



INSTITUTE OF QUANTITY SURVEYORS OF KENYA

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CONSTITUTION AND BY-LAWS 2013

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WITNESS

The IQSK Constitution and By-Laws is a document belonging to and authored by the Institute of Quantity Surveyors of Kenya.

The rules and regulations contained in this document are applicable to all members of the Institute of Quantity Surveyors of Kenya, regardless of their class of membership.

The IQSK Constitution and By-Laws of 2013 were amended to achieve general clarity in the Constitution by removing ambiguous and grammatically incorrect words from the document. General revision of the provisions of the IQSK Constitution and correction of grammatical and legally unsound provisions were incorporated. It was endorsed and passed during the 18th Annual IQSK General Meeting of the Institute held on 16th May 2013.

IN WITNESS HEREOF:

CHAIRMAN

Names: _____

Date: _____

HONORARY SECRETARY

Names: _____

Date: _____

HONORARY TREASURER

Names: _____

Date: _____

SECTION 1 – TITLE

- 1.01 The title of the Institute is “The Institute of Quantity Surveyors of Kenya”
Hereinafter called **“THE INSTITUTE” – IQSK**

SECTION 2 – DEFINITIONS

- 2.01 “The Institute” means the Institute of Quantity Surveyors of Kenya (IQSK)
- 2.02 “Branch” means a Branch of the Institute established under the provision of the By-Law.
- 2.03 “East Africa” means and includes Kenya, Uganda, Tanzania, Rwanda and Burundi.
- 2.04 “Overseas” means countries beyond the boundaries of East Africa.
- 2.05 “Registered address” means the address of a member for the reception of communication as given on the proposal for his election or transfer, or subsequently varied by notice in writing to the Institute.
- 2.06 “Year” when occurring in Part II of the By-laws means the period from any Annual General Meeting to the next succeeding Annual General Meeting.
- 2.07 “He” shall be deemed to mean the natural person and shall represent/include both the masculine and feminine gender.

SECTION 3 – OBJECTS OF THE INSTITUTE

- 3.01 To promote the general advancement of the practice of Quantity Surveying and its application in Kenya including facilitating the exchange of information of the Institute and otherwise.
- 3.02 Represent the Kenyan Quantity Surveying fraternity in Regional and International bodies, forums and organizations including negotiating reciprocal agreements that advance the interest of the members of the Institute.
- 3.03 To co-operate with the Board of Registration of Architects and Quantity Surveyors, and other relevant Societies and institutions on matters concerning Quantity Surveying education, training, examinations and practice.
- 3.04 To co-operate with Universities, other Educational Institutions and Public Educational Authorities for furtherance of Education and Training in Quantity Surveying and practice.
- 3.05 To print, publish, sell, lend and distribute the proceedings or reports of the Institute or any papers, communications, works or treaties on Quantity Surveying or its applications or subject connected therewith.
- 3.06 To do all things which the council of the Institute may deem proper, including advising the Government, Public Bodies and other individuals on matters concerning Quantity Surveying.
- 3.07 To do all other things incidental or conducive to the attainment of any of the objects of the Institute.
- 3.08 The Institute shall have no political objective.

SECTION 4 – ORGANIZATION

4.01 Headquarters

The Headquarters of the Institute shall be located in Nairobi, until otherwise determined by an Annual General Meeting on the advice of the Council.

4.02 Branches

Branches may be formed in any County or Town when requested by Members resident there. The council will issue guidelines from time to time on the operations of the branches.

4.03 Standing Committees

In order to further the aims and objects of the Institute, the Council may at its discretion set up standing committees to advise the Council on academic and professional standards, membership, training and other such matters.

4.04 Secretariat

The Council shall establish a Secretariat to carry out such executive functions as are necessary to allow the Council to discharge its administrative responsibilities.

4.05 Specialist Sections /Chapters

In order to further the aims and objects of the Institute, the Council may at its discretion establish Specialist Sections of the Institute. Membership of such Specialist Sections shall be open to all members of the Institute who declare that they are interested in the activities of the Section / Chapter. Each specialist Section / Chapter shall be constituted by the council and their affairs shall be conducted in accordance with regulations and guidelines made from time to time by the Council.

SECTION 5 – MEMBERSHIP

5.01 The members of the Institute shall comprise of Full members and Associate members.

5.02 Full members shall comprise of:

- i. Fellows;
- ii. Corporate and
- iii. Licentiate members

5.03 Associate Members shall comprise of:

- i. Graduate;
- ii. Technician;
- iii. Student;
- iv. Visiting;
- v. Honorary members and
- vi. Retired members

5.04 Voting

The voting members at the Annual General Meetings or meetings of the Council shall be the Fellows, Corporate and Licentiate members.

5.05 Qualification of Membership

1. **Honorary Members** shall be such persons who have fulfilled such conditions as the By Laws prescribe.

2. **Fellow Members** shall be persons who were declared to be Fellow members at the inaugural meeting of the Institute and thereafter, shall be persons who have passed prescribed examinations and have fulfilled such conditions as By-laws prescribe.
3. **Corporate Members** shall be persons who were declared to be corporate members at the inaugural meeting of the Institute and thereafter shall be persons who have passed prescribed examinations and have fulfilled such conditions as the By-Laws prescribe.
4. **Licentiate Members** shall be persons who were declared to be Licentiate Members at the inaugural meeting of the Institute and thereafter shall be persons who have passed such examinations as prescribed by the By-Laws.
5. **Visiting Members** shall be persons who are resident in Kenya for not more than one year and have fulfilled such conditions as the By-Laws prescribe.
6. **Graduate Members** shall be persons who have passed prescribed examinations and have fulfilled such conditions as the By-Laws prescribe.
7. **Technician Members** shall be persons who have passed prescribed examination and have fulfilled such conditions as the By-Laws prescribe.
8. **Student Members** shall be persons undergoing training in approved training Institutions and have fulfilled such conditions as the By-Laws prescribe.
9. **Retired Members** shall be professionals who no longer practise the Quantity Surveying profession but are credited Quantity Surveyors.

5.06 **Members of the Institute/Register of Membership**

The members of the Institute shall consist of:

- (a) Those founder members who satisfied the conditions for membership
- (b) The members of the Architectural Association of Kenya (Quantity Surveyors Chapter) who were members at the time of adoption of these By-Laws who shall apply to be members of the Institute to the classes to which they respectively belonged to at that time.
- (c) All persons from time to time elected or transferred to any class of membership in accordance with these By-Laws.

5.07 **Rights of Member Not Transferable**

The name and address of every member of the Institute shall be maintained at the Secretariat of the Institute in the appropriate class of membership and such other particulars as the Council may from time to time prescribe. Such a Register shall be available for inspection by members if required.

- 5.08 The rights and privileges of a member of any class are personal and shall not be transferred in any manner to any other person.

5.09 **Rights of Member Limited to those of Membership Class**

All members of the Institute shall be limited to the rights and privileges of the specific class of membership to which they belong as prescribed in the By Laws.

5.10 **Members to Sign Form A of the Schedule**

The Institute may admit hereafter any person who may be qualified and electable as a member of any class of membership of the Institute and such person shall sign Form A which is contained in the schedule to this Constitution, or any other form as may be prescribed by the Council.

SECTION 6 - THE COUNCIL AND OFFICE BEARERS

6.01 **Management**

The management of the affairs and business of the Institute shall be vested in and conducted by the Council.

6.02 The Council

The Council shall comprise of the Chairperson, office bearers, and not more than five Full Members elected in accordance with the By-Laws

6.03 The Council may co-opt other persons.

6.04 The office bearers of the Institute who shall be fellow or corporate members and who shall be elected at the Annual General Meeting shall be the Chairperson, Vice Chairperson, Honorary Secretary, Honorary Assistant Secretary, Treasurer and the Registrar, in accordance with the By-Laws.

SECTION 7 – DUTIES OF OFFICE BEARERS

7.01 The Chairperson

The Chairperson, when present, shall preside over all meetings of the Institute and the Council; and shall be responsible for implementing the policy of the Council.

7.02 The Vice Chairperson

The Vice Chairperson shall perform the duties of the Chairperson in his absence.

7.03 The Honorary Secretary

The Honorary Secretary shall deal with all correspondence of the Institute under the general direction of the Council and shall be responsible for the safe keeping of all records of the Institute.

7.04 The Assistant Secretary

The Assistant Secretary shall assist the Honorary Secretary and any other duties that the Council may delegate.

7.05 The Treasurer

The Treasurer acting under the general direction of the Council shall receive all monies belonging to the Institute, disburse all charges thereto; issue receipts for all monies received by him; and shall be responsible for the maintenance of proper books of account and the preparation of an annual balance sheet.

7.06 The Registrar

The Registrar shall receive applications for membership for presentation to the Council; shall maintain a Register of all members with their full names, address, qualifications, class of membership and Chapter; and shall cause a list of members to be prepared annually.

SECTION 8 – GENERAL MEETINGS

8.01 General Meetings

The General meetings of the Institute shall be convened by the Honorary Secretary on the instructions of the Council, Chairperson or Vice-Chairperson or as the By-Laws may prescribe. There shall be held at least one General Meeting in each year, which shall be known as the Annual General Meeting at which the business shall include receiving a report from the Chairperson and the Treasurer, the election of the council for the ensuing year and the appointment of Auditors.

