote the respective discipline of surveying profession in which a Fellow or Member is admitted.

#### **ARTICLE 17 ADMISSION OF GRADUATES**

- (1) The rules for the admission, discipline and removal from the Register of Graduate shall be such as may be laid down by the General Council from time to time, but there is reserved to the General Council the right in their discretion to refuse to admit any person as a Graduate without being required to give any reason for such refusal.
- (2) Graduates are admitted by the General Council. A person shall be eligible for admission as a Graduate when he has:
  - (a) signed an undertaking in a form prescribed by the General Council (in these Constitution called Form F);
  - (b) passed the Final Examination or such other examination, if any, accepted by the General Council; and
  - (c) satisfied such other requirements as the General Council may from time to time prescribe.

#### **ARTICLE 18 ADMISSION OF PROBATIONERS**

- (1) The rules for the admission, discipline and removal from the Register of Probationers shall be such as may be laid down by the General Council from time to time, but there is reserved to the General Council the right in their discretion to refuse to admit any person as a Probationer without being required to give any reason for such refusal.

- (2) Probationers are admitted by the General Council. A person shall be eligible for admission as a Probationer when he has:
  - (a) signed an undertaking in a form prescribed by the General Council (in these Constitution called Form F);
  - (b) passed the Intermediate Examination or such other examination, if any, accepted by the General Council; and
  - (c) satisfied such other requirements as the General Council may from time to time prescribe.

#### **ARTICLE 19 ADMISSION OF TECHNICIANS**

- (1) The rules for the admission, discipline and removal from the Register of Technician shall be such as may be laid down by the General Council from time to time, but there is reserved to the General Council the right in their discretion to refuse to admit any person as a Technician without being required to give any reason for such refusal.
- (2) Technicians are admitted by the General Council. A person shall be eligible for admission as a Technician when he has:
  - (a) signed an undertaking in a form prescribed by the General Council (in these Constitution called Form F);
  - (b) qualification acceptable by the General Council or such other examination, if any, accepted by the General Council;
  - (c) practical experience accepted by the General Council; and
  - (d) satisfied such other requirements as the General Council may from time to time prescribe.

#### **ARTICLE 20 ADMISSION OF STUDENTS**

- (1) The rules for the admission, discipline and removal from the Register of Students shall be such as may be laid down by the General Council from time to time, but there is reserved to the General Council the right in their discretion to refuse to admit any person as a Student without being required to give any reason for such refusal.
- (2) Students are admitted by the General Council. A person shall be eligible for admission as a Student when he has:
  - (a) signed Form F;
  - (b) passed the examination declared in the Rules of examination pertaining to the admission of Students or such other examination, if any, accepted by the General Council; and
  - (c) satisfied such other requirements as the General Council may from time to time prescribe.

**ARTICLE 21 ENTRANCE FEE, ANNUAL SUBSCRIPTION AND OTHER CONTRIBUTIONS TO THE ESTABLISHED FUNDS**

(1) The entrance fee and subscription payable shall be as follows:

(a) Entrance fee

Fellow	RM100.00 (Ringgit Malaysia One Hundred)
Member	RM60.00 (Ringgit Malaysia Sixty)
Associate	USD50.00 (US Dollar Fifty)
Graduate	RM50.00 (Ringgit Malaysia Fifty)
Probationer	RM40.00 (Ringgit Malaysia Forty)
Technician	RM40.00 (Ringgit Malaysia Forty)

(b) Annual Subscription

Fellow	RM400.00 (Ringgit Malaysia Four Hundred)
Member	RM200.00 (Ringgit Malaysia Two Hundred)
Associate	RM200.00 (Ringgit Malaysia Two Hundred)
Graduate	RM100.00 (Ringgit Malaysia One Hundred)
Probationer	RM60.00 (Ringgit Malaysia Sixty)
Technician	RM60.00 (Ringgit Malaysia Sixty)
Student	RM30.00 (Ringgit Malaysia Thirty) – One Off Payment

(b) Scholarship Fund

Fellow	RM500.00 (Ringgit Malaysia Five Hundred)
Member	RM200.00 (Ringgit Malaysia Two Hundred)

(c) Library Fund

Member	RM20.00 (Ringgit Malaysia Twenty)
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(2) The amount of entrance fees and subscriptions shall be such as may from time to time be proposed by the General Council and determined (with or without amendment in reduction of any proposed increase) by resolution of an Extraordinary General Meeting called for that purpose.

(3) The amount of subscription for a Graduate who is eligible to be a Member but remains in the class of Graduate for more than five years, shall be equal to the class of Member or as determined by the General Council.

(4) The amount of subscription for all categories of members who are principal resident shall be 65% of the actual amount of subscription due.

(5) Notwithstanding the provisions of Article 16(1), where a Fellow or a Member whose name has been in the Register of the Institution of a continuous period of 15 years and has

- (a) attained the age of 60 years; and
- (b) retired from practice and desires to continue his association with the Institution; the General Council shall be empowered to continue his name on the Register of the Institution on receipt of a written application from such Fellow or Member and to exempt him from further payment of the annual subscription or any other levies pertaining to that class of membership.
- (6) In case any Fellow or Member is unable, from ill health, advanced age or other sufficient causes, to continue to practise the profession, the General Council may remit his annual subscription and arrears, if any, wholly or in part, if they find good reason for so doing.
- (7) A Fellow or a Member whose name has been in the Register of the Institution of a continuous period of 25 years and has attained the age of 65 years and desires to continue his association with the Institution on receipt of a written application from such Fellow or Member and to exempt him from further payment of the annual subscription or any other levies pertaining to that class of membership.
- (8) General Council shall be empowered to credit five (5) percent of the annual subscription to the Surveyors' Benevolent Fund upon payment of a member's annual subscription.
- (9) Where any subscription for any year remains unpaid at 6 April, after written notice has been sent to the member's last known address, a recommendation is to be made by the membership committee to the General Council who shall have the power to approve such a recommendation, to be implemented if payment is not made by 25 April. A member who pays the subscription after 6 April shall be liable to pay additional administration fee as may from time to time determine by the General Council.
- (a) All annual subscriptions are due on the 1st January in each year in advance and must be paid before the last day of March of that year. On payment of a member's annual subscription, the General Council shall renew his diploma subject to the provision of these Constitution. Any Fellow or Member whose subscription is in arrears after the last day of March shall not be entitled to:-
- (i) Stand for election as per Article 29(17).
- (ii) Nominate candidates for any election.
- (iii) Cast his ballot paper for any election.
- (iv) Attend or vote at any General Meeting.
- (b) Shall be disqualified from holding office should he/she be elected under Article 29(10), (11) and (12). In case of members who are elected during the course of a year their first subscriptions shall be proportionate to the quarters of the year in which they are elected.
- (10) Every person transferred from one class of membership to another shall pay (i) the difference between the entrance fees, if any, of the old and



new class of membership and (ii) in addition, the difference between the annual subscription for the current year of the old and new class of membership; provided that a member who is transferred after the 30<sup>th</sup> of September in any year shall pay the full annual subscription appropriate to the new class of membership; and such payment in his case discharge his subscription for the remainder of the current year and be deemed to include his subscription in advance for the following year as a member of the new class.

- (11) Notwithstanding the provisions or subarticle (2), (3) and (4) of this article, any member, other than an Honorary Fellow, who has been a member for a period of not less than 10 years and who makes a donation of RM3,000.00 or more shall be exempted from paying further annual subscriptions until he/she ceases to be a member.
- (12) General Council shall be empowered to credit five (5) percent of the donation of RM3,000.00 to the Surveyor's Benevolent Fund.
- (13) General Council shall deposit the balance of the donation in an approved bank under term deposit account and shall be empowered to credit the interest earned to the General Fund.
- (14) The funds deposited under term deposit account can be withdrawn and be credited to the General Fund on the passing of a resolution of the members of The Institution at a General Meeting provided that such withdrawal does not exceed twenty (20) percent of the total deposits.
- (15) Every person admitted as member of the Institution shall remain liable to the payment of his annual subscriptions until he has either forfeited his claim to membership or has signified to the Honorary Secretary General in writing his desire to resign when, on payment of all arrears, his name shall be withdrawn from the Register of the Institution except as provided in Article 27.
- (16) An application in a form prescribed by the General Council (in these Constitution called Form G) shall be sent to any person whose subscription shall not have been paid on or before the last day of March after the same has become due, and the General Council may if they think fit declare his rights of membership suspended, duly notifying him of the same. In the event of his subscription continuing two months in further arrears a second application shall be made for it according to a form prescribed by the General Council (in these Constitution called Form H) and, failing the payment of the amount due before the expiration of one month from the date of the second application, the member shall be reported to the General Council who shall have the power to remove the name of the defaulter from the Register of the Institution, declare that he be no longer a member of the Institution and demand the surrender of his diplomas, duly notifying him according to a form prescribed by the General Council (in these Constitution called Form I).
- (17) The General Council may, where they think it desirable, defer taking the action prescribed in subarticle (2), (3) and (4) of this Article until such later date as they may determine.

