

TCPAK

TOWN AND COUNTY PLANNERS ASSOCIATION OF KENYA



TOWN AND COUNTY PLANNERS ASSOCIATION OF KENYA

THE CONSTITUTION AND BY-LAWS

TOWN AND COUNTY PLANNERS ASSOCIATION OF KENYA (**TCPAK**)

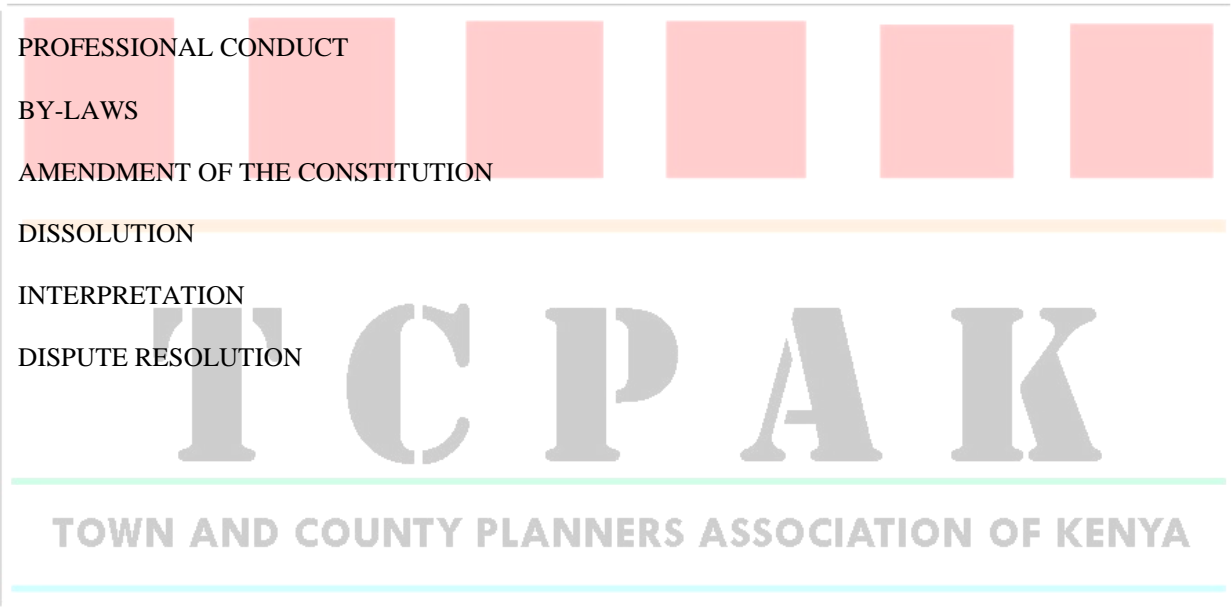
AUGUST 2012

CONTENTS OF THE CONSTITUTION

1. TITLE

2. INTRODUCTION
3. OBJECTIVES OF THE ASSOCIATION
4. MEMBERSHIP
5. QUALIFICATIONS FOR MEMBERSHIP
6. VOTING MEMBERS
7. ORGANISATION STRUCTURE OF THE ASSOCIATION
8. MANAGEMENT OF THE ASSOCIATION
9. ENTRANCE FEES AND SUBSCRIPTION
10. GENERAL MEETINGS
11. BOARD OF TRUSTEES
12. PROFESSIONAL AFFIXES

13. PROFESSIONAL CONDUCT
14. BY-LAWS
15. AMENDMENT OF THE CONSTITUTION
16. DISSOLUTION
17. INTERPRETATION
18. DISPUTE RESOLUTION



VISION, MISSION AND VALUE STATEMENT

Who we Are

We are a body corporate of town, county, regional and country planners association which brings together professionals, dealing with issues pertaining to town and country planning, urban and regional development, environmental issues, regional and international planning and development among others. The Association promotes professional development, education, public awareness, and the protection of built and natural heritage and environment.

Our Vision

To be the premier and leading town, county, regional and country planning association of choice in Kenya and the world.

Our Mission

The Association exists to advance sustainable, integrated and inclusive association for the benefit of the town, county and country planners and professional growth of members through professional practice, advancing planning knowledge and technologies, research, championing the rights of town planners and conducting professional development programs.

Our Value Statement

A responsive professional association of town, county and country planners which is professional, accountable, democratic and mutually supportive.

T C P A K
TOWN AND COUNTY PLANNERS ASSOCIATION OF KENYA

1. TITLE

1-1 The title of the Association is “**Town and County Planners Association of Kenya**” hereinafter called the Association. The Association may also be identified by the acronym – “TCPAK”.

2. INTRODUCTION

2-1 The Association is a body corporate comprising town, county, and country planners, and/or urban and regional planners and/or physical planners. The Association promotes professional development, education, public awareness, sustainable development and the protection and conservation of the built and natural environment.

3. OBJECTIVES OF THE ASSOCIATION

The objectives of the Association are –

- Co-ordinate the activities of Town Planners in Kenya and promote professional integrity and to direct the members of the Association in all matters of professional practice;
- Advance the science and art of town and country planning, land use, buildings and infrastructure by developing the standards of professional education, training and practice, and facilitate matters of mutual interest of the members;
- Create public awareness by marketing the services of members and provide professional opinions on the matters pertaining to violation of the statutes provided for good maintenance of the built and natural environment;
- Establish and accredit Continuous Professional Development programmes for the members and encourage collaboration of professionals and societies engaged in the built and natural environment;
- Offer community services by participation in the enhancement of the built and natural environment and maintain town and country planning information services;
- Liaise with the National and County Government, city, municipal and town authorities and regulatory agencies on the matters affecting Registration and licensing of Town Planners;
- Foster National, Regional and International co-operation in matters dealing with the built and natural environment;
- Maintain, protect and conserve the heritage of the built and natural environment;
- Facilitate research and dissemination of information for the advancement of professional education, training, and practice;
- Publish documents, publications, and maintain town and country planning information services for the benefit of the members and the general public in all matters of the built and natural environment;
- Maintain professional position and view and remain politically neutral.

4. MEMBERSHIP

The membership of the Association shall comprise the classes listed herein below -

4-1 Honorary Member

4-2 Fellow Member

4-3 Corporate Member

4-4 Graduate Member

4-5 Technician Member

- 4-6 Student Member
- 4-7 Visiting Member
- 4-8 Firm Members
- 4-9 Institutional Member
- 4-10 Associate Member

5. QUALIFICATIONS FOR MEMBERSHIP

5-1 Honorary Member - shall be a person whom the National Council considers to be eligible by virtue of eminence in arts, science or literature; or by services rendered to the Association or its associated professions; or by other outstanding and relevant attributes.

