

Estate Agents Association RULES

Please note: This is a transcript of the original document given on the 29/10/1990 and registered on the 31/10/1990 – All later registered amendments to this rules have been implemented in this transcript and previous text has been replaced accordingly!

Estate Agents Association

Rules

1. Name

The name of the Association shall be -"ESTATE AGENTS ASSOCIATION" and is hereafter referred to as "he Association" or the EAA.

2. Office

The registered office of the Association shall be at 27, Vacoas Road, La Louise, Quatre Bornes or any other place designated by the Managing Committee.

3. Seal

It shall have a seal bearing its name.

4. Objects

The objects of the Association shall be: -

- (a) to organise and group together all persons, holding a licence as Estate Agents, and/or as Land, houses and cattle agents;
- (b) to promote the business of Estate Agency on individual and/or collective basis
- (c) to set up and manage funds or invest in any project that may assist in the promotion of the trade including the purchase and sale of land and land promotion business;
- (d) to speak in the name of its members and to negotiate on their behalf and to lobby with the government of Mauritius or relevant authorities including the Municipality of Port Louis or any other local government on any matters affecting the interests of its members individually or collectively;
- (e) to negotiate with relevant international bodies with similar objectives for terms and conditions for joint ventures or for closer collaboration and operation in the trade;
- (f) to defend the interests of its members in all matters connected with the trade including their interests as Taxpayers and to represent them in courts of law;

- (g) to maintain funds and to employ staff or advisers, for the above purposes and to do all other things incidental to the furtherance of these objects including, where necessary the power to institute proceedings in any court of law for the protection of the interests of any of its members and
- (h) to issue for the information of its members and the general public such publication as it may deem necessary.

5. Membership

- a. The Association shall be open to every person holding a licence to operate as Estate Agent and/or land, house and cattle agent.
- b. Every member shall on admission pay an entrance fee of Rs.1000 and a membership fee of Rs.200 per month.
- c. Membership shall be terminated on the following events: -
 - (i) Failure on the part of the member to pay his/her membership fee for at most three-monthly subscriptions or such dues as may be ratified by the General Meeting
 - (ii) On withdrawal, revocation or return of such license
 - (iii) By expulsion from the Association
- d. Former members may, however, be re-admitted on condition that he/she accepts to pay a penalty fee representing the total dues accrued during the period of non-membership or such smaller sum as the Committee may decide.
- e. Application for membership shall be approved by the committee except these joining the Association at its formation.
- f. Application for membership shall be made in writing and addressed to the Secretary. The decision to accept or to reject any application for membership rests with the Managing Committee which shall assign no reason thereof.

6. Disciplinary Actions

- (I) Members may be suspended by a majority of the Managing Committee pending a motion for revocation or expulsion by the General Meeting
- (II) Any member affected by a decision under this Rule shall have a right of appeal to the General Meeting. The intention to appeal shall be in writing and send by registered post to the Secretary within 21 days after notification by letter of such decision. The appeal shall be heard by Special General Meeting convened by the Secretary within one month of such notification. The decision of the Special General Meeting shall be final.

7. Complaint

Complaints against any member of the Committee or officers thereof for non-compliance to the Rules of the Association submitted by members in writing shall be considered and dealt with by the Committee within fifteen days after receipts otherwise the Secretary shall convene a Special General Meeting within one month from the day of postal notification of such complaints for final decision.

8. The Managing Committee

(I) The Association shall be managed by a Committee of seven members who shall be elected every year at the Annual General Meeting.

(II) Soon after the constitution of the Committee the members thereof shall appoint among themselves a President, a Vice-President, a Secretary, an Assistant Secretary, a Treasurer, an Assistant Treasurer and other officers and confine them such assignments as they may consider necessary.

(III) The Managing Committee is empowered to invest its own monies including subscriptions, donations and entrance fees in recognised securities to purchase movable and immovable property, to lease or to let movable or immovable property, provided that the sanction of the General Meeting shall first seek for any such transaction.