- (18) The General Council may exempt a member from payment of annual subscription or part thereof by reason of ill health or any other reasons acceptable by General Council.
- (19) All members other than Honorary Fellows shall, on election to membership, make a financial contribution to the library at the rate of RM20.00, such contribution being payable in accordance with the terms of Article 15(7). Any capital expenditures incurred in the management of the library shall be charged to this fund.
- (20) All new Members other than Honorary Fellows shall upon approval of application of membership make a final contribution of RM200.00 towards the Scholarship fund of the Institution. A Member transferred to the class of Fellow shall contribute an additional sum of RM300.00 towards the said Fund.
- (21) Notwithstanding the provisions of subarticle (20) of this Article where a Fellow or Member has retired from practice or is unable, from ill health, advanced age or other sufficient causes to continue to practice the profession, the General Council shall be empowered to exempt such fellow or Member from the payment of the financial contribution stated in subarticle (21) of this Article or reduce the amount payable by such Fellow or Member towards the Scholarship Fund.
- (22) The scholarship Fund shall provide:-
- (a) interest free loans to students for surveying courses with an administrative charge of six (6) percent of the total loan value.
  - (b) Interest free loans to members and members' children without an administrative charge for any course of study.
  - (c) scholarship to students, members and members' children without an administrative charge for any course of study subject to conditions as the General Council may determine.
- (23) If any money from Scholarship Fund is invested in any building, the General Council shall ensure that commensurate returns are credited to the Fund.
- (24) Monies from the Scholarship Fund shall not be transferred to the General Fund.
- (25) The administrative charge of six (6) percent of the total loan value may be credited to the General Fund.
- (26) The conversion of a study loan to a scholarship may be considered for those who has obtained First Class Honours Degree or such equivalent CGPA (Cumulative Grade Point Average) score subject to the approval of the General Council.
- (27) The Institution may carry out economic activities such as selling, buying, investing, renting, owning of tangible and intangible assets and other economic activities meeting the objectives of the Institution including the

setting up of a private limited company, subject to the approval of the General Council.

- (28) The Institution is allowed to receive contribution in the form of monetary and goods from its economic activities carried out under subarticle (27) of this Article. Any monetary received from such activities shall be duly declared in the Annual Report.

## **ARTICLE 22 AMENDMENTS TO THE CONSTITUTION**

- (1) The General Council, when they consider it expedient to propose the enactment of any new Article or the alteration or repeal of any existing one, shall summon an Extraordinary General Meeting to decide on the same; and the General Council is at all times bound to do so on a requisition in writing of not less than twenty-five members, specifying the particular new Article or Articles or the alteration of any existing Article or Articles which they recommend.
- (2) No enactment, alteration or repeal of the Article shall have effect except upon a resolution passed and until submitted to and allowed by the Federal Registrar of Societies.
- (3) All members, other than Associates and Honorary Fellows, shall have not less than thirty days' notice sent to them by post of the time appointed by the General Council for an Extraordinary General Meeting summoned to decide on the enactment of any new Article or the alteration or repeal of any existing one. The notice shall state the general tenor and OBJECTIVES or any new Article or alteration of any existing one, which is to be proposed and discussed; and the business of the meeting shall be limited thereto. The notice may contain also a notice of the meeting to confirm such alterations. All members, other than Associates and Honorary Fellows, shall have a right subject to the Articles to attend and vote, and twelve shall constitute a quorum. The voting at such meeting on any particular Article shall be by ballot if so demanded by the person presiding or by not less than one-quarter of the members present and voting.
- (4) No new Article or alteration or repeal of any existing Article shall be proposed at any meeting of the Institution except in the manner above prescribed.
- (5) The General Council may from time to time prescribe and authorize appropriate forms to be used in the cases to which they are applicable, with such alterations or additions thereto as the General Council may from time to time determine; and all notes and directions thereon shall be deemed part of the forms and be observed accordingly.
- (6) This Constitution shall continue until a resolution for its amendment shall be passed by one-sixth of the total voting members of the Institution present voting in favour of that resolution at an Extraordinary General Meeting duly convened for that purpose.

## **ARTICLE 23 DISSOLUTION**

The Institution shall continue until a resolution shall be passed by three-fifths of the total membership of the Institution voting in favour of its dissolution at a General Meeting duly convened for that purpose.

#### **ARTICLE 24 EXAMINATION BOARD AND EDUCATION AND ACCREDITATION BOARD**

- (1) The General Council shall cause to be held examinations for candidates seeking to be elected to the Class of Members of the Institution, and for such other purposes as they may determine. There is reserved to the General Council the right in their discretion to refuse to admit any person to any examination without being required to give any reasons for such refusal.
- (2) Any examinations held by the Institution shall be conducted by the Examination Board who shall frame and publish Rules of Examination defining the cases and circumstances under which the said examinations shall severally apply, the periods at which they shall be held, the subjects which they shall comprise, the fees (if any) which shall be paid or deposited by candidates in respect of such examinations and the nature of any certificate to be granted to successful candidates; and the Examination Board shall have power from time to time to vary or rescind any such rules or make any such rules as may appear to them to be necessary or desirable.
- (3) There shall be an Examination Board and Education and Accreditation Board nominated by General Council with each Board consisting of:
  - (a) One member who shall be a Fellow of the Institution, as Chair;
  - (b) One member who shall be a Fellow of the Institution, as Deputy Chair;
  - (c) One member who shall be a Fellow or Member of the Institution, as Secretary;
  - (d) One member from each of the four Divisions namely, Geomatics and Land Surveying, Quantity Surveying, Property Surveying and Building Surveying.
- (4) The General Council may nominate to the Examination Board representatives from Malaysian Institutions of Higher Learning and Surveyors' Boards.
- (5) The members of both Boards shall hold office for a term not exceeding three (3) years and shall be eligible for reappointment.
- (6) The General Council may remove a member of either Board and appoint another in his place.
- (7) Any member of either Board other than the ex-officio members who fails to attend three (3) consecutive meetings without any leave of absence shall thereupon cease for all purposes to be a member of that Board.

- (8) The Chairman shall preside at the meetings of the Boards and the Secretary shall record the minutes thereof.
  - (a) In the absence of the Chairman or Deputy Chairman, the members shall appoint from among themselves one member present to preside at the meeting;
  - (b) In the absence of the Secretary, the members shall appoint from among themselves one member present to record the minutes thereof.
- (9) The Examination Board shall be empowered to appoint or revoke the appointment of examiners for the examinations.
- (10) The Education and Accreditation Board shall set up a Surveying Accreditation Panel to co-ordinate with the respective Surveyors' Boards on the accreditation of surveying courses and related matters.
- (11) The Boards shall meet as often as the affairs of the Boards may require, but at least once in every three months and at every meeting six shall constitute a quorum.
- (12) The Boards shall prepare a report for inclusion in the Annual Report.
- (13) The Education and Accreditation Board shall recommend to General Council to accept the degrees or diplomas of universities or other bodies when they are satisfied with the standard of the subjects in the surveying courses.
- (14) The Education and Accreditation Board may recommend to the General Council to accredit approved institutions to conduct courses and examinations on its behalf.
- (15) The Institution has the authority to award a Professional Diploma to any member who has completed the final examination carried out under subarticle (2) of this Article subject to the approval of the General Council.

## **ARTICLE 25 DISCIPLINE**

- (1) No member shall conduct himself in such a manner as would in the opinion of the General Council prejudice the reputation of the Institution.
- (2) No member shall in any way be connected with any occupation or business if such connection is, in the opinion of the General Council, inconsistent with membership of the Institution.
- (3) No member shall engage in work recognized as being properly that of a solicitor other than as prescribed in any Act or Ordinance pertaining to Surveyors.
- (4) Every member who is a sole principal of a practice or a partner in a firm or a director of a company carrying on practice as surveyors shall be held equally responsible for any contravention of this Constitution committed by any other partner or directors or by any member of the

staff of such practice, firm or company; provided that if such sole principal, partner or directors as the case may be shall show that he has prior to such contravention taken all steps as may be reasonable to ensure that such contravention was not committed he may be absolved of responsibility for such contravention.