8.02 Procedure at Meetings

At all meetings of the Institute, the Chairperson or, in his absence, the Vice-Chairperson or, in the absence of both these officers, a member selected by the meeting, shall take the chair. Resolutions shall be decided by simple majority by a show of hands. In the case of a tie during voting, the person who occupies the chair shall have a casting vote.

SECTION 9 – TRUSTEES

9.01 Trustees

There shall be trustees of the Institute of Quantity Surveyors of Kenya who shall be responsible for the Administration and management of the Institute's funds, investments, securities and property.

9.02 Any properties, investments, securities, land, buildings and immovable property acquired by the institute shall be vested in the names of not less than three and not more than five trustees who shall be full members of the Institute, elected at an Annual General Meeting.

9.03 Trustees shall serve for a period of three years after being elected and such trustees shall be eligible for re-election for one further term.

9.04 Power to Remove and Fill Vacancies for Trustees

Any trustee who fails to act in accordance with any of the Institute's regulations shall be removed at a general meeting if it is deemed fit and all vacancies occurring by such removal, resignation or death shall be filled at the same general meeting.

9.05 All income received from any property vested in the Trustees shall be paid to the Treasurer. Any expenditure in respect of such property which in the opinion of the Trustees is necessary or desirable shall be reported by the Trustees to the council which shall authorize expenditure of such monies as it thinks fit.

SECTION 10 – ENTRANCE FEES AND SUBSCRIPTIONS

10.01 Entrance fees and annual subscriptions shall be paid to the Institute in accordance with the amounts and in such manner as the By-Laws prescribe and membership shall be conditional upon such payment. A Fellow, Corporate and Licentiate Member who has not paid his annual subscription, or who is a defaulter under the By-Laws, shall not be entitled to vote.

SECTION 11 – FUNDS

11.01 Application of Funds

The Council shall, subject to such limitations and restrictions as the By-laws prescribe, apply the monies belonging to the Institute for the administration of the business of the Institute for promoting the objects of the Institute.

SECTION 12 – AUDITORS

12.01 Appointment of Auditors

There shall be an Auditor for the Institute of Quantity Surveyors of Kenya who shall be appointed annually at the Annual General Meeting. The auditor shall have access, at all reasonable times to the accounts and securities and shall report thereon to the next General Meeting.

12.02 Audited Accounts

A copy of the report on the accounts and statements shall be furnished to all members at the same time as the notice convening the ANNUAL GENERAL MEETING is sent out. An auditor may be paid such fees for his duties as may be resolved by the ANNUAL GENERAL MEETING appointing him or by the Council.

SECTION 13 – PROFESSIONAL AFFIXES

- 13.01 Fellows, Corporate and Licentiate Members may use professional affixes in the manner and on such conditions as the By-Laws prescribe.

SECTION 14 – PROFESSIONAL CONDUCT

- 14.01 Every member shall be bound by and must adhere to the Principles set out in Appendix III of the By-Laws.

SECTION 15 – BY-LAWS

- 15.01 The Council shall have power to create, revoke or amend by- laws to regulate all matters referred thereto by this constitution and any other matters on which regulations are required which are consistent with the Constitution.
- 15.02 Provided that the creation, revocation or amendment of By-Laws concerning the scale of entrance fees, of fees for advancing from one class to another and of annual subscription shall only be effected at an Annual General Meeting or Special General Meeting.

SECTION 16 – AMENDMENT OF CONSTITUTION

- 16.01 The amendment of this constitution must be approved by at least two-thirds majority of full members present and entitled to vote (Fellow, Corporate and Licentiate) at an Annual General Meeting of the Institute, at which the proposed amendment(s) is/are properly on the agenda.

SECTION 17 – DISSOLUTION

- 17.01 The dissolution of the Institute must be approved by at least two-thirds Majority of members present and entitled to vote (Fellow, Corporate and Licentiate) at an Annual General Meeting of the Institute, at which the proposed dissolution is properly on the agenda.
- 17.02 If no quorum is obtained, the proposal to dissolve the Institute shall be held one month later. Notice of this meeting shall be given to all members of the Institute at least 14 days before the date of the meeting. The quorum for this second meeting shall be the number of members present.
- 17.03 In the event of the dissolution of the Institute, the Council last in office shall in consultation with the Trustees decide upon the disposal of the Institute funds, investments, securities and property. Such disposal shall be in accordance with the objects of the Institute under this constitution.
- 17.04 Subject to the payment of debts of the Institute, the balance thereof shall be distributed in such other manner as may be decided upon by the Council last in office in consultation with the Trustees.

SECTION 18 – INTERPRETATION

- 18.01 Any dispute arising out of the interpretation of this Constitution or its By-laws shall be referred to a panel of three persons, one of whom shall be an Advocate of the High Court of Kenya and two of whom shall be Fellow or Corporate Members of the Institute.

BY-LAWS

B. L. 1. 0 CONSTITUTION

B. L. 1. 1 “The Constitution” means the Constitution adopted in the General Meeting held on the 31st of May 1994, and all subsequent amendments thereto.

B. L. 1. 2 “Approved” or “Approval” shall mean the approval of or by the Council of the Institute.

B. L. 2. 0 QUALIFICATIONS FOR MEMBERSHIP

B. L. 2. 1 Founder Members

Those persons who were invited to become Fellow Members, Corporate Members, Licentiate Members, Graduate Members, Technician Members and Student Members by virtue of their Membership of the Architectural Association of Kenya (Quantity Surveyors Chapter) and by virtue of their Kenyan status, and who accepted such invitations prior to the 31st day of April 1994.

B. L. 2. 2 Honorary Members

An Honorary Member shall be a person who must have rendered outstanding service to the Institute or the profession of Quantity Surveying or associated professions and elected as such by the Council. The date of such an election shall be announced at the Annual General Meeting of the Institute.

To be eligible for election as an Honorary Member, a person shall:

- i) Not practice as a Quantity Surveyor; and
- ii) In the opinion of Council, be able to assist in promoting the objects of the Institute by reason of his position, experience or eminence.

B. L. 2. 3 Fellow Members

Every candidate for election or transfer to the class of a Fellow member shall satisfy the Council that he/she:-

- i) Is one of those who were invited to become fellow members by virtue of their membership of the “Architectural Association of Kenya” or the “Royal Institute of Chartered Surveyors” and by the virtue of their Kenyan status and who accepted such invitations(s) prior to 31st August 1994
- ii) Is one of those corporate members who applied and were nominated by the Council to the class of Fellows prior to 31st December 1999.
- iii) Is one of those Corporate members invited to the Class of Fellows as Constituted by the Institute:
 - a) The Class of Fellows shall consist of all Fellow members who will have been properly nominated by the Council to the Class of Fellows.
 - b) The primary role of the Class of Fellows shall be to unite and come together in fellowship and to advice, lend moral, material, financial or any other support and matters beneficial to the Institute.
- iv) To qualify for the invitation as a Fellow, a candidate shall have:-

- a) Attained the age of 35 years
- b) Been a Corporate member of the Institute for a period of at least 10 continuous years.
- c) Has held a position of such responsibility for at least 5 years in the science of practice of Quantity Surveying as in the opinion of the Council justifies his election.
- d) Has such knowledge of the science or practice of Quantity Surveying and has acquired such eminence in this profession and further has advanced the objects of the Institute by the following:
 - i) Outstanding performance in Local and International Organizations.
 - ii) Received professional awards
 - iii) Authored publications
 - iv) Made technical innovations locally or internationally.
- v) The Council may waive the foregoing criteria/requirements for admission, if it has reason to believe that a member has advanced or contributed to the objects of the Institute in other ways other than the ones prescribed herein.
- vi) The fellowship award shall be conferred upon the recipients and certificates presented during an Annual General Meeting.

B. L. 2. 4 Corporate Members

Every candidate for election or transfer to the class of Corporate member shall satisfy the Council, who may at its discretion call the candidate for interview, that he/she:-

- i) Is at least 24 years of age
- ii) Has had at least two years adequate practical experience as a graduate Quantity Surveyor and of this period, at least two years shall be in a position involving responsibility as a Quantity Surveyor.
- iii) Has passed or been exempted from the Corporate Membership examination of a Quantity Surveying Institute, Association or Society approved for the purpose by the Council, or
- iv) Has been registered by the Board of Registration of Architects and Quantity Surveyors in Kenya.

B. L. 2. 5 Licentiate Members

Every Applicant for election or transfer to the class of Licentiate members shall satisfy the Council, who may at its discretion call the applicant for interview, that he/she:-

- i) Is at least 28 years of age and has been Technician member of the Institute for a period of at least three continuous years.
- ii) Has held a position of Quantity Surveyors Assistant / Technician with such responsibility for at least three years in the science or practice of Quantity Surveying as in the option of the Council justifies his election.
- iii) Be a holder of a Higher National Diploma in Building Economics from a recognized university or polytechnic.

B. L. 2.6**Graduate Members**

Every candidate for admission or transfer to the class of Graduate shall satisfy the Council that he/she:-

- i) Is at least 21 years of age
- ii) Holds the final degree after a three or four year course of study in Building Economics or Quantity Surveying from a recognized university.