5-2 Fellow Member - shall be a corporate member who has been nominated by the National Council and declared Fellow by the resolution of the general meeting at the commencement of this class of membership and thereafter corporate member who has fulfilled such conditions prescribed by the By-Laws.

5-3 Corporate Member - shall be a person who was declared to be Corporate Member at the inaugural meeting of the Association. Thereafter the inaugural meeting, a corporate member shall be a person who has passed prescribed Registration Board examinations and have fulfilled such conditions as the By-Laws prescribe.

5-4 Graduate Member - shall be a person who has passed prescribed accredited university degree examinations in urban and/or regional planning and has fulfilled such conditions as the By-Laws prescribe.

5-5 Technician Member - shall be a person who has passed prescribed College Diploma examinations in urban and/or regional planning and has fulfilled such conditions as the By-Laws prescribe.

5-6 Student Member - shall be a person who has enrolled in urban and regional planning study in institutions of higher learning and has fulfilled such conditions as the By-Laws prescribe.

5-7 Visiting Member - shall be a person who is in Kenya for not more than three years and has fulfilled such conditions as the By-Laws prescribe.

5-8 Firm Member - shall be a professional town and country planning firm in Kenya which has fulfilled such conditions as the By-Laws prescribe.

5-9 Institutional Member - shall be a professional town and country planning institution or society in Kenya and has fulfilled such conditions as the By-Laws prescribe.

5-10 Associate Member – shall be a person with university non-accredited degree and demonstrated understanding of town and country planning issues and has fulfilled such conditions as the By-laws prescribe.

6. VOTING MEMBERS

6-1 All Fellow Members, Corporate Members, and the Graduate Members of the Association shall be voting members.

6-2 Non-voting members of the Association shall be Honorary Members, Technician Members, Student Members, Visiting Members, Firm Members and Institutional Members. They shall not vote at the Annual General Meetings, other General Meetings, or Meetings of the National Council.

7 ORGANIZATION STRUCTURE OF THE ASSOCIATION

The Association is a national organization representing town, county, regional and country planners in Kenya. The Association is run and managed by the National Council and represented in each county by a County Committee.

7-1 COUNTY COMMITTEE

- 7-1.1 A County Committee of the Association may be formed in any County where this is so requested by the members living, working, and/or conduct business there.
- 7-1.2 The County Committee shall be established in a manner and upon such conditions as agreed by the National Council.
- 7-1.3 The County Committee shall manage and oversee the activities of the Association in the County and on behalf of the National Council.
- 7-1.4 The County Committee shall consist of the following members - County Committee Chairman, Committee Vice-Chairman, Committee Secretary, Committee Assistant Secretary and Committee Treasurer.
- 7-1.5 The term of the County Committee member shall be three years. A member of the County Committee shall be eligible to hold the same office for only one more term of 3 years.

7-2 THE NATIONAL COUNCIL

- 7-2.1 The National Council shall be composed of the office bearers of the Association;
- 7-2.2 The term of the office of the National Council shall be for only one term of five years. An Office Bearer shall not be eligible to hold the same office in the immediate subsequent term.

7-3 NATIONAL COUNCIL OFFICE BEARERS

The following office bearers, who shall constitute the National Council, shall be elected every five years by the members of the Association by means of a popular ballot conducted in accordance with by-law 21-3, 21-4, 21-5, 21-6, and 21-7.

The election of office bearers should reflect regional, county, and gender spread and balance.

- Chairman/Chairlady
- Vice-Chairman/Vice-Chairlady
- Secretary
- Assistant Secretary
- Treasurer
- Assistant Treasurer
- Registrar
- Assistant Registrar

7-4 DUTIES OF THE OFFICE BEARERS

Duties of the Office Bearers of the Association shall be as follows:

- 7-4.1 **The Chairman**, shall preside over all meetings of the Association and the National Council. The Chairman shall also be responsible for oversight over policy formulation of the National Council.

In case the office of the Chairman falls vacant, the Vice-Chairman shall occupy the office until the next date of election.

- 7-4.2 **The Vice-Chairman** shall perform the duties of the Chairman in his/her absence; the Vice Chairman shall also perform any other responsibilities as delegated by the Chairman and the National Council.

7-4.3 The **Secretary** shall be in charge of and oversee administration in the Secretariat. The Secretary will liaise with the Secretariat in dealing with and handling all correspondence of the Association under the general direction of the National Council. The Secretary shall be responsible for the safe keeping of all correspondence, agreements, titles, documents and records of the Association.

7-4.4 The **Assistant Secretary** shall perform the duties of the Secretary in his/her absence and any other responsibilities as delegated by the Secretary and the National Council.

7-4.5 The **Treasurer**, acting under the general direction of the National Council, shall cause to be kept the proper books of accounts, prepare budgets, and financial reports of the Association.

7-4.6 The **Assistant Treasurer** shall perform the duties of the Treasurer in his/her absence and any other responsibilities as delegated by the Treasurer and the National Council.

7-4.7 The **Registrar** shall cause to maintain a Register of all members. The Register shall contain a member's full name, address, qualifications, and class of membership. The Registrar shall cause to maintain an up to date list of members, and shall receive applications for membership.

7-4.8 The **Assistant Registrar** shall perform the duties of the Registrar in his/her absence and any other responsibilities as delegated by the Registrar and the National Council.

8. MANAGEMENT OF THE ASSOCIATION

8-1 Secretariat and Administration

8-1.1 The Association shall establish and maintain a Secretariat.

8-1.2 The management of the affairs and business of the Association shall be in accordance with this Constitution. The management of the Association shall also be based on the policy guidelines formulated by the National Council.

8-1.3 The National Council shall appoint a qualified Executive Officer to carry out and implement policies of the National Council.

8-1.4 The National Council shall cause to be kept proper administration system through the Secretariat headed by the Executive Officer.

8-1.5 The Secretary of the Association has direct oversight administration of the Secretariat. The Executive Officer shall report to the Secretary.

8-2 Financial Management

8-2.1 The National Council shall cause to be kept the funds and resources of the Association and use for the furtherance of its objects.

8-2.2 The National Council shall cause to be kept proper records of accounts for the capital, funds, receipts and expenditure of the Association, so that the true financial state and condition of the Association may at all times be exhibited by such accounts and shall be available to members for scrutiny, if required.

