

INSTITUTE OF QUANTITY SURVEYORS SRI LANKA
(INCORPORATED BY ACT NO 20 OF 2007)
RULES

PRELIMINARY

1. i. The rules contained herein (Hereinafter referred to as the Rules) shall be the rules for the purposes of Section 7 of the Institute of Quantity Surveyors, Sri Lanka (Incorporation) Act No. 20 of 2007. In the event of any inconsistency between the Act and the Rules, the Act shall prevail.
- ii. APPENDICES scheduled to the Rules are:

Appendix 1 – By-laws
Appendix 2 – Requirements for Membership
Appendix 3 – Annual Subscriptions and Fees
Appendix 4 – The Code of Professional Conduct and Ethics
Appendix 5 – Calculation of points for Research and Scholarship

(Inserted on 13.7.2018.)

INTERPRETATION

2. i. “The Institute” means the “Institute of Quantity Surveyors Sri Lanka” incorporated by the Act mentioned below.
- ii. “College of Quantity Surveying (Guarantee) Limited” means a body corporate incorporated as a place of education to conduct courses leading to qualifications in Quantity Surveying”.
- iii. “The Act” means the Institute of Quantity Surveyors, Sri Lanka (Incorporation) Act No 20 of 2007.
- iv. When any provision of the Act is referred to, the reference is to such provisions as modified by any Statute for the time being in force.
- v. Unless the context otherwise requires, the expressions defined in the Act or any statutory modification thereof, for the time being in force, shall have the meaning so defined.
- vi. “The Council” means the Office bearers of the Institute and the Executive members for the time being of the Council hereby constituted and hereinafter defined in the Rule 47 (i) pursuant to section 5 of the Act.
- vii. “The Rules” means the rules given herein including those amended altered to or rescinded from time to time in accordance with the Act.
- viii. “The By-laws” means the By-laws scheduled to the Rules (Appendix 1) or such other By-laws as shall, for the time being, in force including those added or altered or adopted by the Council in accordance with the Rule 46.
- ix. “Requirements for Membership” means the requirements for the time being, in force and which has to be met by the applicants who will apply for the membership of the Institute (Appendix 2 scheduled to the Rules) or such other requirements that may be added or altered or adopted by the Council from time to time in accordance with the Rules.
- x. “Annual Subscriptions and Fees” means the subscriptions and fees for the time being in force as shall become due from or payable by the Members (Appendix 3 scheduled to the Rules) or such other subscriptions and fees that may be added or altered or adopted by the

(Amended on 5.3.2020.)

Council from time to time in accordance with the Rules.

- xi “The Code of Professional Conduct and Ethics” mean the standards of professional conduct for the time being in force to which Members of the Institute must adhere, (Appendix 4 scheduled to the Rules) including such other code of conduct and ethics added or altered or adopted by the Council from time to time in accordance with the Rules.
- xii The word “Members” mean Corporate members and Non Corporate members of the Institute for the time being having memberships of the Institute and persons who shall be admitted to the Institute as Corporate members or Non Corporate members in any of the grades of membership hereinafter defined but for the purpose of the Act the word “Members” mean Corporate members only.
- (Amended on 5.3.2020;
31.07.2020.)
- xiii The words “Corporate member” mean the person for the time being having membership of the Institute as a Honorary Life Fellow grade member, Fellow grade member or Member grade member who also shall be referred to as the Chartered Quantity Surveyor in accordance with the Act.
- xiv The words “Non-Corporate member” mean the person for the time being having membership of the Institute in any of the grades of membership hereinafter defined, namely Registered member, Graduate member, Technical member, Probationary member, Subscribing member, and Student member.
- (Amended on 27.3.2015.)
(Amended on 5.3.2020.)
- xv The words “Approved Employment” means, for purposes other than applying for Member grade membership, being employed in the Quantity Surveying field as a Principal or a Director or an employee in one of the following: -
- (a) A firm of Chartered Quantity Surveyor or a firm of Chartered Quantity Surveyors as defined in the Section 13 (4) of the Act.
 - (b) A private practice of a Chartered Quantity Surveyor as defined in the Section 13 (4) of the Act.
 - (c) Quantity Surveying unit of a Public Sector organization duly recognized by the Institute.
 - (d) Quantity Surveying unit of a Private Sector organization duly recognized by the Institute.
 - (e) Tertiary educational institution such as University, Technical College and any other higher educational institution recognized by the Institute, engaging in full time lecturing in the field of Quantity Surveying.
 - (f) Any other organization the Institute may recognize as performing Quantity Surveying Work.
- (Inserted on 27.3.2015.)
(Amended on 5.3.2020.)
- xv(A) For purposes of applying for Member grade membership, “Approved Employment” means being employed in the Quantity Surveying field as an employee working directly under the supervision of a Chartered Quantity Surveyor or a full voting member of a Quantity Surveying professional body recognized by the Governing Council, in any one of the following:

- (a) A firm of Chartered Quantity Surveyor or a firm of Chartered Quantity Surveyors as defined in the Section 13 (4) of the Act.
- (b) A private practice of a Chartered Quantity Surveyor as defined in the Section 13 (4) of the Act.
- (c) Quantity Surveying unit of a Public Sector organization duly recognized by the Institute.
- (d) Quantity Surveying unit of a Private Sector organization duly recognized by the Institute.
- (e) Tertiary educational institution such as University, Technical College and any other higher educational institution recognized by the Institute, engaging in full time lecturing in the field of Quantity Surveying.
- (f) Any other organization the Institute may recognize as performing Quantity Surveying Work

Or in the event of all above being inapplicable, under the supervision of a supervisor approved by the Professional Affairs Board.

- xvi “Working day” means a day other than Saturday, Sunday and public and mercantile holiday.
- xvii “Day” means a calendar day.
- xviii Expressions referring to writing shall, unless the contrary intention appears, be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form.
- xix Words importing persons shall include corporations, words importing the masculine gender shall include the feminine and words importing the singular shall include the plural and *vice versa*.

