

THE CHESTER ASSOCIATION OF AUCTIONEERS, ESTATE AGENTS, SURVEYORS AND VALUERS

RULES AND REGULATIONS AS AT 4<sup>TH</sup> APRIL 1990  
Adopted at a General Meeting of the Association, 30<sup>th</sup> January 1950  
and subsequently amended.

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THE CHESTER ASSOCIATION OF AUCTIONEERS, ESTATE AGENTS, SURVEYORS AND VALUERS

RULES AND REGULATIONS

SECTION I – GENERAL

Name of the Association

1. The name of the association shall be “The Chester Association of Auctioneers, Estate Agents, Surveyors and Valuers”.

Office of the Association

2. The office of the honorary secretary of the association for the time being shall be deemed to be the office of the association.

Objects of the Association

3. The objects of the association shall be to encourage and foster a feeling of unity and harmony amongst its members, to promote and protect the interests of the profession, and to maintain and extend its usefulness to the mutual advantage of the public and the profession.

Interpretation

4. In these presents the following words shall have the following meaning, if not inconsistent with the subject of the context: -
  - (a) “These presents” – The rules and regulations of the association as defined in this document together with any duly authorised amendments thereto.
  - (b) “The association” – The Chester Association of Auctioneers, Estate Agents, Surveyors and Valuers.
  - (c) “Member” – A member of the association.
  - (d) “Profession” – The profession of an auctioneer, estate agent, surveyor and/ or valuers.
  - (e) “Agent” – An individual or firm, practising in one or more branches of the profession, irrespective of membership of the association or of a professional organisation.
  - (f) “Senior professional organisations” – The Royal Institution of Chartered Surveyors, The Land Agent’s Society, The Chartered Auctioneers and Estate Agents’ Institute, and the Incorporated Society of Auctioneers and Landed Property Agents or their successors in title.

### Advertising Directions

5. In the absence of any resolution of the association to the contrary, reference in these presents to the advertising directions of the senior professional organisations shall be deemed to cover any amendments thereto which may be duly adopted in common by the organisations concerned.

## SECTION II – MEMBERSHIP OF THE ASSOCIATION

### Eligibility

6. A member shall be an auctioneer, estate agent, surveyor and/or valuer who practices as such from a bona fide office situated within the former County Borough of Chester and local associated offices, or a professional assistant to such an auctioneer, estate agent, surveyor and /or valuer.

### Members

7. All of the principals of the firms represented at the meeting of auctioneers, estate agents, surveyors and valuers held at The Blossoms Hotel, Chester, on 28<sup>th</sup> November 1949, together with such of their professional assistants as were present thereat shall be deemed to be members of the association, and the founder members thereof.
8. Other eligible persons shall become members of the association upon their election in accordance with these presents.
9. The number of members shall be unlimited.

### Election to Membership

10. A candidate for election to membership shall make application to the honorary secretary. The executive committee shall consider the application and place the same, together with their recommendations, before the next meeting of the association. If at that meeting the candidate shall be duly proposed and seconded, an election shall ensue in accordance with section IV of these presents.

### Duration of Membership

11. A member shall remain such until such time as he shall have resigned or been suspended or expelled from the association in accordance with these presents.

### Resignations

12. A member may resign from the association on giving one calendar months' notice in writing to the honorary secretary. Any such notice received by the honorary secretary shall at once be passed by him to the executive committee. The executive committee may at their discretion direct that a resignation shall become effective before the expiration of the notice submitted.

Suspensions and Expulsions

13. A member may be suspended or expelled from the association in accordance with Section III of these presents.

Liability of Members

14. Every member shall be deemed to have agreed to abide by the rules and regulations of the association as incorporated in these presents together with any duly authorised amendments thereto.

SECTION III – OFFICERS OF THE ASSOCIATION THE EXECUTIVE COMMITTEE

Officers of the Association

15. The officers shall be members of the association and shall consist of: -
  - (a) a chairman ) Who shall have been a member
  - (b) a vice-chairman ) of the Association for a minimum of 3 years.
  
  - (c) an honorary secretary ) Who shall have been a member
  - (d) an honorary treasurer ) of the Association of a
  - (e) a membership secretary ) minimum of 2 years.

Executive Committee

16. The executive committee of the association shall consist of the officers of the association, six other members and (without election) the immediate past chairman.

Election and Tenure of Members of the Executive Committee

17. The officers of the association shall be elected at each annual general meeting of the association in accordance with section IV of these presents, the chairman and vice – chairman holding office therefrom and until the annual general meeting next ensuing, and the honorary secretary and honorary treasurer from one calendar month therefrom and until one calendar month after the annual general meeting next ensuing.
18. Six other members of whom 2 must be less than 30 years of age shall be elected members of the executive committee at annual general meetings in accordance with section IV of these presents, two being elected at each annual general meeting and who shall hold office therefrom and until the third annual general meeting next ensuing.
19. Should one of these six members of the executive committee be elected an officer of the association, he shall be deemed to have resigned his original position on the said committee.
20. The members of the executive committee, other than the past chairman, honorary secretary and the honorary treasurer, shall not between them include more than one principal of any one firm.