- 8-2.3 The Financial Year of the Association shall end on the 31st day of December in each calendar year;
- 8-2.4 The accounts of the Association shall be made up each year ending 31st day of December and after having been approved by the National Council and audited by elected Auditor.
- 8-2.5 The financial report and audited accounts shall be presented to the next Annual General Meeting.
- 8-2.6 Auditors shall be elected annually at the Annual General Meeting. They shall have access at all reasonable times to the accounts and securities, and shall report thereon to the next Annual General Meeting.

9. ENTRANCE FEES AND SUBSCRIPTION

Entrance fees and subscription shall be paid to the Association in accordance with the amounts as prescribed in the by-laws. Any member who has not paid his/her annual subscription, or who is a defaulter under the by-laws, shall not vote.

10. GENERAL MEETINGS

- 10-1 The General Meetings of the Association shall be convened by the Secretary, or as the National Council shall instruct, or as the By-Laws may prescribe.
- 10-2 There shall be at least one General Meeting held in each year, which shall be known as the Annual General Meeting, at which the business shall include receiving a report from the Chairman, the Secretary, the Treasurer, the Registrar, the Trustees, the Auditors and the appointment of Auditors;
- 10-3 At all meetings of the Association, the Chairman or, in his absence, the Vice-Chairman or, in the absence of both these officers, a member selected by the meeting, shall take the chair.
- 10-4 Resolutions shall be decided by simple majority of eligible voting members in a secret ballot. In the case of equality of votes the person who occupies the chair shall have a second or a casting vote.

11. BOARD OF TRUSTEES

- 11-1. There is established a Board of Trustees
- 11-2. Members of the Board shall be appointed by a resolution of the Annual General Meeting of the Association at which the Appointment of Trustees is properly upon the agenda.
- 11-3 Tenure of the Trustee shall be maximum of seven years non-renewable term.
- 11-4 There shall not be less than three or more than five Trustees and they shall be Fellow or Corporate Members of the association.
- 11-5 Trustees shall cause to be kept audited accounts of investments, securities and immovable property acquired by the Association and vested in the name of the Trustee Deed.
- 11-6 Board of Trustees shall present an annual report and annual audited accounts to the Annual General Meeting of the Association.

12. PROFESSIONAL AFFIXES

Fellow and Corporate Member may use professional affixes in the manner and on such conditions as the By-Laws prescribes.

13. PROFESSIONAL CONDUCT

Every member and firm shall be bound by the Principles of Professional Conduct and to the Code of Conduct published in the Bye-Laws.

14. BY-LAWS

14-1 The National Council is empowered to create, revoke or amend By-Laws to regulate all matters referred thereto by this Constitution and on any other matters on which regulations are required which are consistent with the Constitution. The creation, revocation or amendment must be properly on the agenda.

14-2 The creation, revocation or amendment of By-Laws concerning the scale of entrance fees, of fees for advancing from one class of membership to another, and of annual subscription shall only be effected by a resolution of General Meeting at which the same is properly on the Agenda.

15. AMENDMENT OF THE CONSTITUTION

15-1 This Constitution may be amended by a resolution of the Annual General Meeting at which the proposed amendment is properly on the agenda.

15-2 Such resolution shall be voted in favour by two-thirds of those present and entitled to vote in secret ballot.

15-3 Amendment to the constitution cannot be implemented without prior consent in writing of the Registrar, obtained upon application to him made in writing and signed by three of the office bearers.

16. DISSOLUTION

16-1 The dissolution of the Association shall be by a resolution of the Association in a General Meeting at which proposed dissolution is properly upon the agenda.

16-2 Such resolution shall be voted in favour by two-thirds of those present and entitled to vote in secret ballot.

16-3 In the event of the dissolution of the Association, the National Council last in office shall in consultation with the Board of Trustees, decide upon the disposal of the Association funds, investments, securities and property.

16-4 That such disposal shall be in accordance with the objects of the Association described in Article 3 above.

17. INTERPRETATION

17-1 Any dispute arising out of the interpretation of this Constitution or of the By-Laws shall be referred to a panel consisting of three persons.

17-2 One of the members shall be an advocate of the High Court of Kenya appointed by the National Council.

17-3 The second member of the panel shall be a Fellow member of the Association nominated by the Fellow members.

17-4 The third member of the panel shall be a Trustee nominated by the Board of Trustees. The Trustee shall chair the panel.

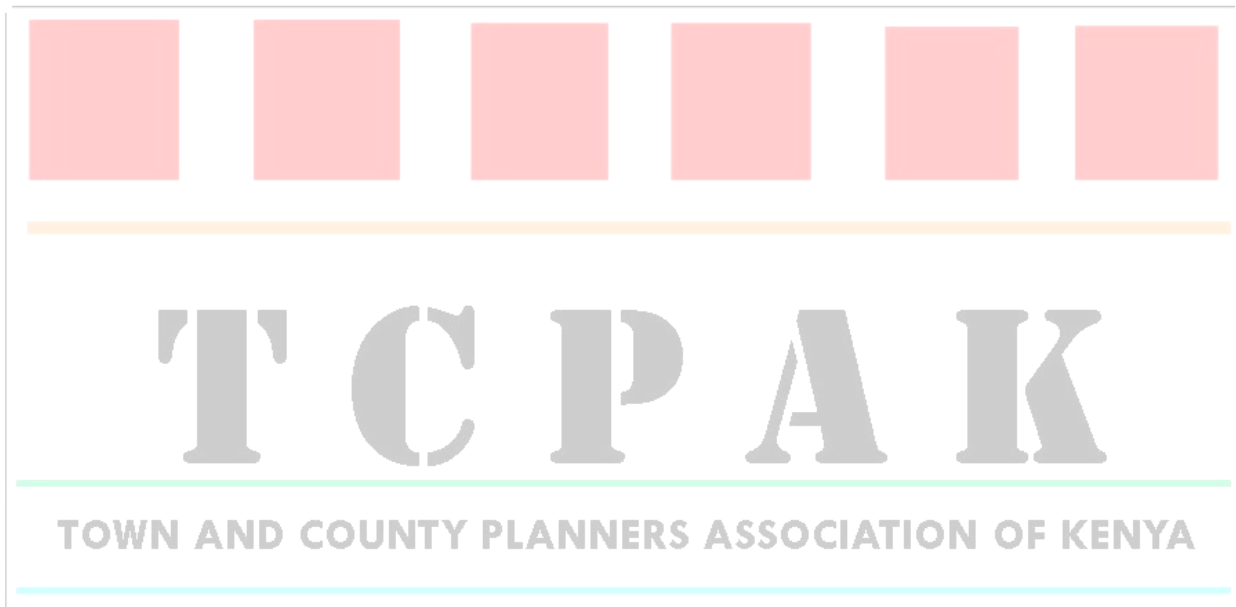
18. DISPUTE RESOLUTION

18-1 Whenever a member has complaint against the National Council and/or Association, such complaint shall be reported in writing to the Secretary of the Association.

