

## CONSTITUTION

### NAME OF ASSOCIATION

1. The name of the Association shall be "THE SCOTTISH AGRICULTURAL ARBITERS' AND VALUERS' ASSOCIATION".

### OBJECTS

2. The objects of the Association are to
  - (i) prepare, collect, tabulate and disseminate information on matters of professional interest to its members, and recognised Local Valuers' Associations;
  - (ii) represent their collective opinions and views in any appropriate quarter;
  - (iii) discuss matters of principle and of procedure with regard to professional practice and to make, as far as practicable, recommendations for their treatment on uniform lines;
  - (iv) act as a consultative and advisory body on such matters;
  - (v) take such action as may be deemed desirable in relation to any subjects in which the Association, its members, and recognised Local Valuers' Associations are concerned or which affect their interests, and
  - (vi) liaise as necessary with the recognised Local Valuers' Associations.

It shall be competent to this Association to encourage and assist in the formation of Local Valuers' Associations, with a view to their recognition by this Association.

### MEMBERSHIP

3. Membership shall consist of:-
  - (a) **Full Members**, as admitted by the Council, who shall be
    - (i) Existing Full Members as at the date this constitution is adopted and
    - (ii) Fellows of the CAAV who are members of SAAVA.
  - (b) **Associate Members** being those admitted by Council who have been acting in valuation, arbitration or other relevant work , or who otherwise satisfies the Council as to qualifications and experience. Associate Members shall be entitled to all privileges of full membership, save that they shall not be able to vote at a general meeting.
  - (c) **Probationer Members** being those admitted by Council who are in or seeking relevant work but are neither Full nor Associate members and are not in full time education. A Probationer Membership shall cease after six years save as renewed by Council.

- (d) **Student members** being those admitted by Council who are in full time education. They may remain as Student Members until the end of the calendar year in which they cease to be in full time education. Student Members shall not be eligible for election to the Council.
- (e) **Retired Members** being those Full or Associate members who wish to move to this status and have been accepted by Council as no longer engaged in relevant work.
- (f) **Honorary Members**, admitted at the special invitation of the Council following approval by the membership (as a whole) and who have served or assisted the Association with distinction. Honorary Members shall be entitled to all the privileges of full membership, without payment of subscription.

### **SUBSCRIPTIONS**

- 4. The annual subscription due for each class of membership shall be such sum as the membership from time to time may determine in a General Meeting.

### **COUNCIL**

- 5. (i) The Association and its finances shall be managed by a Council, consisting of no more than fourteen elected individual members of the Association together with the President and Vice President ex officio, one delegate nominated by each Recognised Local Valuers Association and retired Presidents under sub-paragraph (iii).
- (ii) It shall be in the power of the Council, if they think fit, to co-opt not exceeding two additional members of the Council, which co-options shall be renewable annually.
- (iii) The President and Vice President shall be Chairman and Vice Chairman of the Council, and at the expiration of his term of office, the retiring President shall remain as a member of the Council, subject to retiral as if he had been elected at the date of the expiration of his term of office as President.
- (iv) The Council shall meet at least once a year, and as often as they may deem expedient. Five shall be a quorum.
- (v) Council members shall be elected by the membership at Annual Meeting with a view to providing the most effective representation of the membership, having regard to their geographical distribution. At each Annual Meeting, one fifth or as nearly as may be one fifth of the Members of Council shall retire. In the event of any question arising as to which of the members shall retire, the order of retiral shall be decided by the Council in such manner as they shall think fit, always keeping in view that those members who have been longest in office, should generally retire first in order. No elected member shall serve for more than five consecutive years.

## **SECRETARY**

6. The Secretary shall be appointed by the Council for such period and upon such terms as the Council may determine. An Assistant Secretary may be appointed similarly.

The Secretary shall also act as Treasurer and shall undertake the various duties of a Secretary and Treasurer and be subject to the instructions of the Council. The Secretary shall attend all meetings of the Association, its Council and Committees, sign all cheques for disbursements, and render an Annual Account to the Council.

## **ANNUAL MEETING**

7. There shall be a meeting of members of the Association at least once in every calendar year. At least fourteen days notice of the Annual Meeting of the Association and of the Agenda therefor, shall be given by the Secretary to the members and also to secretaries of Recognised Local Valuers Associations. Ten shall be a quorum.