The Managing Committee shall be entitled to accept donations and legacies from any source provided that such donations and legacies be free from any conditions detrimental to the objects of the Association. The Committee shall not be empowered to dispoise, pledge, mortgage or charge any property worth more than Rs.3,000 and belonging to the Association unless the transaction has been approved by Special Resolution in accordance with Section 30 of Act 35 of 1978.

(IV) The quorum of the Committee shall be four.

(V) Vacancies in the Committee in between election shall be filled by co-option by the other members of the Committee.

9. The President

The President shall preside over all meetings of the Association and represent the Association in social functions or as may be decided by the Managing Committee. He shall have a casting vote in case of a tie.

In his absence, the Vice President shall exercise his rights and privileges. In their absence, any member selected by the Committee members present may replace them.

10. The Secretary

The Secretary shall keep all books and records of the Association other than those required to be kept by the Treasurer. He shall be responsible for all correspondences and for convening meetings of the Committee and General Assembly of the Association after consultation with the President and/or the Committee as the case may be.

Provided that the Secretary shall be bound to convene:

(a) a committee Meeting on the request of four signatories' members of the Committee;

(b) a Special General Meeting at the request of at least ten members of the Association or on notification for appeals on complaints and disciplinary actions; a Special General Meeting to consider cases of appeal.

(c) Failure on the part of the Secretary to convene any such meeting, within one month after postal notification of such reflect will not debar the right of any petitioner or member aggrieved by such a decision to call a meeting and transact the business and take decisions that shall bind the Association.

11. The Treasurer

- (i) The Treasurer shall keep a Register of Members in accordance with law. He shall be responsible for the receipts of all fees and contributions including donations and shall lay regularly before the Committee a statement of accounts as well as a breakdown of breakdown of arrears in respect of membership fees and contributions:
- (ii) The Treasurer shall be responsible for all payments made by the Association certified by vouchers provided that where payment involving more than Rs. 1,000 are made, they shall be made by cheque and approved by the Committee or in accordance with Regulations made by it.
- (iii) All cheques, or order for withdrawal out of the Accounts shall be signed by the Treasurer and the President.
- (iv) He shall be allowed to keep in his possession a sum not exceeding one thousand rupees (Rs 1000) as petty cash.

12. Security Bond

The President and the Treasure shall furnish security with two sureties in the sum of Rs 1000 for the free discharge of their duties. The security bonds shall be lodged with the Registrar of Associations.

13. Inspections

The books of the Association shall be open for inspection by members provided that at least one day's notice is given to the Treasurer. The Treasurer shall also produce the books and register for inspection by the Committee and the auditors whenever requested to do so.

14. Books of Account

Books of accounts shall be prepared by the Treasurer in accordance with the law and kept up to date from which yearly audited statement shall be prepared and submitted by the Treasurer to the Committee, the Annual General Meeting for approval and the Registrar of Association for records every year before 31st March.

15. Annual General Meeting

- (I) An Annual General Meeting of members shall be held within the period from January to March 31st every year.
- (II) At the General Meeting the President shall make a report to the members on the activities of the Association during the preceding year and identify projects for the future.
- (III) The Treasurer shall submit for approval by vote to the members a copy of certified audited statements of accounts.
- (IV) The Accounting year of the Association shall be from the 1st January to 31st December every year.
- (V) Notice to any General Meeting including the agenda shall be given in writing by the Secretary to members at least 14 days before the date fixed for the meeting.

16. The Supreme Authority

- (i) The Supreme Authority of the Association shall be vested in the General Meeting of members including the Special General Meeting. Any matter not provided in these Rules shall be dealt with thereof.

- (ii) The Association being a Corporate body shall have all the powers and perform such duties and transactions that are legally permitted under the law.

17. Quorum

- (I) The quorum for the Managing Committee shall be four and for the General Meeting one fifth of the registered number of bona-fide members.
- (II) In case of lack of quorum, meetings adjourned shall be convened within one week for the Committee and two weeks for the General Meeting provided that (a) at the subsequent (adjourned) meeting any member or members present will form Quorum;

18. Elections

At the Annual general Meeting of the Association seven members shall be elected to constitute the Committee as provided under Rule 8 and along with two auditors.