18-2 The Secretary shall then refer the matter to the National Council for amicable determination.

18-3 If such a resolution as provided in Article 18-2 fails, the Secretary shall refer the matter to the Institution of Arbitrators in Kenya to appoint a single Arbitrator to hear the matter and give final determination.

18-4 A member reserves the right to seek redress in the Court of Law.

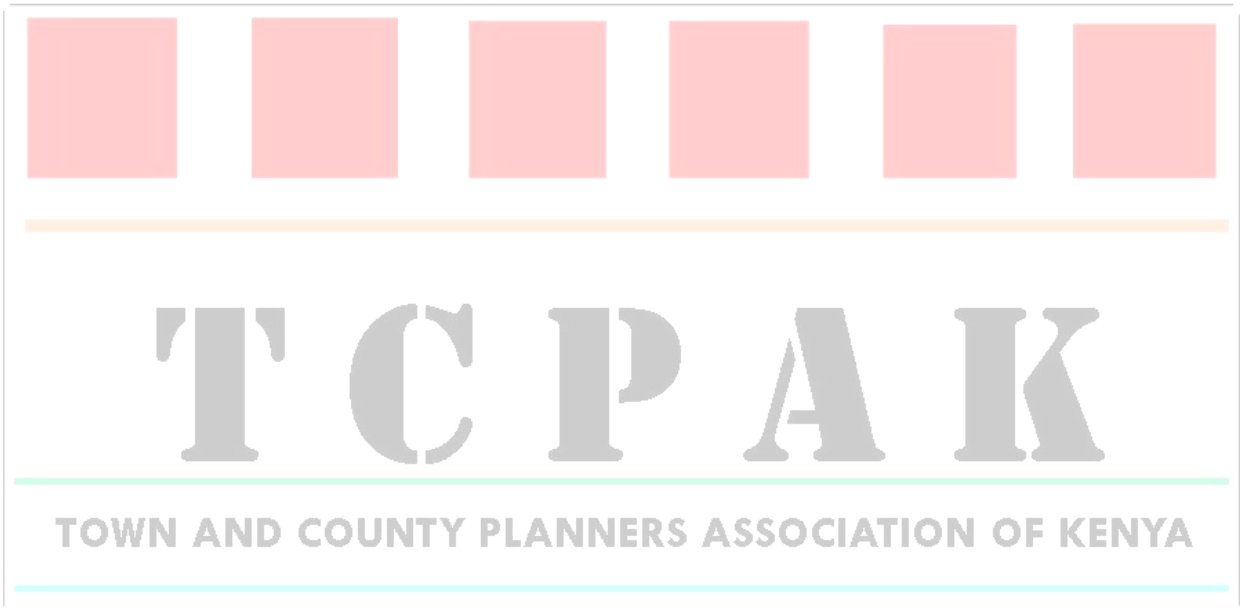


BY-LAWS OF THE TOWN AND COUNTYPLANNERS ASSOCIATION OF KENYA

The By-laws of the Association are as the number listing given below

1. DEFINITION OF TERMS
2. HONORARY MEMBER
3. FELLOW MEMBER
4. CORPORATE MEMBER
5. GRADUATE MEMBER
6. TECHNICIAN MEMBER
7. STUDENT MEMBER
8. VISITING MEMBER
9. FIRM MEMBER
10. INSTITUTIONAL MEMBER
11. ASSOCIATE MEMBER
12. MEMBER DECLARATION
13. APPLICATION FOR MEMBERSHIP
14. ELECTION OF MEMBERS
15. PRIVILEGES OF MEMBERS
16. CONTINUOUS PROFESSIONAL DEVELOPMENT PROGRAMME
17. PROFESSIONAL AFFIXES
18. FEES AND SUBSCRIPTIONS
19. TERMINATION OF MEMBERSHIP
20. ON TERMINATION OF MEMBERSHIP
21. REINSTATEMENT OF MEMBERSHIP
22. THE NATIONALCOUNCIL
23. ANNUAL GENERAL MEETINGS
24. OTHER GENERAL MEETING
25. FINANCIAL MANAGEMENT OF THE ASSOCIATION
26. ADMINISTRATION AND MANAGEMENT
27. DISCIPLINARY POWERS
28. PRINCIPLES OF PROFESSIONAL CONDUCT
29. CODE OF CONDUCT
30. PRESCRIBED EXAMINATIONS
31. APPROVED FEES AND SUBSCRIPTION FOR MEMBERSHIP

32. RECOMMENDED SCALE OF PROFESSIONAL FEE



1. DEFINITION OF TERMS

1-1 'The Constitution' shall mean the Constitution of the Town and County Planners Association of Kenya.

1-2 'Approval' or 'approved' shall mean the approval of or by the National Council or County Committee of the Association.

1-3 As an illustration - By-law 1-3 shall be abbreviated as BL1-3.

2. HONORARY MEMBER

2-1 The National Council may invite a member or other person to be enrolled as Honorary Member. The proposal shall be put to a General Meeting and, if supported by two thirds of those present, the Secretary shall write a letter of invitation to that person. If the invitation be accepted, that person shall be enrolled as an Honorary Member of the Association for such time as the General Meeting may decide.

2-2 Honorary Membership shall be bestowed on a person that has shown exemplary support to the profession and the Association.

3. FELLOW MEMBER

Fellow Member shall be:

3-1 That professional town planner and corporate member nominated by the National Council to the class of Fellow and admitted by the General Meeting.

3-2 To qualify as a Fellow, a candidate shall have:

- (a) Attained the age of 50 years and above,
- (b) Been a corporate member for a period of not less than 20 years,
- (c) Advanced the objects of Association by outstanding leadership and performance in the Association, international organisations, received professional awards, authored publications, staged exhibitions, made technical presentations and innovations locally or internationally.

4. CORPORATE MEMBER

Corporate Member shall be:

4-1 That person declared to be Corporate Member at the inaugural meeting of the Association.

4-2 That person who is elected as Corporate Member as provided for in the By-laws.