- (5) It shall be the duty of every Member:
- (a) when acting for a client whose interests conflict or may conflict with his own to disclose the relevant facts to his client;
  - (b) to ensure that neither he personally nor any firm or company carrying on practice as surveyors of which he is a partner or director acts for two or more parties with conflicting interests without disclosing the relevant facts to those parties.
- (6) All members shall observe such Scale of Professional Fees as may from time to time be laid down by law or in the absence thereof by the General Council.
- (7) No member shall accept or give any illicit or secret trade or other discount, commission, or allowance in connection with any professional business which may be entrusted to him, or any goods he may order on behalf of the clients.
- (8) No member shall directly or indirectly allow any person to participate in his remuneration other than a member of his own profession unless otherwise provided by law or in the absence thereof as approved by the General Council.
- (9) No member shall except where permitted by law:
- (a) offer any financial inducement to secure instructions;
  - (b) undertake or offer to undertake work for charges which in the opinion of the General Council would be unfair to other members; or
  - (c) with the object of securing instructions attempt to compete with another member on the basis of fees.
- (10) In the conduct of his work:
- (a) No member shall offer to accept instructions on the basis that no charge will be made unless a successful result is attained.
  - (b) No member shall, either directly or indirectly, orally or in writing, seek instructions for business which he knows, or with ordinary care could have ascertained, as in the hands of another member; nor in other cases without a definite intimation that if another member has already been retained, instructions can only be accepted from and as sub-agent to, that member.
  - (c) A member who seeks instructions to deal with a property on which another member's board or notice is exhibited will be deemed knowingly to have disregarded this injunction.

- (d) The seeking of instructions by a member or one of his staff by personal call or telephone or by any communication which in the opinion of the General Council constitutes a circular is prohibited.
- (e) Members shall ensure that advertisements and other public announcements with which their names are associated are not such as would in the opinion of the General Council be inconsistent with membership of the Institution.
- (11) No member shall carry on his practice under a name or style which would in the opinion of the General Council be inconsistent with membership of the Institution.
- (12) No member shall maliciously injure or attempt to injure, whether directly or indirectly the professional reputation, prospects or business of another member.
- (13) The General Council shall issue directions for the regulation of members' publicity and such directions may be applicable generally or to particular sections and members shall conform to such directions. The Regulation on Advertising and Publicity and Professional Code of Conduct are as follows:
- (a) No member shall conduct himself in such a manner as would in the opinion of the General Council prejudice reputation of the Institution.
- (b) No member shall in any way be connected with any occupation or business if such connection is, in the opinion of the General Council, inconsistent with membership of the Institution.
- (c) Every member who is a sole principal of a practice or a partner in a firm or a director of a company carrying on practice as surveyors shall be held equally responsible for any contravention of this Constitution committed by any other partner or director or by any member of the staff of such practice, firm or company; provided that if such sole principal, partner or director as the case may be shall show that he has prior to such contravention taken all steps as may be reasonable to ensure that such contravention was not committed he may be absolved of responsibility for such contravention.
- (d) It shall be the duty of every member:
- (i) When acting for a client whose interest conflict or may conflict with his own to disclose the relevant facts to his client,
- (ii) To ensure that neither he personally nor any firm or company carrying on practice as surveyors of which he is a partner or director acts for two or more parties with conflicting interests without disclosing the relevant facts to those parties.
- (e) All members shall observe such scale of Professional fees as may from time to time be laid down by law or in the absence thereof by the General Council.

- (f) No member shall accept or give any illicit or secret trade or other discount, 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.
- (g) No member shall directly or indirectly allow or agree to allow any person to participate in his remuneration other than a member of his own profession unless otherwise provided by law or in the absence thereof as approved by the General Council.
- (h) No member shall offer any financial inducement to secure instruction; undertake or offer to undertake work for charges which in the opinion of the General Council would be unfair to other member; or with the object of securing instructions attempt to compete with another member on the basis of fees.
- (i) In the conduct of his work:
  - (i) No member shall offer to accept instructions on the basis that no charge will be made unless a successful result is obtained.
  - (ii) No member shall, either directly or indirectly, orally or in writing seek instructions for business which he knows, or with ordinary care could have ascertained, is in the hands of another member, nor in other cases without a definite intimation that if another member has already been retained, instructions can only be accepted from and as sub-agent to that member.
  - (iii) A member who seeks instructions to deal with a property on which another member's board or notice is exhibited will be deemed knowingly to have disregarded this injunction.
  - (iv) The seeking of instructions by a member or one of his staff by personal call or telephone or by any communication which in the opinion of the General Council constitutes a circular is prohibited.
  - (v) Members shall ensure that advertisements and other public announcements with which their names are associated are not such as would in the opinion of the General Council be inconsistent with membership of the Institution.
- (j) No member shall maliciously injure or attempt to injure, whether directly or indirectly the professional reputation, prospects or business of another member.
- (k) No member shall carry on his practice under a name or style which would in the opinion of the General Council be inconsistent with membership of the Institution.
- (l) The General Council shall issue directions for the regulation of members' publicity and such directions may be applicable generally or to particular sections and members shall conform to such directions.



## ARTICLE 26 DISCIPLINARY POWERS OF THE GENERAL COUNCIL

- (1) The General Council shall have the power, to be exercised in the circumstances set out in subarticles (2), (3) and (4) of this Article by a majority of four fifths of those present and voting at a meeting of the General Council convened for the purpose at which at least ten members are present and vote:-
  - (a) to admonish a Member;
  - (b) to require the member to give an undertaking to refrain from continuing or repeating the conduct which is found to have constituted the contravention;
  - (c) to reprimand a member;
  - (d) to suspend a member from exercising any rights or privileges of membership of The Institution for such period or on such conditions as the General Council may determine;
  - (e) to expel a member from the Institution.
- (2) The General Council may expel a member convicted of embezzlement, larceny, fraud or other criminal offence upon proof to their satisfaction of such conviction.
- (3) The General Council may temporarily suspend a member pending an enquiry as hereinafter provided.
- (4) The General Council may after enquiry as hereinafter provided expel, suspend or reprimand a member who:
  - (a) in their opinion has been guilty of disgraceful conduct in his profession as a surveyor; or
  - (b) has violated any of the provisions of Article 25; or
  - (c) is adjudged bankrupt; individually or as a partner makes an assignment for the benefit of creditors, under any resolution of creditors or under the order of a Court of Bankruptcy; under any deed or document has his estate placed in liquidation for the benefit of creditors; makes any arrangement for payment of a composition to creditors; or
  - (d) uses any professional designation or initials to which he is not entitled; or
  - (e) being in practice as a surveyor with any person not a member of the Institution, uses or permits to be used in conjunction with the title of the firm the designatory letters or other description indicating membership of the Institution.

## ARTICLE 27 DISCIPLINARY PROCEDURE

- (1) The General Council may on grounds which seem to them proper hold or order an enquiry into the conduct of a member, and shall hold or order such enquiry on the requisition of five members, setting out the complaint against the member unless after a preliminary investigation (which may be by the General Council or under the following provisions) they find no reason to proceed further in the matter. If on such investigation it is decided not to proceed, no entry of the complaint or requisition shall be made in any minute.
- (2) For the purpose of this Article there shall be a standing committee (hereinafter called the 'Disciplinary Committee') comprising the President, Honorary Secretary General and all Divisional Chairmen to which all matters of professional conduct shall be referred. Provided that in any particular case the General Council may resolve:-
  - (a) to enquire into the case themselves; or
  - (b) that the case be referred to an adhoc committee of members appointed by the General Council; such committee shall in relation to any case so referred be deemed to be the Disciplinary Committee and provisions of these Constitution shall apply accordingly.
- (3) The quorum of the Disciplinary Committee shall be three. The Chairman of the Disciplinary Committee shall be the President unless otherwise decided by the General Council.
- (4) Any matter of professional conduct shall, unless the General Council otherwise direct, be considered in the first instance by not less than two members of the Disciplinary Committee, of whom the chairman shall be one, who shall if they are satisfied that a **prima facie case for inquiry exists order that the case** (hereinafter called "the complaint") be referred to the Disciplinary Committee for investigation, and a notice of complaint as hereinafter provided signed by the Honorary Secretary General shall be served upon the member concerned.
- (5) The member concerned shall be entitled to appear before the Disciplinary Committee and to rebut or explain the matters of which complaint is made either personally or in writing provided he files the notice or reply prescribed in the succeeding sub-paragraph of this paragraph.
- (6) Within thirty days of the service upon him of a notice of complaint the member concerned may deliver or send by post to the Honorary Secretary General either a notice of intention to appear or a reply to the charges or both.
- (7) If the member concerned fails to file such a notice or reply the Disciplinary Committee and the General Council may consider and act upon the complaint without further reference to him.
- (8) Any notice sent pursuant to subarticle (4) of this Article shall be sent by registered post to the last known address of the member concerned. The notice shall contain short particulars of the complaint and state the date, time and place of the meeting at which the complaint will be considered. It shall call upon the member to rebut or explain the

matters for which complaint is made either in writing or personally or both, and notify him that his reply or notice of intention to appear must be received by the Honorary Secretary General within thirty days of the service upon him of the notice, and of the right of Disciplinary Committee and the General Council to proceed in his absence.