## **SPECIAL MEETINGS**

8. In the event of not less than seven individual members, desiring a Special Meeting of the Council or of the Association to consider any matter of urgency or of immediate importance, notice signed by the requisitionists shall be given to the Secretary, who, if directed by the President or Vice-President (who shall be entitled to decide whether the matter is urgent or important) shall call such Special Meeting accordingly. Special Meetings of the Association may also be held at any time the Council deem desirable, but at least ten clear days' notice of such meeting, with the Agenda therefor, shall be given by the Secretary to the members, and also to the secretaries of all the recognised Local Valuers' Associations. Ten shall be a quorum.

## **PRESIDENT and VICE PRESIDENT**

9. A President and Vice President shall be elected at the Annual Meeting of the Association for a two year term. The election shall if desired by any member be by ballot amongst the members present at the Meeting. The property and funds of the Association shall be vested in the President and Vice-President for the time being as Trustees for the Association.

## **COMMITTEES**

10. The Council shall have power to appoint Committees, either permanently or temporarily, to deal with special subjects as they may think fit, and to make rules for the transaction of business connected therewith. Such Committees shall appoint their own Chairmen subject to the agreement of Council, acting through the President.

## **COMMUNICATIONS WITH RECOGNISED LOCAL VALUERS' ASSOCIATIONS**

11. (a) All communications with recognised Local Valuers' Associations shall be made through their secretaries and the Secretary of this Association.
- (b) Members of Recognised Local Valuers Associations who are not members of the Association shall be entitled to attend General Meetings of the Association but not to vote.

## **REPORTS**

12. The Council shall present to the Annual Meeting a Report of the Proceedings of the Association and of the Council, and also a Statement of Accounts for the preceding year.

## **BUSINESS AT MEETINGS**

13. Any member, may give notice of any motion to be made at an Annual Meeting or Special Meeting of the Association, but such notice must be given to the Secretary at least 28 days before the Meeting and the Secretary shall send a copy of such notice to all members and Recognised Local Valuers Associations at least 14 clear days before such Meeting.

## **ALTERATION OF CONSTITUTION AND RULES**

14. The Constitution and Rules of the Association may from time to time be altered and/or amendments of the Constitution and/or rules may be made at any Annual Meeting of the Association; provided that
  - (1) notice of any motion for such alteration or amendment is given to the Secretary twenty one days before the Meeting and a copy is sent by the Secretary to each member at least fourteen clear days before such Meeting
  - (2) not less than two-thirds of the members present at the meeting vote in favour of any motion to later the Constitution and
  - (3) a majority of the members present at the meeting vote in favour of any motion to alter the rules.

## **RESOLUTIONS**

15. No motion to rescind any resolution of the Association which has been passed within the preceding six calendar months, nor any motion to the same or substantially the same effect as a motion which has been negative within the preceding six calendar months, shall be entertained unless twenty-eight days' notice thereof has been given to the Secretary, who shall give notice of such motion to each member at least fourteen clear days before the Meeting, and no such motion shall have effect unless there vote in favour thereof at least two-thirds of all the members present and entitled to vote.

## **NOTICES**

16. All Notices required hereby may be sent by e-mail.

## **RULES**

### **ADMISSION AND RECOGNITION**

1. Every applicant for admission as a member must be proposed by one and seconded by another member who has personal knowledge of the character and fitness of the applicant. Applicants shall complete a form of application for admission in which they shall give particulars of their qualification and experience.
2. Applications for recognition from any Local Valuers' Association in Scotland shall be laid before the Council at their Meeting next following receipt thereof, and if approved by the Council such Associations shall thereupon be recognised by this Association and recorded as such.

### **AGENDA**

3. No business shall be transacted at a Meeting of the Association unless specified in the agenda relating thereto, or declared to be urgent by the votes of three-fourths at least of the members then present but no resolution relating to Rules or Allowances shall be moved at any meetings unless the exact wording of such resolution shall have been intimated to members with the notice of the meeting.

### **CHAIRMANSHIP OF MEETINGS**

4. Meetings of the Association shall be presided over by the President, or in his absence by the Vice-President, and in the absence of both the Meeting shall elect a Chairman from amongst the other members of the Council present.

### **MINUTES**

5. Minutes of the proceedings of every Meeting of the Association, Council and Committees shall be recorded by the Secretary in a book kept for that purpose and be signed by the Chairman of the Meeting to which they refer, or of that at which they are read and approved. Every such Minute when so recorded and signed shall in the absence of proof of error therein be considered a correct record.

### **VOTING**

6. Every question at Meetings of the Association, except as otherwise provided for in the Constitution, shall be determined by a majority of the votes on members personally present, every member having one vote, and in case of equality of votes the Chairman shall have a casting vote in addition to his vote as a member.