4-3 To qualify for election as a Corporate Member, a candidate shall have:

- (a) Attained the age of 18 years; and
- (b) been a town planner in private practice, an employee of a professional town planning firm; or employee in a public office in the national/county governments, or academic and research institution or be otherwise engaged in town planning work.
- (c) Sat and passed the relevant professional examinations prescribed in the By-Laws; and
- (d) been registered by the relevant registration Board of town planners in Kenya.

5. GRADUATE MEMBER

Graduate Member shall be:

5-1 That person declared to be Graduate Member at the inaugural General Meeting of the Association.

5-2 That person who is elected as Graduate Member as provided for in these By-laws.

5-3 To qualify for election as a Graduate Member a candidate shall have:

- (a) Attained the age of 18 years; and
- (b) Has attained an undergraduate or masters degree in urban and/or regional planning from a university accredited by the Association
- (c) Been an employee of a professional town planning firm, or of a public town planning office or academic/research institution in town and country planning.

6. **TECHNICIAN MEMBER**

Technician Member shall be:

6-1 That person declared to be Technician Member at the inaugural General Meeting of the Association.

6-2 That person who is elected as Technician Member as provided for in the By-laws.

6-3 To qualify for election as a Technician Member a candidate shall have:

- (a) Attained the age of 18 years; and
- (b) Hold diploma in town and/or regional planning from institution recognised by the Association
- (c) Been an employee in a town planning firm, or a public town planning office or academic or research town planning institution.

7. **STUDENT MEMBER**

Student Member shall be:

7-1 That person declared to be Student Member at the inaugural General Meeting of the Association.

7-2 That person who is elected Student Member as provided for in the By-laws.

7-3 To qualify for election as a Student Member a candidate shall have:

- (a) Attained the age of 18 years; and
- (b) Enrolled undergraduate/masters student of town planning in university accredited by the Association.

8. **VISITING MEMBER**

Visiting Member shall be:

8-1 That person who has attained the age of 18 years;

8-2 That person who is in Kenya on a temporary basis for not more than three years and is attached as such to a private or public town planning office.

8-3 That person who is engaged or has previous qualifications by way of experience, training, university town planning degree or have town planning registration in a country other than Kenya

9. **FIRM MEMBER**

Firm Member shall be:

- 9-1 That firm declared to be a Firm Member at the inaugural General Meeting of the Association.
- 9-2 That professional town planning firm, in which at least one of the partners of an unlimited company; or one of the directors and of a limited company is a Fellow, or Corporate member of the Association; and
- 9-3 That firm that is elected Firm Member as provided in the By-laws.

10. INSTITUTIONAL MEMBER

Institutional Member shall be:

- 10-1 That institution declared to be an Institutional Member at the inaugural General Meeting of the Association.
- 10-2 That professional institute or society related to Town Planning profession, and to the principles and objects of the Association and maintain the same professional standards of the Association; and

11. ASSOCIATE MEMBER

Associate Member shall be:

- 11-1 That person declared to be Associate Member at the inaugural General Meeting of the Association.

- 11-2 That person who is elected Associate Member as provided for in the By-laws.

- 11-3 To qualify for election as an Associate Member a candidate shall have:

- (a) Attained the age of 18 years; and
- (b) An undergraduate degree qualification, or equivalent in a non-accredited planning degree or a degree with acceptable planning content; and
- (c) Eligible experience in town and country planning, of varying number of years depending on the nature of the academic and/or professional qualification held. Associate membership may be also available to professionals who-
 - Are full members of an overseas planning body and can demonstrate that the planning body applies a similar degree of rigour in membership election as TPAK, OR
 - Are full members of other related built environment professional Institutes/Associations.

12. MEMBER DECLARATION

- 12-1 All individual and legal persons who are declared or accepted to be members and all candidates for election as members shall sign a declaration to abide by the Constitution and By-Laws of the Association, and to be bound by the Principles of Professional Conduct and Code of Conduct promulgated by the Association.

13. APPLICATION FOR MEMBERSHIP

- 13-1 All candidates for election as Corporate, Graduate, Technician, Student, Visiting, Institutional or Firm member shall complete an application form, sign the declaration required under By-law **BL 12-1** above and submit it to the Secretariat for the consideration by the County and National Council.
- 13-2 All candidates for election shall be proposed and seconded by respective class members; provided that no candidate shall be proposed or seconded by the Chairman of the Association.
- 13-3 In making application for membership, a candidate shall state the class of membership for which he/she considers himself/herself to be eligible and shall pay an entrance fee and the first annual subscription in accordance with By-law **BL31-1 and BL31-2**

13-4 The County and National Council shall be entitled to change the application in regard to the class at the time of election if they consider that such change is appropriate in view of the candidate's qualifications.

13-5 All applications for membership shall be signed by the County Secretary/Chairman and Association Secretary/Registrar upon confirmation by the County Council and National Council at the first opportunity.

13-6 Should additional information or any investigation be required by the County and/or National Council or by a membership committee, an application may be held in suspense until such additional information is received.

14. ELECTION OF MEMBERS

14-1 Election shall be by a majority vote.

14-2 In the event that an application is rejected,

(a) These application or entrance fee paid shall not be returned to the applicant.

(b) The first annual subscription shall be returned to the applicant;

(c) Unless in a particular case the National Council otherwise decides, the applicant shall be given a short summary of the reasons for rejection but no other correspondence or legal proceedings shall be entered into;

(d) The applicant may not re-apply for membership for a period of three months from the date of the decision of the National Council;

(d) Any such applicant may appeal to a special appeals committee constituted by the National Council whose decision shall be final.

14-3 Upon election, the Registrar shall inform the applicant and shall enter the name of the candidate in the Register of Association and issue a certificate of Membership.

14-4 A member wishing to advance to another class of membership shall make a new application as provided in the By-laws.

15. PRIVILEGES OF MEMBER

15-1 Member of all class shall have the right to attend General Meetings of the Association and may join in all discussions and participate in all Association activities of the county and national levels.

15-2 Only voting members are eligible to vote at the General Meetings and meetings of the County Council and National Council. Non-voting members shall not vote at any of the aforesaid meetings.

15-3 All members shall have the right to participate in any activities of the Association by attending or subscribing to:

- a) Conferences, seminars, exhibitions and presentations.
- b) Cooperative societies and mortgage schemes;
- c) Professional and medical insurance schemes;
- d) Benevolent Funds and Bursaries;
- e) Documents and stationeries;
- f) Journals and publications; and
- g) Any other activities approved by the County Council and/or National Council.