- (9) The Disciplinary Committee have power to extend the time within which a reply or notice of intention to appear must be made and to alter the date of the meeting, adequate notice of such alteration being given to the member concerned.
- (10) At the meeting of the Disciplinary Committee to consider the complaint the committee may resolve either:
  - (a) to dismiss the charge against the member; or
  - (b) to admonish the member and warn him not to repeat or continue the conduct on which the charge was found subject to the right of the member when informed of the committee's resolution to require them to make a report to the General Council; or
  - (c) to report the result of their inquiry with recommendations to the General Council; and the member shall be notified accordingly.
- (11) If the Disciplinary Committee report any complaint to the General Council or if the General Council decide to enquire into any complaint themselves, a date, time and place shall be appointed for a meeting of the General Council for the consideration of the report or complaint, at which the General Council may exercise of the powers conferred by Article 26. The provisions hereinafter set out as to the rights of the member concerned to appear or reply to the charges and the requirement of notice shall apply mutatis mutandis, provided always that if the matter comes before the General Council on a report from the Disciplinary Committee the member shall have no right of appearance before the General Council unless he shall have replied to the charge to, or appeared before, the Disciplinary Committee. It shall be the duty of the Honorary Secretary General to secure that the General Council be convened as soon as possible to receive the report or investigate the complaint.
- (12) A notification shall be sent by the Honorary Secretary General to the member concerned of the decision of the General Council and the effect thereof.
- (13) If the General Council resolve to expel a member his name shall be removed from the Register of the Institution, and he shall thereupon cease for all purposes to be a member of the Institution. He shall not use any designation or description implying membership or former membership of the Institution and shall immediately return his diplomas of membership.
- (14) If the General Council suspends a member, he shall not use any designation or description implying membership or former membership of the Institution during his suspension and shall immediately return his diplomas of membership.

- (15) The General Council shall publish in "The Malaysian Surveyor" and in the case of expulsion in the general press also, any of the penalties prescribed in Article 26 which they may impose and with the name and address of the member or members upon whom such penalty has been imposed.
- (16) No member shall be entitled to resign from the Institution after he has been notified of the commencement of any proceedings against him under the provisions of this Constitution until such proceedings have been concluded.
- (17) The General Council shall be entitled to proceed with the expulsion of a member under Article 26 and to publish a notice of such expulsion, notwithstanding the resignation or purported resignation of such member.
- (18) A member who has been suspended (except temporarily under Article 26 or for non-payment of subscription or other dues) and who desires to have his rights and privileges restored to him, shall be required to make application for the restoration of rights of membership, and the application shall, if the suspension is upon conditions, be referred to the Disciplinary Committee who may hold an inquiry, and shall report to the General Council whether in their view the conditions of suspension have been complied with. Like provisions in regard to notice and the right of appearing before the Disciplinary Committee as are contained in subarticles (4), (5), (6) and (7) of this Article shall apply mutatis mutandis to any inquiry, but a member suspended on conditions shall have no right of appearance before the General Council.
- (19) A suspended member remains subject to the Constitution and regulations.

## **ARTICLE 28 REINSTATEMENT**

- (1) A former member of the Institution whose name is deleted from the Register because of non-payment of subscriptions may be reinstated through submission of a formal application (Form E) for reinstatement and upon payment of the current year's subscription, together with full subscriptions for the past years as if there had been no lapse of his membership. The additional administration fee for reinstatement shall be determined by the General Council.
- (2) A former member of the Institution who had resigned for more than seven years and wish to re-apply as member of the Institution is required to submit application pursuant to the Constitution relating to the relevant class of members.
- (3) A former member of the Institution who had resigned or who had been removed from the register for any reason whatsoever for not more than 7 years may apply for re-admission and the fees for re-admission shall be determined by the General Council with regard to the circumstances of his resignation or his removal.

**ARTICLE 29 THE OFFICERS, MEMBERS OF GENERAL COUNCIL AND AUDITORS: ELECTION AND NOMINATION**

- (1) There shall be a President and a Deputy President, who shall be Fellows.
- (2) There shall be an Honorary Secretary General.
- (3) There shall be an Honorary Treasurer General.
- (4) The President, the Deputy President, Honorary Secretary General, the Honorary Treasurer General and four Vice-Presidents who shall be the principal officers of the Institution and forming the Management Committee of the Institution who shall all be Malaysian citizen.
- (5) The Management Committee shall deal with all matters as and when they arise and table the minutes of the decisions taken to General Council.
- (6) There shall be a General Council which is the governing body of ROYAL INSTITUTION OF SURVEYORS MALAYSIA, consisting of:
  - (a) The Management Committee of the Institution.
  - (b) The Chair of Divisional Committees of the Institution. If the Chair is unable to attend a meeting, the Deputy Chair or the Divisional Secretary shall represent him.
  - (c) Eight members of the Institution, with a minimum of one from each of the four Divisions, namely Geomatics and Land Surveyors, Quantity Surveyors, Property Surveyors and Building Surveyors is as stipulated in subarticle (19)(g) of this Article.
  - (d) The Immediate Past President.
  - (e) The Chair of the Education and Accreditation Board.
  - (f) The Chair of the Board of Building Management.
  - (g) The Chair of the Examination Board.
  - (h) The Chair of the Branch Committees.
  - (i) The Chair of the Editorial Board of the journal of the Institution.
  - (j) A Member or Fellow appointed by the President.
- (7) All officers and members of the General Council, except the Chair of the Board of Building Management, the Chair of the Examination Board, the Chair of the Education and Accreditation Board and the Chair of the Editorial Board, shall be elected or appointed annually in the manner hereinafter prescribed.
- (8) In the event of the Chairman of the Land Surveyors Board, Malaysia, the President of the Board of Quantity Surveyors, Malaysia and the President of the Board of Valuers, Appraisers & Estate Agents, Malaysia

not being elected or appointed in the manner hereinafter prescribed, the President of the Institution shall invite any or all of them to the General Council provided they are members of the Institution.

- (9) Notwithstanding subarticle (7) of this Article the General Council may by resolution carried by three-quarters of those present re-elect the President and Deputy-President for another term of office provided that by so doing the President's aggregate period of office shall not exceed two consecutive years.
- (10) The General Council shall elect the President, Deputy President, Honorary Secretary General and Honorary Treasurer General for the ensuing year not later than the last working day in February. The Deputy President shall not be a member of the same Division as the President. The Honorary Secretary General and the Honorary Treasurer General shall be nominated by the President-Elect.
- (11) Divisions shall elect the officers and members of Divisional Committees for the ensuing year not later than the last working day in March.
- (12) Branches shall elect the officers and members of the Branch Committees for the ensuing year not later than the last working day in March.
- (13) The members of the Institution shall elect the remaining eight members of the General Council for the ensuing year not later than the last working day in June.
- (14) No person elected to any office qualifying for membership of General Council under either subarticle (11) and (12) of this Article shall be eligible for nomination and election for any other office qualifying for membership of General Council under any other section of this Constitution.
- (15) On or before the first Monday in April the General Council shall issue to every Fellow and Member a list showing:-
  - (a) the persons who have been elected to the General Council as President, Deputy President, Honorary Secretary General and Honorary Treasurer General by the General Council,
  - (b) the persons who have been elected to the General Council as Divisional Chair and Divisional Secretaries of Divisional Committees by the Divisions,
  - (c) the persons who have been elected to the General Council as Chair of Branches.
- (16) At the same time the General Council shall call for nominations for the remaining eight members of the General Council.
- (17) The General Council shall prepare a list of persons nominated in the manner prescribed in subarticle 19 of this Article, and approved by the General Council as eligible and suitable to serve as members of the General Council for the ensuing year, and this list shall be the balloting

list for the election of the eight remaining members of the General Council.

