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**The Estate Agents Act
(Act No. 2 of 2000)**

PREAMBLE

Notice of General Membership Governing Rules

These general membership governing rules shall be read together with the Estate Agents Act No. 21 of 2000 and its subsidiary legislation. These general membership governing rules shall provide for the processes and procedures for ease of managing the business of estate agents, their responsibilities as members, their rights, obligations and privileges; and for other matters connected with or incidental to the foregoing.

IN EXERCISE of the Powers conferred on the Council under section 7 (3) of the Act, the following rules are hereby made:

**PART I
PRELIMINARY**

These Rules may be cited as the Zambia Institute of Estate Agents General Membership Governing Rules, 2024.

Application of the General Membership Governing Rules

1. These general membership governing rules are for The Zambia Institute of Estate Agents (hereinafter referred to as "the Institute" and the official short form of the Institute shall be "ZIEA") and shall apply to all categories of members.
2. The application of these general membership governing rules shall be for the regulation of the practice of estate agency and ensure to provide for the benefits of its members as a priority and other stakeholders that provide business and regulatory services for the ease of facilitating estate agency.

**PART II
INTERPRETATION**

1. *Interpretation*

- 1.1. In these general membership governing rules, unless the context otherwise requires:-
 - 1.1.1. "Act" means The Estate Agents Act, No. 21 of 2000;
 - 1.1.2. "Acts Constituting Professional Misconduct" means any act prohibited under the Second Schedule to the Act and any other relevant laws of the Republic of Zambia;
 - 1.1.3. "Council" has the meaning assigned to the words in the Act;
 - 1.1.4. "Disciplinary Committee" has the meaning assigned to the word in the Act;
 - 1.1.5. "Election" means an election to any elective position of the Institute;
 - 1.1.6. "Estate Agent" has the meaning assigned to the word in the Act;
 - 1.1.7. "Financial Year" means the period of twelve months ending on 31 December in a year;
 - 1.1.8. "Firm" has the meaning assigned to it in the Registration of Business Names Act, 2011;
 - 1.1.9. "Foreign firm" has the meaning assigned to it in the Registration of Business Names Act;
 - 1.1.10. "General Meeting" means a physical or virtual general meeting of the Members of the Institute at a venue or by an online platform as determined by the Council, and includes an extraordinary general meeting and an adjournment of such meeting;
 - 1.1.11. "Good Standing" means a Member who is fully paid up for the current year as at 1st January of the current year and a Member who pays in full annual subscriptions fees on or before 31st December of the preceding year shall be in good standing and not in breach of these membership governing rules;
 - 1.1.12. "Honorary Member" means a person conferred and recognized as an Honorary Member under the Act;
 - 1.1.13. "Individual" has the meaning assigned to it in the Registration of Business Names Act;

- 1.1.14. "Allied or Main Stream Qualification" shall include but not limited to the following fields of study: real estate, valuation, quantity and land surveying, Architecture, Law, or any other related fields of study;
- 1.1.15. "Professional Certificate" Shall mean a formal recognition or credential awarded by an authorized institution or professional organization to an individual who has demonstrated a certain level of knowledge, skills, and competency in a specific field or industry.
- 1.1.16. "Publicizing" shall mean to make (something) widely known;
- 1.1.17. "Member" shall mean a person admitted to membership of the Institute by the Council;
- 1.1.18. "Members Register" means a register of Members constituted each year;
- 1.1.19. "NEC" means the Nominations and Elections Committee established under Part IX of these general membership governing rules;
- 1.1.20. "Person" has the meaning assigned to it in the Interpretations and General Provisions Act, Chapter 2 of the Laws of Zambia;
- 1.1.21. "Practitioner" shall mean a member who has been issued with a current membership and practicing certificate for the year in question;
- 1.1.22. "Register of Voters" means a register of Members eligible to vote.

PART III
STRUCTURE OF THE INSTITUTE

- 1. The Primary Organs of the Institute which shall be constituted and operated as provided for in the Act are the:
 - 1.1. General Membership Assembly;
 - 1.2. Council;
 - 1.3. Secretariat (Registrar);
 - 1.4. Disciplinary Committee; and
 - 1.5. Other Committees as established by Council.
- 2. The Secretariat shall be headed by the Registrar who is the Chief Executive Officer of the Institute and Secretary to the Council.

PART IV
MEMBERSHIP

1. *Membership Classes*

- 1.1.1. These general membership governing rules shall further recognize and make rules, set out rights, obligations and privileges as per Section 7 (3) of the Estate Agency Act, 2000 and will therefore make rules to sub-classify full membership and student membership to include recognition of different certifications for ease of implementing rights, obligations and privileges as instructed in the Act: -
 - 1.1.1.1. Full Membership;
 - 1.1.1.2. Individual Membership
 - 1.1.1.2.1. Local
 - 1.1.1.2.2. Foreign
 - 1.1.2. Associate Membership;
 - 1.1.2.1. Local
 - 1.1.2.2. Foreign
 - 1.1.3. (a) Student Membership;
 - 1.1.3.1. Local
 - 1.1.3.2. Foreign
 - (b) Crafts-persons (Local or Foreign)
 - 1.1.4. Honorary Membership
 - 1.1.4.1. Local
 - 1.1.4.2. Foreign
 - 1.1.5. Corporate Membership

 2. *Membership Qualifications And Requirements*

2.1. Professional Competence Examination; - All citizens and non-citizens intending to practice Estate Agency in Zambia shall pass a professional competence examination conducted by the council or as the council may guide.

2.2. Estate Agent Certified Individual

2.2.1. **Full Membership**

A person may apply to the Institute for admission as a Full Member if that person has qualifications equivalent to those acceptable by the Council for admission to full membership.

2.2.2. **Associate Membership**

A person may apply to the Institute for admission as an Associate Member if that person has qualifications equivalent to those acceptable by the Council for admission to associate membership.

2.2.3. (1) **Student Membership**

A person may apply to the Institute for admission as a Student Member if that person is a bona de student at a recognised university, college or other Institution studying as an Estate Agent or Allied or Main Stream Qualification Programme accredited by the Higher Education Authority, and is acceptable to the Council.

(2) **Crafts Persons**

The following sub-classes of members below shall also fall under the category of student members and their official short designation shall collectively be "CZIEA" and shall be identified and addressed by their respective sub-category title:

(a) **Master Craftsperson**

A person may apply to the Institute for admission as a Master Craftsperson Member if that person-

(i) is a Full Craftsperson Member or has fulfilled the conditions for the Full

Craftsperson class of membership;

(ii) has attended a recognised training institution and holds a full craft

Certificate or other qualification that is acceptable to the Council for the Master Craftsperson class of membership; and

(iii) one year before the time of making the application for admission as a Master Craftsperson Member, has been working for at least ten years and has acquired wide experience in real estate agency practice under the tutelage and guidance of a full member in good standing with the Institute.

(b) **Full Craftsperson**

A person may apply to the Institute for admission as a Full Craftsperson Member if that person-

(i) has attended a recognised training institution and holds a full craft Certificate or other qualification that is acceptable to the Council for the Full Craftsperson class of membership; and

(ii) has undergone training or mentorship acceptable to the Council for a period of at least three years under the tutelage and guidance of a full member in good standing with the Institute; or

(iii) satisfies the Council that the person has acquired other suitable or main stream professional training or competences; and has, after such training, gained relevant experience of at least three years under the tutelage and guidance of a full member in good standing with the Institute.

(c) **Trainee Craftsperson**

A person may apply to the Institute for admission as a Trainee Craftsperson Member if that person-

(i) is in the process of attending an approved and/or accredited training institution with a view to obtaining a crafts persons' Certificate or other qualification that is acceptable to the Council for the Trainee Craftsperson class of membership; and

(ii) is currently undergoing a period of training or mentorship in industry related to real estate agency practice or an allied or main stream discipline under the tutelage and guidance of a full member in good standing with the Institute.

(d) **Skilled Persons**

A person may on application to the Institute, be admitted as a Skilled Person if the applicant has informally acquired specialized skill and/or experience in real estate agency practice acceptable to the ZIEA Council and has passed a prescribed competence test conducted by the Institute or an approved and accredited training Institution.

2.2.4. Honorary Member

The Council may confer on a person, who is not a Member of the Institute, as an Honorary Member

- 2.2.4.1. for exceptional and important services relating to Estate Agency;
- 2.2.4.2. for exceptional and important services rendered to the Institute; or
- 2.2.4.3. whose association is beneficial to the Institute.

The procedure for conferring an Honorary Member will be as provided for in Part VII.

3. Corporate Membership

Corporate Membership shall include any legal person not registered as an estate agent, who may be admitted to membership by the Council under section 7 (b) of the Act. This shall include but not limited to the following:

- 1. Local Limited Liability Companies;
- 2. International Limited Liability Companies;
- 3. Foreign Franchises;
- 4. Cooperatives;
- 5. Trusts
- 6. And any Other Legal Persons as maybe admitted by the ZIEA Council from time to time.

3.1. Disqualification from Membership

A person shall not be qualified for admission as a Member if the person: -

- 3.1.1.1.1. is in lawful custody or the person's freedom of movement is restricted under any written law in force in or outside Zambia on the date of application for membership;
- 3.1.1.1.2. is legally disqualified; or
- 3.1.1.1.3. has been engaged in dishonest, fraudulent, or deceitful conduct.