16. CONTINUOUS PROFESSIONAL DEVELOPMENT PROGRAMME

16-1 All members shall participate in the Continuous Professional Development Programme conducted by the Association.

16-2 All members shall obtain the minimum recommended credit points to retain their membership by attending the Continuous Professional Development programmes which are accredited by the National Council from time to time.

17. PROFESSIONAL AFFIXES

17-1 All Fellow Members shall be entitled to use the following affix: **FTCPAK**

17-2 All Corporate Members shall be entitled to use the following affix: **MTCPAK**

17-3 All Institutional and Firm Members shall be entitled to cite their affiliation with the Association on their official stationery as: **Affiliated Member of the Town and County Planners Association of Kenya.**

17-4 No other affixes shall be used by any member in relation to membership of the Association.

18. FEES AND SUBSCRIPTIONS

18-1 The National Council shall recommend to the Annual General Meeting about the amount of fees payable for Entrance, Transfer of Membership Class and Annual subscription as revised and updated from time to time.

18-2 All applications for the Transfer of Membership Class and Entrance shall be accompanied by the requisite application fees and annual subscription.

18-3 Annual subscription shall be due on the 1st day of January every year and shall be payable by the 31st day of March.

18-4 In the case of a member elected after the 1st October, the subscription shall be deemed to be payment for the following year.

18-5 The Registrar in liaison with the Secretariat shall cause notice for the renewal of annual subscriptions by the 31st December of every year.

18-6 The defaulting members, whose subscription fall in arrears after 31st March, shall be notified by the Registrar in liaison with the Secretariat advising such member that his/her annual subscription has been outstanding for a period of three months and sent by registered post or electronic mail to the address last mentioned on the Register.

19. TERMINATION OF MEMBERSHIP

Membership of the Association may be terminated by the National Council -

- on receipt by the National Council of a letter of resignation from a member; or
- upon being notified of the death of a member; or
- in the case of Corporate Members, if an application for registration by the appropriate Statutory Registration Board is refused or, being already so registered, the member ceases to be eligible for registration; or
- if an annual subscription which is properly due from a member remains unpaid for a further 31 days after a letter has been written on the instructions of the National Council in accordance with By-law **BL.18-6** above; or
- in the event that a member, after having been warned by the National Council in writing, fails or refuses to abide by the Constitution or By-laws of the Association; or
- in the event that a member is found by the National Council to be guilty of unprofessional conduct such as to warrant the termination of his/her membership; or
- in the case of Visiting Members on leaving Kenya or after being a Visiting Member for three year whichever shall be the earliest.

20. ON TERMINATION OF MEMBERSHIP

- 20-1 On termination of membership, the name of the member shall be removed from the Register of the Association and the member shall be so advised in writing by the Registrar.
- 20-2 On termination of membership, the member shall return any Certificate of Membership which may have been issued by the Association.
- 20-3 On termination of membership a member shall not be entitled to any refund of annual subscription.

21. REINSTATEMENT OF MEMBERSHIP

- 21-1 Any member whose name is removed from the Register of the Association may be reinstated at the discretion of the National Council and on such terms as they may consider appropriate.

22. THE NATIONAL COUNCIL

22-1 *The National Council of the Association shall comprised the office bearers*

22-2 The Office Bearers of the Association shall be:

- a) Chairman/Chairlady
- b) Vice-Chairman/Vice-Chairlady
- c) Secretary
- d) Assistant Secretary
- e) Treasurer
- f) Assistant Treasurer
- g) Registrar
- h) Assistant Registrar

22-3 The National Council office bearers shall serve for one non-renewable term of five years only and with no option for re-election in the same office position.

22-4 The members of County Committee shall serve for a term of 3 years, and are eligible for re-election for only one further second term of three years.

22-5 Notice for the Annual General Meeting declaring elections of the Office Bearers shall be sent out by the Secretary at least three weeks before each Annual General Meeting to all members.

22-6 During the Annual General Meeting at which elections is an item on the agenda, the meeting shall appoint a Trustee member who shall act as the Returning Officer for the purposes of election provided that the Trustee does not have any vested interest in the elections.

22-7 The Returning Officer shall receive the nominations from the floor for the election of the Office Bearers and conduct the elections and declare the results. The Returning Officer shall take the chair at the commencement of elections and cease to be a Chairman immediately after declaring the results of the elections.

22-8 During such elections, the nomination of a member for election must be made with his/her consent and shall be proposed and seconded by not less than five voting members present.

22-9 Elections shall be conducted by secret ballot. The ballot paper will be obtained from the Returning Officer.

22-10 The election of office bearers shall reflect gender, county and regional spread and balance.

22-11 Office Bearer for position of Chairman/Chairlady, Vice-Chairman/Vice-Chairlady, Secretary, Treasurer, and Registrar must be a Fellow or Corporate member of the Association. Office Bearer for position of Assistant Secretary, Assistant Treasurer, or Assistant Registrar may be a Graduate member.

22-12 The National Council shall hold at least a quarterly Meeting in March, June, September and December each year.

- 22-13** At all meetings of the National Council, the Chairman or the Vice-Chairman or in their absence a member selected by the meeting shall take the chair. Quorum at the meeting shall be three members.
- 22-14** Resolutions shall be decided with a simple majority by secret ballot and in case of a tie, the person occupying the chair has a second or the casting vote.
- 22-15** The National Council shall expel any elected member from the Council if the member remains absent for three consecutive meetings, with or without apology.
- 22-16** The National Council may appoint a Convenor to any standing or ad-hoc committee as it may consider necessary from time to time. A Convenor of such a committee shall have power to co-opt any interested member of the Association.
- 22-17** The National Council shall nominate all the representatives to various organisations and/or committees of the National Council.
- 22-18** The Committees, appointed as per By-Law **BL.22-16** and the representatives nominated as per By-law **BL.22-17** above, shall have no right to incur any expenses on behalf of the Association unless specifically authorised by the National Council.

- 22-19** The National Council shall approve and accredit the Continuous Professional Development Programmes and determine the criteria for awarding the credit points from time to time and as per By-laws **BL.22-20**
- 22-20** Continuous professional development programs will be credited in consultation with the professional regulatory or registration board.

22-21 **The National Council shall appoint members of the County Committee.**

23. ANNUAL GENERAL MEETINGS

- 23-1** The Annual General Meeting shall take place not later than the last day of February in each year and shall mark the beginning of the session. There shall be held at least one Annual General Meeting per year.
- 23-2** The Annual General Meeting shall be convened by the Secretary giving at least 21 days notice and agenda in writing and on the instructions of the National Council or on receipt of a written requisition from twenty (20) Voting Members stating the business to be conducted.