21. The executive committee shall have the power co-opt any members of the association from time to time for specific purposes. Paragraphs 20 and 23 of these presents shall not apply in the case of co-opted executive committee members.
22. In the event of the resignation or decease of any member of the executive committee, a successor shall be elected at the next general meeting of the association and shall hold office of the resigned or deceased member.

#### Re-Elections

23. A retiring member of the executive committee shall not be eligible for re-election to the committee during a period of one year following his retirement unless he shall have served thereon for less than the three years immediately prior to his retirement, but this paragraph shall not apply in the case of: -
  - (a) The election of a vice-chairman, or
  - (b) The office of honorary secretary or honorary treasurer.

(Note to paragraph 23 – The immediate past chairman, so long as he remains such, automatically remains a member of the executive committee under paragraph 16).

24. A retiring chairman or vice-chairman shall not be eligible for re-election to his respective office during the five years following his retirement.

#### Duties of the Executive Committee and the Members thereof.

25. The duties and powers of the executive committee shall be as detailed in these presents together with such other duties and powers as may from time to time be delegated to them by a meeting of the association.
26. The executive committee shall be responsible for the general management of the affairs of the association, subject to the confirmation of the association, and shall meet as often as necessity requires.
27. The chairman of the association shall normally occupy the chair at meetings of the association and of the executive committee and shall regulate the proceedings thereat in accordance with these presents. In the absence of the chairman, the vice-chairman shall act in his stead, and in the absence of them both, the immediate past chairman shall so act; in the absence of all three, the remaining members of the executive committee present shall appoint one of their number so to act.
28. The honorary secretary shall, under the direction of the executive committee, conduct the correspondence of the association and attend all meetings and take minutes of the proceedings thereat.

29. The honorary treasurer shall receive all entrance fees and subscriptions, present all accounts to the executive committee for their approval, and place a statement of the financial position of the association before the annual general meeting.
30. The membership secretary shall maintain a register of members and shall notify every member of any material amendment to the register.

#### Meetings of the Executive Committee

31. Any four members of the executive committee (exclusive of any co-opted members or professional assistants) present shall constitute a quorum.
32. Other than as provided in paragraph 35 of these presents, a simple majority vote of the members present at a meeting of the executive committee shall be deemed to constitute a decision of that committee.
33. Proxy votes shall not be admitted.
34. The chairman of a meeting of the executive committee shall be entitled to an additional casting vote.

#### Discipline

35. The executive committee shall be empowered: -
  - (a) by the votes of the majority of those present at a meeting of the same, to reprimand, or
  - (b) by a majority of two-thirds at least of those present as a meeting of the same, to suspend or to expel from the association.

Any member who violates any of these presents, always provided that before a decision to suspend or expel a member is taken, such member shall be informed of the complaint in regard to his conduct and be given the opportunity of stating his defence either in writing or by appearance before the executive committee. Any such suspension or expulsion may be at any time revoked or modified by the executive committee at a like meeting and by such a majority as aforesaid, and the executive committee may make such terms and conditions as they deem suitable.

36. A member who has been suspended or expelled from the association in accordance with paragraph 35 foregoing may within seven days of his receiving the decision of the executive committee appeal through the honorary secretary for the matter to be referred to a special general meeting of the association, and in which case the decision of the executive committee shall remain in abeyance. If at the special general meeting a resolution to quash the decision of the executive of these presents the said decision of the executive committee shall thereupon be quashed, but otherwise it shall be deemed to have been ratified by the special general meeting. No further appeal shall lie.

#### Disputes Between Members

37. The executive committee shall be empowered to act as a whole, or at their discretion to appoint any one or more of their number to act as arbitrator or arbitrators, in the settlement of any question or disagreement arising between members in matters of a professional business.  
Members desiring such action shall give notice in writing to the honorary secretary who shall place the same before the executive committee without delay.

### SECTION IV – MEETING OF THE ASSOCIATION

#### Meetings

38. Meetings of the association shall be either general or annual general meetings or special general meetings, and in this section of these presents the word “meeting” shall be deemed to refer to all such meetings of the association if not inconsistent with the subject of context.
39. Annually, there shall be two General Meetings, one of which is to be the Annual General Meetings to be held during the month of November, three meetings of the Executive Committee, and several meetings of general professional and social interest.
40. A special general meeting of the association for the consideration of any important and urgent question may be convened by the honorary secretary on the receipt of a detailed request in writing by not less than five members. The business dealt with at such meeting shall be restricted to that agenda.
41. The honorary secretary shall send every member not less than seven days’ notice in writing of each meeting of the association and such notice shall be accompanied by a copy of agenda.

