

# **MALAWI INSTITUTE OF PHYSICAL PLANNERS**

## **CONSTITUTION REGULATIONS AND CODE OF CONDUCT**

2004

**CONSTITUTION  
OF THE  
MALAWI INSTITUTE OF PHYSICAL PLANNERS**

**1.0 PATRON**

The patron of the Malawi Institute of Physical Planners shall be the Minister responsible for Physical Planning

**2.0 INTERPRETATION**

(i) In this Constitution unless the context otherwise requires:

‘Approved’ means approval by the Council

‘Chartered Planner’ means corporate member;

‘Council’ means the Council of the Malawi Institute of Physical Planners established under article 5;

‘Member’ means every member of the Institute as established under article 10

‘Planning’ means physical planning and the word planner or derivatives thereof shall be construed accordingly

‘Property’ includes money and assets

(ii) Words importing the singular number shall include the plural number and vice versa. Words importing the masculine gender shall include the feminine gender.

**3.0 NAME**

The name of the Institute shall be the Malawi Institute of Physical Planners (MIPP) hereinafter referred to as the ‘Institute’

#### 4.0 AIMS AND OBJECTS

The aims and objects of the Institute shall be to advance the science and art of physical planning in all its aspects, including local, regional, national and specialised planning namely, the planned, orderly and rational use and development of all land and other resources for the benefit of the public, and for that purpose the Institute shall have power to do all or any of the following:

- (a) to secure the association of those engaged or involved in the field of planning
- (b) to determine and uphold standards of knowledge and skill for persons seeking membership of the Institute with a view to engaging them professionally in the field of planning, and to further the high standard of planning and competence of those engaged in planning, including the ensuring that corporate membership of the Institute as chartered planners is open only to those who are competent and have sufficient and adequate knowledge of both the theory and practice of planning
- (c) to represent the corporate views of the profession;
- (d) to secure the confidence of the public on the aims and objectives of planning and the planning profession by promoting their participation in the process
- (e) to encourage and assist the education of persons intending to enter or to be associated with the planning profession
- (f) to accredit and certify the training and education of planners
- (g) to provide forums for communication and interchange of knowledge with other professions, association, educational institutions and those engaged in research on matters related to planning;
- (h) to do all such other lawful things as the council may deem necessary in order to achieve and give effect to the objects of the Institute.

#### 5.0 THE COUNCIL

The affairs of the Institute shall be governed by a body to be called the Council of the Malawi Institute of Physical Planners

#### 6.0 MEMBERS OF THE COUNCIL

- (i) The council shall consist of such members of the Institute holding such qualifications and to be elected or re-elected or nominated or re-nominated to such office and to hold such office for such period as is provided for in the Regulations of the Institute. Members of the Council shall not be paid or

receive remuneration or fees by the Institute for acting as such and no member of the Council shall be appointed to any salaried office of the Institute. The members of the Council shall be resident in Malawi.

(ii) The Council shall consist of the following:

- The President
- The Vice president
- The Honorary Secretary
- The Honorary Treasurer
- Three Members
- One Student Member
- The immediate past president

## 7.0 ELECTION OF COUNCIL MEMBERS

The members of the Council shall be elected or, where appropriate nominated, annually in the manner hereinafter prescribed:

(j) The president shall be elected from among corporate members by secret ballot if more than one candidate is proposed. The president may be re-elected to the office of president provided that he shall not be re-elected for more than two consecutive terms. On cessation of the second term the president shall be eligible for re-election after a lapse of not less than one term. The president must have been a member of the Institute for at least two years or must have been a serving member of the Council for one year before seeking election to become president

(ii) The election of the vice president, Honorary Secretary and Honorary Treasurer shall be by nomination either prior to an Annual General Meeting or (if nomination forms are not received then) at the Annual General Meeting itself. In the event of there being more than one nomination for each post, then the election shall take place by secret ballot and selected by the most popular count for each post.

(iii) Of the three other members not more than two may be non-corporate members. The election shall be by nomination either prior to an Annual general meeting or (if nomination forms are not received) at the Annual General Meeting itself. In the event of there being more than three nominees, then the election shall take place by secret ballot and the three shall be selected by count.