MEMBERSHIP

Members and the Register of the Members

- 3. The Corporate members and the Non-Corporate members of the Institute as on the day preceding the date of commencement of the Act and such persons as the Council shall thereafter admit to membership shall be the Corporate members or the Non-Corporate members of the Institute and their names shall be entered in the Register of Members accordingly. Nevertheless, only those sections of such register containing the names of the Corporate members shall constitute the Register of Members kept pursuant to Section 6 of the Act.

Restrictions on membership

- 4. Membership of the Institute shall not be open to any person who is not primarily concerned with Quantity Surveying and election to membership shall be in accordance with the membership criteria as described in the “Requirements for Membership” (Appendix 2) upon evaluation of application for membership and would be at the sole discretion of the Council.

No person shall be admitted to the membership of the Institute or shall remain as a Member of the Institute if he;

- i. has been convicted by a court in Sri Lanka or abroad for a criminal offence as shall be prescribed by the law.
- ii. has been adjudged by a court in Sri Lanka or abroad to be unsound mind.

- Classification of membership**
5. Membership of the Institute shall be classified according to the grades of membership as defined herein and in the document “Requirements for Membership” (Appendix 2) and no person shall be eligible for membership of the Institute otherwise than in accordance with the provision in the said Appendix, such provision to be read as the minimum standard in each case.
6. In exceptional cases only the regulations governing admission to any grade of membership may be overridden by particular and special consideration which, in the opinion of the Council, may warrant that an applicant be exempted from taking examinations of the Institute, provided always that such consideration shall be limited to those which the Council may hold to be expressly or impliedly established by the “By-laws” (Appendix 1) for the time being of the said examinations in relation to contents in the “Requirements for Membership” (Appendix 2).
- Change of Address or Employment**
7. Should any Member of the Institute at any time change, his address or place of employment he shall forthwith notify the Secretary of the Institute in writing, giving full particulars.
- Special Retention of membership**
8. Should any Member at any time cease to fulfill any of the conditions of eligibility appropriate to his grade of membership, he shall forthwith notify the Secretary of the Institute in writing, giving full particulars of the changed circumstances and thereafter the continuance or cancellation of his membership or the retention or amendment of his membership grade, shall lie at the discretion of the Council, whose decision shall be absolute and final and the Council shall not be obliged to disclose the reasons for its decision and pending such decision, his membership and grade thereof shall meanwhile hold good, subject always to the Rules and the By-laws.
- Ceasing of membership**
9. Upon any person ceasing membership of the Institute, notice of the fact shall be published in the Journal/ Web Site of the Institute and the person’s name be deleted from the Register of Members.
10. All Corporate members ceasing membership of the Institute shall surrender their membership certificates to the Secretary of the Institute.
11. Any Member who has ceased membership of the Institute may be re-admitted to membership at the absolute discretion of the Council, provided that all the regulations regarding membership are satisfied.
- Confirmation of fulfillment of Condition of membership**
(Amended on 13.7.2018, to be effective from 1.4.2020.)
12. Every Member of the Institute shall be required once in each year to declare on a form provided by the Council that he is still engaged in Quantity Surveying Work, in the manner under which his particular grade of membership was granted and in conformity with the regulations governing membership and that such Member attended a minimum of fifteen (15) hours of CPD programmes recognized by the Institute in the twelve months immediately preceding. Such forms provided by the Council may be attached to any printed reminders for payment of subscriptions circulated to the Members.
- Members retired**
13. Any Member of the Institute retiring from practice for any reason whatsoever shall forfeit his rights of membership, but at the discretion of the Council may be permitted to become a Subscribing member on payment as prescribed from time to time by the Council.
- Power for electing Members**
14. The Council alone shall have the power to enroll the Members of the Institute and to decide whether any person proposed for or seeking membership has or has not fulfilled the requirements applicable to his case.
- Rights and privileges of**
15. The rights and privileges of every Member of the Institute shall be personal to

Members

himself and shall not be transferable or transmissible by his own act or by operation of law.

16. The rights and privileges of all Members shall be to enjoy the facilities provided by the Institute and as provided in the Rules and only the Corporate members shall have the right of voting on all matters put to a vote. Non Corporate members, namely Graduate members, Technical members, Probationary members, Student members, Subscribing members and Registered members shall not have the right of voting, nominating or seconding in any elections, nor at any Annual General Meeting, nor Extraordinary General Meeting, of the Institute, nor of any overseas group thereof and such rights as aforesaid shall be specifically the rights only of the Corporate members.

Student membership

17. i. The Council may register as a Student member of the Institute any person who complies with the general conditions of admission and the requirements for the Student membership set out in the "Requirements for Membership" (Appendix 2).
- ii. The Council may also register as a Student member of the Institute any person who is not employed in the Approved Employment but following a Quantity Surveying Course recognized by the Institute in any one of the following institutions as an undergraduate or a student.

(Amended on 5.3.2020.)

- (a) A University recognized by the Institute,
(b) College of Quantity Surveying (Guarantee) Limited,
(c) Tertiary educational institution recognized by the Institute,
(d) Any other educational institution recognized by the Institute.

(Amended on 5.3.2020.)

They shall not be considered as Student members who are eligible candidates to sit for the examinations conducted by the Institute but shall be entitled to the benefits and the privileges enjoyed by the other members in the Student membership category of the Institute.

18. A person shall not remain a Student member of the Institute for a period exceeding ten (10) years from the date of his registration as a Student member, save by the express special authority in writing by the Council, lacking which a Student member shall, upon the expiry of the said period of ten (10) years, forfeit his membership of the Institute forthwith and his name shall be deleted from the Register of Members.
19. A person must become registered as a Student member of the Institute before he will be permitted to sit for any examinations of the Institute save as it may be expressly provided otherwise in the "Bye-laws" and the "Requirements for Membership" (Appendix 1 and Appendix 2).