23-3 The business of the Annual General Meeting shall include:

- (a) Receiving report from the Chairman
- (b) Receiving report from the Secretary
- (c) Receiving a report from the Treasurer and approving of annual budget
- (d) Receiving and approving annual audited accounts by the Auditor
- (e) Conducting and receiving results of the elections for the National Council Office Bearers when due every 5th year
- (f) Debate on any other business for which the notice of 14 days has been given to members.

23-4 The quorum at the Annual General Meeting shall be 30 Voting Members.

24. OTHER GENERAL MEETINGS

- 24-1** Any General Meetings shall be convened by the Secretary giving at least 21 days notice in writing accompanied by an agenda sent to all members.
- 24-2** Or on receipt of a written requisition from ten (10) Voting Members stating the business to be conducted.
- 24-3** **The quorum at the General Meeting shall be 20 Voting Members.**

25. FINANCIAL MANAGEMENT OF THE ASSOCIATION

25-1 Source of funds received and generated by the Association includes.

- (a) Application fees and annual subscriptions
- (b) Sale of documents and publications
- (c) Profit generating activities
- (d) Conferences, seminars, workshops, exhibitions etc
- (e) Continuous Professional Development programmes
- (f) Donations and other lawful sources

25-2 All funds received and generated shall be allocated as per the financial budget and Policy determined and announced at the Annual General Meeting every year.

25-3 The financial year shall be end of the 31st of December and all accounts and balance sheets shall be prepared to that date.

25-4 Bank accounts shall be opened and maintained at a bank, approved by the National Council, in which all funds shall be deposited and from which all payments shall be paid.

25-5 The three joint signatories to the bank accounts and the cheques shall be the Treasurer, Secretary and Chairman.

25-6 The Association may institute legal proceedings against any office bearer whom the National Council has evidence to have misappropriated funds of the Association.

26. ADMINISTRATION AND MANAGEMENT

26-1 The National Council will be responsible for the entire management of affairs of the Association.

26-2 The County Committee shall have delegated authority of the National Council at the County.

26-3 The National Council shall undertake the following responsibilities:

- (a) Establish a marketing and public relations framework for the profession and Association.
- (b) Facilitate professional education, training and practice.
- (c) Establish and implement Continuous Professional Development (CPD) programmes
- (d) Maintain professional ethics and conduct.
- (e) Affiliate and subscribe to international and regional organisations.
- (f) Facilitate and regulate membership into the Association.

27. DISCIPLINARY POWERS

27-1 Should any complaint be received in writing by the Secretary concerning the conduct of a member, the matter shall be reported to the National Council and if the Council rules that the matter be investigated, the Secretary shall send a copy of the complaint by registered letter or electronic mail to the member concerned.

27-2 The National Council shall make such investigations as it considers appropriate and the member shall be invited to appear before Complaints Committee appointed by the Council for the purpose and consisting of three members – Fellow member (as chair), and 2 No. corporate member.

27-3 If the said invitation shall not be accepted or refused within one month of the date thereof the investigations shall proceed in absence of the member.

27-4 The member shall have the right to be represented by any appointed person or lawyer.

27-5 Unless the member otherwise agrees, the investigation shall be held **in camera**.

27-6 Decisions of complaints committee shall be by secret ballot.

- 27-7** A record of the proceedings of the complaints committee shall be kept and, unless the member otherwise agrees, the record shall be confidential. The proceedings, recommendation report of the complaints committee shall be forwarded to the National Council for adoption and decision making.
- 27-8** After completing its investigations and receiving complaints committee report, the National Council shall by secret ballot find the member guilty or not guilty of professional misconduct and shall at its discretion either:
- (a) exonerate; or
 - (b) warn; or
 - (c) reprimand; or
 - (d) suspend; or
 - (e) terminate the membership of the member
 - (f) The Secretary shall accordingly notify the member by registered post or electronic mail, the final decision by the National Council.
- 27-9** The decision of the National Council shall be made public within the Association.
- 27-10** The decision by the National Council shall be final.
- 27-11** The decision and ruling of the National Council shall be reported to relevant statutory registration board.
- 27-12** Should the same complaint have been previously and separately made to the relevant statutory regulatory or registration board and the board has held and concluded an enquiry and recorded its decision, then the National Council may at its discretion waive its own investigations, note the decision of the board and take appropriate action under the By-laws.
- 27-13** Should the same complaint be currently under investigation by the relevant statutory board, then the National Council may postpone investigation by the Association until after the hearing before the board whereupon By-law **BL. 27-12** above shall apply.
- 28. PRINCIPLES OF PROFESSIONAL CONDUCT**
- 28-1** A member shall always discharge duties and shall not commit any act which will have the effect of avoiding or diminishing professional responsibility.
- 28-2** A member shall at all times be honest in dealings and decisions shall be made with integrity of purpose.
- 28-3** A member shall at all time be free from corruption.
- 28-4** Professional advice by a member shall at all times be impartial.
- 28-5** A member must never place himself in a position where personal duties are likely to create a conflict with the professional interest.
- 28-6** A member shall at all times act in an honourable manner towards professional colleagues.
- 28-7** A member may only advertise his/her professional services within the guidelines of the statutory board regulating the town planning profession.
- 29. CODE OF CONDUCT**
- Without derogation to the authority of the National Council for including other matters, a member shall be guilty of professional misconduct if -
- 29-1 PROHIBITED EMPLOYMENT**
- Being employed as employee, consultant, adviser or assistant to any employer firm or company under the following conditions.

- (a) that he shall not act in a professional capacity for a third party to whom his/her principals owe contractual duty; and
- (b) that his/her name and professional affixes appear on the letterhead of the employer, firm or company in any way other than in connection with his/her professional services to the employer, or firm or company;

29-2 DISCOUNTS ETC

Accept any discount, gift or commission from contractors or tradesmen whether employed upon his/her work or not;

29-3 PROJECT MATERIAL

Own or have a commercial interest, either as a director of a company or as a consultant or advisor or as a shareholder in any material, device or invention relating to a project without first informing his/her client thereof and obtaining his/her sanction.

29-4 NAME PLATES

29-4.1 Exhibit their name outside the office in lettering more than 150mm in height or fail to exhibit official emblems of the registration board and the Town and County Planners Association of Kenya in approved size.

29-4.2 Display their name, name of the firm or the signature except on headed paper without including the word town planner/s, on the site signboard, outside the office, reports or documents or drawings.