4. Designation of Members

- 4.1. A Member shall be entitled to the following descriptions or designations:

- 4.1.1. "Full Member" or "MZIEA"
- 4.1.1.1. "Fellow Member" or "FZIEA"
- 4.1.2. "Associate Member" or "AZIEA";
- 4.1.3. "Student Member" or "SZIEA";
- 4.1.4. "Honorary Member" or "HZIEA"
- 4.1.5. "Crafts persons" or "CZIEA"
- 4.1.6. "Corporate Member" or "CMZIEA"

5. Rights, Privileges and Obligations

5.1. Individual Member (Local and Foreign)

- 5.1.1. A Full Member in good standing shall have the right to attend meetings and vote at such meetings of the Institute;
- 5.1.2. May carry on estate agency business as an individual in his or her own name provided one has a trading permit from a local authority, Tax Payer Identification Number (TPIN) from the Zambia Revenue Authority (ZRA) and any other requirements as may be required for registration as an estate agent with ZIEA;
- 5.1.3. A Practicing full member shall have a fixed place where one does or carries on his or her estate agency business. The said fixed place shall conform to minimum acceptable standards as Council may prescribe from time to time;
- 5.1.4. A practicing full member may carry on any business transaction within the limits prescribed by Council from time to time;
- 5.1.5. May do or carry-on estate agency business as a firm registered under the Registration of Business Names Act, 2011, thereby increase one's business transaction value threshold;
- 5.1.6. May work as an employee under a firm registered under the Registration of Business Names Act, 2011, and comply with the rules and regulations of his or her principal;
- 5.1.7. Has the right to vote at an elective General Membership Assembly provided one is in good standing with the Institute;
- 5.1.8. A Member in good standing has the right to hold an elective office in the Institute in accordance with the Act and these general membership governing rules except that a Member shall not hold more than one elective office in the Institute at the same time;

- 5.1.9. Has the right to be treated equally;
- 5.1.10. Has the right to enjoy ZIEA facilities as guided by the Council
- 5.1.11. A Member in the following classes of membership who is in good standing shall have the right to attend meetings of the Institute but shall not have the right to vote:
 - 5.1.11.1. Associate Member;
 - 5.1.11.2. Honorary Member.
 - 5.1.11.3. Student Member
- 5.1.12. An Honorary Member who is no longer in practice and a Member who is an employee of the Institute shall not hold an elective office in the Institute;
- 5.1.13. An Honorary Member who is no longer in practice shall be exempt from paying subscription fees and shall enjoy other privileges as the Institute may approve from time to time;
- 5.1.14. A Member shall pay subscription fees and any applicable fees on time as guided by Council
- 5.1.15. A Member's conduct shall be governed by and shall respect the Act, Statutory Instruments, these general membership governing rules, regulations and guidelines made pursuant to the Act; and any other law applicable.
- 5.1.16. A Fellow Member shall have in addition to the above mentioned, the following rights, privileges and obligations:
 - 5.1.16.1. Use of the title "Fellow" and Designation (FZIEA) of ZIEA
 - 5.1.16.2. Must have been a full member of the Institute for a period of at least ten (10) years and in good standing;
 - 5.1.16.3. A qualifying member shall be written to after a Council resolution;
 - 5.1.16.4. A fellow shall be conferred at a ceremony with symbols of fellowship;
 - 5.1.16.5. Have double votes in an election;
 - 5.1.16.6. Front role seats in an AGM, CPD and Conferences;
 - 5.1.16.7. Have opportunities to sit on boards;
 - 5.1.16.8. Be given a custom-made fellow jacket and shield;
 - 5.1.16.9. Have active links of their profiles displayed on the ZIEA Website;
 - 5.1.16.10. Fellows may accompany Council Members to local and international meetings or conferences;
 - 5.1.16.11. Have special considerations for speaking at ZIEA Conferences;
 - 5.1.16.12. And any other rights, privileges and obligations which Council may prescribe and confer on fellows from time to time.

6. Application, Membership Subscription And Other Fees

(1) General:

- (a) The mode of application, annual membership subscription and other fees shall be determined and administered as provided in the Act and these general membership rules regulating the Institute;
- (b) A member shall pay the membership subscription fees by the stipulated date.

(2) Processing, Membership Subscription and Other Fees:

- (i) Processing fees shall be fixed by the Council and shall be paid by a Member according to the class of membership the Member is applying for;
- (ii) Processing, Membership Subscription and Other Fees shall be fixed by the Council as provided by section 14 in the Act;
- (iii) All membership subscriptions shall become due on admission or transfer and thereafter on or before the 1st January of each year;
- (iv) All processing, annual membership subscription and other fees shall be payable to the Institute through bank deposits or transfer or any other payment methods which Council may prescribe from time to time. No cash payments shall be allowed.

1197(v) A Member who does not pay annual subscription and/or other fees as per S.6 (2)(iii) and (iv) of these general membership governing rules shall not practice in the said year;

(vi) The Council may in any special cases, where in its opinion it is desirable to do so, may reduce or increase the processing, membership annual subscription and other fees;

- (vii) A Member who does not pay that Member's annual subscription on or by the 31 of December of the preceding year up to the 31st of March of the current year shall pay a penalty equivalent to 15% of the annual subscription prevailing at the time for the relevant class of membership;
- (viii) Where the annual subscription is in arrears for a period of six months, the Member will be required to settle the dues together with a penalty equivalent to 25% of the annual subscription prevailing at the time for the relevant class of membership;
- (ix) A member whose annual subscription is more than six months in arrears shall be notified, and in the event that the Member continues in arrears up to 30th of September of the current year, that Member may, by resolution of the Council, be excluded from membership of the Institute and the Member shall cease to be a Member and the Member's name shall be erased from the register, except that the erasure shall not relieve the Member from liability for the payment of the arrears of subscriptions with penalties;
- (x) The Council may, where it becomes necessary to do so from time to time, review the penalties under paragraphs (viii), (ix) and (x);
- (xi) The annual subscription of a Member who has attained sixty-five years and who satisfies the Council that that Member has substantially retired from remunerative activities shall be at the rate set out by the Council.
- (xii) The registrar shall cause to be published in the Government Gazette the register of members who have duly paid their annual membership fees by the 31st of March of the current year.

7. Cessation of Membership

- 7.1. A Member shall cease to be a Member:
 - 7.1.1. if the Member resigns by giving ninety (90) days written notice to the Council;
 - 7.1.2. on the decision of the Disciplinary Committee;
 - 7.1.3. if the Member dies;
 - 7.1.4. if the Member is an undischarged bankrupt;
 - 7.1.5. if the Member fails to pay the membership subscription and other fees, in accordance with clause 7.1.3 and 7.1.6;
 - 7.1.6. if the Council is satisfied that the continuation of a person as a Member will be prejudicial to the interests of the Estate Agency profession;
- 7.2. Except in the case of sub-clause 7.1.3 and 7.1.4, a Member whose membership ceases shall remain liable to the Institute for all membership fees and other moneys due to the Institute before the termination of the membership, including membership and other fees payable at the date of the termination;
- 7.3. A Member whose membership ceases may be re-admitted, on re-application, on terms and conditions as the Council may determine.

PART V PRACTICE AND FIRM MANAGEMENT RULES CONDITIONS FOR PRACTICE

1. Individual

- 1.1. A practitioner:
 - 1.1.1. Must be a full member in good standing with a current membership certificate;
 - 1.1.2. Must operate from a fixed and permanent office registered with the Institute;
 - 1.1.3. Must have a trading permit from a local authority;
 - 1.1.4. Must have Tax Payer Identification Number (TPIN) from ZRA;
 - 1.1.5. Must have a current practicing certificate;
 - 1.1.6. Must have professional indemnity;
 - 1.1.7. Must have an Operational Bank Account and a Client Bank Account;
 - 1.1.8. Must have an Invoice and Receipt Book;
 - 1.1.9. Must keep proper books of accounts;
 - 1.1.10. Must use ZIEA approved documentation in their practice of estate agency;
 - 1.1.11. Must conduct business transactions within the limits prescribed by the Council from time to time;
 - 1.1.12. Must adhere to the Zambian labour laws and other statutory obligations such as pay as you earn, NAPSA, workers' compensation, NHIMA, and any others not itemized herein.

- 1.1.13. Must conduct due diligence on employees to ensure that they meet minimum requirements of the Institute;
- 1.1.14. Must ensure that names of employees employed or dismissed by the practitioner are submitted to the Institute within thirty days from the date of employment or dismissal;
- 1.1.15. Must ensure that the employee applies for student membership within one hundred and eighty days from date of employment recommended by the same individual employer;
- 1.1.16. Must ensure that any employee that does not meet the conditions under clause (1.1.15) above must have their employment terminated, failure to which the practitioner will be penalised;
- 1.1.17. Must where applicable, provide mentorship to the employee in a manner prescribed by the council;
- 1.1.18. Must submit annual practice returns in the manner prescribed by the council as precondition for practice renewal;
- 1.1.19. Must designate a compliance officer as required by the Financial Intelligence Centre.

2. Limited Liability Company

A limited liability company shall designate a principal agent who shall be a majority shareholder or in the event of equal shareholding shall have a casting vote on decision making and shall be personally liable for all the estate agency business conducted by the said company. The designated principal agent shall comply with all the practice rules as provided for in rule 1 above.