- (iv) Student members, in their own right, shall prior to an Annual General Meeting submit not more than two names of their students to the Council. The Council shall select by secret ballot one of the student members with the highest count to be the student representative to the Council.
- (v) Institutional members shall not take part in elections

## **8.0 POWERS OF THE COUNCIL**

- (i) The management and administration of the Institute shall vest in the Council, which may exercise all such powers and do all such things as may be exercised or done by the Institute save those which are expressly directed or required to be exercised or done by the Institute at its Annual General Meeting.
- (ii) The Council shall have powers to co-opt members from the Institute to service on its sub-committees
- (iii) The Council shall receive, hold and administer all subscriptions, fees, donations, bequests or endowments of property of any description, which may be made to the Institute.
- (iv) The Council shall be entitled to enquire into, entertain complaints as to, and adjudicate upon the professional conduct of members, and shall have powers to discipline members, as it shall deem necessary so to do.

## **9.0 MEMBERSHIP OF THE INSTITUTE**

- (i) Membership of the Institute shall consist of:
  - (a) Honorary Member
  - (b) Fellow - Corporate Member
  - (c) Chartered-Corporate Member
  - (d) Associate –Non-corporate Member
  - (e) Student- Non-corporate Member
  - (f) Institutional Member-Non- Corporate Member
- (ii) The use of designations by fellows and members of the institute shall be as follows:

- (a) Every fellow shall be entitled to use after his name the letters FMIPP which means ‘Fellow of the Malawi Institute of Physical Planners’
- (b) Every chartered member shall be entitled to use after his name the letters MMIPP which means ‘Member of the Malawi Institute of Physical Planners.’

#### **10.0 MEETINGS OF THE COUNCIL**

- (i) The Council shall meet at least once every six (6) months
- (ii) If a member of the Council fails to attend three (3) consecutive meetings of the Council, he shall automatically lose his Council membership
- (iii) In the event of (ii) the Council shall have the power to appoint or co-opt one member of the Institute into its membership as and when necessary.

#### **11.0 SEAL**

The seal of the Institute shall be affixed to such certificates, deeds, and documents as required to be sealed only in the presence of the President and the Honorary Secretary of the Institute, or such other person (s) as may be appointed for the purpose and the President and the Honorary Secretary or other such person (s) as aforesaid shall sign every document to which the seal is affixed

The seal of the Institute shall be kept under safe custody by the Honorary Secretary of the Institute at the offices of the Institute, PO Box 30193, Capital City, Lilongwe 3.

#### **12.0 AMMENDMENT TO THE CONSTITUTION**

- (i) The Constitution shall continue to be in force until a resolution for its amendment or part of it is passed by a two-thirds majority of the corporate members whose names appear on the ROLL of the Institute at the time of the meeting. A member may register his vote by attending the meeting in person, or by postal vote. Only one vote per member shall be allowed.
- (iii) All members shall have not less than 30 days written notice of the time and place appointed by the Council for the a General Meeting and the notice shall state the nature and

objects of any constitutional amendment or parts of it to be amended which is or are to be proposed and discussed.

### **13.0 REGULATIONS**

- (i) The Council and Members of the Institute shall be bound by the Regulations of the Institute which shall be appear as Annexure A to this Constitution
- (ii) New regulations and the alteration or repeal of existing regulations shall be adopted only at a General Meeting of the Institute by a two-thirds majority of the corporate members whose names appear on the ROLL of the Institute at the time of the meeting.
- (iii) All Members shall have not less than 30 days written notice of the time and place appointed by the Council for the General Meeting and the notice shall state the nature and object of any new regulations or repeal or alteration of any existing regulation which is or are to be proposed and discussed.
- (iv) Any chartered member may propose a new regulation or alteration or repeal of any existing regulation provided he submits his proposal to the Council in writing together with the support in the form of signatories of three other chartered members. On receipt of such a proposal the Council shall be bound to call for a General Meeting of the institute.
- (v) The Voting at the General Meeting shall be by secret ballot.

### **14.0 DISSOLUTION**

In the event of the Institute being dissolved property may be bequeathed by the Institute for the purpose of furthering or promoting the welfare of the planning profession, and such property shall be surrendered or paid to any member in any manner whatsoever.