Probationary membership

20. The Council may register as a Probationary member of the Institute any person who complies with the general conditions of the admission and the requirements for the Probationary membership set out in the "Requirements for Membership" (Appendix 2).
21. A person shall not remain a Probationary member of the Institute for a period exceeding ten (10) years from the date of his registration as a Probationary member save by the express special authority, in writing, of the Council, lacking which, a Probationary member upon the expiry of the said period of ten (10) years, shall forfeit his membership of the Institute forthwith and his name shall be deleted from the Register of Members.

(Amended on 5.3.2020.)

22. A person must become registered as a Probationary member of the Institute before he will be permitted to sit for the prescribed examination/ Assessment of

Technical Competence (ATC), and *viva-voce* for the Registered membership save as it may be expressly provided otherwise in the “By-laws” and the “Requirements for Membership” (Appendix 1 and Appendix 2).

**Graduate membership,
Technical membership
and Registered
membership**

23. i. **Graduate membership**

The Council may register as a Graduate member of the Institute a graduate who has been a Student member of the Institute for minimum of one (01) year prior to the graduation and comply with the general conditions of admission and the requirements for the Graduate membership set out in the “Requirements for Membership” (Appendix 2).

The Council may not register as a Graduate member of the Institute a graduate who has not been a Student member of the Institute in accordance with the Rule 17 (ii) above even though the graduate complies with the general conditions of admission and the requirements for the Graduate membership set out in the “Requirements for Membership” (Appendix 2). However, such graduates shall apply for Graduate membership of the Institute one (01) year after the date of graduation.

A person shall not remain a Graduate member of the Institute for a period exceeding ten (10) years from the date of his registration as a Graduate member save by the express special authority, in writing, of the Council, lacking which, a Graduate upon the expiry of the said period of ten (10) years, shall forfeit his membership of the Institute forthwith and his name shall be deleted from the Register of Members.

ii. **Technical membership**

The Council may register as a Technical member of the Institute any person who complies with the general conditions of admission and the requirements for the Technical membership set out in the “Requirements for Membership” (Appendix 2).

iii. **Registered membership**

The Council may register as a Registered member of the Institute any person who complies with the general conditions of admission and the requirements for the Registered membership set out in the “Requirements for Membership of Institute” (Appendix 2).

(Amended on 5.3.2020.)

24. A person must become registered as a Graduate member or Technical member of the Institute before he will be permitted to maintain the diaries and sit for the prescribed Assessments of Professional Competence (APC) and the *viva-voce* of the Institute for the Member grade membership save as it may be expressly provided otherwise in the “By-laws” & the “Requirements for Membership of the Institute” (Appendix 1 and Appendix 2).

Associate membership
(Amended on 5.3.2020.)

25. The Council may register as a Member grade member of the Institute any person who complies with the general conditions of admission and requirements for the Member grade membership set out in the “Requirements for Membership” (Appendix 2).

Fellow membership

26. The Council may register as a Fellow member of the Institute any person who complies with the general conditions of admission and requirements and meets the selection criteria for the Fellow membership set out in the “Requirements for Membership” (Appendix 2).

Honorary Fellow membership

27. Any person, in recognition of notable service rendered by him to the Institute in particular or to the Quantity Surveying profession in general, or who by virtue of position, experience, eminence, rank or otherwise, may be able to render valuable assistance towards promoting the aims and objects of the Institute, or the welfare and high standing of the Quantity Surveying profession in general, may be elected by the Council as an Honorary Fellow of the Institute, such an appointment shall not constitute him a Member of the Institute and he shall not have voting rights. A proposal for such an election must be subscribed by at least three (3) Fellow members of the Institute.

Honorary Life Fellow
(Inserted on 5.3.2020.)

27.a. Council may elect any Fellow member of good standing for not less than 5 years, being more than 55 years of age, having rendered notable service to the Institute and to the Quantity Surveying profession and served as a member of the former Governing Councils of the Institute for more than 10 years, consecutively or otherwise, as a Honorary Life Fellow on receipt of such proposal signed by three other Fellow members. The Honorary Life Fellow will have voting rights as a Corporate member and shall not be required to pay membership subscription fees for maintaining the Fellow membership but shall fulfill all other requirements for maintenance of annual membership.

Determination of membership

28. Any Member of the Institute may determine his membership at any time on giving to the Council written notice of his desire, but he shall nevertheless continue liable to pay any subscription or arrears of subscription due at the date of such notice.

ANNUAL SUBSCRIPTIONS

Subscriptions to be paid

29. The Annual Subscriptions shall be paid in full direct to the Institute by each respective Member of the Institute, both in Sri Lanka and overseas, such subscriptions shall be paid in advance and payment shall become due on 1 April in each year as stipulated in “Annual Subscriptions and Fees” (Appendix 3).

The Council may amend the Annual Subscriptions and Fees payable by the Members subject to approval at a General Meeting.

30. The Council shall have power to excuse payment of part of or all of subscriptions of any Member who is unable to pay the subscription due to personnel difficulties provided such difficulties are justified by the Member to the satisfaction of the Council.

31. If any Member shall leave his subscription in arrear for six (6) months he shall be suspended from the membership of the Institute. If he shall fail to pay such arrears within three (3) months after written notice of his default has been given to him by the Secretary of the Institute, his name may be struck off from the Register of Members of the Institute, by the Council at any time afterwards and he shall thereupon cease to have the rights as a Member of the Institute, but he shall nevertheless continue liable to pay the arrears of subscriptions due at the time at which his name was struck off. Provided always that the striking off as aforesaid shall be at the discretion of the Council and subject to the Bye-laws and such further conditions as may be prescribed by the Council.

DISCIPLINARY PROCEDURE

(Original provision repealed and replaced on 27.3.2015.)