PART VI

PUBLICIZING RULES FOR ESTATE AGENTS AND FIRMS OR OTHER PERSONS DEALING IN REAL ESTATE AGENCY SERVICES

The following Online and Offline Publicizing rules for estate agents and firms or other persons dealing in real estate agency services are hereby made:

1. Accurate Representation In Publicizing Real Estate and/or Real Estate Agency Services

- 1.1. A Member shall at all times present factual information in advertisements and/or promotional materials to the general public and shall avoid express or implied comparison with other members or member firms.
- 1.2. No advertisement made by any Member should be presented in a manner that may mislead or give an impression that a client or prospect is not required to pay any commission or fee.
- 1.3. A Member shall not solicit business by offering inducements or resorting to or employing tactics that may bring the name of the profession into disrepute or contempt.
- 1.4. A Member shall not market any real estate by advertising the specific address without authority or consent from the owner. A Member shall not display signboards or other forms of advertisement on any real estate without the consent of the owner.
- 1.5. A Member shall always ensure that the name of the body corporate or firm, which the Member belongs to, appears in all advertisements the Member places with the media. Printed materials and/or promotional materials whether online or offline must be imprinted with the following:

 - 1.6. Name of the registered individual member, body corporate or firm the Member belongs to, practicing licence number, address, telephone and/or fax number and the Member's name;
 - 1.7. "Member Firm" if the body corporate or firm of the Member is a registered Member Firm.
 - 1.8. A Member when marketing real estate in which the Member has ownership interest shall disclose the Member's status as both owner and Member. This shall not include instances when the Member who is the owner does not market the real estate personally.
 - 1.9. No Member shall secure or attempt to secure listing by advertising in any media whatsoever under the pretext or creating the impression that the advertiser and/or the Member is the prospect.
 - 1.10. No member shall secure or attempt to secure listing by responding to an advert in any media whatsoever under the pretext or creating the impression that such member intends to either acquire or rent the property in question when in fact not.
 - 1.11. No member shall advertise any property in any media whatsoever with a view of securing a listing in order to charge clients or prospects finders' fees or such other related fees without first having or obtaining a mandate from the property owner.
 - 1.12. No member shall mis-describe the category of membership or seek to create an impression of association with any category of membership which the Member does not belong to. No Member shall use any business term, name, initials or acronym that causes confusion between the Member's own business and that of the Institute.
 - 1.13. Only Members who participate in the transaction as the listing agent or selling/leasing agent may claim to have "Sold" or "Rented Out" the real estate. After closing, a selling/leasing agent may display a "Sold" or "Rented Out" sign only with the consent of the listing agent and/or the property owner where appropriate.
 - 1.14. Advertisements and/or promotional materials made by any Member shall not contain any of the following:
 - 1.14.1. an inaccurate or misleading statement of fact;
 - 1.14.2. an unethical solicitation of instructions;

- 1.14.3. an explicit comparison between the service offered by a Member with that of other Members;
- 1.15. Avoid any description, claim or illustration which is directly or by implication inaccurate or misleading;
2. *Restriction In Publicizing Real Estate and/or Real Estate Agency Services*
- 2.1. In accordance with section 2 (2) as read together with section 11(1) of the Estate Agents Act, No. 21 of 2000, no person whether individual or a body corporate or firm who is not registered with the Institute and/or does not have a valid practicing license shall be permitted to publicize or market real estate and/or offer real estate agency services in whatever form whether online or offline, or in form of any "App" or "Application Software" whatsoever without first getting registered with the Institute.
- 2.2. This rule is also made in line with Part VIII of the Electronic Communications and Transactions Act, No. 4 of 2021 and Chapter IV, Policy Objective Number Six (6), Policy Measure Number (v) of the National Lands Policy Document of 2021 of the Republic of Zambia. This rule and rule 2.2 below shall also apply to media organizations whether print or electronic media so as to ensure that they only accept paid advertisements from fully paid up members of the Institute in order to protect innocent and/or unsuspecting members of the general public from being defrauded by unscrupulous and unregistered individuals and/or business entities allegedly marketing real estate or offering real estate agency services without lawful authority from the Institute.
- 2.3. Violation of rule 2.1 above shall attract punitive action as provided for under Part VIII of the Estate Agents Act, No. 21 of 2000. The only exceptions shall be those provided for under section 2(3) of the Act for the time being.
- 2.4. A member who markets real estate and/or offers real estate agency services using an unregistered individual or business entity, or uses online or offline marketing platforms or "Application soft wares" used by unregistered individuals or business entities, is in violation of this general rule and commits professional misconduct?

PART VII

MEETING

1. *Annual General Meeting*

- (1) The Institute shall hold a yearly general meeting called an Annual General Meeting (AGM) which, in addition to any other meeting, shall be held between May and July of each year, on such date and such place as the Council shall appoint.
- (2) A written notice of the date of an Annual General Meeting shall be given by the Registrar at least Two Months before the date of the Annual General Meeting.
- (3) The Registrar shall deliver an agreed agenda for an Annual General Meeting with the written notice of the date of an Annual General Meeting.

2. *Extraordinary General Meeting*

- (1) A general meeting other than an Annual General Meeting shall be called an Extraordinary General Meeting (EGM);
- (2) A notice of a general meeting, other than an Annual General Meeting, or any other meeting of the Institute shall be given by acceptable means that are approved by the Council such as widely read print media or electronic platforms;
- (3) An EGM of the Institute may be requested for by One Hundred Members (in a form to be prescribed by the council) who are entitled to vote at a general meeting, with a copy of the agenda attached, and such notice shall be communicated to the Registrar within fourteen days. Upon receipt of the notice, the registrar shall present the said notice to the council within forty-eight hours;
- (4) The Council shall, on receipt of a request under sub-clause (3), direct the Registrar to convene an EGM within sixty days of the request, and to give notice of the EGM together with the agreed agenda for the EGM;
- (5) An EGM may also be called by a resolution of the Council;
- (6) An EGM shall not be called to hear petitions relating to nominations or elections;
- (7) At an EGM, only such matters as are specified on the agenda shall be voted upon.

3. *Records, Quorum and Presider at Meetings*

- (1) The Registrar shall cause to be kept minutes of proceedings and resolutions of the meetings of the Institute, the Council and any committee or subcommittee of the Council, which shall be circulated within twenty-one days after the meeting to which the minutes relate;
- (2) The quorum at an Annual General Meeting or Extraordinary General Meeting shall be One Tenth (1/10) of those Members entitled to be present and to vote plus a minimum of five council members except for an EGM called by the membership which shall require a quorum of two thirds of the petitioners. Where an EGM called by the membership fails to take place on account of failure to make a quorum, the matter shall stand dismissed and shall not be brought up again within a period of twelve months. And all costs incurred by the Institute shall be recovered from the petitioners.

- (3) Subject to sub-clause (2), if a quorum is not met within an hour from the time appointed for holding the meeting, the meeting shall stand adjourned to a later date and time to be determined by the council except for an EGM called by the membership which shall stand dismissed as provided for under clause 2 above.
- (4) The Chairperson shall preside at all meetings of the Institute;
- (5) In the absence of the Chairperson, the Vice-Chairperson shall preside at all the meetings of the Institute;
- (6) In the absence of the Vice-Chairperson, the council members present may elect someone among themselves to preside;
- (7) The conduct of a meeting of the Institute shall be as set out under the Policies and Procedures of the Institute.

PART VIII

THE GENERAL MEMBERSHIP ASSEMBLY

- 1.1. There shall be an organ of the Institute which shall be known as the General Membership Assembly which shall meet or assemble at least once a year through an AGM or where circumstances permit, through an EGM as provided for in Part V of these general membership governing rules on meetings.
- 1.2. The functions of the General Membership Assembly shall be inter alia;
 - 1.2.1. The supreme decision-making body of the Institute through resolutions passed and adopted when sitting;
 - 1.2.2. Elect office bearers of the Zambia Institute of Estate Agents' Governing Council as per section 8 of the Act;
 - 1.2.3. Consider and approve audited financial statements of the Institute;
 - 1.2.4. Discuss any questions relating or affecting members' welfare and pass resolutions thereon;
 - 1.2.5. Discuss any other contentious and/or unforeseen matters not exhaustively covered in these general membership governing rules which may present themselves as time passes and pass and adopt resolutions on the same;
 - 1.2.6. Pursuant to the First Schedule to the Act, section 1 (3) (f), pass a vote of no confidence on any Governing Council Member or the entire Council where circumstances permit as long as such vote of no confidence is supported by at least a two-thirds majority of the fully paid up members of the Institute present at either an AGM or EGM of the General Membership Assembly entitled to vote. A vote of no confidence shall only proceed where two thirds of paid up full members are present in the meeting.
- 1.3. For the avoidance of doubt and for purposes of this general membership governing rule:
- 1.4. "*No Confidence*" shall mean intentionally and/or deliberately not deciding to exercise reasonable and/or good judgement to a particular situation or circumstance experienced where an objective man put or found in a similar situation or circumstance would have acted otherwise thereby resulting in a formal vote by which the general membership of the Institute indicate that they no longer support a member/s or rather the entire members of the governing council of the Institute. And this vote of no confidence shall automatically result in the particular council position/s affected becoming vacant and elections to be called for the particular position/s affected.

2. The Council

- 2.1. The number of members of the Council, their qualifications and tenure shall be as provided in the Act and in these general membership governing rules;
- 2.2. A person seeking to be elected as Chairperson and Vice Chairperson of the Institute shall have previously served on the Council or a Committee of the Council;
- 2.3. Any member of the Council who is removed from office for impropriety or misconduct in accordance with the First Schedule to the Act, section 1 (3) (d) and (f), shall not be eligible to assume another position or perform any functions in the council of the Institute;
- 2.4. The Council shall approve an annual budget for an ensuing year;
- 2.5. The Council shall prepare audited accounts at the end of each financial year for presentation to the Annual General Meeting;
- 2.6. The Council will have the power to form Committees and Sub-committees as they will operate through the said committees in the implementation of the council's instructions as well as instructions from the general membership assembly;
- 2.7. Where the tenure of an incumbent Council has elapsed in accordance with the First Schedule to the Act, section 1 (2) and no elections have been held, the Registrar shall convene an Extraordinary General Meeting within thirty days to elect a new Council;
- 2.8. The Council shall establish a Charter which shall regulate the conduct and behaviour of the Governing Council Members.

PART IX
ELECTIONS

1. General

- 1.1. There shall be constituted a Nominations and Elections Committee of the Institute to manage the electoral process at all levels of the Institute;
- 1.2. The NEC shall be chaired by a representative from an Independent body appointed by the Council;
- 1.3. The composition, functions and tenure of the NEC shall be as provided under Part XI;
- 1.4. A member serving on the NEC may stand in an election or campaign as a candidate if the member resigns from holding office on the NEC at least three months before the elections;
- 1.5. A Full member in good standing shall have the right to vote in elections at a general meeting;
- 1.6. Only those in attendance at the AGM or EGM and eligible to vote shall have the right to vote for a candidate of their choice;
- 1.7. The nominations and voting procedures are as provided in the Second Annexure;
- 1.8. Where a vacancy occurs on the council, such a vacancy shall be filled by the Council subject to ratification by the AGM or EGM. Such a council member shall hold office until either ratified or replaced at the next AGM or EGM;
- 1.9. A petition of an electoral result shall be handled by the High Court.