Other qualifications include:

- iii) Is an employee of a professional firm, contractor or of an official government department engaged in quantity surveying

B. L. 2.7**Technician Members**

Every candidate for election or transfer to the class of technician shall satisfy the Council that he/she:-

- a) Is at least 21 years of age
- b) Has passed Technician certificate part II or an ordinary course from a recognized university or polytechnic in any of the following;
 - i) Quantity surveying
 - ii) Diploma in building and civil engineering
- c) Such examinations from approved universities or polytechnics as the Council may approve from time to time.
- d) Is an employee of a firm of quantity surveyors, contractors or an official government department engaged in quantity surveying.

B. L. 2.8**Student Members**

Every applicant for election to the class of student member shall satisfy the Council that he/she:-

- a) Is at least 18 years of age
- b) He/she has attained a minimum of Kenya Certificated of Education (KCSE) or equivalent.
- c) He /she is receiving adequate instruction in the theory of Quantity Surveying at an approved education establishment.
- d) Has received or is receiving or intends to receive adequate practical training as a Quantity Surveyor in a training institute

B. L. 2.9**Visiting Members**

The Council may admit as a Visiting member any person who is the equivalent of a Fellow or Corporate member of a Quantity Surveying Institute or Society recognized by the Council and is a bone fide visitor to Kenya. He shall take no part in governing of the Institute and the period of his visiting membership shall not be extended beyond a maximum of one year in respect of any visit to Kenya.

B. L. 2.10 Retired Members

The Council may admit retired members who have retired from active practice but wish to contribute to the objectives of the Institute on such conditions as the Council may determine. Upon application by the member, the Council may transfer a member in good standing in any category of membership and who has confirmed in writing that they ceased permanently being in active practice but wish to contribute to the objectives of the Institute on such conditions as the Council may determine.

B. L. 3.0 ELECTION AND TRANSFER OF MEMBERS

B. L. 3.1 The election of applicants for membership in any class and the transfer of members from one class to another shall be done by the Council.

B. L. 3.2 Application of Membership or Transfer of Class

Applications for election or transfer shall be proposed and supported in writing on a form approved by the Council.

Any person desirous of election as a Fellow member shall be proposed by two Fellow members, while any person desirous of election as a corporate member, Licentiate member, Visiting and Retired member shall be proposed and supported by two corporate members.

Any person desirous of election as a Graduate and Student member shall be proposed by two corporate members who shall in the case of a candidate for election as Student member, each sign a declaration that he has a personal knowledge of the means by which a candidate proposes to satisfy the requirements for admission to the class of student.

B. L. 3.3 Exemption on Respect of Signatures

The Council may in exceptional circumstances waive the requirements of By- Laws B.L.3.2 as regards the required signatures if Corporate Membership of a candidate is hindered by reason of obtaining the specific number of sponsors for his application either by reason of his place of residence or any other valid reason beyond his control.

In such case, the candidate shall assist the Council by submitting names of suitable persons, preferably Quantity Surveyors who can vouch for his character, qualifications and experience and with whom the Council can communicate.

B. L. 3.4 Application for Membership of Transfer to a New Class

The proposal form shall be forwarded to the Registrar of the Institute who shall submit it for consideration by the membership committee of the Council before submitting it accompanied by the views of that committee to the Council who shall determine whether the qualifications of the candidate are in accordance with the By-Laws of the Institution.

B. L. 3.5 Payment of Entrance and Subscription Fees

An applicant elected or transferred shall be admitted as a Fellow Member, Corporate Member, Licentiate, Visiting, Graduate, Technician, Student or Retired member as the case may be on payments of such entrance fee, annual subscription or transfer fee as these By-Laws prescribe. Should payment of such dues not be made within a period of three calendar months after the date of notification to the applicant of his election or transfer, such election or transfer may be declared null and void by the Council and the applicant shall be notified accordingly.

- B. L. 3. 6 Rights and Priviledges**
Until elected, an applicant shall not be entitled to any of the rights or privileges of membership.
- B. L. 4. 0 ENTRANCE FEES AND ANNUAL SUBSCRIPTION**
- B. L. 4. 1 All entrance fees and annual subscription shall be payable to the Institute.
- B. L. 4. 2 Entrance Fees Payable to the Institute**
The following entrance fees shall be paid by Fellows, Corporate members, Licentiate, Visiting Graduate, Technician, Students and Retired members;
- | | |
|------------|-------------|
| Honorary | Kshs. Nil |
| Fellows | Kshs. 7,500 |
| Corporate | Kshs. 4,500 |
| Licentiate | Kshs. 1,500 |
| Visiting | Kshs 4,000 |
| Graduate | Kshs 1,500 |
| Technician | Kshs. 750 |
| Students | Kshs. 300 |
| Retired | Kshs. Nil |
- Provided that a person transferred from one class to another shall pay a sum equivalent to 50% of the entrance fee for the new class as transfer fee.
- B. L. 4. 3 Resident and Non-Resident Members**
Resident members shall be those whose registered addresses are in Kenya. Those members resident outside Kenya shall be designated non resident members.
- B. L. 4. 4 Annual Subscriptions**
The following annual subscription shall be payable by members of the Institute
- | | | |
|------------|-------|-------|
| Honorary | Kshs | NIL |
| Fellows | Kshs | 6,000 |
| Corporate | Kshs | 4,000 |
| Licentiate | Kshs | 2,000 |
| Visiting | Kshs | 4,000 |
| Graduate | Kshs | 2,000 |
| Technician | Kshs | 1,000 |
| Student | Kshs | 400 |
| Retired | Kshs. | Nil |
- B. L. 4. 5 Due Date for Annual Subscription Payment**
All subscriptions shall become due on election and thereafter on the first day of January of each succeeding year for the year commencing on that day. Applications for membership and transfer of membership class should be accompanied by the first annual subscription.
- B. L. 4. 6 Defaults in Payment of Fees and Subscription**
A member of any class whose annual subscription is more than twelve months in arrears shall not be entitled to attend or take part in any meeting or function of the Institute that may be held or receive any notice or publication of the Institute that may be issued before he has paid his dues in full or, until such payment exercise any of the rights or privileges of membership, or to vote.

- B. L. 4.7 Erasure from the Register**
A member of any class whose annual subscription fee is one year or more in arrears shall be so notified by registered post or recorded delivery and in the event of continuing arrears for three months after such notification may by resolution of the Council be excluded from the Institute and shall be erased from the register, but such erasure shall not relieve him from his liability for the payment of arrears of subscription fee due from him calculated up to the 31st day of December of the year proceeding his exclusion.
- B. L. 4.8 Amnesty, Extension or Waiver**
The Council may recommend amnesty, extension of period in which to pay or waiver of fees and subscription that is in arrears, if it is deemed that such recommendation would be in the best interests of and furtherance of the objects of the Institute.
- B. L. 5.0 RESIGNATION, EXPULSION AND RE-ADMISSION**
- B. L. 5.1 Resignation**
Any member of any class may retire from the Institute by sending his resignation in writing to the Honorary Secretary, after payment of the subscriptions due from him including that for the current year.
- A member's name shall be removed from the register as from the date on which his resignation becomes effective.
- B. L. 5.2 Expulsion**
The Council by resolution may expel any member who shall have wilfully acted in contravention of the by-laws of the Institute or who in the opinion of the Council shall have been guilty of such conduct as shall render him unfit to continue to belong to the Institute and may erase his name from the Register and he shall thereupon cease to be a member of the Institute.
- Provided that before taking such action the Council shall afford him the opportunity of appearing before them or of making representations to them in writing.
- B. L. 5.3 Re-admission**
The Council may re-admit any member whose membership has been terminated to the class which such member formerly belonged provided that such a member satisfies the Council that he is worthy of re-admission and pays such amounts in respect of entrances fees and arrears of subscriptions as the Council may determine.
- B. L. 6.0 PROFESSIONAL CONDUCT**
- B. L.6.1 Conduct of Members**
A member of any class of membership shall conduct himself in a manner that upholds the reputation of the Institute.
- B. L. 6.2 Conduct of All Members**
Every member shall conduct himself in a manner that upholds the dignity of his profession and in the best interest of the institute. A member owes a fiduciary duty towards clients, employers or any other person with whom he may come into contact with in the process of carrying out his duties.

B. L. 6.3 Penalty of Breach of Conduct

Any member who will be found to have acted in breach of B. L. 6.1 and B. L. 6.2 shall be disciplined by the Council in accordance with B. L. 5.2 on production of sufficient evidence.

B. L. 7.0 THE COUNCIL AND OFFICE BEARERS

B. L. 7.1 The Chairperson, Vice Chairperson, Honorary Secretary, Honorary Assistant Secretary, Honorary Registrar and Honorary Treasurer shall be the office bearers of the Institute and shall be elected from Resident members who are fellows or corporate members.

B. L. 7.2 The Council shall consist of:-

- i) Chairperson
- ii) Vice-Chairperson
- iii) Honorary Treasurer
- iv) Honorary Secretary
- v) Assistant Honorary Secretary
- vi) Honorary Registrar
- vii) Immediate Past Chairperson
- viii) And three ordinary members, all of whom shall be Fellows, Corporate or Licentiate members of the Institute who shall all be elected in the Annual General Meeting in accordance with the relevant By-Laws.