32. 1. Where the Council has reasonable cause to believe, whether on complaint made to it or otherwise, that any person who is a Member of the Institute has been guilty of professional misconduct, the Council shall refer such matter to the Professional Affairs Board, for investigation and report to the Council, whether a *prima facie* case of professional misconduct exists as against such

Member.

2. Where the Professional Affairs Board reports to the Council that a *prima facie* case of professional misconduct exists as against any such Member, the Council shall appoint a Disciplinary Committee for purpose of inquiring into the alleged professional misconduct of such Member.
3. The Council shall not take any further steps in respect of any such Member's alleged professional misconduct, unless a properly constituted Disciplinary Committee has, after inquiry, submitted a report to the Council in respect of such Member's alleged professional misconduct.
4. The Council may take any such steps in respect of any such Member's alleged professional misconduct, including but not limited to issue of a letter of warning, severe reprimand, suspension from membership for a stipulated period of time or disenrollment from membership, as it may deem appropriate.
5. The Council may remove from membership any Member of the Institute, if satisfied that such Member is unfit to practice the profession of quantity surveying as such Member has been guilty of professional misconduct.
6. Such disenrollment from membership of any Member under above sub-section shall not prevent the Council from subsequently re-enrolling that person, upon written request, if satisfied that such person is fit to practice the profession of Quantity Surveying.
7. For all purposes of the Act, Rules, regulations and By-laws of the Institute, the decision of the Council shall be final and conclusive, which shall immediately be communicated to such relevant member by Secretary, under registered cover addressed to the last known place of correspondence of such Member.
8. For the purposes of these rules, "professional misconduct" means any act, commission or omission which is inappropriate in accordance with the Act, Rules and By-laws of the Institute and the Rules of Professional Conduct and Ethics of the Institute, as applicable at the time of alleged professional misconduct.
9. The Council may from time to time, amend or alter or add to or delete any or all of the provisions of these rules, as it may be deemed necessary.

**PROCEDURE AND
CONDUCT OF A
DISCIPLINARY
COMMITTEE**

(Inserted on 27.3.2015.)

- 32A.
1. For purposes of any inquiry to be conducted under sub-section 32(2) above, the Council shall appoint a Disciplinary Committee comprising of three members of the Institute, two of whom shall be members of the Council selected by drawing lots, other than the President and Secretary, and the other nominated by the Council, being a Member of the Institute with not less than 10 years of unrestrained Corporate membership of the Institute.
 2. There shall be a Chairman of the Disciplinary Committee appointed by consent of the members of the Disciplinary Committee.
 3. The Secretary for the time being of the Council shall be the Secretary of every Disciplinary Committee so appointed and every notice and/ or correspondence issued for purposes of such Disciplinary Committee shall be signed by such Secretary as the Secretary of the Disciplinary Committee, provided however, that such authority may be delegated by the Council to the Assistant Secretary of the Council, strictly on case by case basis.
 4. The Disciplinary Committee shall cause a statement to be prepared setting out the charges to be inquired in to by the Disciplinary Committee, and the

Secretary shall transmit a copy of the statement to each member of the Committee and to the Member whose conduct is the subject of the inquiry.

5. Where the inquiry is to be held in consequence of a petition or complaint alleging misconduct by any such Member, the Secretary shall in addition transmit a copy of that petition or complaint as well.
6. The Secretary shall inform the first date fixed for the inquiry to such Member whose conduct is the subject of an inquiry, through not less than fourteen (14) days prior notice delivered under registered cover addressed to the last known place of correspondence submitted to the Institute by such Member.
7. Where any such Member to whom such a notice has been enclosed at least fourteen (14) days before, fails to appear on the date fixed for the inquiry in person without any prior notice, the inquiry may be conducted by the Disciplinary Committee *ex parte*.
8. The Disciplinary Committee may adjourn its proceedings for a period not exceeding one (1) month at a time.
9. A Member whose conduct is the subject of the inquiry shall participate only in person at all proceedings of the relevant Disciplinary Committee.
10. The Disciplinary Committee shall determine its procedure, in due accordance with provisions of the Act, Rules, regulations and By-laws of the Institute and principles of natural justice.
11. In any event, any such Member whose conduct is the subject matter of inquiry shall have no entitlement to contest the constitution, procedure or conduct of the relevant Disciplinary Committee.
12. If the Disciplinary Committee is of opinion that evidence of any person or production of any document or item is necessary, the Disciplinary Committee shall direct the Secretary to require the attendance of such person or production of such document or item at such time and place as may be specified in a notice which shall be delivered under registered cover.
13. Every inquiry held by a Disciplinary Committee shall, unless the Council otherwise determines in any case, be held *in camera*.
14. Any question before a Disciplinary Committee shall be determined by the decision of the majority of the members of that Committee.
15. Upon conclusion of an inquiry within six months of its constitution, the Disciplinary Committee shall prepare and transmit only to the Council a report embodying its findings on the matters in respect of which the inquiry was held, inclusive of all recordings.

MEETINGS

- | | | |
|--------------------------------------|-----|---|
| Annual General Meeting | 33. | An Annual General Meeting, for the conduct of election, receiving of annual reports and accounts and otherwise as may be prescribed shall be held once in every year at such time (not being more than fifteen months after the holding of the last preceding Annual General Meeting) and place, as may be prescribed by the Council. |
| Extraordinary General Meeting | 34. | The Council may, wherever it thinks fit, convene an Extraordinary General Meeting and an Extraordinary General Meeting shall also be convened by the Secretary of the Institute, should a requisition signed by five (5) Corporate members of the Institute and specify the object of the meeting, be at any time delivered to him. If within thirty (30) Working days after the delivery of such |

requisition a meeting is not convened in accordance therewith, the Corporate members who were the requisitionists along with fifteen (15) other Corporate members out of which the five (5) would be the Council members of the Institute may convene an Extraordinary General Meeting in accordance with the requisition. However, any meeting so convened shall not be held after the expiration of one (1) month from the last date of said thirty (30) Working days period.