2. Handover

- 2.1. The outgoing Chairperson shall preside over an elective general meeting until his council is dissolved and thereafter, shall handover to the incoming Chairperson who will close the general meeting after delivery of a maiden speech;
- 2.2. The dissolution of the Council and elections shall be the last item on the elective general meeting agenda;
- 2.3. The Administrative Handover will proceed the week after the elections.

3. Procedure for Conferment of an Honorary Member or Life Member

- 3.1. A nomination from a member of the Institute for Conferment of an Honorary Member shall be made to the Council through Secretariat, supported by a minimum of Five (5) fellows of ZIEA;
- 3.2. The Council may propose the conferment of an Honorary Member;
- 3.3. A proposal for conferment of an Honorary Member shall be tabled for discussion at a subsequent meeting of the Council, of which notice shall have been given to the General Membership together with an intimation of the proposal;
- 3.4. The conferment of an Honorary Member shall be by a unanimous vote of the members of the Council present at the subsequent meeting.

PART X
DUTIES, QUALIFICATIONS AND DISQUALIFICATION OF OFFICE BEARERS

1. ZIEA Chairperson

1.1. Duties of ZIEA Chairperson

- 1.1.1. The following are the duties of the Chairperson:
 - 1.1.1.1. to preside at Council meetings and general meetings of the Institute;
 - 1.1.1.2. to serve on all the Committees of the Institute as an ex-officio member;
 - 1.1.1.3. to superintend on all matters of the institute with powers to delegate;
 - 1.1.1.4. to enhance the Estate Agency Profession; and
 - 1.1.1.5. And any other duties as may become necessary or as circumstances may dictate from time to time.

1.2. Qualifications of ZIEA Chairperson

- 1.2.1. Must have been a Full Member for at least five years and in good standing with the Institute;
- 1.2.2. Must have as a minimum a Degree in any field;
- 1.2.3. Must have previously served on the Council or a Committee of the Council;

1.3. Disqualification of ZIEA Chairperson

Where a member does not meet and/or possess the qualifications specified in Rule 1.2 above, and is in breach of these general membership governing rules, such a member shall stand disqualified.

2. ZIEA Vice-Chairperson**2.1. Duties of ZIEA Vice Chairperson**

- 2.1.1. The Vice Chairperson shall have the following duties:
- 2.1.2. In the absence of the Chairperson, to execute any duties under the Chairpersons' office;
- 2.1.3. And any other duties as may become necessary or as circumstances may dictate from time to time.

2.2. Qualifications of ZIEA Vice-Chairperson

- 2.2.1. Must have been a Full Member for at least five years and in good standing with the Institute;
- 2.2.2. Must have as a minimum a Degree in any field;
- 2.2.3. Must have previously served on the Council or a Committee of the Council;

2.3. Disqualification of ZIEA Vice-Chairperson

- 2.3.1. Where a member does not meet and/or possess the qualifications specified in Rule 2.2 above, and is in breach of these general membership governing rules, such a member shall stand disqualified.

3. ZIEA Council Members**3.1. Duties of ZIEA Council Members**

- 3.1.1. Preside and/or provide leadership in the respective Committees of the Institute;
- 3.1.2. Be spokespersons to the council for the respective Committees chaired;
- 3.1.3. Provide positive input in the Council of the Institute so as to improve the general and financial well-being of the Institute;
- 3.1.4. Prepare a budget and/or an annual plan of activities or programmes for respective Committees chaired in line with ZIEA's overall Vision and/or Strategic Plan;
- 3.1.5. Discharge any other necessary duties and responsibilities as may be assigned from time to time by the Chairperson, Vice-chairperson or the entire Governing Council;

3.2. Qualifications of ZIEA Council Members

- 3.2.1. Must have been a Full Member for at least three years and in good standing with the Institute;
- 3.2.2. Must have as a minimum a Professional Certificate in any field;

3.3. Disqualification of ZIEA Council Members

- 3.3.1. Where a member does not meet and/or possess the qualifications specified in Rule 3.2 above, and is in breach of these general membership governing rules, such a member shall stand disqualified. However, Rule 3.2.1 above shall not apply to student members who wish to stand as a student member in the Council.

4. The Treasurer**4.1. Duties of Treasurer**

A Treasurer shall be appointed from among the council members and will be responsible for nances and the following duties but not limited to the following:-

- 4.1.1. Create an annual budget for the Institute and submit to the council for approval;
- 4.1.2. assess and evaluate the budgets and work plans presented by the Institutes' management and subcommittees for soundness, viability, and reasonableness taking into account the prevailing financial position of the Institute;
- 4.1.3. ensure that proper books of accounts and records of the funds of the Institute are kept and submit statements of accounts to the Council;
- 4.1.4. advise the Council on application fees and subscription structures;
- 4.1.5. submit to the Council and the Annual General Meeting an Audited Balance Sheet, Income and Expenditure Account and Statement of Funds as at the end of a Financial Year;
- 4.1.6. submit an estimate for the Balance Sheet, Income and Expenditure Account and Statement of funds ow for an ensuing year, and;
- 4.1.7. Advise Council on the operations of the Secretariat of the Institute including policies on employment, remuneration and any administrative matters on the operations of the Institute's oce.

5. The Secretariat (Registrar)

5.1 Duties of the Secretariat

- 5.2 Pursuant to section 6 of the Act, there shall be a Secretariat of the Institute to be managed by the Registrar and CEO who shall be responsible for the day-to-day management of the institute and shall have the following duties *inter alia*:
- 5.2.1 To superintend over the day-to-day affairs of the secretariat;
 - 5.2.2 Setting up the annual calendar of the Institute in liaison with the Institutes Council;
 - 5.2.3 To implement the approved budget and ensure the smooth operation of the institute;
 - 5.2.4 To ensure the proper keeping of books of accounts and money received in liaison with the Treasurer;
 - 5.2.5 To recommend operational structures to the council for approval for support staff either for permanent appointments or temporal appointments;
 - 5.2.6 To ensure that the delegated work or instruction from the council is implemented and reports submitted timely;
 - 5.2.7 To ensure that corporate governance is recognised and promoted in the institute;
 - 5.2.8 To ensure that the institute is constantly visible to the public with up-to-date information;
 - 5.2.9 To make recommendations to the Council concerning policies for membership;
 - 5.2.10 To interact with other Registrars of similar or allied professions for ease of collaboration in the promotion of activities of common interest;
 - 5.2.11 To make recommendations to the Council for the formation or dissolution of Sections, Branches or Regions;
 - 5.2.12 To assist Sections, Branches and Regions in coordinating their efforts among each other and with the Council;
 - 5.2.13 To review the status of Sections, Branches and Regions from time to time;
 - 5.2.14 To promote student involvement in Institute activities;
 - 5.2.15 Dealing with all correspondence of the Institute; and
 - 5.2.16 To make recommendations to the Council concerning student policies, accreditation, continuing education, and professional registration for Estate Agency professionals;
 - 5.2.17 And any other duties as may become necessary or as circumstances may dictate from time to time.

6. Qualifications of Registrar

- 6.1. Grade twelve (12) or its equivalent;
- 6.2. Must have a minimum qualification of a degree in a relevant qualification;
- 6.3. Must have as a minimum five (5) years' work experience;
- 6.4. Must belong to a relevant professional body;
- 6.5. Must not have a criminal record;
- 6.6. And any other qualifications that the council may determine from time to time.

PART XI
COMMITTEES OF THE INSTITUTE

The following shall be the Committees of the Institute:

I. The Nominations and Elections Committee (NEC)

- 1.1. The NEC shall consist of the following members appointed by the Council:
 - 1.1.1. a representative from an Independent Body as Chairperson appointed by the Council;
 - 1.1.2. a legal practitioner who is a member of ZIEA as the Vice Chairperson;
 - 1.1.3. Three Full Members with not less than five years' post qualifying experience;
 - 1.1.4. Two Fellows of ZIEA;
- 1.2. The function of the NEC is to conduct and oversee elections at all levels of the Institute in accordance with the Second Annexure.
- 1.3. Unless otherwise specified in these General Membership Governing Rules, the Registrar may advertise the positions of the members to serve on the NEC from applicants who meet the required qualifications and experience.
- 1.4. A member of the NEC shall hold office for as long as the council desires during the council's tenure of office until replaced and/or retained by a successive council.

- 1.5. There shall be a vacancy in the case of a member of the NEC if the member:-
 - 1.5.1. dies;
 - 1.5.2. is legally disqualified;
 - 1.5.3. ceases to be a Member of the Institute;
 - 1.5.4. resigns; or
 - 1.5.5. is removed by the Council.

2. *The Disciplinary Committee*

- 2.1. The Council of the Institute shall appoint the Disciplinary Committee through its powers to appoint as guided by Part V S.18 (1) of the Estate Agency Act, 2000.
- 2.2. The Disciplinary Committee shall, determine sanctions for offences admitted by the defendant, hear charges of offences and determine whether those charges are proved and if proved, to determine the sanction imposed.

3. *Requirements*

- 3.1. Herein the powers and procedures for enforcement of discipline in the Institute. The Institute will act through the Disciplinary Committees for the enforcement of professional and ethical standards prescribed in the Estate Agency Laws and these General Membership Governing Rules.

4. *Receipt of Allegation*

- 4.1. Any person making a complaint against one or more members of the Institute under the terms of the Estate Agency Laws and these General Membership Governing Rules established from time to time, must do so in writing to the Secretariat and copy to the Chairperson.
- 4.2. The Council of the Institute shall appoint its Disciplinary Committee through its powers to appoint Committees or sub-committees under Part IV of these General Membership Governing Rules and the Act.
- 4.3. The Registrar shall be responsible for investigating complaints against the members and to determine whether a disciplinary offence has been committed or not for it to be submitted to the Disciplinary Committee for hearing.

5. *Conflicts of Interest and Independence of the Disciplinary Committee*

- 5.1. Any member of either the Disciplinary Committee who is in any way personally involved in the allegations within a complaint will be disqualified from participating in the Committee's handling of the complaint.