19. Voting

- (I) Voting shall be by show of hands or by ballots if such a request is made by at least one third of the members present and voting.
- (II) Every member or his proxy shall have one vote.
- (III) Members in arrears for more than three months with the Treasurer shall not vote nor shall their proxy be accepted.

20. Ballots

Voting by ballots shall be carried out in the following way:

- (I) A Scrutineer shall be appointed by the Managing Committee or the Chairperson as appropriate.
- (II) Ballot boxes and papers must be inspected by the Scrutineer and sealed in presence of the Secretary or two witnesses.
- (III) The Scrutineer shall be assisted by two helpers of his choice.
- (IV) Ballot papers shall bear the seal of the Association when tendered and voted. They shall be collected in a ballot box.
- (V) The Scrutineer shall decide, subject to contest at higher level, on the count and the ballot to be rejected and renewed and announce and certify the results of the poll.
- (VI) The Managing Committee shall abide by the majority decisions of members expressed either by show of hands or by ballots.

21. Special general Meeting

- (I) A Special General Meeting of the Association may be convened at any time by the Managing Committee or shall be convened by the Secretary at the written request of at least five members of the Managing Committee or one tenth of the total members of the Association.
- (II) The meeting requested by members by petition shall be held not later than one month following postal delivery of such request.
- (III) No counter petition shall be allowed to prevent such a meeting to be held.
- (IV) The quorum for any Special General Meeting shall be the same as that for General Meetings.

(V) When no quorum is obtained within one hour after the scheduled time for a Special General Meeting convened on the request of the petitioners, such meeting shall be considered as cancelled.

22. Proxy

Decisions shall be by voting personally or by proxy. No member shall vote for more than 9 members at a time by proxy.

I ofbeing a member of Estate Agents Association hereby appoint of as my agent and proxy to vote for me on my behalf at the..... General Meeting of the Association to be held on the day of or at any adjourned meeting thereof.

Date Signature.....

23. Motions

- (I) Motions to be considered at meetings shall be in written form submitted and addressed to the Secretary at least five days before the meeting is to be held.
- (II) Motions before being submitted for debate and approval shall be proposed and seconded.
- (III) Urgent motions shall be accepted for debate at General Meetings excluding motion for the dissolution of the Managing Committee and its replacement by a Caretaker Committee pending fresh elections notwithstanding subsection I of this rule, if a majority of members present and voting so decide.

24. Amendments of Rules

The Rules of this Association shall be amended at General Meeting by a majority vote of members present and voting provided that publication is given to this intention in the press at least 8 days before and to members on the nature of the amendment.

25. Legal Process

The Association shall sue and be sued plead or impleaded and shall do all other acts by its incorporate name and through its Secretary.

26. Handing Over

The officers of the Association shall hand over all documents and properties of the Association to their successors at latest a fortnight after the end of their term of office or their resignation.

27. Affiliation - Amalgamation

The Association may be affiliated to any international organisation or affiliated or amalgamated to any national organisation having common objects subject to ratification by a majority of its members present and voting.

28. Auditors

1. Any auditor shall be appointed at the General Meeting, removed and replaced by a decision of a General Meeting.
2. The Committee shall upon written request by the Auditor submit the accounts of the Association for audit.
3. The Auditor shall make a thorough examination of all books and documents including bank statements and passbooks in the custody of the Treasurer at least once quarterly and shall forthwith report to the President and the Committee any error or omission detected and the course of the examination.
4. He shall also verify and certify all statements of accounts previous to their being submitted to the proper authority along with an inventory of all belongings of the Association at least once yearly.
5. The appointment of the Auditor shall be subject to the approval of the Registrar.

29. Dissolution

The Association may be dissolved in conformity with the law.

Date: 29th of October 1990

Signature of Secretary

Seal and Signature of Registrar