Notice of Meetings

35. Not less than fifteen (15) working days notice in writing at the least, shall be given of every Annual General Meeting and of every meeting convened to pass special resolution and not less than ten (10) working days notice in writing at the least shall be given of every other General Meeting. Notice shall be exclusive of the day on which it is served and of the day for which it is given and shall specify the place, the day and the hour of Meeting and in the case of special business, the general nature of that business and shall be given to such persons (including the Auditors) as are under the Rules or under the Act entitled to receive such notice from the Institute, provided that a meeting of the Institute shall notwithstanding that it is called by shorter notice than that specified in the Rules, be deemed to be duly called if it is so agreed :-

- i. In the case of a meeting called as an Annual General Meeting by all the Corporate members entitled to vote thereat: and
- ii. In the case of an Extraordinary General Meeting by a majority in number of the Corporate members having a right to attend and vote at the Meeting, being a majority together representing not less than ninety five percent of the total voting rights at that meeting of all Corporate members

36. Accidental omission to give notice of a meeting to, or the non receipt of notice of a meeting by, any Corporate member or Non-Corporate member shall not invalidate the proceedings at any Meeting.

Proceedings at General Meetings

Business of Meetings

37. Only ordinary business shall be conducted at Annual General Meetings. All other business shall be transacted at an Extraordinary General Meeting.

38. Ordinary Business at Annual General Meetings shall include the election of the Executive members of the Council and the Office bearers of Institute, as defined herein, the consideration of Accounts and Balance Sheet, the appointment of Auditors and the fixing of subscriptions and fees payable by the Members and Auditor's fees for the ensuing year, the ordinary report of the President and of the Council and such other reports as may be stated on the agenda.

Quorum

39. No business shall be transacted at any General Meeting unless a quorum of Corporate members is present at the time when the meeting proceeds to business, save as herein otherwise provided, twenty (20) Corporate members of the Institute personally present shall be a quorum.

40. If within half-an-hour from the time appointed for the meeting a quorum is not present, such meeting shall be adjourned to such day, time and place as the Council may determine and at any such adjourned meeting the Corporate members present shall be a quorum.

Presiding of Meetings

41. i. The President of the Institute shall preside as the Chairman at every General Meeting of the Institute. If the President, is not present within fifteen (15) minutes after the time appointed for holding the General Meeting, or is unwilling to act as the Chairman, the Vice-President present shall preside or if the Vice-President is not present, or is unwilling to act as the Chairman, the Corporate members present shall

choose one of their members to be the Chairman to preside the General Meeting.

- ii. The person who presides shall regulate the order and procedures of such meetings according to the Rules, the Bye-laws and other regulations as applicable. He shall call to order and otherwise exercise the normal duties and rights of the person who is presiding including the right of a casting vote.

Voting at Meeting

42.
 - i. Any decision required at a General Meeting shall, except where otherwise provided in the Act or the Rules be ascertained by a simple majority on a show of hands or otherwise decided by the membership present at the General Meeting. Provided that any General Meeting a poll, may, before or upon the declaration of the result of the show of hands, be demanded by the Chairman or by at least three (3) Corporate members present in person, and unless a poll be so demanded a declaration by the Chairman of the meeting that a resolution has been carried, or carried unanimously or by a particular majority, or lost, or not carried by a particular majority and as entry to that effect in the minute book of the Institute maintained by the Secretary shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution. The demand of a poll may be withdrawn.
 - ii. If a poll be demanded in a manner aforesaid, it shall be taken at such time and place and in such manner, as the Chairman of the meeting shall direct and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.
 - iii. No poll shall be demanded on the election of a Chairman of a meeting or on any question of adjournment.
43. Each Corporate member of the Institute entitled to vote shall have one vote on any one motion. In the case of equality of votes, the Chairman shall have the casting vote. All votes shall be given personally and proxies shall not be allowed.

Minutes of Meeting

44. Minutes shall be kept of all Meetings by the Secretary, in books preserved for the purpose and which shall specifically describe: -
 - a. All elections or appointments.
 - b. The names of those Corporate members present.
 - c. All resolutions, the results of any voting and all proceedings.

PROCEEDINGS AT ALL OTHER MEETINGS

Council Meeting

45.
 - i. Meetings of the Council shall be presided by the President of the Institute and the President, if not present within fifteen (15) minutes after the time appointed for holding the Council Meeting, or is unwilling to preside, the Vice-President present shall preside or if the Vice-President is not present, or is unwilling to preside, the members of the Council present shall choose one of their members to preside the Council Meeting.
 - ii. Any committee meetings of the Institute shall be presided by the appropriate elected Chairman. If there is no previously elected Chairman for any committee, or if at any meeting the appropriate Chairman is not present within fifteen (15) minutes of the time appointed for holding the meetings, or is unwilling to act as the

Chairman, the Vice-Chairman (if any) shall preside, or if there is no Vice-Chairman present or unwilling to act as the Chairman the members of the committee present shall elect one of their member to be the Chairman. The Secretary of the Institute shall be informed of such election by a letter with signatures of all committee members together with the Minutes of the Committee Meeting.

Voting at Council Meeting/ Committee Meeting/ Board Meeting

- iii. The person who presides Council Meeting/ Committee Meeting/ Board Meeting shall regulate the order and procedures of such meetings according to the Bye-laws and other regulations as applicable. He shall call to order and otherwise exercise the normal duties and rights of the person who is presiding including the right of a casting vote.
- iv. Any decision required at a Council meeting or committee meeting be ascertained by a simple majority on a show of hands.

BY-LAWS

Authority and Application of By-laws 46.