6. *The Complaints Process*

- 6.1. Notice of Meetings
- 6.2. Subject to the provisions of clause 2 hereof where a written complaint is made, or a matter otherwise comes to the attention of the Disciplinary Committee, the Registrar shall first write to the Defendant, seeking the Defendant's comments on the substance of the complaint or matter that has been raised.

7. *Complaint not justified*

- 7.1. If the Disciplinary Committee decides that the complaint is not justified, all parties shall be notified in writing by the Registrar and the matter ended.

8. *Complaint justified*

- 8.1. If the Disciplinary Committee decides that the complaint is justified, it may, in its absolute discretion, offer a verbal caution to the offending member, which if accepted, ends the matter.
- 8.2. If the caution is not accepted by the offending member, or the Disciplinary Committee does not feel a caution is appropriate, it shall refer the case to a hearing. The Defendant shall be notified, in writing, within two weeks of this decision and of his right to make a written submission to the Disciplinary Committee and to attend the hearing. The Defendant shall have the right to be represented by any member or by legal counsel of his choice. All those who may accompany the defendant will do so on the Defendants own cost. The Disciplinary Committee shall give at least two weeks' notice of the hearing to the Defendant.

9. *Disciplinary Committee's Sanctions*

- 9.1. If after the hearing, the complaint is upheld, the Disciplinary Committee may in its absolute discretion institute measures as provided under section 21 of the Act.
- 9.2. If the complaint is against a member of the Council, then in addition to any other sanctions applied, the provisions of section 1 (3) of the First Schedule to the Act may be applied by the Disciplinary Committee.
- 9.3. Any sanctions imposed by the Disciplinary Committee must be communicated to the offending member(s) in writing within twenty one days of the hearing by the Registrar.

10. *Appeal*

- 10.1. Every Defendant found guilty of an offence by the Disciplinary Committee, has the right to appeal to the Council. Appeals must be in writing and lodged with the Secretariat of the Institute within twenty one days of the written communication of the Disciplinary Committee's decision to the Defendant.
- 10.2. Any Sanction imposed by the Disciplinary Committee shall take effect as soon as time for appeal has elapsed except that if the Defendant has filed a Notice of Appeal within the time allowed the Sanction shall not take effect until such Appeal has been determined.
- 10.3. Notes on the Schedule of Disciplinary Procedures: The Disciplinary Committee will be appointed for a tenure prescribed by law.

11. *The Transformation, Policy and Legislative Committee:* There shall be a Legislative Committee which will develop legislative Processes and Procedures which are consistent with the developing trends of the Estate Agency and allied sector.11.1. *Laws & Statutory Instruments*

- 11.1.1. The Act and the Statutory Instruments will constantly be reviewed to ensure relevancy and consistency; and
- 11.1.2. They will timeously manage the internal review process and submit to the relevant Government Institutions for Drafting and approval.

11.2. *General Membership Governing Rules*

- 11.2.1. There shall be internal processes and procedures for developing and matching these General Membership Governing Rules & Regulations in order to keep in line with corporate governance standards; and
- 11.2.2. They will timeously manage the internal review process and submit to the relevant organ of the Institute for approval;
- 11.2.3. An Adhoc General Membership Governing Rules Review Committee shall be made from time to time.

12. *Membership and Continuous Professional Development Committee*

- 12.1. There shall be a Membership and Continuous Professional Development Committee which will develop internal educational materials of professional standard and will recommend to Council for its implementation.
- 12.2. The purpose of this committee is to ensure that members are well trained and are current with developments in the Estate Agency service industry.

13. *Business and Fundraising Committee*

- 13.1. There shall be the Business and Fundraising committee whose main objective will be to raise the amount of funds to meet the proposed unit budget and work in line with the Institute mission and vision to insure viability and stability of the Institute.
- 13.2. The Committee may also plan specific fundraising events and activities.

14. *Special Goals*

- 14.1.1.1. To prepare an annual plan of Business and Fundraising activities in line with the Council's budget. This plan of activities shall be approved at the Annual General Meeting.
- 14.1.1.2. To undertake any other Business and fundraising activities that may become necessary at short notice with the direction of the Chairman (or in his absence the Vice Chairman)
- 14.1.1.3. To create a positive relationship with the media and Influential people/Stakeholders in the community and build a good name for possible sponsors or donors to the Institute. It must capture the attention, hearts and funds of the Community/Stakeholders so that they are knowledgeable about the Institute.
- 15. To compose Grant proposal which expresses the Institute purpose, mission and plans for financial needs to meet the Institute objectives.
- 16. To create and implement the Business and Fundraising opportunities throughout the Country to insure viability and stability of the Institute.
- 17. To provide written reports to the Council of any meeting held, action taken or discussion made.

PART XII
AMENDMENTS OF THE GENERAL MEMBERSHIP GOVERNING RULES

- (1) These General Membership Governing Rules may be amended at an Annual General Meeting of the Institute, or at an Extraordinary General Meeting called for the purpose of amending these General Membership Governing Rules or by the Council.
- (2) A notice of an intended amendment to these General Membership Governing Rules by a Member or group of Members shall be made, in writing, to the Registrar and shall be supported by at least Two-Thirds (2/3) majority of Members entitled to vote at a general meeting.

- (3) A notice to amend the General Membership Governing Rules may also be made by a resolution of the Council.
- (4) The Registrar shall ascertain that the notice to amend the General Membership Governing Rules is properly before the Registrar, and shall, on ascertaining that the notice is properly before the Registrar, forward the notice to the Council to-
- (a) ensure that the proposed amendment is not already covered by the General Membership Governing Rules or in conflict with the Act or the General Membership Governing Rules;
 - (b) where necessary, propose further amendments to the General Membership Governing Rules to harmonize the proposed amendment with other PARTS already existing;
- (5) The Registrar shall, on completion of the review of the General Membership Governing Rules by the Council, call for an Extraordinary General Meeting or include the item on the agenda of the next Annual General Meeting of the Institute, as appropriate;
- (6) An amendment to the motions on the agenda shall be made in accordance with the First Annexure;
- (7) A resolution amending the General Membership Governing Rules shall only be effective if it is passed by a majority of at least two-thirds of the Members entitled to vote at a meeting of the Institute and upon Council approval;
- (8) The Chairperson, Vice Chairperson or an appointed representative shall present the motions to the general meeting;
- (9) An amendment made to the General Membership Governing Rules shall become effective immediately after Council approval and the new version of the General Membership Governing Rules shall be uploaded on the Institute's website, together with a record of the amendments.
- (10) Notwithstanding any provisions of these rules, Council reserves the right to make, amend or suspend rules applicable to the general membership in accordance with the Act.

ANNEXURES

FIRST ANNEXURE RELATING TO PARTS V AND XI OF THE GENERAL MEMBERSHIP GOVERNING RULES

Rules on Conduct of Institute Meetings

1. All meetings mentioned in these General Membership Governing Rules shall be convened in accordance with rules set out herein;
2. A notice of the time and place of the meetings and the Agenda to be transacted shall be given in accordance with these General Membership Governing Rules;
3. The Registrar shall keep or cause to be kept a record of all meetings and Members attending a meeting;
4. A Member attending a meeting shall sign the register or log in with the credentials provided, in the case of a virtual meeting;
5. *Quorum*

A quorum for an AGM, EGM, the Council and the Disciplinary Committee shall be as provided for in these general membership governing rules and the Act except for other committees of the Institute established by the Council whose quorum shall be three (3) Members. Where a quorum is not met sixty minutes after the time appointed, the meeting shall be adjourned.

6. *Attendance*

- (1) Invited persons by the Council shall freely attend until excused by the chairperson representing the council or the respective executive committee.

7. *Agenda*

- 7.1. The chairperson of the meeting shall lead in determining the order of the Agenda.
- 7.1.1. The business at an Annual General Meeting shall include
 - 7.1.1.1. receipt of the report of the Council;
 - 7.1.1.2. receipt and adoption of the audited accounts and auditors report;
 - 7.1.1.3. appointment of auditors; and
 - 7.1.1.4. consideration of motions tabled.
- 7.1.1.5. The chairperson of the meeting shall have absolute discretion as to the business to be admitted under the item "any other business" except that "any other business" shall be for discussion only and a resolution shall not be moved or adopted under this item.

8. *Resolutions*

- 8.1. A resolution or an amendment to the resolution shall be put to a vote if it is proposed and seconded.
- 8.2. A motion to the Annual General Meeting shall be communicated to the Registrar at least three weeks before the meeting.

9. Amendments

- 9.1. An amendment to a motion on the Agenda that seeks to amend the Institute's General Membership Governing Rules or any rules under the General Membership Governing Rules shall be in writing and submitted to the Registrar as provided in these General Membership Governing Rules;
- 9.2. When an amendment is moved and seconded, the amendment shall forthwith be discussed exclusively and, until it is put to a vote, no other amendment shall be accepted by the chairperson.
- 9.3. If an amendment is carried, the amendment shall replace the original motion and the amendment shall become the substantive motion for consideration.

10. Meeting Etiquette

- 10.1. A participant in a physical meeting shall be expected to stand when speaking and address the chairperson.
- 10.2. A participant shall speak within reasonable time except where the participant obtains permission from the chairperson.
- 10.3. When a chairperson rises in a meeting, the current speaker shall sit down and remain seated until called upon by the chairperson.
- 10.4. A participant shall speak more than once on a resolution proposed if the participant
 - 10.4.1. is the proposer of the resolution or amendment and has the right of reply;
 - 10.4.2. is speaking to a point of order; or
 - 10.4.3. when requested by the chairperson, is giving an explanation.
- 10.5. A participant shall confine the participant's remarks to the question before the meeting.
- 10.6. A proposer of an original resolution shall, if an amendment is not moved, have a right to reply at the close of the debate on the motion.