- (18) A copy of the balloting list with all requisite instructions for voting and an official envelope, shall subject to Article 21(9) be sent to every Fellow and Member not later than the second Monday in May and shall be returned to the Honorary Secretary General at the office of the Institution in the official envelope and in accordance with the instructions for voting, not later than the last day in May.
- (19) The names of persons to be placed on the balloting list shall be nominated as follows:-
- (a) Any two or more members may nominate and second candidates for the approval of the General Council for inclusion in the balloting list as candidates.
  - (b) The General Council may nominate candidates for inclusion in the balloting list.
  - (c) The names of candidates nominated for inclusion in the balloting list must be sent to the Institution accompanied by a statement that the candidates are willing to serve if elected, not later than the last working day in April.
  - (d) The names of candidates shall be placed upon the balloting list under two separate headings of Fellows and Members, each in alphabetical order, the proposer and seconder being indicated. Candidates who are returned unopposed would be indicated as such.
  - (e) Existing members of the General Council who are nominated for re-election shall be indicated by an asterisk.
  - (f) There shall be placed against the name of each member included in the balloting list a short statement as to his professional status together with an indication of the Division of the profession in which he practises and his address.
  - (g) Subject to subarticle (6)(c) of this Article, the vote shall be for 8 nominated members, otherwise the vote is invalid.
- (20) The General Council shall appoint an Election Panel to oversee all elections of the General Council and Divisional Councils which include:
- (a) processing nomination papers,
  - (b) preparing ballot papers and supervising posting to all qualified Fellows and Members;
  - (c) collecting and counting envelopes containing ballot papers received by post and hand;
  - (d) handing-over ballot papers to Scrutineers and witness counting of ballot papers.

- (21) It shall be the duty of the Scrutineers to remove the balloting lists from their envelopes, and to take such measures to prevent the identification of the votes as may seem to them necessary or desirable.
- (22) The members of the Election Panel and the Scrutineers shall not be members of General Council, or Divisional Committees or Branch Committees or candidates or proposers or seconders for any election conducted by the Institution.
- (23) In case any election conducted as hereinbefore provided is declared by the General Council to be null and void for whatever reason the General Council shall be empowered to call for new nominations and elections in the same way, as far as possible, as provided for in the annual election.
- (24) Any member other than ex-officio members of the General Council who fails to attend three (3) consecutive meetings without any leave of absence shall thereupon cease for all purposes to be a member of General Council.
- (25) In case of death, resignation or inability to act on the part of any principal officer or other member of the General Council, the General Council shall appoint another member to hold office for the remainder of the Session.
- (26) Any act or proceeding of the General Council shall not be invalidated by any vacancy in the General Council provided the number of members of the General Council is not reduced below one half of the full number prescribed by the Constitution.
- (27) The two Internal Auditors shall be elected annually at the Annual General Meeting.
- (28) An Internal Auditor shall not be a member of General Council or any Committee dealing with the finances of the Institution.
- (29) The Internal Auditor shall be eligible for re-election.
- (30) In case of death, resignation or inability to act on the part of any Internal Auditor, General Council shall appoint another Internal Auditor for the remainder of the Session.

**ARTICLE 30 THE OFFICERS, GENERAL COUNCIL AND PERMANENT STAFF:  
DUTIES**

- (1) The President shall be a Fellow of the Institution eminent as a surveyor. It shall be his duty to deliver an address at the Annual General Meeting of each Session. The President shall preside at all General Meetings of the Institution, and of the General Council at which he is present, and shall regulate the proceedings.
- (2) The Deputy President shall be a Fellow of the Institution eminent as a surveyor, and in the absence of the President it shall be his duty to



preside or, in the case of both their absences any General Council Member who is a Fellow may be elected to preside at that meeting.

- (3) The duties of the Honorary Secretary General shall be such as the General Council may from time to time determine.
- (4) The duties of the Honorary Treasurer General shall be as such as the General Council may from time to time determine.
- (5) The General Council shall meet as often as the business of the Institution may require, but at least once in every three months; and at every meeting eight shall constitute a quorum save as otherwise provided in the Constitution. The General Council may appoint committees and may delegate such authority to them as the General Council may, subject to the provisions of the Constitution, deem expedient.
- (6) All questions shall be decided in the General Council by show of hands, unless a ballot be demanded by not less than one-quarter of the members present. When a ballot is demanded it shall be a secret ballot and the person presiding may adjourn the meeting for the purpose. The person presiding shall have a casting vote.
- (7) The General Council shall draw up a yearly report on the state of the Institution, which shall be presented at the Annual General Meeting.
- (8) The General Council may employ for and on behalf of the Institution such permanent staff and servants as it thinks fit in connection with or to facilitate the exercise of the powers and the performance of the duties of the Institution.

### **ARTICLE 31 DIVISIONS AND DIVISIONAL COMMITTEES**

- (1) The General Council shall establish Divisions consisting of Property Surveyors, Quantity Surveyors, Geomatics and Land Surveyors and Building Surveyors. The General Council shall also establish other divisions relating to the objective of the Institution pursuant to a resolution of an Extraordinary General Meeting called for that purpose.
- (2) A Division shall consist of members of the Institution professionally interested wholly or to a substantial degree in the work of such Division.
- (3) A Divisional Committee may deal with matters connected with syllabus for examinations, accreditation, applications for membership, professional conduct and fees or any other matters particularly affecting the Division and advise General Council accordingly.
- (4) A Divisional Committee shall consist of a Chair and a Vice Chair, a Divisional Secretary and a Treasurer and six members, all elected by Division members, together with the following who shall be ex-officio members:

- (a) The President, Deputy President and Honorary Secretary General of the Institution.
  - (b) The Immediate Past Chair of the Divisional Committee.
  - (c) A representative of the Branch Committee.
  - (d) Only for the Property Surveying Division, the four stated office bearers and at least 50% of the committee members must be Registered Valuers registered with the Board of Valuers, Appraisers, Estate Agents and Property Managers.
- (5) The Divisional Chair shall be one of the Vice-Presidents of the Institution.
  - (6) At every Divisional Committee meeting five shall constitute a quorum.
  - (7) The Divisional Committee shall be elected annually by members of the Division. The procedure for the ballot for the election of members of the Divisional Committee shall be the same as the procedure for the ballot for the election of the members of the General Council, except that the Divisional Committee shall be elected directly by all members of the Division. The election of Divisional Committee shall be completed not later than the last day in March.
  - (8) In the event of a vacancy, a Divisional Committee shall fill such vacancy and inform the General Council accordingly.
  - (9) Any member of a Divisional Committee other than ex-officio members who fails to attend three (3) consecutive meetings without any leave of absence shall thereupon cease for all purposes to be a Divisional member.
  - (10) The Division shall prepare a Report for inclusion in the Annual Report.
  - (11) The Divisional Committee shall maintain a Register of the Division.
  - (12) The Division may open a bank account or borrow monies from an approved bank only with the prior approval in writing from the General Council.
  - (13) The Bank Account of the Division shall be operated by any two of the four office bearers, namely, the Chairman, Deputy Chairman, Secretary and Treasurer.

## **ARTICLE 32 BRANCHES AND BRANCH COMMITTEES**

- (1) The General Council may form Branches in each or in combination of two or more of the following territorial areas:

Johor	Perak
Kedah	Perlis
Kelantan	Sabah
Malaka	Sarawak

Negeri Sembilan  
Pulau Pinang  
Terengganu

Pahang  
Selangor  
Wilayah Persekutuan

- (2) The Branch shall be registered with the Registrar of Societies in the State it is situated.
- (3) A Branch shall consist of members of the Institution practising within the territorial area of the Branches, provided that they shall have an address in the Branch territory and are not members of any other Branch.
- (4) A Branch Committee shall be directed by General Council to implement decisions and policies of the Institution. The Committee shall approve state liaison committee with prior approval of the General Council.
- (5) A Branch Committee shall consist of a Chair, a Deputy Chair, a Secretary, a Treasurer and not more than seven members, all elected by Branch members and together with the following, who shall be ex-officio members:
  - (a) The President, Deputy President and Honorary Secretary General of the Institution.
  - (b) The Immediate Past Chair of the Branch Committee.
- (6) At every Branch Committee meeting five shall constitute quorum.
- (7) The Branch Committee shall be elected annually by members of the Branch. The procedure for the election shall be determined by the General Council. At the Branch Annual General Meeting fifteen members present shall form a quorum. The election shall be completed not later than the last day of March.
- (8) In the event of a vacancy, the Branch Committee shall fill such vacancy and inform the General Council accordingly.
- (9) The Branch Committee shall elect two internal auditors for the Session.
- (10) The Branch Committee shall appoint a Professional Auditor for the Session.
- (11) Any member of the Branch Committee other than the ex-officio members who fails to attend three (3) consecutive meetings without any leave of absence shall thereupon cease for all purposes to be a member of that Committee.
- (12) The Chairman or a member of the Branch Committee shall attend General Council meetings.
- (13) The Branch Committee shall prepare and maintain a Register of the Branch which contains the names of members and class of members.
- (14) The Branch shall submit through General Council annual returns together with the audited accounts to the Registrar of Societies within thirty days of the conclusion of the Annual General Meeting of the Institution.