## **ADJOURNMENT OF MEETINGS**

7. A Meeting of the Association may adjourn at pleasure and for such time and to such place as it may decide.

## **FINANCIAL YEAR**

8. The financial year shall commence on the 1st day of January in each year and close on the 31st day of December following.

## **WITHDRAWAL**

9. Any member, desiring to withdraw from the Association, may do so by giving six months' notice in writing to the Secretary on or before the 30th day of June in any year and on payment of all arrears of subscription then due.

## **COMPLAINTS PROCEDURE**

- 10.1 If a member of the Association has a professional qualification from and is a professional member of another professional body any complainant should complain to that professional body in the first instance except in circumstances where the complaint relates to an arbitrator or independent expert appointed by the Association.
- 10.2 Subject to Rule 10.1:
  - 10.2.1 All complaints shall be submitted in writing to the Secretary.
  - 10.2.2 The Secretary (or his nominee in the event of conflict of interest) shall acknowledge the complaint in writing without comment and refer it to the President.
  - 10.2.3 The President (or his nominee in the event of conflict of interest) through the Secretary shall make such further enquiry of the complainant and the member as he deems necessary.
  - 10.2.4 If following enquiry the President determines that the complaint is not relevant or for any other reason cannot be accepted the President through the Secretary shall so inform the complainant and member in writing.
  - 10.2.5 If the member accepts or the President upholds the complaint and it merits no punishment greater than a private reprimand the President through the Secretary shall so inform the complainant and the member in writing. The member may notify the Secretary in writing within twenty one days of receipt of the written decision of the President that he does not accept such decision and request that the matter be referred to the aftermentioned Disciplinary Panel.

- 10.2.6 If the member accepts or if proven the complaint would in the opinion of the President merit any of the penalties listed in rule 10.2.9 the President shall refer the complaint to a disciplinary panel comprising three members of Council, in professional practice, without conflict of interest, each of at least ten years' standing (the "Disciplinary Panel").
- 10.2.7 The Secretary on behalf of the Disciplinary Panel shall contact the complainant and member in writing and request that within twenty one days of receipt of such notice that through the Secretary they shall make such written representations as they consider appropriate relative to the complaint. The Disciplinary Panel shall through the Secretary be entitled to make such further enquiry of the complainant and member as they deem necessary. The Disciplinary Panel shall conduct itself in addressing the complaint as it shall see fit.
- 10.2.8 After being satisfied that they have properly considered the complaint on the basis of the submissions and enquiries that have been made, the Disciplinary Panel shall either:-
- 10.2.8.1 Dismiss the complaint and so inform the parties; or
  - 10.2.8.2 Uphold the complaint and determine the penalty that the Association is to make in respect of it.
- 10.2.9 The penalties available where part or all of a complaint against a member have been upheld are:
- 10.2.9.1 Public reprimand reported to the Council;
  - 10.2.9.2 Restriction from Full to Associate Membership;
  - 10.2.9.3 Suspension from membership for a set period; or
  - 10.2.9.4 Expulsion from the Association.
- 10.2.10 The Disciplinary Panel shall in all cases report directly to the Council at its next meeting on the complaint, the finding, any penalty and any matters it wishes to bring to the Council's attention as a result of its consideration of the issue.
- 10.2.11 The Secretary shall forthwith and without further resolution by the Council implement the penalty as determined by the Disciplinary Panel, including the notification of the outcome to the member.
- 10.2.12 If the complaint is upheld the member shall be required to pay his own costs of the investigation of the complaint and may be liable for all or part of the reasonable costs of the President and the Disciplinary Panel in considering and determining complaints up to the member's expulsion from the Association.

The determination of the Disciplinary Panel shall be final.



## **DELEGATES**

11. Each affiliated recognised Local Valuers Association shall forward to the Secretary of this Association the name and address of its delegate and in the event of a fresh delegate being nominated to the Council, notice thereof shall at once be given.

## **REFERENCE TO COUNCIL**

12. It shall be competent for any member, or Recognised Local Valuers Association to bring before the Council in writing any point of practice or procedure for the opinion of the Council thereon but the Council shall be entitled to withhold their opinion when they consider it expedient to do so.

## **APPOINTMENT OF DEPUTY**

13. In the event of a member of the Council representing a Recognised Local Valuers' Association being incapacitated through illness or otherwise, the president of such Association shall have the power to nominate in his place another member appointed by his Association to act during the term of the original member's incapacity.