**MALAWI INSTITUTE OF PHYSICAL  
PLANNERS**

**REGULATIONS**

**(ANNEXURE A OF THE CONSTITUTION  
UNDER ARTICLE 13 OF THE CONSTITUTION)**



**1.0 Members Rights and Obligations:** As prescribed in the Constitution there shall be six (6) classes of membership. Members shall be entitled to the rights conferred upon them and shall comply with the obligations expected of them as detailed in these Regulations

## **2.0 Application**

- (a) Application for membership of the Institute shall be made to the Council on the approved forms(s) through the Honorary Secretary. Provided and subject to regulations 5(c) a member may be proposed and seconded by chartered planners of the Institute.
- (b) The council shall not be under obligation to give reasons for refusing grant membership of the Institute
- (c) The completed proposal form (s) referred to in (a) shall be signed by the applicant and the proposer and seconder as required and shall be delivered to the Honorary Secretary of the Institute for submission to the Council. The Honorary Secretary, on instruction of the Council, shall notify the applicant of the result of the Council's decision. The list of members shall be made available for inspection by any member upon request.
- (d) Every person duly elected a member shall be required to sign and return an **agreement form** of promise prescribed by the Council , undertaking that he will abide by the Regulations of the Institute.

## **3.0 Membership Rights**

- (a) All members shall be sent notices issued by the Institute and be entitled to attend the Annual General Meeting and General Meetings
- (b) Members shall have the right to vote at the Annual General Meeting and General Meetings except on professional cases where only chartered members shall have the right to vote
- (c) Any class of membership shall be eligible for election as member of the council so elected in accordance with Article 7 of the Constitution

#### 4.0 Membership Liabilities

Any person who has accepted membership of the Institute shall agree:

- (a) To abide by the provision of the Constitution and these regulations as in 2(d) and observe the code of conduct
- (b) To pay promptly when due the annual and other fees determined by the Council and ratified by the Institute at the Annual General Meeting or other General Meetings
  - (i) If it appears to the Council that any person has wilfully contravened the above requirements the council may take such steps as provided as provided for in the Constitution and these Regulations
  - (ii) When the Council has taken such action as is necessary, the membership may be determined by notice in writing, without prejudice to any fees due and outstanding at the time of determination.

#### 5.0 Qualification for Membership

Qualification for membership shall be as follows:

- (a) **Honorary Member** shall be distinguished or eminent person who has contributed greatly to the art and science of planning or whose membership shall advance the interests of the Institute. Honorary membership shall be conferred by invitation after a two-thirds majority vote an Annual General Meeting. The status of Honorary Member is conferred only on non-members of the Institute:
  - (i) The number of Honorary Members at any one time shall be limited to not more than five (5)
  - (ii) Honorary Membership will not necessarily be conferred for life

- (b) A **Fellow** shall have served a minimum of ten (10) years as a practising corporate member of either the Institute or as a corporate member of another recognised Planning Institute. Membership as a Fellow is obtained by application to the Council with a proposer (who must be at least a fellow member) and a seconder who must at least be a corporate member). Every Fellow shall be eligible for election to the Council and for election for any appointment to any office of the Institute and shall be entitled to all its rights and privileges including voting at meetings.
- (c) **Chartered** Member shall have a planning degree or equivalent qualification which shall be recognised by the Institute and shall have at least two years post training experience in Malawi or shall have been a member of a recognised planning institute whose aims are in compliance with the principles and educational guidelines of the Institute or shall be an associate member with **ten years** appropriate practical planning experience and to the satisfaction of the Council before whom he would have to appear. He shall have further successfully completed such examination and /or other requirements as the Council may deem appropriate. An applicant for membership will be required to submit a statement of experience and or attend an interview at which samples of his work shall be presented
- (d) **An Associate** member shall have a recognised degree or equivalent qualification in an allied discipline or recognised technical planning qualification, and shall have been actively involved in his field for a minimum of two (2) years. An Associate Member shall be entitled to attend all meetings and take part in all functions organised by the Institute, and shall be eligible for election to the Council but shall have no voting rights on professional matters
- (e) **Student** Member shall be a person holding a degree or diploma in the planning or planning related field which in the opinion of the council is acceptable for eventual corporate membership, or shall be under going a course of studies from a recognised institution leading to a degree or diploma in physical planning, or shall be a person working as a trainee planner, and without

prejudice to the generality of the foregoing, the Council shall have the right to refuse admission to Student membership of the Institute if the Council is satisfied that the applicant does not meet the aforesaid or any other requirements . The Institute shall have the right to review membership of a student after ten years, and if a person has not taken satisfactory steps to become a corporate member, his membership may be terminated. A student shall be a non-corporate member and shall have no voting rights on professional matters. A student shall be eligible to election to the Council.