The Council shall have power by resolution to make, vary and repeal By-laws, Standing Orders for specific purposes, which shall become binding on the Members or on a particular class or classes of Members and such By-laws or Standing Orders shall deal with all matters which by the Rules are left to be prescribed thereby and all such other matters which shall be made the subject of By-laws; provided that no By-laws, Standing Orders shall be made which is inconsistent with, or varied so as to render it inconsistent with the Rules and the Act; Provided always that any such amendments or additions to the By-laws, Standing Orders be circulated to all Members whom they affect and due notice be given to such members before adoption and that any such amendments or additions to the By-laws be incorporated into any editions thereof published after the date of such amendments and additions. In the alternative the Council may by special resolution alter or add to the By-laws or adopt new By-laws in substitution for the previously in force.

COUNCIL

Composition of Council and its Meetings 47.

(Amended on 27.3.2015.)

- i. Unless otherwise determined by the Institute in a General Meeting, the Council shall consist of the President, the Immediate Past President, Vice President, the Secretary, the Assistant Secretary, the Treasurer, the Assistant Treasurer, and maximum of Ten (10) Executive members all of whom shall be citizens of Sri Lanka with permanent residency in Sri Lanka.
- ii. Council shall meet once each month. The Secretary of the Institute shall convene an Extra Ordinary Council Meeting if directed by the President and / or upon receipt of a written requisition signed by at least three (3) members of the Council, to consider any matter specified by the President or in such requisition within seven (7) Working days after the receipt of such direction of the President or such requisition.

Powers and Duties of the Council 48.

The management of the affairs and business of the Institute shall be vested in the Council who may exercise all such powers as are not by the Act, by the By-laws or by the Rules, required to be exercised by the Institute in a General Meeting, but no new By-laws made or the Rules adopted shall invalidate any prior act of the Council which would have been valid if that By-law or the Rules had not been made or adopted.

49. The Council may exercise all the powers of the Institute to invest, borrow or raise money and to mortgage or charge the undertaking and property of the Institute and to create or issue Debentures, Debenture Stock and other securities of any description whatsoever.
50. The Council may elect honorary officers as it may consider desirable, but such elections shall not constitute those so elected members of the Council or of the Institute.
51. Any decisions of the Council, in general business shall be final and binding on all Corporate members and Non-Corporate members of the Institute.
52. No Office bearer of the Institute nor individual Executive member of the Council nor a member of any committee nor a member of any board nor any officer shall have the power to make any official decisions, actions, statements, or implications construable as officially given by the Council, apart from the power ordinarily bestowed upon officers and the Chairman as indicated herein, or as may otherwise be provided by the Council.
53. The Council may assign any of its duties to Standing or Special committees or Boards and may create such regulations concerning these committees or boards as may be necessary provided that the membership of such committees or boards is restricted to the Corporate members of the Institute with the exception of committees or boards dealing with education, training, examinations and research when Non Corporate members may be included, but such Non Corporate members shall not be entitled to vote at meetings of such committees or boards.
54. Any act done in good faith by a member of the Council whose office is vacated by decease, resignation or disqualification shall be valid unless prior to the doing of such act, written notice shall have been served upon the Institute or an entry shall have been made in the Council's Minute Book stating that such member has ceased to be a member of the Council.
55. A member of the Council shall not vote in respect of any contract in which he is interested or a matter arising therefrom and if he does so his vote shall not be counted.

Quorum of the Council Meetings

56. One third (1/3) of the members of the Council elected for the period shall form a quorum at a Council Meeting. The Council shall regulate its own procedure, which may be defined in any Standing Orders which the Council may prescribe, provided that such Standing Orders to regulate procedure of the Council be adopted or amended, only by resolution in Council supported by at least two thirds (2/3) of the members of the Council present at the meeting.
57. The continuing members of the Council may act notwithstanding any vacancy therein and if and so long as, the number of members of the Council is reduced below the number fixed by, or pursuant to, the Rules of the Institute as the necessary quorum thereof, the continuing members may act for the purpose of increasing the numbers to that number or to summon a General Meeting of the Institute, but for no other purpose.

Remuneration for members of the Council/ Committees/ Boards

58. No member of the Council, nor of any member of committee or board, nor any Office bearer of the Institute, shall be paid any remuneration for his services [except as provided under the Rule 58 (ii)] but he shall be entitled to be paid all his reasonable traveling and other expenses properly and necessarily incurred by him in and about the business of the Institute.

The foregoing shall not debar reasonable payment for the services of examiners for any examinations of the Institute, be the examiners, Members of the Institute or not. Provided always that: -

- i. The number of members of the Council appointed as examiners at a remuneration shall not at any time exceed two-third ($2/3$) of the total number of the members of the Council then in office;
- ii. The rate of the remuneration paid to such members of the Council shall not exceed that paid to examiners who are not members of the Council.
- iii. No member of the Council who is or is proposed to be appointed as an examiner shall vote at meetings of the Council or of any Committee on any resolution relating to the appointment or remuneration of examiners.

The President

59. The President of the Institute shall be a Fellow member of the Institute eminent as a Quantity Surveyor who held the office as the Vice President of the Institute at the conclusion of the preceding year and shall retain office and serve in honorary capacity for two (2) consecutive years unless removed or resign from the office or the Institute in accordance with the Rules. The President so appointed shall not hold the office for more than two (2) years consecutively.
60. Persons who have held the office of President of the Institute shall be designated on all lists of Members of the Institute and Office bearers of the Institute as Past Presidents of the Institute.

The Vice President

61. The Vice President of the Institute shall be a Fellow member of the Institute eminent as a Quantity Surveyor who is presently a Council member with at least three (3) years standing as an Executive member of the Council. The Vice President shall be nominated by the Council prior to and shall be elected each year at the Annual General Meeting and shall remain office and serve in honorary capacity for two (2) consecutive years unless removed or resigned from the office or the Institute in accordance with the Rules. The Vice President so elected shall not hold the office for more than two (2) years consecutively. The benefits brought to the Institute by an individual as a Corporate Member or a Council Member shall be recognized as a qualification for nomination to the vice presidency. Vice President may be empowered to act as a deputy to the President when a deputy is necessary.