B. L. 7.3 The Chairperson

The Chairperson shall hold office for two (2) years and shall be eligible for re-election for the succeeding term but shall not thereafter be eligible for election as Chairperson until after an interval of four years.

B. L. 7.4 The Vice Chairperson, Honorary Treasurer, Honorary Secretary, Assistant Honorary Secretary, Honorary Registrar

The Vice Chairperson, Honorary Treasurer, Honorary Secretary, Assistant Honorary Secretary or Honorary Registrar shall hold office in that capacity for two (2) years, but shall be eligible for immediate re-election to the same or any other office on the Council for which he is qualified by his class of membership.

B. L. 7.5. Ordinary Members of the Council

The period of office of an ordinary member of Council shall be two years, and he shall be eligible for immediate re-election.

B. L. 7.6 Vacancies in the Office of a Member of the Council

The office of a member of the Council shall become vacant if:

- a) he becomes bankrupt or;
- b) is of unsound mind or;
- c) by notice in writing to the Chairperson or Secretary resigns from office or,
- d) is convicted of any felony or;
- e) is absent from three consecutive meetings of the Council without justifiable cause or;
- f) If he ceases to be a member of the Institute or;
- g) The term of office of the holder expires.

- B. L. 7.7 Nominations for Office Bearers and Ordinary Council Members**
Elections for office bearers and ordinary members of the Council shall be carried out during the Annual General Meeting by secret ballot. The nomination of a member must be made with his consent and he/she shall be proposed and seconded by two (2) corporate members.
- B. L. 7.8 Election Guidelines and Procedures**
This is expounded in appendix II.
- B. L. 7.9 Vacancy in the Office of a Council Member**
The office of a member of the Council shall become vacant if:
- a) he becomes bankrupt or;
 - b) is of unsound mind or;
 - c) by notice in writing to the Chairperson or Secretary resigns from office or,
 - d) is convicted of any felony or;
 - e) is absent from three consecutive meetings of the Council without justifiable cause or;
 - f) if he ceases to be a member of the Institute or;
 - g) the term of office of the holder expires.
- B. L. 7.10 Vacancies may be filled by Council**
Vacancies in the offices of Chairperson, Vice-Chairperson, Honorary Treasurer, Honorary Registrar, Honorary Secretary, Assistant Honorary Secretary and ordinary members of Council other than those arising under By-Laws B. L. 7.3, 7.4, 7.5, 7.6 may be filled by the Council, save that the office of Chairperson will be automatically filled by the Vice-Chairperson. The names of such person selected shall be announced at the next ordinary meeting of the Institute. The Council shall determine the period for which the person so selected shall hold office, provided that such period shall not be longer than the period the vacating member of the Council would in the ordinary course have retained office, and any period of office so served shall not be taken into account in computing the period of office served by such a person.
- B. L. 7.11 Incoming Council**
The names of the officer bearers and council members of the ensuing years shall be announced by the scrutinizers at the Annual General Meeting and they shall assume office immediately after conclusion of the business of that meeting. (There seems to be an overlap with by-law 7.6)
- B. L. 8.0 PROCEEDINGS, POWERS AND DUTIES OF THE COUNCIL**
- B. L. 8.1 Council to Direct the Affairs of the Institute**
The Council shall manage the property and affairs of the Institute in accordance with the Constitution and By-Laws from time to time in force, and may exercise all such powers of the Institute as are not required by the By-Laws to be exercised by a General Meeting of the Institute.
- B. L. 8.2 Council Meetings**
The Council shall meet as often as the business of the Institute may require and in any event not less than six times in a year and meetings shall be held at the Secretariat of the Institute or such other place as the Council may determine.
- B. L. 8.3 Quorum at Meetings**
At every meeting of the Council, six members shall constitute a quorum and all matters shall be decided by a simple majority. The chairperson of the meeting shall have a casting vote in case of a tie. It shall be competent for the Council to seek by post or email the views of its members on any matters including those concerned with applications for membership of the Institute.

B. L. 8.4 Notice of the Meeting

A fourteen days' notice in writing shall be given of any meeting of the Council and the nature of the business to be transacted there at shall be stated in the notice.

B. L. 8.4 Voting at Meetings

At any meeting of the Council, each member present shall have one vote with the exception of the Chairperson who shall have a casting vote. The Chairperson may direct, or any two members may demand, that the voting shall be by a secret ballot.

B. L. 8.5 Adjournment of Council Meeting

On the demand of any five members of Council present at any meeting of the Council, any resolution of the Council passed at such meeting shall be adjourned to the next meeting for further consideration and in such case the resolution shall not become effective unless it be confirmed by a majority in such next meeting.

Provided always that the consideration of such resolution shall not be further adjourned at such next meeting except by a resolution of the Council.

B. L. 8.6 Council May Appoint Committee

The Council may appoint or dissolve Committees chosen from either own body and where special circumstances prevail may include therein one or more members of the Institute.

Committees so appointed may be designated Committees of the Council. The Council may also appoint Committees for special purposes consisting of members of the Council and Fellows, Corporate and Licentiate members and others.

The Council may delegate any of their powers, except those arising under By-Laws B. L. 5.3 to Committees.

The Chairperson shall be ex-officio member of all committees of the Council.

B. L. 8.7 Council May Appoint Representatives

Representatives may be appointed for such purposes and with such power as the Council may determine. Such representatives may be members of the Institute or such other persons as the Council may select to further the interests and work of the Institute and their appointment may be cancelled at any time by the Council.

B. L. 8.8 Appointment of a Patron for the Institute

The Council shall have power to invite a prominent person to become a patron of the Institute.

B. L. 8.9 Minutes

The Council shall cause minutes to be kept of proceedings of all meetings of the Institute, the Council's and various committees of the Council.

B. L. 8.10 Appointment of Other Staff

The Council shall have power to appoint other staff of the Council who shall hold office during the pleasure of the Council and shall perform such duties as the Council may set forth in terms of their appointment.

The Council shall from time to time determine the salaries, wages or remuneration to be paid to the staff of the Institute and the Council shall make such provision for and grant such pensions to them after their retirement from the service of the Institute as the Council may deem fit.

B. L. 8.11

Duties of Honorary Secretary

Subject to the direction of the Council, it shall be the duty of the Honorary Secretary to:

- i) Conduct the correspondence of the Institute;
- ii) To attend all meetings of the Institute and of committees of the Council
- iii) To read all minutes and communications that may be ordered to be read
- iv) To superintend the publication of such paper and publication as the Council may direct
- v) To engage, subject to the approval of the council, and be responsible for all persons employed as servants of the Institute.

B. L. 8.12

Duties of Honorary Treasurer

He/she shall conduct the ordinary business of the Institute in accordance with the Constitution and By-Laws and the directions of the Council and shall refer to the Chairperson or Vice-Chairperson available any matters of importance or difficulty requiring urgent decision. He/she will be responsible for:

- i) The collection of subscriptions and entrance fees
- ii) The preparation and payment of accounts of expenditure
- iii) The administration of the funds of the Institute in accordance with the directions of the Council to whom he shall be responsible and
- iv) The presentation of the audited accounts to the Council for inspection and approval

B. L. 8. 13

Duties of the Hon. Registrar

The duties of the Hon. Registrar shall be to receive application for election and transfer of membership for presentation to the Council, to maintain a register of all members with their full names, address, qualifications, and class of membership and cause a list of members to be prepared annually.

B. L. 9.0

MEETINGS

B. L. 9.1

Venue of Meetings

Meetings of the Institute shall be held at such places and as such time as the council may appoint.

B.L.9.2

Meetings of the Institute

The meetings of the Institute shall be as follows:-

- a) Ordinary meetings
- b) Annual General Meetings
- c) Special General Meetings of Fellows and Corporate members
- d) Special General Meetings of Fellows, Corporate or Licentiate Members to amend the constitution and By-Laws.

B. L. 9.3

Ordinary Meetings

Ordinary meetings shall be held for the reading and discussion of papers on Quantity Surveying and allied subjects, for lectures and discussions on those subjects, for the display of cinematograph or other pictorial representations and for visits to works and other places of Quantity Surveying interest.

B. L. 9.4

Annual General Meetings

The Annual General Meetings shall be held during the month of May each year at such a place or time as the Council shall determine from time to time.

The business of the Annual General Meeting shall be to receive and deliberate upon the Annual reports of the Council and the Annual Accounts, to hold elections of the Institute, to appoint the auditors, to hear the Chairperson's address and to transact any other business of which notice in writing has been given by the Hon. Secretary at least fourteen days before the meeting.

B. L. 9.5

Special General Meetings

A Special General Meeting of Fellows or Corporate members may be called at any time by the Council for any specific purpose relating to the direction and management of the affairs of the Institute except revoking, altering or amending the Constitution of the Institute and the Council shall call such a meeting on requisition in writing at any time of twenty Fellows or Corporate members specifying the general nature of the business to be transacted and the motions (if any) to be placed before the meeting.

Provided that in no case shall a Special General Meeting be held unless a thirty days notice has been given to Fellows, Corporate and Licentiate members specifying the time, date and place of the meeting and the general nature of the business.