- (f) **Institutional member:** shall be an organisation involved in planning either as institutional responsibility provided under the laws of Malawi or as a private firm. An institutional member shall have at least one chartered corporate member as principal partner or officer. If the institutional member is from outside Malawi, the said institutional shall be represented by at least two (2) corporate members from recognised planning institutes. The Institute shall require institutional members from outside Malawi to sign an agreement form and pay membership fees before practicing.

## **6.0 Keeping the Roll and Register of members of the Institute**

A ROLL containing the names of all chartered members of the Institute shall be kept by the Honorary Secretary. A REGISTER of non-corporate members will also be kept by the Honorary Secretary. Both the ROLL and REGISTER will be available for inspection by anyone wishing to do so.

## **7.0 Procedure for Filling Casual Vacancies on the Council**

The Council may, pending the Annual General Meeting replace by co-option a council member who for any cause is permanently unable to attend, or who has been duly notified of the time and place and fails to attend three consecutive meetings. Officers and members so elected shall hold office until the next Annual General Meeting of the Institute.

## **8.0 Appointments of Auditors**

- (a) Auditors of the Institute shall be from outside the Institute and shall be decided upon at the Annual General Meeting
- (b) The Auditors shall hold office until the next Annual General Meeting. In the event of the Auditors being unable to perform their duties due to ill-health, resignation or some unforeseeable circumstances, the Council may pending the Annual General Meeting replace any or all the Auditors and such Auditors shall hold office until the next Annual General of the Institute.

## **9.0 Duties of the President**

The president shall preside over all General Meetings of the Institute and at all Council Meetings at which he is present and shall in that capacity regulate the proceedings of the meetings. In the absence of the president the vice president shall regulate the proceedings thereat. In the absence of both the president and vice-president, the Council members shall elect one of their number to chair the meeting.

## **10.0 Duties of the Honorary Secretary**

Except for financial matters, the Honorary Secretary shall be responsible for all records of the institute, all minutes of the meetings and such other matters as the Council may determine from time to time. He shall also conduct the correspondence of the Institute and shall superintend the publication of such papers as the Council may direct.

## **11.0 Duties of the Honorary Treasurer**

- (a) The Honorary Treasurer shall in accordance with approved financial procedures be responsible for the financial records of the Institute. He shall also be responsible for collection of subscriptions, the issuing of receipts, the preparation of annual statement of accounts which shall be audited by the Auditors before presentation to the Annual General Meeting.
- (b) The Honorary Treasurer shall demand and receive all monies due to the Institute and deposit such monies received in the name of the institute in a financial Institution approved by the Council ( which for the time being is the National Bank of Malawi). He shall have power to retain in his hand for

incidental expenses of the Institute as sum not exceeding K5000.00 ( in 2004) in cash in a safe at any one time. He shall be responsible for making all payments on behalf of the Institute and all such payments exceeding the sum of K10,000.00 shall be made by cheque drawn in payee. All cheques drawn on behalf of the Institute shall be signed by the Honorary Secretary and/ or President. No cheque or receipt issued on behalf of the Institute shall bind the Institute unless it bears the signature of the Honorary Treasurer.

## **12.0 Annual General Meeting**

- (a) An Annual General Meeting shall be held (twelve) 12 months after another
- (b) Members of all classes shall be notified in writing not less than 30 days before the date of the meeting of its time, place and agenda. The Annual General Meeting shall have placed before it:
  - (i) A report by the President on behalf of the Council;
  - (ii) A report with accounts by the Honorary Treasurer
  - (iii) Nominations for lection of officers as defined by Article 9 of the Constitution
  - (iv) Proposals for the appointment of Auditors and
  - (v) Papers of explanation on subjects included in the agenda for debate.