When counting the required number of years standing as a member of the Council it shall not necessarily be consecutively.

The Secretary

62. The Secretary of the Institute shall be a Fellow member of the Institute who is presently a Council member with at least two (2) years standing as an Executive member of the Council and shall be nominated by the Council prior to and shall be elected each year at the Annual General Meeting and shall retain office and serve in honorary capacity until the next ensuing Annual General Meeting unless removed or resign from the office or the Institute in accordance with the Rules. The Secretary so elected shall not hold office for more than two (2) years consecutively.

(Amended on 5.3.2020.)

In the event of a Fellow member is not available for nomination, the Council shall have the right to nominate a Member grade member with at least two (2) years standing as an Executive member of the Council for the post of Secretary.

When counting the required number of years standing as a member of the Council it shall not necessarily be consecutively.

The Treasurer

63. The Treasurer of the Institute shall be a Fellow member of the Institute who is presently a Council member with at least two (2) years standing as an Executive member of the Council and he shall be nominated by the Council prior to and

shall be elected each year at the Annual General Meeting of the Institute and shall retain office and serve in honorary capacity until the next ensuing Annual General Meeting unless removed or resign from the office or the Institute in accordance with the Rules. The Treasurer so elected shall not hold office for more than two (2) years consecutively.

(Amended on 5.3.2020.)

In the event of a Fellow member is not available for nomination, the Council shall have the right to nominate a Member grade member with at least two (2) years standing as an Executive member of the Council for the post of Treasurer.

When counting the required number of years standing as a member of the Council it shall not necessarily be consecutively.

The Assistant Secretary

64. The Assistant Secretary of the Institute shall be a Corporate member of the Institute who is presently a Council member with at least two (2) years standing as an Executive member of the Council and shall be nominated by the Council prior to and shall be elected each year at the Annual General Meeting and shall retain office and serve in honorary capacity until the next ensuing Annual General Meeting unless removed or resign from the office or the Institute in accordance with the Rules. The Assistant Secretary so elected shall not hold office for more than two (2) years consecutively.

When counting the required number of years standing as a member of the Council it shall not necessarily be consecutively.

The Assistant Treasurer

65. The Assistant Treasurer of the Institute shall be a Corporate member of the Institute who is presently a Council member with at least two (2) years standing as an Executive member of the Council and shall be nominated by the Council prior to and shall be elected each year at the Annual General Meeting and shall retain office and serve in honorary capacity until the next ensuing Annual General Meeting unless removed or resign from the office or the Institute in accordance with the Rules. The Assistant Treasurer so elected shall not hold office for more than two (2) years consecutively.

When counting the required number of years standing as a member of the Council it shall not necessarily be consecutively.

Executive Members of the Council

(Amended on 27.3.2015.)

66. To be elected as an Executive member of the Council a member must be a Corporate member with at least two (2) years standing as an active member of a committee or a board of the Institute and shall be elected to the office in the manner stipulated in the Rules 67 to 79 or Rules 80 to 82.

The Executive members of the Council shall serve in honorary capacity.

When counting the required number of years standing as an active member of a board of the Institute it shall not necessarily be consecutively.

(Amended on 27.3.2015.)
(Amended on 5.3.2020.)

67. At each Annual General Meeting of the Institute, four (4) Executive members of the Council shall retire from office, but every such retiring Executive member shall be eligible for re-election and unless he shall signify his desire to the contrary, shall be considered as nominated for re-election.

(Amended on 27.3.2015.)

68. The four (4) Executive members aforesaid shall be those who have been longest in office. As between two or more who have been in office an equal length of time, the Executive member or Executive members to retire shall be determined between the Executive members concerned themselves, or in default of agreement between them, be determined by lot by the Council. The length of time an Executive member has been in office shall be computed from his last election or appointment.

- (Amended on 27.3.2015.)
(Amended on 5.3.2020.)
69. In the event of any Executive members of the Council desiring to resign from office at an Annual General Meeting, the number thereof shall be included in the list of four (4) Executive members to retire aforesaid. Executive members elected to fill casual vacancies as provided in the Rule 81 shall also be included in the list of four (4) Executive members aforesaid subject to the Rule 66.
- (Amended on 27.3.2015.)
70. Provided that where the number of any Executive members resigning from office at the Annual General Meeting together with the number of Executive members elected to fill casual vacancies exceed four (4) Executive members to retire as aforesaid, then the number to retire shall be the total of such retiring members together with those filling casual vacancies and in these circumstances the Rules 67 and 68 shall not apply.
71. The Executive members of the Council to retire from office and those to stand for re-election as provided herein shall be determined by the Council prior to the preparation the list for election if necessary, at the Annual General Meeting.
72. Any Corporate member may be nominated in writing by at least two (2) other Corporate members of the Institute to stand for election as an Executive member of the Council. Provided that such nomination be accompanied by the nominated member's written agreement to stand for election and be received at the office of the Institute at least eight (8) weeks prior to the date of the Annual General Meeting of the Institute, any such nominations received after such closing date to be disqualified.
73. At least Twelve (12) weeks notice prior to the Annual General Meeting shall be given to all Corporate members of the Institute (for which purpose a notice in the Journal or Web Site of the Institute may be deemed full and proper notice) of the provisions of the Rule 72 and stipulating a closing date for return of any nominations as provided therein, which closing date shall provide four (04) weeks interval after the date of the notice.
- (Amended on 27.3.2015.)
74. In the event of the number of nominations exceeding, the number of vacancies, at least two (2) weeks prior to the Annual General Meeting of the Institute, a copy of the List for election at the Annual General Meeting shall be sent to every Corporate member of the Institute (for which purpose, a notice in the Journal or Web Site of the Institute may be deemed full and proper notice). Such list for election shall not be sent to the Non-Corporate members of the Institute who shall not have power to vote.
- (Repealed on 27.3.2015.)
75. Repealed.
76. The election of Executive members of the Council shall be performed by the Corporate members of the Institute present at the Annual General Meeting of the Institute, in each year. The number of Executive members to be elected shall be a number not exceeding the number of vacancies, as provided in the Rules 67, 68 and 69. In electing Executive members of the Council, the Meeting shall follow provisions contained in the Rule 42.
- Request for Nomination
for Election of Executive
members of the Council**
- (Amended on 27.3.2015.)
77. The list for Election as described at Rule 74, if necessary, at the discretion of the Council shall indicate every candidate for election as an Executive member, as provided in the Rules. Indication shall be made as to those members retiring and standing for re-election and those who are new nominations and in the case of the latter, the nominators respective to each such candidate shall be stated. In the case of each candidate the particulars of qualifications of the candidate and any other relevant information, such as service as Chairman of Committees or Board and the like shall be given. The number of vacancies which may be filled shall be stated and provisions made for nominations the voter to record his vote up to that number, against the names of the candidates.