11. Duties and Powers of Chairperson

- 11.1. Subject to these Rules, a ruling of a Chairperson on a point of order, on the admissibility of a personal explanation or on a matter or question before the meeting shall be final and shall not be open to discussion.
- 11.2. A suspension of these Rules shall be carried by the votes of at least two thirds of the members of the Institute through an AGM or EGM.

**SECOND ANNEXURE
RELATING TO PARTS VII AND IX**

ELECTION RULES

PART I
PRELIMINARY PROVISIONS

1. Interpretation

- 1.1. In the Rules, unless the context otherwise requires
 - 1.1.1. "Candidate" means a Member seeking to be elected into one of the Council;
 - 1.1.2. "Ballot box" means a box or container, or other storage means provided to the Returning Officer for the purposes of receiving votes;
 - 1.1.3. "Ballot paper" means a slip of paper or other means provided to a voter for the purposes of voting;
 - 1.1.3.1. "Election assistant" means a person appointed by the NEC under Rule 3;
 - 1.1.3.2. "Election officer" means a person referred to under Rule 3;
 - 1.1.3.3. "Elective General Meeting" means an Annual General Meeting at which elections to the Council will be held; and
 - 1.1.3.4. "Returning Officer" means the Returning Officer referred to under Rule 2.

2. Returning Officer

- 2.1. The NEC Chairperson or the NEC Chairperson's nominee shall be the Returning Officer for an election of the Institute.
- 2.2. The Returning Officer shall
 - 2.2.1. perform the functions of a presiding officer;
 - 2.2.2. ensure the elections are conducted impartially and in accordance with these Rules; and
 - 2.2.3. perform any other functions as may be conferred or imposed on the Returning Officer under these Rules.

3. Elections Officer and Election Assistants

- 3.1. The election officers shall be the members of the NEC.
- 3.2. An election assistant shall be any person appointed by the NEC to assist in conducting an election.

PART II
PROCEDURE FOR NOMINATION

4. Identification of Candidates

- 4.1. A candidate shall use the names appearing on the voters roll or Member's register to identify the candidate.
- 4.2. A candidate shall be resident in Zambia at the time of the election and must be a fully paid up member and in good standing with the Institute.
- 4.3. An employee of the Institute shall not be eligible to stand for an office in an organ of the Institute.

5. Nomination of Candidates

- 5.1. Except for elections held under Clause 2.7 of Part VIII, the NEC shall, at least ten weeks before an elective general meeting, call for nominations by a notice to the Members indicating the number of positions to be contested in each category of the Council Membership.
- 5.2. A candidate for an election shall lodge a nomination form with the Returning Officer.
- 5.3. The nomination form shall be in the manner prescribed by NEC and approved by Council and shall be available at the Institute offices.
- 5.4. A nomination form shall be filled in with clear and legible writing and signed by the proposer and seconder of the nomination, both of whom shall be eligible to vote.
- 5.5. The proposer and seconder shall be full members of the Institute as the candidate being proposed and shall be in good standing at the time of nomination.
- 5.6. A candidate for an election shall, in addition to the signatures referred to under Sub-Rule 5.4, personally sign the nomination form and lodge the nomination form within the period specified under Rule 6 below.
- 5.7. A Member shall only be nominated for election to one office at an election.

6. Receiving of Nominations

- 6.1. The NEC shall receive, handle and process nominations of candidates for an election.
- 6.2. The NEC shall, at least six weeks before the date of holding the elective general meeting, publish in print or electronic media, the day, time and places when the NEC shall receive nominations.
- 6.3. The NEC shall appoint: -
 - 6.3.1. The day and time when nomination boxes for candidates shall be opened; and
 - 6.3.2. Places where the nomination boxes will be placed.
- 6.4. A nomination received after the day and time stipulated by the NEC under sub-rule 6.2 and in a place other than the designated places shall be null and void.
- 6.5. A nomination shall be summarized according to the position and signed by the Returning Officer or a representative of the NEC using a prescribed form.
- 6.6. A sealed nomination form shall be lodged in the nomination box at the designated places as shall be advertised in the notice referred to under sub-rule 6.2.
- 6.7. The Registrar shall, on consideration of the nominations lodged by the NEC, inform the unsuccessful candidates.
- 6.8. The unsuccessful candidates shall have seven days in which to lodge with the Registrar a request for a review of the decision by NEC using a prescribed form. NEC shall consider the review and communicate its decision through the Registrar within seven days from receipt of a request for a review.
- 6.9. Where an unsuccessful candidate is not satisfied with the decision of NEC as provided for in sub rule 6.8 above, the unsuccessful candidate shall have the right to appeal to the Council within seven days from date of receipt of the decision by NEC.
- 6.10. The Council upon receipt of the appeal in sub rule 6.9 above, shall consider the appeal and communicate its final decision through the Registrar within seven days from receipt of the appeal.

7. Withdrawal of Nominations

A nomination may not be withdrawn by a candidate three weeks before an elective general meeting.

8. Opening of Nomination box

- 8.1.1.1. A nomination box shall be opened by the Returning Officer immediately after closure on the last day of receiving nominations.
- 8.1.1.2. A candidate or the candidate's representative is free to witness the opening of the nomination box and shall sign an attendance register.

9. Validity of Nomination

- 9.1. The NEC shall, after the period for receiving a nomination has expired, determine the validity of a nomination lodged under Rule 5 above.

- 9.1.1.1. The NEC shall declare a nomination invalid if the nomination form

- 9.1.1.1.1. is not duly completed;
- 9.1.1.1.2. is not properly proposed, seconded or signed;
- 9.1.1.1.3. is not lodged as required by Rule 5;
- 9.1.1.1.4. is not accompanied by the declaration referred to in the nomination form or the declaration is defective in a material particular; or
- 9.1.1.1.5. is supported by a Member who is not in good standing.

- 9.1.1.2. The NEC shall declare a nomination invalid if the nominee

- 9.1.1.2.1. has committed professional misconduct within a period of five years preceding the nomination or election;
- 9.1.1.2.2. is in lawful custody or the nominee's freedom of movement is restricted under any law in force in, or outside, Zambia on the date of the nomination or election;
- 9.1.1.2.3. has not been a Member of the Institute for at least three years preceding the nomination or election;
- 9.1.1.2.4. is legally disqualified;
- 9.1.1.2.5. is an undischarged bankrupt; or

- 9.1.1.3. The Returning Officer shall endorse the reasons for declaring the nomination invalid on the nomination form and sign the endorsement.

10. Procedure on determining the validity of nominations

- 10.1. The NEC shall, at least thirty days before the elective general meeting, deliver to the Registrar valid nomination forms.
- 10.2. The NEC shall, by notice and at least fourteen days before the elective general meeting, circulate to the Members the list of valid nominations together with the details of each candidate and any other relevant information submitted by the candidates.
- 10.3. Where the NEC determines that no candidate is validly nominated for election to a particular position, the NEC shall declare the position uncontested and inform the Registrar accordingly after the close of nominations.
- 10.4. Where one candidate is validly nominated for election to a particular position, the Returning Officer shall declare the candidate to be unopposed and inform the Registrar accordingly after the close of nominations.
- 10.5. Where two or more candidates are validly nominated for election to a particular position, the NEC shall, in addition to sub-rule (10.1), give notice to the Registrar showing the date on which the election will take place and setting out the names of the candidates in alphabetical order beginning with surnames.

PART III
ELECTIONS

11. Eligibility to vote

- 11.1. A Member in good standing and appearing on the Voters Roll shall have the right to vote in an election at an elective general meeting.
- 11.2. A Voters Roll shall be made available to the general membership at least thirty days before an election and a new voter shall not be admitted on the Voters Roll less than thirty days before an election.
- 11.3. A Member shall have one vote for each elective position except for Fellows of the Institute who shall have double votes for each elective position as provided for under Clause 5.1.16.5 of PART IV: Membership.

12. Elections

- 12.1. An election shall be conducted in a manner as the NEC may direct and approved by the Council.
- 12.2. An election shall be conducted at an elective general meeting and shall constitute part of the business of the general meeting and an adjournment to the general meeting.
- 12.3. A candidate shall be given an opportunity to speak for a maximum of five minutes at an elective general meeting for the purpose of introducing themselves to the voters.

13. Ballot box and election material

- 13.1. The NEC shall in consultation with the Council ensure that: -
 - 13.1.1. there are sufficient ballot boxes and ballot papers;
 - 13.1.2. there is sufficient security protection against fraud and malpractices; and
 - 13.1.3. other adequate arrangements are made to facilitate the holding of an election.

14. Procedure for casting vote

- 14.1. An eligible Member shall be issued with a ballot paper for voting.
- 14.2. When an eligible Member is voting, the eligible Member shall signify that eligible Member's vote by marking against the name of the preferred candidate and afterwards, folding the ballot paper and placing the ballot paper in the ballot box.

15. Counting of votes

- 15.1. The Returning Officer shall ensure that the counting of votes cast takes place as soon as practicable after the close of the poll.
- 15.2. The votes cast shall be counted by the Returning Officer with the assistance of the election officers and election assistants in the presence of the affected candidate or their representative.
- 15.3. A candidate or the candidate's representative shall be entitled to be present during the counting of votes under sub-rules (15.2).

16. Spoilt papers

- 16.1. The Returning Officer shall not count a ballot paper if the ballot paper is: -
 - 16.1.1. not properly completed;
 - 16.1.2. Unmarked; or
 - 16.1.3. There is any uncertainty and therefore declared invalid and rejected.
- 16.2. The Returning Officer or a member of the NEC appointed by the Returning Officer shall write the word "rejected" on a rejected ballot paper and sign the rejected ballot paper.

17. Questions arising on decision of Returning Officer

A decision by the Returning Officer on a question arising with respect to a ballot paper shall be final.

18. Sealing of ballot papers

- 18.1. The Returning Officer shall, on completion of the counting of votes cast, seal up the ballot papers in marked packets and place the rejected ballot papers in a separate sealed marked packet.
- 18.2. The Returning Officer shall forthwith, on sealing the ballot papers, deliver the marked packets to the Registrar.