## **13.0 General Meeting**

General Meetings may be convened from time to time as the Council or the President on its behalf, may deem necessary. No less than 30 days notice of time, place and agenda shall be given for the General Meeting

## **14.0 Quorum at Meeting**

A quorum at the General Meeting shall be 40% of chartered members who appear on the Roll for its proceedings to be valid. In the event of a quorum not being formed within 60 minutes of the hour fixed for the commencement of the meeting, the meeting shall be adjourned to such a day and time and place as may be decided for the purpose of these proceedings. The meeting so adjourned shall take place when 20% of the chartered members are present, and shall be taken to constitute a quorum. In the event of a failure to secure a majority in foregoing paragraphs, an Annual General Meeting shall be called for. In the

event of a failure to secure a quorum at the Annual General Meeting as a result of the foregoing paragraphs, then the provisions of Article 10 of the Constitution shall apply.

### **15.0 Voting at Annual General Meeting**

- (a) At the Annual General Meeting all matters not otherwise provided for in these regulations shall be decided according to the majority of votes properly cast at that meeting and in case of an equal division of votes, the President at that meeting shall have a casting vote in addition to his deliberate vote.
- (b) Particulars of any resolution to be submitted to the Annual General Meeting shall be posted by the Honorary Secretary of the Institute together with the Authorised voting paper to each chartered member of the Institute appearing for the time being on the Roll at least 14 days before the date of the Annual General Meeting in an envelop marked 'from the Institute' and addressed. The Honorary Secretary shall also inform the chartered members the last date by which the voting paper must be received back by the Honorary Secretary and an envelop addressed to the Honorary Secretary for return of the said voting paper shall be enclosed. The chartered member on receipt of the voting paper, if he is unable to be present to vote on any particular resolution, may record his vote on the voting paper to the Honorary Secretary. Returned voting papers shall be opened and counted at the time of the Annual General Meeting
- (c) Voting on professional matters shall be restricted to chartered members of the Institute who appear on the Roll for the time being. Voting on all other matters shall be open to all members save for Institutional and Honorary Members.

### **16.0 Special General Meetings**

- (a) The Council may at any time call a special General Meeting of members for a specified purpose relating to the direction and management of the concerns of the Institute.
- (b) The Council is at all times bound to do so on a requisition, without prejudice to the foregoing contained in these regulations, in writing signed by not less than 20% of the chartered members. Such a requisition shall state the nature of the matter to be brought before, and the resolutions, if any, to be moved at such Special General Meeting.

- (c) The Honorary Secretary shall give notice to members in accordance with Regulation 13.

### **17.0 Procedure for Special General Meetings**

All procedures to be followed at special General Meetings shall be those followed at the Annual General Meeting

### **18.0 Any Alteration of Change of Address**

Any alteration in the address of any member shall be notified by that member to the Honorary Secretary

### **19.0 Annual Subscriptions etc payable fixed by the Council**

- (a) The Annual Subscriptions and entrance fees payable by each class membership (fellow, corporate, associate, student, institutional) shall be at rates proposed by the council from time to time and confirmed by the members at the Annual General Meeting or amended and conformed at the Special General Meeting. Honorary Members shall be exempted from payment of all fees.
- (b) The Annual subscriptions and any other fees payable shall be published ( Annexure )

### **20.0 Payment of Annual Subscriptions**

Every fellow, chartered, associate, student, institution shall be liable for the payment of his annual subscription until he has signified to the Honorary secretary in writing that his desire to resign having previously paid all arrears including the subscription for the year current at end of his notice of resignation from the Institute. It shall be the duty of all Fellow, Chartered, Associate, Student and Institution Members to pay their subscriptions promptly and without waiting for notification to be sent by the Honorary Treasurer. All subscriptions should be paid within the first sixty (60) days of any sessionary year.

### **21.0 Date of Payment of Annual Subscriptions**

All annual subscriptions shall be due sixty (60) after approval by the Annual General Meeting ( or end of May each year). Any delay shall attract a surcharge.

### **22.0 Concession Annual Subscriptions**

The first annual subscriptions of fellow. Chartered, Associate, Student and Institution Members elected at any time during the sessionary year



shall be calculated on a monthly rate basis, that is, the number of months left in the Institute Year.

### **23.0 Exemption from Subscription**

Where the Council in its discretion considers that the advanced age or ill health or otherwise of a member justifies the action, the Council may maintain his name on the Roll or Register without his payment of further subscriptions. The Council may, in its discretion waive the annual subscription or both which are due from any such member.

### **24.0 Reinstatement of Members**

The Council may, if it finds good reasons to do so, reinstate a member under such conditions as is considered and reported to the Council by a Special Committee appointed by the Council for that purpose.