B. L. 9.6

Special General Meeting to amend the Constitution and By-Laws

A Special General Meeting of Fellows, Corporate and Licentiate members for the purpose of revoking, altering or amending the Constitution and By-Laws of the Institute may be called at any time by the Council and the Council shall call such meeting or requisition in writing and at any time of twenty Fellows, Corporate and Licentiate members specifying the alterations or amendments of the Constitution and the By-Laws suggested by them.

Provided that in no case shall such a Special General Meeting be called until all Fellows, Corporate and Licentiate members have been notified of the proposed amendments and until thirty days have elapsed from the date of notification.

B. L. 9.7

Members may Introduce Visitors

Every member of any class shall have the privilege of introducing one or more visitors at each ordinary meetings of the Institute, by writing his or their names in a book provided for that purpose or supplying him or them with admission tickets to be obtained from the Honorary Secretary.

The Council may at its discretion limit the number of visitors to be introduced at any ordinary meeting.

B. L. 9.8

Other Meetings

In addition to the meetings specified in the By-Laws B. L. 9.2 the Council may at its discretion arrange for other meetings to be held for the dissemination of Quantity Surveying knowledge by means of lecturers or cinematograph or other pictorial representations, or for the discussion of

papers thereon, and the Council shall determine the conditions of admission to such meetings and the manner in which they shall be conducted.

B. L. 9.9 Notice of Annual and Special General Meetings

A fourteen days, notice shall be given of all Annual and Special General Meetings. The notice shall specify the general nature of the business to be transacted and no other business shall be transacted at these meetings except such business at Annual General Meeting of which notice shall have been given as provided By-Law B. L. 9.4.

B. L. 9.10 Failure to Receive Notice

The failure to receive notice of a meeting by any member of any class shall not invalidate the proceedings at the meeting.

B. L. 10.0 PROCEEDING AT MEETINGS

B. L. 10.1 Quorum at the Annual General Meeting

The quorum at any Annual or Special General Meeting shall be twenty of those persons entitled to be present and vote (Fellows, Corporate and Licentiates) there and no business shall be transacted at any such meetings unless the quorum is present. If a quorum be not present within half an hour from the time appointed for holding the meeting, the meeting shall stand adjourned to the same hour and place in the following week, when numbers present and entitled to vote, whatever their number shall constitute a quorum.

B. L. 10.2 Chairman of Meeting

The Chairperson shall preside at all meetings of the Council and meetings of the Institute at which he is present; or in the absence of the Chairperson, Vice-Chairperson or, if none be present, a member of the Council present shall preside.

B. L. 10.3 Council to Conduct Ordinary Meetings

The ordinary meeting of the Institute shall be conducted as prescribed by the Council from time to time and the Council shall determine the conditions of admission to such meeting.

B. L. 10.4 At the Ordinary Meeting no question shall be discussed or motion be made relating to the direction and management of the Institute.

B. L. 10.5 Voting at Annual or Special General Meetings

Voting at any Annual or Special General Meetings shall be done on the floor of the meeting and in person by members in good standing. There shall be no proxy voting and only ballots cast by members physically present at the Annual General Meeting shall be admitted in any election.

B. L. 10.6 Voting at Meeting

The Fellows or Corporate members shall alone be competent to vote at the meetings specified in sub-paragraphs b) and c) of By-Law B. L. 9.2 subject to By-Law B. L. 4.6. Each person voting shall have one vote.

For the purpose of this By-Law all members of the Council shall be deemed to be Fellow, Corporate or Licentiate members.

B. L. 10.7 Chairman to have Casting Vote

In the case of a tie of votes, the Chairperson of the meeting shall both on a show of hands and at a poll have a casting vote in case of a tie.

B. L. 11.0 PROFESSIONAL AFFIXES

B. L. 11.1 Honorary members, Fellow members, Corporate members and Licentiate members shall be entitled to use the following affixes on admission to their class:-

Honorary members	HIQSK
Fellow members	FIQSK
Corporate members	CIQSK
Licentiate members	LIQSK

Retired members shall add the affix (R) after the applicable class they held prior to retirement e.g. **FIQSK(R)**

B. L. 11.2 No other affixes may be used by any member in relation to membership of the Institute.

B. L.11.3 No member who is not a Corporate member may use an affix of the Institute nor may they use words or phrases such as “Quantity Surveyor” or “Quantity Surveying” to imply to the public that they have the right and qualification to offer and perform the services of the Quantity Surveying Profession.

B. L. 12.0 FINANCIAL PROVISIONS

B. L. 12.1 Monies and Effects

The money and effects of the Institute shall be controlled by the Council for the use of the Institute in the furtherance of its objects.

B. L. 12.2 Accounts

The Council shall cause to be kept proper and sufficient accounts of the capital, funds, receipts and expenditure of the Institute, so that the true financial state and condition of the Institute may at all times be exhibited by such accounts and shall be available to members for scrutiny if required.

B.L. 12.3 Bank Accounts

There shall be opened a bank account at a bank approved by the Council in which all entrances fees, annual subscriptions and other monies received shall be deposited and from which all payments due by the Institute shall be paid. Cheques require the signature of the Chairperson, Vice-Chairperson or the Honorary Secretary and that of the Honorary Treasurer as a mandatory signatory.

B. L. 12.4 Financial Year and Presentation of Accounts

The financial year of the Institute shall end on the 31st day of December in each year, and the accounts of the Institute shall be made up each year to that date and after having been approved by the Council and audited by an Auditor or Auditors, shall together with the Auditors’ report be laid before the Annual General Meeting next following.

B. L. 12.5 Appointment of Auditors

The appointment, powers and duties of the auditors shall be regulated as nearly as may be and with the necessary modification in accordance with the provisions of the appropriate Companies Act, or with any statutory modification thereof for the time being in force, as if the Institute were a Company registered under that ordinance.

B. L. 12.6 Allocation of Funds for Branches

The Council shall allocate and remit to each branch such monies as may be fixed under regulations made under the provisions of By-Law B. L. 13.2 and such further monies additions thereto as the Council may consider necessary for the efficient administration of such branch or for the promotion of some special activity.

B. L. 12.7 Income and Property of the Institute

The income and property of the Institute whosever's derived, shall be applied solely towards the promotion of the objects of the Institute as set forth in the Constitution and no portion thereof shall be paid or transferred directly or indirectly, by way of dividends, bonus or otherwise howsoever by way of profit, to the members of the Institute.

B.L. 13.0 BY-LAWS AND REGULATIONS

B.L. 13.1 Alterations of By-Laws

These By-Laws or any other By-Laws for the time being in force may be added to, revoked, altered or amended at an Annual General Meeting or a Special General Meeting convened for the purpose under the provisions of By-Laws B. L. 9.6.

Such additions, revocation or amendment shall be made only if two thirds or more of the Fellows, Corporate and Licentiate members vote at such Special General Meeting in favour thereof:

B. L. 13.2 Power to Make Regulations Controlling Branches

The Council may make regulations and may from time to time amend or revoke such regulations for:-

- i) The conduct of the affairs of any branch of the Institute established under the provision of Sections 4.02.
- ii) The conduct of the affairs of any special group of the Institute established under the provision of Section 4.05, and
- iii) Any other purpose in accordance with the Constitution

B. L. 13.3 Local Branch Rules

Local rules proposed by any Branch under the provisions of regulations made under B. L. 13.2 shall be presented to Council for approval.

B. L. 14.0 SAVING AND SUPPLEMENTARY PROVISIONS

B.L. 14.1 Proceedings of Council and Committees and Communication

The proceedings of the Council, its committees and sub-committees and branches and all communications, correspondence reports, minutes and other papers and documents relative to the admission or advancement of members or to the suspension or forfeiture of membership of any member or the other proceeding under By-Law B. L. 5.2 or 6.3 shall be privileged and confidential.

B. L. 14.2 No report of the proceedings at any meeting of the Institute or branches shall be made or published except with the previous consent of the Council.

B. L. 14.3 **Journal**

The official publication of the Institute shall be known as the **QUANTITY SURVEYOR – Journal of the Institute of Quantity Surveyors of Kenya**” and shall be the medium for the dissemination of information regarding the activities of the Institute and for the publication of any matters incidental to the promotion of the objects of the Institute.

B. L. 14.4 The Council shall arrange for the publication, in the Journal or in any manner which they may deem advisable, of such papers, documents and publications as may be considered by the Council to be likely to advance Quantity Surveying knowledge and the objects of the Institute.

B. L. 14.5 **Branch Local Rules**

The Council may approve the sale of copies of the Journal of the Institute to members of the Institute or to the General public or specifically at such price or prices as they may prescribe.

B. L. 14.6 **Proceedings of Council and Committees and Communication**

Any notice may be served upon any members or any communication may be sent by the Council or by the Honorary Secretary or the Institute to him either personally or sending it prepaid through the post addressed to such person at his address as registered in the books of the Institute.

Any notice of communication, served or sent by post shall be deemed to have been served or delivered, on the tenth day following that on which the same is posted, and in providing such service or sending it shall be sufficient to prove that the notice on communication was properly addressed and posted.