- (15) The Branch shall submit returns to the Inland Revenue Board not later than 30th April of each year.
- (16) The Branch may open a bank account or borrow monies from an approved bank only with the prior approval in writing from the General Council.
- (17) The Bank Account of the Branch shall be operated by any two of the four office bearers, namely, the Chairman, Deputy Chairman, Secretary and Treasurer.
- (18) The Branch shall forward the names of office bearers together with their signatures to the Honorary Secretary General for endorsement prior to the submission to the Bank at the commencement of each Session.
- (19) The Branch shall forward the minutes of the meeting together with Financial Statement to General Council within 30 days of that meeting.
- (20) The General Council may dissolve a Branch
  - (a) if for a consecutive period of six months the number of Branch Members is below ten; or
  - (b) if the Branch refuses to abide by the Constitution of the Institution or the decisions of the General Meeting or the General Council, or if it is, in the opinion of the General Council, guilty of conduct detrimental to the Institution.
- (21) The Branch shall prepare a Report together with the audited accounts for inclusion in the Annual Report.

### **ARTICLE 33 CHAPTERS AND CHAPTERS COMMITTEES**

- (1) The General Council may form such Chapters in any countries outside the jurisdiction of Malaysia in the event that any Member of any Division residing in such jurisdiction make an application for an Institution's Chapter to be formed in a particular jurisdiction.
- (2) Any application for the formation of such Chapter shall be made by any Member of the Institution and supported by no less than 10 other persons who are either working, practicing or studying at the tertiary level any discipline of the Surveying profession as belonging to any Divisions of the Institution.
- (3) The office bearers of such Chapter shall consist of at least (3) persons who shall be a Member of the Institution.
- (4) The incorporation of such Chapter shall be subject to local laws applicable in the Chapter's respective jurisdiction. The Chapter may collect such fees as the Chapter deem fit for the purpose of funding the administration of such Chapter.
- (5) The office bearers of such Chapters may be invited to attend the Annual General Meeting or any meetings of the Institution as the Institution may

decide but such attendance of the office bearers at the Institution's meeting shall be as invitees and the invitees is not entitled to any vote.

- (6) The Chapter shall be registered with Registrar of Societies in the jurisdiction which all equivalents.
- (7) A Chapter Committee shall consist of at least a Chair, a Deputy Chair and a Secretary who shall be Members of the Institution.
- (8) At every Chapter Committee meeting three (3) shall constitute a quorum.
- (9) The General Council may dissolve a Chapter as the General Council shall deem fit or in the event:
  - (a) if for a consecutive period of six months the number of Chapter's Members is below twenty; or
  - (b) If the Chapter refuses to abide by the Constitution of the Institution or the decisions of the General Meeting or the General Council, or if it is, in the opinion of the General Council, guilty of conduct detrimental to the Institution.
- (10) The Chapter may prepare a Report together with the audited accounts for inclusion in the Annual Report.

#### **ARTICLE 34 SESSIONS AND MEETINGS**

- (1) The session of the Institution shall commence on the day following an Annual General Meeting and shall continue until the day in which the next Annual General Meeting is held.
- (2) A General Meeting of the Institution other than the Annual General Meeting shall be known as the Ordinary General Meeting or the Extraordinary General Meeting.
- (3) The Annual General Meeting of the Institution shall be held not later than the last working day in June as determine by the General Council.
- (4) The business of the Annual General Meeting shall be to receive and deliberate upon the report of the General Council and the Annual Accounts, to announce the result of the ballot for the election of members of General Council for the ensuing year, and to appoint the Honorary and Professional Auditors and to consider any other matter of which seven days' prior notice shall have been given to the Honorary Secretary General.
- (5) The Ordinary General Meetings shall be held on such days and at such hours as the General Council may determine. It shall be in the power of the General Council to make regulations to govern the proceedings as may appear to them advisable.
- (6) The business of the Ordinary General Meetings of the Institution shall be conducted in such order as the General Council may determine.

- (7) Every member shall have the privilege of introducing a visitor to be present at an Ordinary General Meeting of the Institution. If the visitor is accompanied, the member introducing him shall write the visitor's name in the book provided for the purpose. If the visitor is unaccompanied, the member introducing him shall provide him with a card bearing the visitor's name and the member's signature.
- (8) No question shall be discussed or motion be made at the Ordinary General Meetings relative to the direction and management of the concerns of the Institution; such direction and management being vested in the General Council, subject to the control of the Constitution and the resolutions of Extraordinary General Meetings.
- (9) The General Council may summon an Extraordinary General Meeting on any occasion when the General Council may deem it necessary. An Extraordinary General Meeting shall also be called on a requisition in writing of not less than twenty-five members. The requisition shall specify the purpose for which the meeting is demanded, and it shall be the duty of the General Council to summon an Extraordinary General Meeting for such purpose within three calendar months from the date of the receipt of the requisition by the Honorary Secretary General.
- (10) All members, other than Associates and Honorary Fellows, shall have not less than thirty days' notice sent to them by post of the time appointed by the General Council for an Extraordinary General Meeting convened under subarticle (9) of this Article and notices shall specify the nature of the business to be transacted, and no other than that business shall be transacted at that meeting. All members, other than Associates and Honorary Fellows shall have a right subject to the Constitution to attend and vote. The voting at such meeting shall be by secret ballot if so demanded by the person presiding or by not less than one-quarter of the members present and voting.
- (11) On a show of hands every member present in person shall have one vote. Upon a secret ballot every member present in person or by proxy shall have one vote. The person presiding shall have a casting vote.
- (12) The instrument appointing a proxy shall be in writing in a form prescribed by the General Council or as near thereto as possible. A member shall only appoint as his proxy a member who is entitled by the Constitution to exercise a vote at a meeting of the Institution. The proxy shall be valid for use at one meeting only, or for any adjournment of that meeting. The General Council shall be entitled to issue and appeal for proxies in favour of the President or his nominee.
- (13) When a secret ballot is demanded, the person presiding may adjourn the meeting for the purpose.
- (14) The instrument in proper form appointing a proxy must be deposited at the office of the Institution not less than forty-eight hours before the meeting at which it is intended to be used.
- (15) At all Annual General Meetings of the Institution, fifty members present shall form a quorum.

### **ARTICLE 35 DONATIONS AND LEVY**

- (1) A record shall be kept in such manner as the General Council may prescribe of the names of all persons who have presented any additions to the Library, or to the Collections of the Institution or who have made any voluntary contribution to the funds of the Institution.
- (2) The General Council may impose a levy on profits made by a Divisional Committee or a Division or a Branch in connection with the organization of seminars / congress / workshops / continuing professional development programs.

### **ARTICLE 36 FINANCIAL PROVISIONS**

- (1) The Honorary Treasurer General may hold a petty cash advance not exceeding RM3,000.00 (Ringgit Malaysia Three Thousand) at any one time. All money in excess of this sum shall within seven days of receipt be deposited in a bank approved by the Committee.
- (2) The authorized signatories shall be the President, the Honorary Secretary General and the Honorary Treasurer General. All cheques or withdrawal notices on the Institution account shall be signed by any two of the authorized signatories.
- (3) Expenditure less than RM30,000.00 (Ringgit Malaysia Thirty Thousand) at any one time may be incurred by the President together with the Honorary Secretary General or the Honorary Treasurer General. No expenditure RM30,000.00 (Ringgit Malaysia Thirty Thousand) and above at any one time shall be incurred without the prior sanction of the General Council. Any expenditure exceeding RM100,000.00 (Ringgit Malaysia One Hundred Thousand) shall require the approval of an Extraordinary General Meeting or Annual General Meeting.
- (4) The General Council shall have control of the finance of the Institution, PROVIDED ALWAYS that the General Council shall not incur any capital expenditure or borrowing by way of lease or otherwise from any financial institution any sum exceeding RM50,000.00 (Ringgit Malaysia Fifty Thousand) without prior approval of the members at an Extraordinary General Meeting convened for that purpose.

### **ARTICLE 37 ACCOUNTS**

- (1) The General Council shall cause proper books of account to be kept with respect to:
  - (a) all sums of money received and expended by the Institution and the matters in respect of which the receipt and expenditure takes place; and the assets and liabilities of the Institution.
  - (b) proper books shall not be deemed to be kept if there are not kept such books of account as are necessary to give a true and fair view of the state of the Institution's affairs, and to explain its financial transactions.