### **25.0 Matters not provided for**

The Council may decide on any matters not provided for in the Constitution and regulations of the Institute, subject to such decision being in keeping with the spirit and intent of the Constitution and regulations and being ratified at the next Annual General Meeting.

### **26.0 Professional Conduct**

- (a) The Institute shall establish a Code of Professional Conduct which shall only be amended by a minimum of two-thirds majority of Chartered Members present at a General Meeting (Annexure B of the Constitution)
- (b) All persons who are admitted to the Institute shall be required to sign an Agreement form binding them to the Code of Professional Conduct, and in the event of breaching the said code they may be subject to disciplinary action by the Institute.
- (c) **Conduct of Members:** Every member shall observe the provisions of the Constitution, Regulations and Code of Professional Conduct and shall conduct himself in such a manner as shall not prejudice his professional status or the reputation of the Institute and shall in particular comply at all times with the any code of professional conduct prescribed and published by the Council under the provisions of the proceedings paragraphs
- (d) **Disciplinary Action:** In the event of any member of the Institute failing to comply with any Code of professional Conduct prescribed and published as aforesaid or who otherwise

contravenes the provisions of the constitution or these regulations, the Council shall have power to

- (i) warn the Member as to his future conduct
- (ii) reprimand the member
- (iii) suspend the member from the membership of the Institute
- (iv) terminate the member's membership of the Institute forthwith or from such debate as the Council shall specify

(e) **Suspension or Termination of membership:** In the event of any member of the Institute failing in the opinion of the Council, to comply with any code of professional conduct prescribed by the Council, or these regulations or any by-laws, or wilfully contravening the provisions of the Constitution or these regulations or any by-laws, or in the opinion of the Council has been guilty of such conduct, the Council may:

- (i) suspend the member from the Institute for such period as the council shall determine, or
- (ii) terminate the member's membership of the Institute forthwith or from such debate as the Council shall specify

(f) The Code of Professional Conduct is appended to the Regulations as Annexure B of the Constitution.

## **27.0 Schedule of Professional Charges**

- (a) The Institute shall establish a Schedule of professional fees and charges which shall be binding on all members of the Institute and shall only be amended by a minimum of two-thirds majority at a General Meeting
- (b) The Schedule of professional charges shall be appended to these Regulations as Annexure D of the Constitution

## **28.0 Affiliation of the Institute to other bodies**

- (a) The Institute may for purposes of closer co-ordination in professional and technical matters, or upon receipt of such a request to that effect from a sufficient number of members, cause the Institute to be affiliated to such Institutes, Associations etc whether these are outside or within the country but whose affiliation will contribute to the aims and objects of the Institute as outlined in article 4 of the Constitution or as provided for in Article 25 of these regulations.

- (b) The Council shall determine the rules governing such affiliations and such affiliations and rules shall be ratified at the next Annual General meeting

MALAWI INSTITUTE OF PHYSICAL  
PLANNERS

**CODE OF PROFESSIONAL CONDUCT**

ANNEXURE B OF THE CONSTITUTION

(UNDER ARTICLE 26(a) OF THE  
REGULATIONS)

# CODE OF PROFESSIONAL CONDUCT

## (Article 26(a) of Regulations)

In addition to being bound by the Constitution and Regulations of the Institute, or any other by-laws made thereunder, members are required to conduct themselves in a professional manner at all times. This code of conduct is binding on all members on being admitted to the Institute.

In order to fulfil the objects of the Institute as prescribed by the Constitution, a member shall conduct himself in such a manner as to uphold the reputation of the Institute and of the planning profession, and in no way to prejudice his own professional status as one who provides services related primarily to his professional training and experience with personal integrity.

Without prejudice to the generality of this statement applicable as standard of conduct, members, whether in the public service, private consultancy, academic employment or in whatever capacity engaged as planners, the under-mentioned numbered clauses specify the requirements of this Code of Professional Conduct. Any cases of alleged unprofessional conduct which are not specifically covered by these clauses will be dealt with having regard to the particular circumstances of the case. The provisions of this Code of professional Conduct shall apply notwithstanding any permission or agreement to the contrary by or with the client or body employing or consulting the member:

### **(A) List of Offences for which members can be disciplined**

- (1) A member must not hold, accept or retain a position in which his interest is in conflict with his professional duty.
- (2) A member, when advising or acting for an authority or committee or sub-committee thereof, in the discharge of any statutory planning function shall employ his professional skills with sole concern for the proper discharge of that function irrespective of any other interest of the authority that may be involved.
- (3) A member must not undertake any duties or carry out any instructions of a public or other employer or a client or supervisor which involve making statements or performing certain acts purporting to be his own but which are contrary to his bona fide professional opinion.