No member of any class, whose registered address is overseas shall be entitled to any notice or ballot or voting paper, and all proceeding may be taken without notice to such person in the same manner as if he had due notice.

B. L. 14.7 **Accountability/Entitlement to Indemnity**

Each member of the Council shall be accountable in respect of his own acts only, and shall not be accountable for any acts done or authorized to which he shall not have expressly assented; and no member of the Council shall incur any personal liability in respect of any loss or damage incurred through any act, matter, or thing done, authorized or suffered by him, being done in good faith for the benefit of the Institute although in excess of his legal power.

The members of the Council shall be indemnified out of the funds and property of the Institute from and against all costs, charges and expenses whatsoever which they or any of them shall sustain by reason of their respectively accepting office or acting in execution of the duties imposed upon or given to them by the constitution or the By-Laws of the Institute.

B. L. 14.8 **Unions, Alliances and Incorporation**

The Council may arrange for the Union, Alliances or Incorporation with the Institute of any organization with objects kindred to those of the Institute and may also if the council thinks fit remit or reduce the entrance fees of the members of such organization at the time of the Union, Alliance or Incorporation.

Provided that no such union, Alliance or incorporation shall be effective, unless it is sanctioned by a Specific General Meeting of Fellow, Corporate and Licentiate members.

APPENDIX

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APPENDIX I

B. L. 15 APPROVED SCALE OF FEES

Quantity surveyors shall charge fees stipulated in the relevant conditions of engagement and scale of Professional charges contained in By-Laws made by the Board of Registration of Architects and Quantity Surveyors, or other succeeding law or body formed by an Act of Parliament of Kenya, or the Directorate of Public Works Condition of Engagement and Scales of Fees for professional services for building and civil engineering works published for the Directorate of Public Works.

B. L. 16 SCHEDULE FORM A
(Referred to in Constitution Section 5:10)

INSTITUTE OF QUANTITY SURVEYORS OF KENYA

The undersigned, agree that in the event of my election to membership of any class in the Institute of Quantity Surveyors of Kenya, I will be governed by the constitution and By-Laws of the Institute, as they are now or as they may hereafter be altered, and that I will advance the objects of the Institute as far as shall be in my power.

Provided that, whenever I shall signify in writing to the Honorary Secretary that I am desirous of withdrawing from the Institute I shall after the payment of any arrears which may be due by me at that period be free from this obligation.

As witness my hand this Day of Year

Signature

Class of membership in the Institute

APPENDIX II

B.L. 17 Election Procedures

1. The Council shall invite or place a call for volunteers to serve as Scrutineer(s) for the current year. This shall be done by latest fourteen (14) days before the elections date. It is the Council that shall select the Scrutineer(s).
2. The individual(s) to be appointed Scrutineer(s) must meet the following minimum requirements:
 - a. Shall not be a current member of the Council
 - b. Must be a member in good standing of the Institute.
 - c. Must be a non-running member of the Institute.
3. By latest fourteen days before the scheduled date of elections, a call for nominees will be made through the Official contact email, or postal addresses of the Institute. A nomination form will be mailed out no later than fourteen days.
4. The nomination forms will be returned to the Secretariat seven (7) days before the elections day. Once a nomination form is submitted, a candidate will receive a response confirming receipt.
5. After receiving the nomination forms, the Honorary Secretary may mail out a ballot to all members for information purposes. It will list the office and then the nominees in alphabetical order
6. Campaigning will be strictly in accordance with the Elections Guidelines and Rules provided here below in this Appendix.
7. Elections will be done on the floor of the AGM. There shall be no voting by proxy or voting in absentia.
8. The Scrutineer will make available a suitable voting box at the elections venue. All the votes cast shall be tallied at the election venue. No member shall vote twice.
9. The official announcement of the election results shall be done at the floor of the election venue.
10. After votes are tallied they should be sealed. They will be destroyed after the elections meeting.
11. The Scrutineer(s) may write a wrap up report. This report may include suggestions, challenges, and areas of improvement. This report should be submitted the new Council through the Honorary Secretary within Thirty (30) days after elections day.

Elections Guidelines and Rules

The intent of these guidelines is to encourage fair and open conduct of the elections by IQSK members on a level playing and, most importantly, to maintain a dignified and courteous conduct appropriate to the image of the noble profession of Quantity Surveying.

1. A candidate will immediately report any deviations from these guidelines of which he/she becomes aware to the Scrutineer(s), and will notify and try to correct any supporter upon learning of an actual or potential deviation.
2. All members participating in elections by being a scrutineer, running for office or electing other members to office must be members in good standing. A “member in good standing” means any person who has fulfilled the requirements for membership in their respective member category and who has not voluntarily withdrawn nor been expelled or suspended by the Institute.
3. Candidates/supporters must use their own resources for election activities. Fundraising is not permitted. Candidates/supporters may not organize campaign committees and candidates may not enter into agreements to campaign together.
4. Third party endorsements in campaign communications are not allowed.
5. Election messages include short message service (SMS), emails, letters, postcards, and faxes, asking for a member’s election support. Copies of a CV, fact sheet, and biography may be included with the election letters or mailed separately. Handout pamphlets may be made available at any meetings attended by the candidate.

Messages will not be communicated through mass media like newspapers, television or radio.

6. Each candidate/supporter must generate his/her own messages with his/her own personal resources; no IQSK resources will be used. IQSK funds, services, or staff shall not be used to endorse, support or promote any candidate.
7. Candidates may refer to their IQSK titles in the body of their messages, but if they choose to sign the messages like letters and emails they may not do so over their IQSK organizational title. No message shall be signed off using an IQSK organizational title.
8. When candidates or their supporters are unclear about whether an intended campaign action is permitted, they should seek the opinion of the Scrutineer(s) before taking action. The Scrutineer(s) will respond with a ruling concerning the proper interpretation of the guidelines and inform all candidates in order to maintain a “level playing field”.
9. At all times, candidates and their supporters are to state their own positions on issues and their own plans for the Institute directly and positively, but must not make personal attacks against other candidates and their supporters.

APPENDIX III

B.L. 18 Code of Professional Conduct and Ethics

PRINCIPLES OF PROFESSIONAL CONDUCT

- B. L. 15.1 A member shall at all times fully discharge his duties and shall not commit any act, which will have the effect of avoiding or diminishing professional responsibility.
- B. L. 15.2 A member shall at all times be honest in his dealings and his decisions shall be made with integrity of purpose.
- B. L. 15.3 A member shall at all time is free from corruption.
- B. L. 15.4 A member's advice shall at all time is impartial.
- B.L. 15.5 A member must never place himself in a position where his duties are likely to create a conflict with his professional interest.
- B. L. 15.6 A member shall at all times act in an honourable manner towards his professional colleagues.
- B. L. 15.7 A member must not advertise his professional services.



INSTITUTE OF QUANTITY SURVEYORS OF KENYA

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THE INSTITUTE OF QUANTITY SURVEYORS OF KENYA

THE IQSK CODE OF PROFESSIONAL CONDUCT AND ETHICS

PREAMBLE

This code is intended to set out standards of conduct and ethical behaviour for members, staff, the public, clients, suppliers and all concerned industry players of the Institute of Quantity Surveyors of Kenya must adhere to.

The Mission of the Institute of Quantity Surveyors of Kenya is:

1. To promote an enabling environment that helps Quantity Surveyors achieve excellence in delivery of their services.
2. To promote, regulate and enforce best quality quantity surveying standards and practices.
3. To promote cooperation with professional organizations representing Quantity Surveyors regionally.

In pursuing this mission it has issued high quality ethical standards applicable to professional Quantity Surveyors in Kenya. The Institute of Quantity Surveyors of Kenya is an association that promotes the advancement of the Quantity Surveying profession by embracing best professional practices. We do this by promoting highest ethical standards, encouraging continuous professional education and development, regulating practice and research to provide best quantity surveying solutions.

IQSK's Vision is 'to be a world class institute that promotes the advancement and practice of Quantity Surveying in Kenya and Africa.'

The Core Values of the Institute are:

1. Integrity and Diligence
2. Discipline and Commitment
3. Competence & Accountability
4. Objectivity and Impartiality
5. Corporate Social Responsibility
6. Environmental Conservation

DEFINITIONS

1. In this code unless the context otherwise requires:-

- **'Member'** shall mean a member registered under any class of the Institute of Quantity Surveyors of Kenya.

- **'Quantity Surveyor'** shall mean a member registered in the institute and who is also duly registered by BORAQS to practice. It can be found in the category of graduate, corporate and fellow.
- **'Professional'** shall mean a member of the Institute of Quantity Surveyors of Kenya with specialized Quantity Surveying skills registered in the category of fellow and corporate.
- **'The Council'** shall mean the governing body of the Institute mandated to oversee the administration and the functioning of the institute.
- **'The Public'** shall mean connected and powers and authority vested with the government could also mean the general citizens of Kenya.
- **'BORAQS'** shall mean the board mandated to examine, register and discipline the Quantity Surveyors in Kenya.
- **'The Supplier'** shall mean any individual or company availing goods and or services to the Institute or its members.
- **'Professional Conduct'** shall mean the adherence to a standard of behaviour befitting a professional quantity surveyor and IQSK member at all times while engaged in a professional capacity.
- **'Professional Misconduct'** shall mean behavior which in the opinion of the IQSK falls short of or directly contravenes professional conduct.
- **'Partnership and Corporation'** shall mean partnerships or corporations offering quantity surveying services either solely or in combination with other professional services, and having partners or directors who are members of the IQSK.
- **'Client'** shall mean an individual who or an organisation which enters into an agreement with a member, partnership or corporation for the provision of professional services on a specific project or projects.