- (Amended on 27.3.2015.)
78. The list for Election as described at Rule 74, where necessary, at the sole discretion of the Council shall indicate, in addition, all persons nominated by the Council as Office bearers of the Institute and the names of Executive members of the Council who are remaining in office.
79. The Council may make such decisions concerning nominations or Elections as final-as may, in their opinion, be necessary prior to any action.
- Casual Vacancies in the Council**
(Amended on 30.9.2011, effected retrospectively from 7.10.2010.)
80. Any casual vacancy occurring among the Office bearers of the Institute and the Executive members of the Council may be filled by the Council, which shall also have power to left open such vacancies of the Executive Council members at the Election in the Annual General Meeting. Any Executive Council member so appointed shall retire at the next ensuing Annual General Meeting and shall be eligible to stand for re-election. Any Office bearer so appointed shall be a duly elected Office bearer.
81. Notice of any change in the Executive members of the Council or in the Office bearers of the Institute shall be given to the Members of the Institute. For this purpose, notice in the Journal or Web Site of the Institute as soon as possible after the amendment, shall be taken as adequate. Specific written notice shall be served on all Executive members of the Council and Office bearers of the Institute.
82. Casual vacancies may be created by the decease of any member of the Council or Office bearer of the Institute, or by his resignation in writing submitted to the Secretary, or by his disqualification under the Rule 84.
- Disqualification of Council Members**
83. The office of a member of the Council shall be vacated or left vacant if the member: -
- i. Holds any office of profit under the Institute (except as provided under the Rule 58); or
 - ii. Becomes bankrupt or insolvent or compounds with his creditors; or
 - iii. Becomes of unsound mind; or
 - iv. Absents himself from the Meetings of the Council for three (3) consecutive Council Meetings without special leave of absence from the Council; or
 - v. Becomes prohibited from being a Member of the Institute by reason of any order made under the provision of the Rules/ Bye-laws; or
 - vi. Is directly or indirectly interested in any contract with the Institute and fails to declare the nature of his interest in the manner required by the Rules/ Bye-laws; or
 - vii. Ceases to be a Corporate member of the Institute; or
 - viii. Is removed from office by a resolution duly passed by the members of the Council. Or
 - ix. Is removed from office by a resolution duly passed at an Extra Ordinary General Meeting by a majority of (2/3) of the Corporate members present; or.
 - x. dies. Or

- xi. resign from his office

A member of the Council who holds some other office in the Institute shall on ceasing to be a member of the Council vacate that office.

Other Officers and Officials

84. i. The Council may at any time appoint or dismiss such other officers or officials, servants or staff, as may in their opinion be found necessary.
- ii. Provided that an officer shall be appointed from the membership of the Institute and shall be without remuneration, whereas an official may be other than a Member of the Institute and may be paid such remuneration as the Council shall decide.

ACCOUNTS

85. The Council shall cause proper books of account to keep with respective to income & expenditure assets & Liabilities and all transactions of the Institute.

The books of accounts shall be kept at the Registered Office or at such other place or places as the Council may determine and subject to any reasonable restrictions as to the time and manner of inspecting the same which may be imposed by the Institute in General Meeting, the books shall be open to the inspection of the Corporate members of all times during the usual business hours.

86. The Council shall from time to time cause to be prepared and to be laid before the Institute in General Meeting such income and expenditure accounts, balance sheets and reports as are required by the Act.

87. A copy of Balance Sheet which is to be laid before the Institute in General Meeting, together with a copy of the Auditor's report, shall, not be less than Fifteen (15) Working days before the date of the meeting, be sent to all Members entitled to receive notice of General Meeting of the Institute.

AUDITORS

88. The Auditors shall be appointed and their duties regulated in accordance with the Act.

NOTICE

89. A notice may be served upon any Member of the Institute either personally or by sending it through the post in a letter or electronic mail addressed to such member at his last address (communication or permanent) registered with the Institute.

90. Any notice, if served by post or electronic mail shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post or electronic mail and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and posted/ electronic mailed.

91. No Member of the Institute not having a registered address within Sri Lanka shall be entitled to any such notice and all proceedings may be had and taken without notice to such member in the same manner as if he had due notice.

INDEMNITY

92. The members of the Council, committees and boards and Office bearers of the Institute shall be indemnified and saved harmless out of the funds of the Institute from and against all law suits, charges, costs, losses, damages and expenses which they or any of them shall or may incur or sustain in or about the execution of their respective offices, or in furtherance of the objects of the Institute, except such charges or expenses as shall be incurred or sustained by them through their

own willful default and none of them shall be answerable for the others of them, nor for joining in any receipt for the sake of conformity only, nor for the solvency or honesty of any banker, broker or other person with whom any monies or effects belonging to the Institute may be lodged or deposited for safe custody, sale investment or otherwise, nor for any insufficiency of any security on which any monies of the Institute shall be placed out or invested, nor for any misfortune loss or damage which may happen in the execution of their respective offices or in any way in relation thereto, unless the same shall happen by or through their own willful default.