- (4) A member shall be remunerated for his planning services solely by professional fees paid by clients, and / or by a salary paid by his employer. A member shall be debarred from any other source of remuneration in connection with duties entrusted to him as a chartered planner. In particular, a member must not undertake any planning services which involve the giving or receiving of discounts or commissions nor must a member accept any discount, gift or commission from developers, contractors or tradesmen in connection therewith.
- (5) It is the duty of a member to uphold and apply the Schedule of Professional Fees and Charges adopted by the Institute from time to time, provided that this shall not preclude him from waiving fees entirely if he wishes to act in an honorary capacity.
- (6) (a) A member, who in any area, is employed or acts as a consultant to a central government or local authority/assembly or other public service agency, shall not undertake any private planning work or engage in any private dealing in land or buildings in that area if, and for so long as he is in a position, in the course of his employment or consultancy, to
  - (i) grant or refuse or recommend the granting or refusal of any forms of statutory or other approval or permission relating to the development or use of land or to make or recommend the making of any other planning decision materially affecting the development or use of land
  - (ii) obtain privilege or prior knowledge, owing to his position, or work to be undertaken, or
  - (iii) bring influence to bear owing to his position, to obtain consultancy work
- (b) The provision of this clause shall not operate to prevent a member from:
  - (i) designing , building, acquiring or applying for planning permission or other consent relating to a dwelling house occupied, or for occupation by himself or members of his family or disposing of such a dwelling house or letting, managing or disposing property inherited by him or in respect of which he is executor or administrator, provided that before applying for planning permission or other consent as aforesaid he gives notice in writing of his

intention to the body employing him or to which he acts as consultant

- (ii) giving planning advice free of charge to the public as part of his employment or engagement

(7) A member who has undertaken planning work on behalf of a client must not, until that engagement has been terminated, undertake work for or behalf of any other client if by so doing the interests of either client would be in any way prejudiced or the member's ability to act wholly in the interests of either client would be in any way impaired .

(8) A member in private practice, on being approached or instructed to proceed with professional work upon which to his knowledge another member was previously employed shall notify the fact to such a member before accepting the offer.

(9) A member advertising or authorising the advertisement of his professional planning services shall ensure that any such advertisement is neither misleading to the public or such as to prejudice his professional status or the reputation of the Institute In particular, no advertisement of planning services shall contain any of the following:

- (i) an inaccurate statement of fact, or
- (ii) an explicit or implicit comparison between the service offered by the member advertising and the service offered by other member of the Institute

The institute will bear in mind that the purpose of the advertisement is to draw the attention of the public to the services available and not to suggest that a member can offer superior services or solve all problems.

(10) Not with standing any provisions of this Code, a member practising outside Malawi may order his professional conduct according to the rules of professional conduct or code of ethics of any national society or body representing planners, architects, surveyors or engineers in that country and recognised by the Council for that purpose, or where no such society or body exists, according to the requirements or conventions of practice in that country, provided always that the conduct of the member shall be such as to uphold the status and integrity of the Malawi Institute of Planners.

## **(B) Investigation of Alleged Offences**

(a) The duty of investigating any alleged breach of the Code or other alleged unprofessional conduct shall be vested in the Council

(b) It is the duty of a member to report to the Council any alleged breach of this Code or other alleged unprofessional conduct of which he becomes aware and assist the Council in its investigations. The Council shall also take up issues raised by the press or members of the general public to identify breach of this Code

(c) If the Council considers that a matter requires investigating in pursuance of its duty aforesaid, particulars of the alleged breach of this Code or other unprofessional conduct shall be sent in writing to the member concerned with a request for his observations

(d) The Council shall not proceed with its investigations until the member's observations have been received and considered or a period of six (6) weeks has elapsed

(e) Without prejudice to a member's rights or the Council's duty, the Council may invite the member concerned, or accept an offer from him, to discuss the matter with the council or with members or officers thereof. The Council shall also require the complainant or such other persons as it so wishes to discuss the matter with, or with members or officer, thereof, and the complainant or representative that he may choose.