- (2) The books of account shall be kept at the office of the Institution or at such other place or places as the General Council think fit and shall always be open for inspection by members of General Council, the Internal Auditors, the Professional Auditors and any Committee appointed by the General Council for the purpose.
- (3) No member (not being a member of General Council or an Internal Auditor) shall have any right of inspecting any account, book or document relating to the financial affairs of the Institution, except when authorized by the General Council.
- (4) The General Council shall place before the Institution at each Annual General Meeting:
  - (a) an Income and Expenditure Account giving a true and fair view of the income and expenditure of the Institution for the period of preceding financial year.
  - (b) a Balance Sheet giving a true and fair view of the state of the financial affairs of the Institution as at the end of preceding financial year; and
  - (c) a Report of the financial affairs of the Institution.
- (5) The Professional Auditors appointed in accordance with the provisions of the Constitution, shall make a report in writing to the members on the accounts examined by them and on all Annual Accounts during their tenure of office.
- (6) The Professional Auditors' report shall state whether:
  - (a) they have obtained all the information which, to the best of their knowledge and belief were necessary for the purposes of their audit:
  - (b) in their opinion, proper books of account have been kept, so far as appears from their examination of those books and proper returns adequate for the purposes of their audit have been received from branches not visited by them:
  - (c) the Annual Accounts are in agreement with the books of account and returns.
  - (d) in their opinion, and to the best of their information, and according to the explanations given to them the Annual Accounts give a true and fair view of the state of the Institution's financial affairs as at the end of its financial year, and of the income and expenditure for its financial year.
- (7) The Internal Auditors shall sign the Annual Accounts after they have been audited by the Professional Auditors.
- (8) The Internal Auditor shall review:
  - (a) The system of internal accounting control;



- (b) The Balance Sheet and Statement of Receipts and Payments;
  - (c) Any transactions which do not conform with written procedures;
  - (d) The transparency in all dealings.
- (9) The Internal Auditors shall prepare a report to be presented at the Annual General Meeting. They may also be required to audit the accounts of the Institution for any period at any date and make a report to General Council.
- (10) Every copy of the Annual Accounts shall have annexed thereto the report of the Professional Auditors.
- (11) Not less than twenty-one days before the date of an Annual General Meeting at which Annual Accounts are to be laid before the Institution, a copy thereof, and of the report of the Professional Auditors, shall be prominently displayed and copies shall be available on demand without charge to members, at the office of the Institution.

#### **ARTICLE 38 PROFESSIONAL AUDITORS**

- (1) The General Council shall appoint a firm of Professional Auditors to hold office for the financial year.
- (2) The General Council may fill any vacancy in the office of Professional Auditors, but while any such vacancy occurs the surviving or continuing Professional Auditor or Auditors, if any, may act.
- (3) Professional Auditors so appointed shall not hold office for more than three consecutive years.
- (4) A person shall not be qualified for appointment as Professional Auditors unless he is a member of a body of accountants recognized by legislation of the country.
- (5) Every Professional Auditor shall have a right of access at all times to the books, accounts and vouchers of the Institution, and shall be entitled to require from any member or person belonging to any attached class or from any servant of the Institution such information and explanation as he thinks necessary for the performance of his duties.
- (6) The Professional Auditors shall be entitled to receive all notices and communications of and to attend any Annual or Extraordinary General Meeting and shall be heard on any matters which concern them as Professional Auditors.

#### **ARTICLE 39 PROPERTY OF THE INSTITUTION AND APPOINTMENT OF THE BOARD OF BUILDING MANAGEMENT**

- (1) Under no pretense whatever shall the property and effects, or the income or revenue of the Institution derived from the voluntary contributions of members or otherwise howsoever, be applied in making any dividend, gift, division or bonus unto or between any of the

members, and the same is hereby expressly prohibited, and no proposition in contravention thereof shall be entertained by the General Council or by any meeting of the members of the Institution.

- (2) Notwithstanding the above, the General Council shall be empowered to make donations to any foundation or trust for the advancement of surveying education or other benevolent purposes.
- (3) The General Council shall have the power to grant from time to time, as they may think fit, the use of the rooms of the Institution to any persons who may be desirous of having lectures delivered on subjects connected with the OBJECTIVES of the Institution, or for such other purposes as shall be approved by the General Council.
- (4) Every book, paper, map, plan, drawing or model presented to the Institution shall be considered the property thereof unless there shall have been some previous arrangement to the contrary, and the General Council may publish the same in any way and at any time they may think proper, but should the General Council refuse or delay the publication of such book, paper, map, plan, drawing or other document beyond a reasonable time, the author thereof shall have a right to copy the same and to publish it as he may think fit, having previously given notice in writing to the Honorary Secretary General of his intention. No person except as-afore-said shall report for publication the proceedings at any General Meeting of the Institution, or publish or give his consent for the publication of any communication presented and belonging to the Institution without the previous consent of the General Council.
- (5) The Library shall be open to all members, at such times as the General Council may determine, when they shall have the right to peruse and inspect all books, papers, plans, maps, etc., belonging to the Institution, and to make copies and extracts there from (under such restrictions and with such exceptions as may be determined by the General Council from time to time) but none of the property of the Institution shall be taken out of the premises of the Institution without the express permission of the General Council.
- (6) Any immovable property acquired by the Institution shall be registered in the name of the Institution.
- (7) The General Council shall appoint a Board of Building Management comprising a Chairman and eight (8) members with at least one member from each Division to manage the property.
- (8) The members of the Board of Building Management shall hold office for a term not exceeding 3 years and shall be eligible for re-appointment.
- (9) A member of the Board of Building Management who fails to attend three (3) consecutive meetings without any leave of absence shall thereupon cease for all purposes to be a member of the Board.
- (10) The General Council may remove a member of the Board of Building Management and appoint another in his place.
- (11) The General Council being the governing body of the Institution, shall acquire, hold, sell, exchange, charge or otherwise deal with or dispose

of such property, in such manner as directed by any resolution passed at an Extraordinary General Meeting.

- (12) The General Council in accordance with the resolution passed at an Extraordinary General Meeting may make, enter into, execute and do all such contracts, conveyances and acts as shall be deemed necessary for the purpose of effectuating any such purchase, sale, exchange or charge.
- (13) Any two principal officers of the Institution shall on the authority of General Council execute all instruments pertaining to any immovable property of the Institution.
- (14) The General Council upon the recommendation of the Board of Building Management may secure the services of a Property Surveyor to manage a property and determine the professional fees payable for such services.
- (15) The Board of Building Management shall appoint a committee consisting of at least five members to manage any immovable property registered in the name of the Institution outside the State of Selangor and Federal Territory of Kuala Lumpur. The Committee shall refer all matters in connection with the management of a building to the Board of Building Management.
- (16) The functions of the Board of Building Management shall be:
  - (a) to control, manage, administer and keep an immovable property in good repair;
  - (b) to let a property or any part thereof for any period not more than three years at such rents and subject to such covenants and conditions as it thinks fit and with liberty to accept surrenders or leases or tenancies, to make allowances to and arrangements with lessees and others;
  - (c) to pay all expenses and other outgoings and whatsoever payable in respect thereof from the rent derived and credit the balance to the Institution;
  - (d) to pay the annual quit rent, local authority and sewerage rates;
  - (e) to insure a building to its replacement value against fire and to keep it so insured;
  - (f) to effect such other insurance policies of the building as may be required;
  - (g) subject to any order made by a court of competent jurisdiction, to apply insurance money received by it in respect of damage to a building in rebuilding and reinstating a building, so far as it may be lawful to do so and to pay the premiums on any policy of insurance effected by it; and
  - (h) to perform any other functions as directed by General Council.

#### **ARTICLE 40 INSTITUTION'S SEAL**

The common seal of ROYAL INSTITUTION OF SURVEYORS MALAYSIA shall be used on the authority of the General Council previously given and in the presence of at least two principal officers of the Institution who shall sign the instrument to which the seal is affixed.

#### **ARTICLE 41 SERVICE OF NOTICES AND DOCUMENTS**

- (1) Except where otherwise expressly provided, any notice or document that is given or sent to a member for the purposes of these Constitution may be given personally or sent by post to his last registered address or electronically.
- (2) Where a notice or other document is sent by post, service thereof shall be deemed to have been properly effected by properly addressing and posting, and, if required by the Constitution, registering a letter containing the notice or other document, and to have been effected in the case of a notice of meeting or of a balloting list at the expiration of twenty-four hours after the letter is put into the post, and in any other case in the normal course of post.
- (3) The accident omission, save in respect of any notice or document required to be given or sent pursuant to Article 25, 26 and 27 of the Constitution to give notice or send a document to, or the non-receipt of a notice or document, by any person entitled to receive the same shall not invalidate the proceedings consequent upon such notice or document.

#### **ARTICLE 42 ADVERTISING AND PUBLICITY**

- (1) In these Article the following expressions shall unless the context otherwise requires have the meanings respectively assigned to them, namely:

**'Member'** means a Member carrying on practice as a sole principal, or a firm or a company carrying on practice as surveyors in which at least one partner or one director (as the case may be) is a Member.