APPLICATION

2. This Code applies to all members of the Institute of Quantity Surveyors of Kenya.

PART 11 - REQUIREMENT

Compliance with the Code

A member of the Institute of Quantity Surveyors of Kenya shall comply with all the requirements as set out in this Code. Members shall maintain high personal integrity, moral standards and sound reputation by subscribing and observing to this Code. Failure to this will be tantamount to professional misconduct. Any member or staff whose conduct is contrary to this code shall be liable to reprimand, suspensions or expulsion as provided by the IQSK constitution. Any transgression of this code by a partnership or corporation shall be deemed a transgression by the individual member or members or staff of the Institute who are partners or directors in the partnership or corporation.

Whatever disciplinary action administered by the institute shall be harmonized with those of BORAQS.

Requirements from QS

- Have full regard to the public interest
- discharge his or her duties to his or her employers or clients with efficiency, competence, confidentiality, fidelity and without undue delay
- Maintain a high professional standard; be of good fame, integrity and character.
- Compete fairly with other members, partnerships and corporations by promoting the principle of selection of quantity surveyors by clients upon the basis of merit, and not on the basis of fees alone.
- Conduct themselves in a manner which upholds the dignity, standing and reputation of the *profession and* the IQSK.
- Promote the advancement of the quantity surveying profession.

- Inform their clients or employers of the existence or likelihood of any conflict between the interest of themselves, their partnership or corporation or where applicable, any personal conflict of interest related to their association with the partnership or corporation and that of their clients or employers.
- Inform their clients or employers if an assignment requires qualifications and experience outside their field of competence.
- On being approached or instructed to proceed with quantity surveying work in respect of which the member has reason to believe services of another member, partnership or corporation have been engaged in respect of similar work by the same client, notify such member, partnership or corporation.
- Not falsify or misrepresent their qualifications, experience and prior responsibility.
- Neither maliciously nor carelessly do anything to injure, directly or indirectly, the reputation, prospects or business of other members.
- Not supplant or attempt to supplant another member, partnership or corporation who or which has been awarded a commission.
- Not advertise and/or promote their business in an indiscreet manner, or in a manner which is in conflict with any of the foregoing responsibilities.
- Where holding themselves out to the public as practicing quantity surveyors, have and maintain appropriate professional liability insurance.
- Undertake a prescribed minimum level of Continuing Professional Development activities, and certify their compliance to the Institute every three years as notified by the Institute.
- Comply with the laws of the country in which he or she operates
- To always know that in any given assignment, you are not dealing for your own benefit but should have great value of the client by observing national values like patriotism, dignity, equity, and good governance.

INTEGRITY

3. A member of the Institute of Quantity Surveyors of Kenya shall be a person of integrity. He/she shall carry out his duties with honesty and impartiality.

INSTITUTE CONTRAVENTION OF BY-LAWS

4. Without derogation of the Council's authority to include other matters, a member shall be guilty of professional misconduct if he should knowingly contravene the provisions of the By-Laws of the Institute or make a false declaration in his application for membership.

ABSENTEEISM AND PUNCTUALITY

5. A member or staff member shall ensure that they are punctual, in particular for meetings conducted for the running of the Institute. Staff members are required to report to their work stations as per their employment contract and absenteeism is punishable by whatever means the Council deems fit as pertains their employment contracts.

DISCOUNTS, GIFTS AND COMMISSION

6. Without derogation of the Council's authority to include other matters, a member shall be guilty of professional misconduct if he should:
 - i. Accept any work which involves the giving or receiving of discounts or commission
 - ii. Accept any discount, gift or commission from contractors or tradesmen whether employed upon his work or not.

REDUCING FEES AND SUPPLANTING

7. Without derogation of the Council's authority to include other matters, a member shall be guilty of professional misconduct if he should:

- i. Attempt to supplant another member or to compete by means of reduction of fees or by other inducement;
- ii. Knowingly proceed with work which was previously entrusted to another member before communicating with the member previously employed and taking steps to ensure that the engagement of the other member has been terminated;
- iii. Deviate by charging less than the charges laid down, from the scale of fees approved by the Institute from time to time as set out in appendix I of the by-laws of the Institute;
- iv. Undertake or accept instructions for professional work on the basis that if a successful result not attained, a reduction of the fee laid down in the approved scale of charge will be made or that no fee will be charged.
- v. Pay another member less than the fees set forth in the approved scale of charges. Punishment, remedies and penalties to the above misconduct to be harmonized with BORAQS.

MARKETING, TOUTING, PUBLICATION

8. Without derogation of the Council's authority to include other matters, a member shall be guilty of professional misconduct if he should:
 - i. Advertise or tout his professional services or make announcements in the press except to publish in the press and rectify his correspondents by post once of any change in address, opening of new firm or branch or office or alterations in the partnership or constitution of a firm.
 - ii. Give monetary consideration for the insertion of illustrations and descriptions of his work or allow illustrations and descriptions of his work to be used by the publishers for extorting advertisements from unwilling contributors.

Patent rights / Copyright For any published documents, all rights are reserved with the author. Without derogation of the council's authority to include other matters, a member shall be guilty of professional misconduct if s/he should: (i) wholly or in part reproduces stores in retrieval system or transmits in any form or by any means electronic, mechanical, photocopying, recording or otherwise, any publication without prior written permission of the publishers.

SIGNING DOCUMENTS AND PARTNERSHIPS

9. Without derogation of the Council's authority to include other matters, a member shall be guilty of professional misconduct if he should:
 - i. Issue any drawings, specifications, bills of quantities, certificates, valuation, or final accounts unless the same bear his name or signature.
 - ii. Share or agree to share fees or enter into partnership in regard to Quantity Surveying work with any person not registered or otherwise approved by the Board of Registration for Architects and Quantity Surveyors (BORAQS).

COMPETITION, INFLUENCE AND DESTRUCTION OF DOCUMENTS

10. Without derogation of the Council's authority to include other matters, a member shall be guilty of professional misconduct if he should:
 - i. Attempt in any way to secure work for which a competition has been instituted, except as competitor and in accordance with the conditions of that competition until the conditions of that competition until the conditions of competition have ceased to be operative;
 - ii. Attempt to influence unfairly or dishonourably whether directly or indirectly the award in a competition.
 - iii. In the case of a Quantity Surveyor wilfully destroy his original dimensions, abstract, draft bill and other documentary evidence necessary to verify his bill of quantities until six (6) years after the final completion of the contract and the settlement of all accounts.

IMPARTIALITY, PROFESSIONAL PRACTICE NOTES AND INCOMPETENCE

13. Without derogation of the Council's authority to include other matters, a member shall be guilty of professional misconduct if he should:
 - i. Act other than in an impartial manner between the employer and the contractor or interpret the conditions of contract or interpret the conditions of contract other than in the entire fairness as between all parties to the contract;
 - ii. As a Quantity Surveyor member not comply with Professional Practice Notes issued by the Board of Registration for Architects and Quantity Surveyors; and
 - iii. Conduct himself in a manner, which the Institute may deem incompetent, dishonourable or negligent in connection with the professional work performed by him as member of the Institute.

CONFLICT OF INTEREST/MISUSE OF POSITION

15. A member of the Institute of Quantity Surveyors of Kenya both in private or public practice shall not use his position or connection to attempt to gain or to confer a benefit upon others with whom he has an interest, such as family members, friends, relatives, business associates or colleagues.

Consider circumstances in which conflicts may be created. Examples include:

- a. Self-interest;
- b. Self-review;
- c. Advocacy;
- d. Familiarity; and
- e. Intimidation.

FOREIGNER QUANTITY SURVEYORS WHO WANT TO PRACTICE IN KENYA

H/she should have practiced in Kenya for at least one year. Thereafter seat the BORAQS exam, pass and be registered to practice in the country.

QUACKS

A Quantity surveyor in the institute should refrain from signing contracts that they have not authored. This is deemed to question the integrity of the Quantity surveyor and it is punishable.

NEPOTISM, FAVORITISM AND NON- DISCRIMINATION

16. A member of the Institute of Quantity Surveyors of Kenya shall not favour relatives, friends or associates in decision making or provision of services.
17. A member of the Institute of Quantity Surveyors of Kenya shall not discriminate directly or indirectly individuals on the ground of age, gender, race, tribe, colour, ethnic origin, marital status, disability, religion etc.

CONDUCT IN PUBLIC

18. A member of the Institute of Quantity Surveyors of Kenya shall carry out himself in dignity both in public and private practice.

RESPECT

19. A member of the Institute of Quantity Surveyors of Kenya shall not intentionally injure the professional reputation or practice of another member. However, if a member has evidence that another member has been guilty of unethical, illegal or unfair practices, including practices in violation of this code, he/she should present the information to the disciplinary body of the institute, in harmony with the Board of Registration for Architects and Quantity Surveyors (BORAQS) for appropriate action.