29-5 SITE NOTICE BOARDS

29-5.1 Allow their name or the name of a firm of which he/she is a principal or manager to be exhibited on any notice board at a site being developed, alteration or extension unless the following restrictions are observed:

29-5.2 Such notice board shall show the name of the member or that of his/her firm but not both and shall contain no descriptive matter about him or her other than professional affixes, qualifications, services provided, address and both the official emblem stickers of the registration board and the Town Planners Association of Kenya.

29-5.3 Such notice board shall show the name of the member or of his/her firm only if contract drawings or contract documents have been issued under his/her or their name;

29-5.4 The above information shall be in lettering not more that 150mm in height and the notice board and its format shall not be ostentatious;

29-5.5 Except with prior approval, the Council shall locate a notice board containing the above information for any one site and such notice board shall be in proximity to the site.

29-6 SIGNING OF DOCUMENTS

29-6.1 Issue any town, county or national development plans, reports, drawings, specifications, certificates, or final accounts unless the same bear his/her name or signature;

29-6.2 Fail to affix both the official emblem stickers of the registration board and the Town and County Planners Association of Kenya and professional licence number, on the copies of drawings submitted to national council for approval, in a manner to be prescribed by the Association, from time to time.

29-7 PARTNERSHIPS

29-7.1 Share or agree to share fees, or enter into partnership or directorship in regard to professional services with any person not registered or otherwise approved by the relevant Registration Boards, Provided that nothing herein shall prevent a professional from entering into partnership or directorship, or shareholding with another;

29-8 COMPETITIONS

29-8.1 Attempt in any way to secure work for which a competition has been instituted, except as competitor and in accordance with the conditions of that competition until the conditions of competition have ceased to be operative;

29-8.2 Attempt to influence unfairly or dishonourably whether directly or indirectly the award in a competition;

29-8.3 Act as professional or joint professional for a work which is or has been the subject of a competition in which he is or has been engaged as assessor;

29-8.4 As an assessor acts as a consulting town planner unless he has been appointed as such prior to the inception of the competition: Provided always that he may act as arbitrator in any dispute between the promoters and the selected professional;

29-9 DESTRUCTION OF DOCUMENTS

29-9.1 Wilfully destroys their original documents and other documentary evidence necessary to verify their work until six years after the final completion of the contract and the settlement of all accounts;

29-10 SUPPLANTING

29-10.1 Knowingly proceeds with work which was previously entrusted to another member before communicating with the member previously employed and taking steps to ensure that the engagement of the other member has been terminated.

29-10.2 Without prior approval of the National Council accepts a commission on a project where one or more members of the consulting team are persons who are not registered by the Registration Board.

29-11 MONETARY INDUCEMENT

29-11.1 Obtain or attempt to obtain professional work by means of offering or paying monetary or other valuable consideration or inducement to any person or persons or by any other improper means;

29-12 IMPARTIALITY

29-12.1 Act other than in an impartial manner between the employer and the contractor or interpret the conditions of a contract other than with entire fairness as between all parties to the contract;

29-13 REDUCING FEES

29-13.1 Pay another member less than the fees agreed and form part of the terms in the conditions of engagement.

29-14 CONTRAVENTION OF BY-LAWS

29-14.1 Knowingly contravenes the provisions of the By-Laws of the Association or makes a false declaration in his/her application for membership;

29-15 PROFESSIONAL PRACTICE NOTES

29-15.1 As professional member not comply with Professional Practice Notes issued by the registration board.

29-16 INCOMPETENCE

29-16.1 Conduct themselves in a manner which the Association may deem incompetent, dishonourable or negligent in connection with the professional work performed by him/her as a member of the Association.

30. PRESCRIBED EXAMINATIONS

30-1 CORPORATE MEMBER

30-1.1 Sat and passed undergraduate and/or master's degree examinations in town and/or regional planning administered by a university recognised by the Association, and

30-1.2 Sat and passed professional examinations prescribed by relevant regulatory or registration board.

30-2 GRADUATE MEMBER

30-2.1 Sat and passed undergraduate and/or master's degree examinations in town and/or regional planning administered by a university accredited by the Association, and/or relevant registration board.

30-3 TECHNICIAN MEMBER

30-3.1 Sat and passed diploma examinations in town and/or regional planning administered by a college or institution recognised by the Association, and/or relevant registration board.

31. APPROVED FEES AND SUBSCRIPTION FOR MEMBERSHIP

31-1 APPLICATION FEES

An application fee shall be paid with an application form for the membership or transfer from one class of membership to another in accordance with the following scale:

<i>Applicant for Fellow Membership</i>	<i>Ksh. 5,000/=</i>
<i>Applicant for Corporate Membership</i>	<i>Ksh.1, 000/=</i>
<i>Applicant for Graduate Membership</i>	<i>Ksh. 500/=</i>
<i>Applicant for Technician Membership</i>	<i>Ksh. 500/=</i>
<i>Applicant for Student Membership</i>	<i>Ksh. 00/=</i>
<i>Applicant for Visiting Membership</i>	<i>Ksh. 2,000/=</i>
<i>On advancing from one class to another</i>	<i>Ksh. 500/=</i>
<i>Firm Member</i>	<i>Ksh. 5,000/=</i>
<i>Institutional Member</i>	<i>Ksh.3, 000/=</i>
<i>Associate Member</i>	<i>Ksh.1, 000/=</i>

31-2 ANNUAL SUBSCRIPTION

The first annual subscription shall be accompanied with an application for membership and thereafter the annual subscription shall be paid on the 1st of January of each year. The scales for annual subscriptions shall be as follows:

<i>Fellow Member</i>	<i>Ksh.5, 000/=</i>
<i>Corporate Member</i>	<i>Ksh. 5,000/=</i>
<i>Graduate Member</i>	<i>Ksh. 1,500/=</i>
<i>Technician Member</i>	<i>Kshs. 1,000/=</i>
<i>Student Member</i>	<i>Kshs.200/=</i>
<i>Visiting Member</i>	<i>Kshs.5, 000/=</i>
<i>Firm Member</i>	<i>Kshs.10, 000/=</i>
<i>Institutional Member</i>	<i>Kshs. 3,000/=</i>
<i>Associate Member</i>	<i>Ksh.1, 000/=</i>

32. RECOMMENDED SCALE OF PROFESSIONAL FEES

32-1 As set out in the schedule of charges issued and approved by the National Council and as reviewed from time to time.

32-2 The relevant conditions of engagement and scale of professional charges made by the statutory regulatory or registration board.