**'Client'** means a person or body who retain a Member and is responsible for the payment of the Member's fee or commission.

**'Applicant'** means a person or body who asks a Member for particulars of property or other information and is not responsible for the payment of the Member's fee or commission.

**'Advertisement'** means any published material of any kind whatsoever issued or exhibited by or on the authority of a Member primarily designed to promote the Member's business.

**'Sale announcement'** means any announcement published by or on the authority or a Member primarily designed to promote the disposal of property, whether on sale or lease, on behalf of a client.

**'Wanted announcement'** means any announcement published by or on the authority of a Member primarily designed to promote the deposit of property, whether on sale or lease, on behalf of a client or applicant.

**(2) Advertisement (for purposes other than Estate Agency)**

(a) No advertisement shall contain any of the following:

- (i) an inaccurate or misleading statement of fact;
- (ii) an explicit solicitation of instructions;
- (iii) an explicit comparison between the service offered by other firms or companies;
- (iv) any advertisement by a commercial concern;
- (v) a claim by the Member publishing the advertisement to "Specialize in" or to be a "Specialist" or "Expert" in any particular aspect of the work of surveyor.

(b) No Member shall publish except under the authority of the General Council any advertisement the purpose of which is to announce his name or promote his business, in either the technical or the lay press or in any public position unrelated to his actual office or site operations. He may however arrange for a listing in any telephone, business or trade directory.

(c) A Member may advertise for staff in a "Situations Vacant" section in the press, provided that any such advertisement is restrained and dignified.

(d) A Member may within 3 months publish in the press and/or circulate notices to his existing clients, other members and members of allied profession briefly stating the facts when he has acquired a new telephone, a new address, or a new office is opened by a existing practice, or when a new partner joins or a partner retires.

(e) No Member shall allow any reference to him, his firm or his company to appear in any advertisement of manufactured products published by a commercial concern.

(f) A Member who in an advertisement publicizes the Institution or its Members generally shall not use for that purpose any terminology which has not either

- (i) already appeared in an advertisement published by the Institution; or
- (ii) received the prior approval of the General Council.

**(3) Advertisements (Estate Agency Only)**

(a) Subarticle (2)(a) to subarticle (2)(f) of this Article shall apply to Members practising Estate Agency as well.

- (b) Every sale announcement shall be so worded and designed as to
  - (i) Promote the interests of the Member's client; and
  - (ii) Provide an accurate representation of the property concerned.
- (c) A Member may, subject as hereinafter provided, publish a wanted announcement on behalf of an applicant or applicants with the object of attracting instructions from owners having property for disposal which meets the requirements of such applicant or applicants.
- (d) A Member shall not accept direct instructions from a person who respond to such announcement as aforesaid if he knew, or is deemed to have known, that such person had already instructed another member.

#### **(4) Brochures**

- (a) A Member may produce a brochure or other material describing his firm and the service which it offers, provided that such brochure or other material is not sent, given or otherwise made available to clients, prospective clients or any person, unless a specific request to do so has been received from the person or organization concerned.
- (b) Any such brochure or other material may contain:
  - (i) the name, address, telephone/telex number and telegram abbreviations of the main office of the firm, together with similar information about all other offices of the firm;
  - (ii) factual information about the firm;
  - (iii) a list of directors/partners with biographical information, provided that such information is confined to those matters which are directly relevant to the surveying profession;
  - (iv) factual information about the surveying profession and the range of services undertaken by the firm;
  - (v) a statement that all surveyors are bound by the Institution's Rules of Conduct and that fees are based on the Institution's Scales of Charges.
  - (vi) a list of projects on which the firm has been engaged;
  - (vii) a list of clients to whom reference may be made by a prospective client, provided that such clients shall have given prior permission for the use of their names.
- (c) Any such brochure or other material must:
  - (i) be factual and in no way laudatory of the firm's achievements or experience;

- (ii) avoid any direct solicitation of instructions, express or implied comparison with other firms or specific inducements to prospective clients;
  - (iii) be so designed in respect of wording, content, layout and arrangement as to ensure that the surveying profession is in no way brought into disrepute and that public confidence in the services provided by Members is not undermined;
  - (iv) avoid any description, claim or illustration which is directly or by implication inaccurate or misleading.
- (d) Subject to Article 26 and 27, Members may use their discretion in deciding upon the design and layout of brochures or other material.

**(5) Blotters, Calendars and Diaries**

A Member may not, in connection with his practice, circulate blotters, calendars, diaries or the like.

**(6) Business Cards**

Members may use business cards which contain the member's name, qualifications, name of his firm, nature of practice, his business address and private address together with telephone numbers and logo(s).

**(7) Letters to the Press and Published Articles**

- (a) An article, letter or other contribution by a Member in a professional journal, or a textbook written by a Member, may contain:-
- (i) his name and professional designation;
  - (ii) the name and address of his firm or employer and the position which he holds, provided that the nature of the firm's or employer's business is made clear.
- (b) An article, letter or other contribution by a Member in a non-professional journal or newspaper on a topic related to surveying may bear:-
- (i) his name
  - (ii) his profession designation, provided that the nature of his practice or employment is made clear;
  - (iii) if he holds a full-time public appointment, the appointment so held.
- (c) In all contributions to the press, a Member must observe strictly those principles or professional etiquette which demand modesty concerning personal attainments and achievements and courtesy in reference to colleagues. Apart from the President of the RISM or the approved Member, the Chair of the respective Division and

Branch can speak for the Division or Branch of the Institution on matters pertaining to the particular Division or Branch only.

**(8) Members in Contracting Firms**

- (a) A Member employed by a contracting organization shall not permit:-
  - (i) the use of his name and professional designation in brochures issues by his employer in such a manner as to state or imply that any surveying service can be provided to the public.
  - (ii) by claims to provide such service to be made by his employer in any way.
- (b) A Member employed by a contracting organization shall:-
  - (i) ensure that in all his public and business dealings where his professional designation is used, it shall be made clear that he is a director or employee of such organization;
  - (ii) not hold himself out to be in a professional practice or in a position to give independent advice to clients on matters related to surveying services.

**(9) Public Speaking**

- (a) A Member speaking at a course, conference or meeting may be identified by name only.
- (b) Notwithstanding Regulation 21, a Member speaking at a course, conference or meeting when the subject matter is related to surveying may disclose:
  - (i) his name
  - (ii) his professional designation, provided that the nature of his practice or employment is made clear
  - (iii) if he holds a full-time public appointment, the appointment so held.
- (c) If the audience at such course, conference or meeting consists of members of allied professions or those studying to become members of allied professions, a Member speaking or presenting a paper may also disclose the name and address of his firm or employer and the position he holds, provided that the nature of his practice or employment is made clear.

**(10) Stationery**

- (a) A Member may either incorporate his name and address (but nothing more) in a postal frank, or print his name, address on envelopes, labels or other cover used to send letters or parcels by post, provided that undue prominence is not given to such name and address.



- (b) In the case of letterheads he may print his name and designation and those of his directors/partners, the address and telephone/telex numbers and telegram abbreviation of his firm and logo(s).

#### **(11) Sign Board**

Members may use sign boards each of which shall not exceed an area of 30 square feet at their place of business. Sign boards may also be used at project sites. All sign boards used may display the member's name, designation, name, address and telephone number(s) of firm and logo(s).

#### **(12) Radio and Television**

- (a) A Member appearing on a radio or television programme, such as an individual talk, interview or group discussion, when the subject matter is related to surveying may disclose:-
- (i) his name
  - (ii) his professional designation provided that the nature of his practice or employment is made clear;
  - (iii) if he holds a full-time public appointment, the appointment so held.
- (b) When the subject matter of a radio or television programme is not related to surveying, a Member may be identified by his name only.
- (c) In all appearance on radio or television, a Member must observe strictly to those principles of professional etiquette which demand modesty concerning personal attainments and achievements and courtesy in reference to colleagues. He must also not purport to speak for The Institution unless he has been expressly authorized to do so.

### **ARTICLE 43 RATIONALE OF RISM LOGO**

- (1) The logo of the Royal Institution of Surveyors Malaysia contains features that represent the four surveying disciplines of RISM.
- (2) The crown placed on top of the tripod symbolises "Royal" status conferred to the Institution by His Royal Highness, The Sultan of Selangor.
- (3) The tripod and divider represent Geomatics & Land Surveying, the buildings represent Quantity Surveying & Building Surveying and the trees and land represent the Property Surveying profession.
- (4) The colours of the logo have symbolic meanings: yellow represents the Mother Earth, blue represents Universal spread of our practices and green represents Peace and Harmony.

## LAMPIRAN

1. Bendera

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2. Lambang



3. Lencana

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