SEXUAL AND WORKPLACE HARASSMENT

21. A member of the Institute of Quantity Surveyors of Kenya shall not sexually harass a member of the public or a fellow colleague.
22. A member of the Institute of Quantity Surveyors of Kenya shall avoid unwelcoming, abusive, belittling or threatening behaviour to his/her fellow colleagues.

PROFESSIONAL COMPETENCE

23. A member of the Institute of Quantity Surveyors of Kenya shall:
 - a. Maintain professional knowledge and skills at the **level required** to ensure that clients or employers receive competent professional service; and
 - b. Act diligently in accordance with applicable technical and professional standards when providing professional services.

Competent professional service requires the exercise of sound judgment in applying professional knowledge and skill in the performance of such service. Professional competence may be divided into two separate phases:

- i. Attainment of professional competence; and
- ii. Maintenance of professional competence.

The maintenance of professional competence requires a continuing awareness and understanding of relevant technical, professional and business developments.

Continuing Professional Development develops and maintains the capabilities that enable a professional Quantity Surveyor to perform competently within the professional environments.

Diligence encompasses the responsibility to act in accordance with the requirements of an assignment, carefully, thoroughly and on a timely basis.

* A Quantity Surveyor shall take steps to ensure that those working under the professional Quantity Surveying authority in a professional capacity have appropriate training and supervision skills.

Where appropriate, a Quantity Surveyor should make clients, employers or other users of the professional services aware of limitations inherent in the services to avoid the misinterpretation of an expression of opinion as an assertion of fact.

CONFIDENTIALITY / PRIVACY

25. Define areas of confidentiality. e.g.
 - Use and disclosure of client and employee information (How do we include disclosure of info say from a contractor (e.g. tender prices) who is not necessary a client?)
 - Personal Information
 - Disclosure of the Institute of Quantity Surveyors of Kenya information
 - Information Management and Security

Examples:

- a) Disclosing outside the firm or employing organization confidential information acquired as a result of professional and business relationships without proper and specific authority or unless there is a legal or professional right or duty to disclose; and
- b) Using confidential information acquired as a result of professional and business relationships to their personal advantage or the advantage of third parties.

A Quantity Surveyor shall maintain confidentiality even in a social environment. The Quantity Surveyor should be alert to the possibility of inadvertent disclosure, particularly in circumstances involving long association with a business associate.

A Quantity Surveyor shall also maintain confidentiality of information disclosed by a prospective client or employer.

A Quantity Surveyor shall take all reasonable steps to ensure that staff under the professional Quantity Surveying control and persons from whom advice and assistance is obtained respect the professional Quantity Surveying duty of confidentiality.

The need to comply with the principle of confidentiality continues even after the end of relationships between a Quantity Surveyor and a client or employer. When a Quantity Surveyor changes employment or acquires a new client, the Quantity Surveyor is entitled to use prior experience. The Quantity Surveyor shall not, however, use or disclose any confidential information either acquired or received as a result of a professional or business relationship.

The following are circumstances where Quantity Surveyors are or may be required to disclose confidential information or when such disclosure may be appropriate:

- a) Disclosure is permitted by law and is authorized by the client or the employer;
- b) Disclosure is required by law, for example:
 - i. Production of documents or other provision of evidence in the course of legal proceedings; or
 - ii. Disclosure to the appropriate public authorities of infringements of the law that come to light;and
- c) There is a professional duty or right to disclose, when not prohibited by law:
 - i. To comply with the quality review of a member body or professional body;
 - ii. To respond to an inquiry or investigation by a member body or regulatory body;
 - iii. To protect the professional interests of a professional Quantity Surveyor in legal proceedings; or
 - iv. To comply with technical standards and ethics requirements.

In deciding whether to disclose confidential information, a Quantity Surveyor should consider the following points:

- a) Whether the interests of all parties, including third parties whose interests may be affected, could be harmed if the client or employer consents to the disclosure of information by the Quantity Surveyor.
- b) Whether all the relevant information is known and substantiated, to the extent it is practicable. When the situation involves unsubstantiated facts, incomplete information or unsubstantiated conclusions, professional judgment should be used in determining the type of disclosure to be made, if any; and
- c) The type of communication that is expected and to whom it is addressed; in particular, the Quantity Surveyor should be satisfied that the parties to whom the communication is addressed are appropriate recipients.

CUSTODY OF CLIENT ASSETS AND PROTECTION OF THE INSTITUTE'S ASSETS

24. A Quantity Surveyor in public and private practice should not assume custody of client monies or other assets unless permitted to do so by law and, if so, in compliance with any additional legal duties imposed on a Quantity Surveyor.
25. Provide protection for the Institute of Quantity Surveyors of Kenya's assets such as premises, furniture, fittings, technology, systems, information or processes, strategies, business plans, operations and client relations

USE OF INTERNET, EMAIL AND ELECTRONIC MEDIA

26. A member or staff member of the Institute of Quantity Surveyors of Kenya shall not transmit, view, print, retrieve, download or store communication of a discriminatory or damaging nature (such as computer viruses); or communication of a threatening or harassing nature or any mail inappropriate for the Institute environment.(e.g. sexually oriented literature).

ALCOHOL, SUBSTANCE ABUSE AND GAMBLING

27. The consumption of alcoholic beverages in quantities that impair work performance or impair judgment is prohibited during working hours for the staff members of the Institute of Quantity Surveyors of Kenya.
28. Activities that impair work performance such as gambling are prohibited to be carried out by the IQSK staff during working hours.

POLITICAL ASSOCIATIONS

29. The Institute of Quantity Surveyors of Kenya is a non political and thus in no way supports any political party. Members of IQSK are however free to run for political offices but must not in any way damages the image of the Institute in their personal, political endeavours. **(Is the wording used correct?)**

SOCIAL ASSOCIATIONS/CORPORATE SOCIAL RESPONSIBILITY

30. The members of the Institute of Quantity Surveyors of Kenya are free to engage in projects of a corporate social responsibility nature at their own free will in their respective work places. The Council of the Institute is free to also run CSR projects under the name of the Institute.

REPORTING/WHISTLE BLOWING

31. Members of the Institute have put in place structure for reporting breach of the IQSK Code of Conduct to the governing Council. Confidentiality of the informants is assured. Such a report brought before the council should be properly vouched for and supported by sufficient evidence.

PENALTY/CONSEQUENCES OF VIOLATION OF THE CODE OF CONDUCT

32. The Council shall have power by Resolution to expel from membership of the Institute any member who in their opinion shall have committed a breach of the provisions of the IQSK Constitution and By-Laws 2010 and this Code of Conduct; or shall have been guilty of such conduct as shall have rendered him unfit to continue to belong to the Institute. Provided that no such Resolution shall have any operation or effect unless the member concerned shall have been given a proper opportunity of submitting for consideration of the Council any statement or explanation in writing which s/he may desire and of attending and being heard by it at the meeting at which his actions or conduct are to be under consideration.

ENFORCEMENT OF ETHICAL STANDARDS

33. A member shall cease to be a member of the Institute if h/she fails to mend ways after conviction by an ad hoc committee or the Council of the Institute of unprofessional conduct and in line with BORAQS.

COMPLIANCE WITH THE CODE

34. Failure to follow the guidance given by this code may not in itself constitute misconduct, but means that the member concerned may be at risk of having to justify his or her actions in answer to a complaint. The Council will inquire into apparent failure by a member to observe the ethical requirements and may refer

the matter to the Disciplinary Committee (where applicable) in accordance with the Institute Constitution and By-Laws.

COMPLAINT PROCEDURES

35. My suggestion is for us to focus on confidentiality (protection of complainants and complaints) and systems on receiving complaints anonymously. Below is the excerpt from the framework that had been filled. The Institute of Quantity Surveyors of Kenya shall have well-established policies and procedures to receive, investigate, and respond to customers' complaints. The Institute of Quantity Surveyors of Kenya shall inform clients of these procedures, which are easy to understand and use. These procedures set out a clear complaint resolution process and identify appropriate contact persons within the Institute. Information concerning these complaint procedures is available from the Institute's secretariat, website and in printed brochures that explain the process in detail.

REVIEW

36. I suggest its review to be based on the IQSK Strategic Plan (2011 – 2016). So the review of the code of conduct should be every 5 years.

CONCLUSION

All members of the Institute of Quantity Surveyors of Kenya shall comply with applicable laws, rules and regulations of all levels as well as public and regulatory agencies.

Attached is a format report of gifts and declaration of conflict of interest.

Attached appendix is a format of report of gift(s) received and declaration of conflict of interest

QUANTITY SURVEYING

²⁸ “Suppose one of you wants to build a tower. Will you not first sit down and estimate the cost to see if you have enough money to complete it? ²⁹ For if you lay the foundation and are not able to finish it, everyone who sees it will ridicule you, ³⁰ saying, ‘this person began to build and wasn’t able to finish.’

Luke 14: 28 – 30

***CONSULT A QUANTITY SURVEYOR NOW
AND LET THE BUILDING BE COSTED
BEFORE YOU BUILD IT!***

*“We have not reached where we would
like to be,
We may not reach where we would like to
be,
But we thank God we are not where we
were ”*