19. Declaration of results of election

- 19.1. The Returning Officer shall, when the counting of the votes cast is completed and the result of the poll ascertained, declare the candidate with the highest number of votes cast as duly elected into a particular position.
- 19.2. Where two or more candidates tie for an elective position, the voting shall be repeated to decide the candidate with the highest number of votes and if, after repeating the vote, the vote is still tied, the Returning Officer shall conduct a race to determine the candidate that is duly elected to a particular position.
- 19.3. Where only one valid nomination is received for a particular office, the Returning Officer shall declare that nominee as duly elected and a vote shall not be taken.
- 19.4. The Returning Officer shall announce the names of all the candidates that have been elected, either as a result of the elections or because a candidate was unopposed.

20. Custody and destruction of ballot papers

- 20.1. The Registrar shall retain the marked packets received under rule 18 for a period of thirty days beginning the day after the election results are declared.
- 20.2. Subject to the Environmental Management Act No. 12 of 2011, the Registrar shall, after the thirty days' period under sub-rule (20.1), cause the marked packets to be destroyed by burning, pulping or by any other effective means.
- 20.3. The Registrar shall not, where the Registrar is informed that an election petition has been filed in respect of an election, destroy the marked packets until the election petition is disposed of.

PART IV
GENERAL PROVISIONS

21. *Oences*

21.1. A Member shall not—

21.1.1. directly or indirectly

21.1.1.1. give, lend, procure or offer money, directly, for another person or on behalf of a voter, to induce a Member to vote or refrain from voting at an election;

21.1.1.1.1. promise or agree to give, lend, procure or offer money to induce a Member to vote or refrain from voting or on account of voting or refraining from voting at an election; or

21.1.1.1.2. give, lend, procure or offer money to a Member on account of voting or refraining from voting at an election;

21.1.1.2. cause another person to directly or indirectly act in the manner provided under paragraph (21.1.1.1);

21.1.1.3. in consequence of a gift, loan, offer, procurement, promise or agreement under paragraph (21.1.1.1), procure or engage, promise or endeavour to procure or engage the return of a candidate or the vote of a Member at a subsequent election; or

21.1.1.4. before or during an election, publish a false or misleading statement in relation to the character or conduct of a candidate.

21.1.1.5. A Member who contravenes sub-rule (1) commits an offence and professional misconduct and shall be reported in writing to the Returning Officer and dealt with in accordance with the Act and disqualified from the election.

22. *Canvassing*

22.1. A candidate or Member who engages in canvassing shall conduct oneself in a professional manner failure to which it shall constitute professional misconduct.

22.1.1. Canvassing as Professional Misconduct shall occur when:

22.1.1.1. Candidate or Member who when canvassing for votes, produces material that is seditious or issues a statement calculated to incite hatred or ridicule against another Member;

22.1.1.2. a Member prints posters, t-shirts or banners as a candidate or using another person;

22.1.1.3. a Member is found circulating, publishing (print or electronic media) or wearing campaign regalia;

22.1.2. A Member who contravenes sub-rules (22.1.1.1), (22.1.1.2) and (22.1.1.3) is guilty of professional misconduct and shall be dealt with in the manner provided for in the Second Schedule to the Act, section 2 and in the case of a contravention of sub-rule (22.1.1.3), the candidate shall be automatically disqualified from the election.

23. *Election petition*

23.1. A candidate who is aggrieved with the results of an election may, within forty-eight hours of the announcement of the results of an election, give notice in writing of the candidate's intention to petition the results to the Registrar.

23.2. A candidate who is aggrieved with the results of an election may, in addition to sub-rule (23.1) and within thirty days of the announcement of the results of an election, submit the petition to the High Court.

24. *Immunity*

An action or other proceeding shall not lie or be instituted against the Returning Officer, election officers, election assistants or the members of the NEC for or in respect of an act or omission done in good faith in the exercise or performance of any powers, functions or duties conferred under these Rules.

25. *Emergency Council Elections*

25.1 In a situation where elections are held in accordance with Clause 2.7 of PART VIII, the following electoral procedure shall apply:

25.1.1 The Registrar shall appoint an emergency elections committee (EEC) comprising three fellows of the Institute;

25.1.2 The EEC shall choose a Chairperson amongst themselves.

25.1.2 The EEC shall prescribe the rules and procedures for the emergency council election.

THIRD ANNEXURE
CODE OF CONDUCT AND ETHICS

In addition to the acts prohibited under the Second Schedule to the Act and in line with Chapter IV, Policy Objective Number Six (6), Policy Measures (v) and (vi) of the National Lands Policy Document of 2021 of the Republic of Zambia, the following Code of Conduct and Ethics for estate agents and firms or other persons dealing in real estate and/or real estate agency services (hereinafter called the "Code") is hereby made:

1 Governing Principles of This Code of Conduct and Ethics

- 1.1 This Code embodies, at the highest level, fundamental principles of Responsibility, Integrity, Objectivity, Independence, Discipline and Knowledge.
- 1.2 In a profession which at one point in time or another touches the life of every citizen, either directly or indirectly, there is a high and inherent moral obligation that every practitioner in the profession be governed and guided by such a Code.
- 1.3 The observation, adherence and diligent practice of such a Code will bring to Members Respect, Professional Standing, Pride, Confidence and Order in this very noble and important profession.
- 1.4 In accordance with this Code, it should be the unflinching aspiration of every Member to achieve the highest standards of moral conduct in real estate agency dealings and not to be swayed or induced by profit or personal gain only to depart from these ideals. Every Member should also recognise the critical part each Member plays in the profession and the responsibilities arising out of the reliance clients or prospects place upon each Member. It is therefore incumbent on all Members to continually upgrade their skills and to be kept informed of matters concerning the profession so that Members may better serve clients, prospects and the profession in general and in so doing, serve the community and the nation as a whole. In dealing with one another, Members should practise these same ideals, morals and principles and accord each other the respect and co-operation which professionals are entitled to expect from one another.

2.0 Fundamental Ideas

- 2.1 A Member's first obligation is to uphold high standards of professionalism, integrity and honour in the spirit of fairness and goodwill to clients, prospects, fellow Members and members of the public.
- 2.2 A Member should always endeavour to be informed of all relevant laws, legislations, government regulations, public policies and/or circulars and prevailing market conditions in order to be in a position to serve clients, prospects or members of the general public properly, ethically, honestly and/or truthfully.
- 2.3 A Member should endeavour to eliminate any practice which could be damaging to the public or bring discredit to the Member, the Institute or the profession. Every Member shall maintain the high standards of the profession and may refer to the Institute any act or omission of a Member which may appear to bring discredit to the Institute or the profession.
- 2.4 All Members should endeavour to work harmoniously together to prevent confusion and misunderstanding and to ensure better services to clients and prospects and to this end shall encourage and urge all clients to list properties on either an exclusive or open mandate basis.
- 2.5 In order to upgrade the quality of services of Members in general and in the interest of the profession and our nation, all Members are encouraged to willingly share their experience and knowledge with each other.

3. Duties to Clients and Prospects

3.1. Duties and Responsibilities of Estate Agents

- 3.1.1. In accepting the mandate to act as an estate agent, a Member pledges to protect and promote the interests of the client and shall hold and preserve as confidential the results and other findings of the Member's work or report, provided the Member shall not be deemed to commit a breach of this general rule in answer to any question which the Member is legally compelled to answer. However, this obligation does not relieve the Member of the moral obligation to treat all parties to a transaction fairly. When serving in a non-agency capacity, Members remain obligated to treat all parties honestly.
- 3.1.2. A Member, when acting as a principal agent in a real estate transaction, remains obligated by the duties imposed by this Code.
- 3.1.3. A Member, in attempting to secure listing shall not:
 - 3.1.3.1. deliberately mislead prospects or clients as to the market value of property or otherwise;
 - 3.1.3.2. offer any form of inducement, or offer and/or grant any financing loan with or without interest to prospects or clients without mutual consent from both parties.
- 3.1.4. A Member shall not act for one party to a transaction while another Member from the same body corporate acts for the other party to the same transaction without the prior knowledge or consent of the parties concerned.
- 3.1.5. A Member shall not act as agent for one party to a transaction while another Member from a related, associated, affiliated body corporate acts for the other party without the prior knowledge or consent of the parties concerned.
- 3.1.6. A Member shall submit to clients offers and counter offers as quickly as possible, which in the member's professional judgment are feasible, until an offer has been accepted.
- 3.1.7. A Member shall submit offers and counter offers to clients, which in the member's professional judgment are feasible, in a precise, objective and unbiased manner.
- 3.1.8. A Member must explain the contents of all documents to clients before the latter signs the documents.

4. Exaggeration and Misrepresentation

- 4.1. A Member shall avoid exaggeration, misrepresentation, or concealment of pertinent facts relating to real estate or the transaction.
- 4.2. A Member shall conduct basic due diligence on property upon signing the mandate.
- 4.3. A Member shall not, however, be obligated to discover latent defects in the real estate, to advise on matters outside the scope of the Member's real estate practice or to disclose facts which are confidential under the scope of agency duties owed to the Member's clients.

5. Co-operation Among Members

- 5.1. In marketing real estate which is listed with a Member, such Member shall co-operate with other Members when requested, upon mutually agreeable terms and conditions, when it is clearly in the interest of the Member's client or prospect to do so.
- 5.2. A Member having the marketing rights to a piece of real estate should establish reasonable terms and conditions for co-brokerage with another Member specifying clearly the reasonable amount of commission the co-brokerage Member is entitled to.
- 5.3. A Member shall identify the Member's representational status before seeking any information on a real estate listed or promoted by other Members.

6. Full Disclosure of Member's Interest

- 6.1. A Member shall not acquire an interest in or buy for, or present offers from the Member, any member of the Member's immediate family, the Member's body corporate in which the Member has a direct or indirect interest for any real estate without making the true position known to the owner and in the marketing of any real estate owned by the Member, or in which the Member has any direct or indirect interest, the Member shall reveal the facts of the Member's ownership or interest to the interested party or the interested party's representative. This rule does not include instances when the Member who is the owner does not market the real estate personally.
- 6.2. For the protection of all parties concerned, the disclosures required by rule 6.1 shall be in writing and provided by such Member prior to the signing of any such contract.