#### Quorum

42. Eleven members present, of whom at least three are members of the executive committee, shall constitute a quorum.

#### Motions Calculated to Bind the Association in General or Relative to the Finance of the Association

43. Any member desiring to bring forward a motion of this nature may do so on giving detailed notice in writing to the honorary secretary at least fourteen days prior to the date of a meeting, and no such motion shall be brought forward at a meeting unless it shall have been included in the agenda as circulated with the convening notice.
44. Subject to paragraph 43 of these presents any member may propose and second such a motion, and any member may without prior notice propose or second any amendment thereto.

45. Such a motion or an amendment thereto, if duly proposed and seconded, shall be carried if it shall receive a vote in favour from not less than two thirds of the members present, and a motion so carried shall become a resolution of the association.
46. In respect of such a motion or amendment, each member who is present shall be entitled to one vote. The chairman of the meeting shall be entitled to an additional casting vote.

Motions to Quash a Disciplinary Decision of the Executive Committee

47. A motion to quash disciplinary decision of the executive committee may be proposed and seconded by any member at a special meeting convened in accordance with paragraph 36 of these presents, and shall be carried if it shall receive a simple majority vote in favour from the members present but members of the executive committee shall not be entitled to vote save that the chairman of the meeting shall be entitled to a casting vote. Voting shall be by ballot.

Motions not previously referred to

48. Motions of a nature other than those covered in paragraphs 43 to 47 of these presents (but not elections to membership or to the executive committee) and amendment thereto may be proposed or seconded at a general or annual general meeting by any member without prior notice always provided that the agenda allows for "any other business".
49. Such a motion or amendment thereto, if duly proposed and seconded, shall be carried if it shall receive a simple majority vote in favour, each member present being entitled to one vote save that the chairman shall be entitled to an additional casting vote. A motion so carried shall become a resolution of the association.

Elections to the Executive Committee

50. Subject to the provisions of section III of these presents, any member may without previous notice propose or second any other member for election as a member of the executive committee, and when a candidate shall have been duly proposed and seconded an election by ballot shall ensue. Each member present shall be entitled to one vote per vacancy, and the chairman of the meeting to such casting votes may be necessary. The candidate or candidates polling the higher or highest number of votes shall be deemed to have been elected.

Election of New Members

51. A Candidate for election to membership shall not be proposed unless his name shall have been included in the agenda as circulated with the convening order, and unless his election to membership shall have been recommended by the executive committee in accordance with section III of these presents.
52. Subject to the provisions of paragraph 51 of these presents any member may propose or second a candidate for membership.

53. If a candidate for membership shall have been duly proposed and seconded an election by show of hands shall ensue and voting thereat shall be in accordance with paragraph 46 of these presents. A candidate thus polling a favourable vote from not less than two-thirds of the members present or represented and entitled to vote shall be deemed to have been elected a member of the association.

#### SECTION V – CONDUCT

54. A member shall conduct him/herself and his/her business affairs in a professional manner such as shall in no way be against the public interest.
55. “The association shall not require a member who enter into any practising or trading agreement such as would be registerable under the Restricted Trade Practices (Services) Order 1976 (Statutory Instruments 1976 No.98)”.

#### SECTION VI – ADVERTISING

##### Advertisements

56. A member shall adhere to the Directions with regard to advertisements issued by the senior professional organisations.

#### SECTION VII – FINANCE

##### Membership Fees

57. The annual membership fee will be £5.00. This annual subscription will be recovered at the time of the Annual dinner and will be incorporated within the price of the ticket. However, each firm will only be charged this additional levy on tickets that correspond to the number of members within that firm, the remainder of the tickets being at normal price. Any members not attending the Dinner will be charged £5.00 per head. This sum to be reviewed annually at the treasurer’s recommendation.

##### Expenditure

58. In the absence of any resolution by the association to the contrary, the expenditure of the association shall be limited to that necessary to cover the reasonable out-of-pocket expenses incurred by the honorary secretary and the honorary treasurer in the administration of the association.

### Annual Subscriptions

59. At each annual general meeting of the association the honorary treasurer shall produce a statement of the expenditure incurred since the last annual general meeting. If this statement is duly proposed, seconded and adopted in accordance with section IV of these presents, the expenditure shall be apportioned between all members of the association; these apportionments shall then be payable by members as their annual subscriptions in arrears.
60. The executive committee shall have the power to reduce or commute at their discretion the annual subscription payable by a member.