(f) If the Council is satisfied that a breach of this Code or other professional conduct has been proved it may;

(i) warn the member as to his future conduct

(ii) suspend the member from membership of the Institute for such period as the council shall determine



(iii) terminate the member's membership of the Institute forthwith or from such debate as the Council shall specify

- (f) The Council's decision shall be reported to the member in writing and shall be final
- (g) The council reserves the right, in the event of a finding that there has been a breach of the Code or other unprofessional conduct, to give such publicity thereto and to any disciplinary action taken thereon as it may, in the interest of both the Institute and the public where necessary through a press statement.

# **MALAWI INSTITUTE OF PHYSICAL PLANNERS**

## **ANNEXURE C OF THE CONSTITUTION**

### **Schedules of Subscription Fees (Under sections 19, 20 & 21 of Regulations)**

The following fees shall prevail unless altered changed in accordance with the constitution of the Institute

|                                   |               |
|-----------------------------------|---------------|
| Application Fees (all categories) | : MK1000.00   |
| Annual Subscription/membership:   |               |
| -Student member                   | : K1000.00    |
| -Associate member                 | : MK 3000.00  |
| -Corporate member                 | : MK 5000.00  |
| -Institutional member (local)     | : MK10,000.00 |
| -Institutional member (foreign)   | : \$1000.00   |

# MALAWI INSTITUTE OF PHYSICAL PLANNERS

## Schedule Professional of Fees and Charges

### ANNEXURE D of the Constitution (Under Article 27 of the of Regulations)

Under the Malawi Institute of Physical Planners Regulations article 27 and Code of Professional Conduct, it is proposed that Fellow, Corporate Members and Associate Members are entitled to charge fees and charge for professional services rendered.

1.0 Certification of plans, designs and drawings will be based on the value works

| Value of Works<br>In Malawi Kwacha | Fees in Malawi<br>Kwacha | Plus Percent (%) |
|------------------------------------|--------------------------|------------------|
| Below K2.25<br>million             | 6,000                    | 8.5%             |
| K2.25 to K4.5<br>million           | 11,250                   | 8.0%             |
| K4.5 to K9.0<br>million            | 19,500                   | 7.5%             |
| K9 to K12.0<br>million             | 33,750                   | 7.0%             |
| K12 to K22.5<br>million            | 67,500                   | 6.5 %            |
| Over K22.5<br>million              | 123,000                  | 6.0 %            |

1.1 Low income housing scheme designs, layout plans and drawings will attract 50% of the charges above

1.2 The scale of fees shall be subject to periodic review and adjustment. Where the scale of fees has been revised during the course of works then only the balance of fees due shall be subject to adjustment

2.0 Professional fees in time basis will normally relate to feasibility studies, environmental studies, socio-economic and other studies as well as the preparation of structure plans, regional / district plans, zoning schemes.

- 2.1 A principal partner or corporate member of MIP will apply K3, 200 per hour (subject to annual review)
  - 2.1.1 Fellow member of the Institute will apply K4, 000 per hour (subject to annual review)
- 2.2 Associate member of the Institute will apply K2, 800 per hour subject to annual review).
- 2.3 The Daily rate for consultancy fees for corporate members of the Institute will be 250 United States Dollars (subject to periodic review)

**MALAWI INSTITUTE OF PHYSICAL PLANNERS**

**AGREEMENT FORM OF PROMISE TO ABIDE BY THE  
CONSTITUTION, REGULATIONS AND CODE OF  
PROFESSIONAL CONDUCT TO BE SIGNED BY MEMBERS  
(under section 2 (d) & 26 (b) of Regulations**

*I..... (name in full);  
Certificate no..... dated..... do hereby  
agree to abide by the Constitution, Regulations and Code of  
Professional Conduct and do hereby declare that should I contravene  
the provisions contained therein, the Malawi Institute of Physical  
Planners (MIPP) shall have authority to remove my name from the  
list or roll of physical planners registered to practice in Malawi.*

*Signed.....  
Today, .....(date) of .....(month) in .....(year)*

*In the presence of.....(sign) President of the  
Institute and.....(sign) Honorary Secretary of the  
Institute.*

*(Seal of the Institute to be inscribed over the signature of the Member)*