7. Disclosure of Interest Prior to Undertaking Professional Services

- 7.1. A Member shall not undertake to provide professional service concerning a real estate or its value where the Member has a present or contemplated interest unless such interest is first disclosed to all affected parties.

8. Secret Profits

- 8.1. A Member shall not accept any commission, rebate or profit on expenditures made for a client without the client's knowledge or consent while acting in the capacity as estate agent.
- 8.2. A Member shall not recommend to a client the use of services of another body corporate or third parties in which the Member has a direct or indirect interest without first disclosing the fact.
- 8.3. A Member shall disclose to a client if the Member may receive any financial benefit or fee from a third party as a direct result of having recommended real estate products or services (e.g. homeowners insurance warranty programmes, mortgage financing and the like) other than commission from the real estate transaction itself. However, this rule does not include:
 - 8.3.1. Discounts granted by media owners for advertisement placement; Sums or moneys or gifts offered by third parties that do not adversely affect the client's interest; and/or
 - 8.3.2. Any form of compensation offered by a Member Firm to its employees or contracted associates.
- 8.4. A Member or person under a Member's instruction in marketing real estate shall not obtain a Power of Attorney from the client in order to hide the true sales proceeds from the client to make secret profit and/or acting against the client's interest.

9. Double Commission

- 9.1. Dual Representation and Double Commission: No member shall accept commission from more than one party in the same transaction unless granted consent from any or all the parties to the transaction.

10. Clear and Exact Agreement

- 10.1. A Member shall ensure that an agreement concerning financial obligations and commitments in respect of a transaction is in writing, expressing the exact agreement between the parties concerned. A copy of each agreement shall be furnished to each party upon their signing or initiating or as soon as practical thereafter.
- 10.2. For the protection of all parties, Members shall use reasonable care to ensure that documents pertaining to all real estate transactions are kept current through the use of written extensions or amendments to reflect any change in the intention and agreement of the parties.

11. *Duties to the Public*

- 11.1. A Member shall provide equal and professional service to all parties regardless of race, creed, sex, religion or country of origin. No Member shall be a party to any plan or agreement to discriminate against a party or parties on the basis of citizenship, nationality, race, sex, religion or creed.

12. *Duties to Members: Fair Competition*

- 12.1. A Member shall not publicly disparage the business practice of another Member, and if an opinion is sought and the Member deems it necessary to respond, the Member should do so with strict professional integrity and courtesy.
- 12.2. A Member shall not seek unfair advantage over other Members and shall conduct business so as to avoid misunderstandings and controversies with other Members.
- 12.3. A Member shall not offer, express or communicate to the public any criticism or comment on the professional services, or conduct of, or professional fees charged by another Member.

13. *Professional Ethics and/or Conduct Among Members*

- 13.1. A Member shall not engage in any practice or take any action or conduct which is inconsistent with good estate agency practice.
- 13.2. A Member may contact the client of another Member for the purpose of offering to provide or entering into a contract to provide a different type of real estate service unrelated to the type of service currently being provided.
- 13.3. Where a Member has been exclusively appointed in writing to market a particular piece of real estate, no other Member shall seek to secure the same listing before the expiry date of the exclusive mandate. For the avoidance of doubt, Members may request for authentication from such exclusively appointed Member.
- 13.4. When a Member is contacted by the client of another Member regarding the creation of an exclusive relationship to provide the same type of service and the contacted Member has not directly or indirectly initiated such discussions, the contacted Member may discuss the terms upon which future agreement may be created or may enter into an agreement which becomes effective upon the expiry of any existing exclusive agreement.
- 13.5. The fact that a client has retained a Member as the client's exclusive agent in respect of one or more past transactions creates no binding agency which prevents or prohibits other Members from seeking such owner's future businesses.
- 13.6. The fact that a listing has been exclusively listed with a Member shall not prohibit any other Member from securing such a listing after the expiry date of the exclusive mandate.
- 13.7. A Member shall ascertain, if exclusive marketing rights have been awarded to another Member before accepting a mandate (or an exclusive mandate) for marketing. In the event that a client still wishes to give further instructions in addition to the existing exclusive mandate, the Member shall not accept such instruction before advising the client that a concurrent issue of instructions lays the client open to being liable for more than one commission claim.
- 13.8. A Member acting for a client shall disclose that relationship to the Listing Member at first contact.
- 13.9. All enquiries and negotiations concerning a real estate which is listed exclusively shall be carried out with the exclusive agent and the client of the exclusive agent.
- 13.10. A Member shall be free with the client's consent to market properties which are "open market listed", but shall not obligate the client to pay more than one commission except with the client's consent.
- 13.11. A Member in employment, attached to, associated to or contracted to any body corporate, firm or individual member shall not accept professional work for the Member's own account except with the knowledge and consent in writing of such body corporate, firm or individual.
- 13.12. A Member shall not, directly or indirectly, solicit the real estate services of an employee or associate in the body corporate, firm or individual member of another Member.
- 13.13. A Member, prior to or after terminating the relationship with the Member's current body corporate, firm or individual member shall not induce clients or prospects of his current body corporate, firm or individual member to cancel exclusive contractual agreements between the client and that body corporate, firm or individual member.
- 13.14. In a co-brokering arrangement amongst Members, terms and conditions must be mutually agreed upon in writing before exchange of information in order to avoid any misunderstanding.
- 13.15. A Member should not under false pretext seek access to show or inspect a real estate listed by another Member.
- 13.16. A Member obtaining information from another Member about a specific real estate shall not disclose this information to or invite the co-operation of a third party. A Member shall not advertise such real estate for marketing without the written or oral consent of the Member having the exclusive listing.
- 13.17. A Member shall observe such Scale of Professional Fees, if any, as may be prescribed by the Institute from time to time.
- 13.18. No Member shall knowingly prepare or certify any statement which is false, incorrect or misleading or open to misconception by reason of misstatement, omission or suppression of a material fact or otherwise.

- 13.19. A Member's name, signature and membership number must appear on all written proposals, reports and other documents prepared by the Member wherein the Member's membership status and class is indicated.
- 13.20. A Member who is also a member of the Council of the Institute or any Committees of the Institute, shall not present his status in his own business card.
- 13.21. A Member shall not work as an employee with more than one body corporate, firm or individual dealing in real estate agency and/or related business at any one time.

14. Professional Competence

- 14.1. A Member is expected to provide a level of competent service in keeping with the standards of practice in those fields in which the Member serves.
- 14.2. A Member shall not undertake to provide specialised professional service which is outside the Member's field of competence unless the Member engages the assistance of one who is competent in such discipline or service and such fact should be fully disclosed to the client. Any party engaged to provide such assistance shall be so identified to the client.
- 14.3. A Member employing or contracting any sub-agent or member shall ensure that such person employed or contracted by the Member or the Member's body corporate or Firm is qualified to take the General Estate Agency Program (GEAP) or qualifies to be employed or contracted via any of the other alternative routes to entry to membership of the Institute, and is legally permitted to work in the Republic of Zambia and is a bona fide Member or qualifies to be a Member of the Institute.
- 14.4. A Member shall keep updated and informed on matters affecting real estate and the real estate market in the Member's area of discipline and shall contribute constructively and responsibly to public thinking on such matters.
- 14.5. A Member shall be required to at least undergo one continuous professional development programme or course in a given year and attain the standard or level of competency as stipulated or required by the Institute from time to time as a pre-condition to the renewal of membership and practicing licenses.
- 14.6. A Member shall not directly or indirectly allow or agree to allow participation by any other person or party not being a Member in the real estate agency profession in the sharing of commissions.

15. Dispute Among Members

- 15.1. In the event of a controversy or dispute between Members from different body corporates, firms or individual members arising out of the business relationship between them, such Members shall first refer and/or submit such controversy or dispute to the Institute's Disciplinary Committee for Mediation and the Disciplinary Committee shall hear, determine and/or advise the affected parties accordingly after the said Mediation Proceedings are concluded. And where in the opinion of the Disciplinary Committee, disciplinary measures may need to be instituted by one party against another erring member after the mediation proceedings are over, then the Disciplinary Committee shall proceed accordingly after an official complaint is lodged in accordance with these general membership governing rules on disciplinary hearings.

16. Professional Undertaking

- 16.1. A Member shall not give expert evidence in the Courts or before other judicial bodies if the Member has any financial interest directly or indirectly in the proceedings, other than proper and reasonable fees payable for such services, whilst even a remote interest shall be made known.

17. Disciplinary Proceedings

- 17.1. A Member shall co-operate with any disciplinary investigation conducted by the Institute and shall take no action to disrupt or obstruct such a process.
- 17.2. Members shall not make any unauthorised disclosure or dissemination of the allegations, findings, or decisions made in connection with a disciplinary hearing or in connection with a mediation hearing or procedural review.
- 17.3. Members shall not obstruct any investigative or disciplinary proceedings conducted by the Institute by instituting or threatening to institute actions for libel, slander or defamation against any party in a disciplinary proceeding or the witnesses.
- 17.4. Members shall not intentionally impede the Institute's investigative or disciplinary proceedings by filing multiple complaints based on the same event or transaction.

Fourth Annexure: Miscellaneous

18. General Clause:

- 18.1. These general membership governing rules are mandatory and shall bind all members of the Institute. When these rules are broken, it shall constitute professional misconduct which shall attract disciplinary action. Further, all Members shall be governed by any other additional bye-Laws, rules and regulations, policy pronouncements and/or Council Resolutions issued by the Institute from time to time and Laws of the Republic of Zambia that are in force and any other Laws enacted by Parliament from time to time concerning the real estate agency profession and other kindred guidelines issued by the Institute and other relevant authorities or key stakeholders.
- 18.2. In any instance where these general membership governing rules and the Act and other Laws of the Republic of Zambia conflict, the Law shall take precedence.