

# CONSTITUTION OF THE CUSTOMS HOUSE BROKERS ASSOCIATION

## Article 1 – DENOMINATION – DURATION & SEAL

The name of the Association shall be THE CUSTOMS HOUSE BROKERS ASSOCIATION and is herein after referred to as the ASSOCIATION.

The duration shall be unlimited.

The Association shall have a seal bearing its name.

## Article 2 - SEAT

The seat of the ASSOCIATION shall be 8 BIS SIR NAPIER BROOME STREET, BEAU BASSIN or at such place may be subsequently selected by the Managing Committee. Any change of address shall be immediately notified to the Registrar of Associations.

## Article 3 – OBJECTS

The objects of the Association shall be:-

To create and promote a better understanding among the Customs House Brokers themselves and between the Association and the Customs Authorities and any other Official Authority and any private company. Provided that in so doing the Association does not regulate Industrial Regulations.

## Article 4 – MEMBERSHIP

Membership of the Association is open to Customs House Brokers over the age of 18 and over.

The member shall on admission pay an entrance Fee of Rs 500/= and a monthly subscription of Rs.200/= or an annual subscription of Rs2,400/= payable at latest by the end of March of the year for which it is due.

Applications for membership shall be made in writing and addressed to the secretary.

The decision to accept or to reject any application for membership rests with the Managing Committee which shall assign no reason therefore.

## Article 5 – MANAGING COMMITTEE

The Association shall be managed by a Committee composed of ELEVEN (11) members of age to be elected every two years at the Annual General Meeting. The members shall choose from among themselves a President, A vice-President, a Secretary, an Assistant – Secretary, a Treasurer and an Assistant –Treasurer. They shall hold office for two years and shall be re-eligible.

The Committee shall co-opt two members with no voting right to sit on the Committee.

The Managing Committee shall meet at least once every month and whenever the President may think it fit. SIX (6) members present shall form a quorum

Notice of any committee meeting shall be given in writing by hand Or by post to members at least three days before the date fixed for the meeting.

Vacancies in the Committee up to a maximum of three in any year shall be filled by members designated by the Committee. Any vacancy in excess of three shall be filled in by election at a Special General Meeting convened for the purpose.

Any Committee member or the whole committee may be removed and replaced by a majority vote given at a Special General Meeting. At a written and motivated request of three members of the Committee the President shall cause a meeting to be convened within from the date of the request.

The absence of a member from three consecutive meetings shall give the right to the Managing Committee to replace him by another one.

#### Article 6- MODE AND RIGHT OF VOTING

Voting at general meeting shall be by show of hands or by ballot if such a request is made by at least one third of the number of members present at the meeting.

Each member shall be entitled to one vote provided he is not in arrears with his contribution, for more than three months.

#### Article 7 – GENERAL MEETINGS

The Annual General Meeting shall be held in January of every year.

Special General Meetings shall be called whenever the Managing Committee so decides or whenever there is a written and motivated request made by not less than one third of the members entitled to vote. In the latter the President shall cause a meeting to be convened within ten days from the date of the request.

Half of the members entitled to vote shall constitute a quorum for any general meeting. In case there is no quorum the meeting shall be postponed for a fortnight and at that subsequent meeting whatever be the number of members present the business of the day shall be proceeded with.

Notice to any General Meeting including the agenda shall be given in writing by the secretary to members at least seven days before the date fixed for the meeting. The quorum for any Special general meeting shall be the same as that of general meetings. In case there is no quorum the Special general Meeting shall be absolutely dissolved.

#### Article 8 – TERMINATION OF MEMBERSHIP

The Committee of Management may terminate the membership of any member in cases of misconduct. In every case the defaulting member shall be convened before the Executive Committee to lay his defence. He shall be entitled to call witnesses to depone on his behalf if he so wishes or to send his defence I writing, provided that if a member is summoned for

disciplinary reasons to appear before the Executive Committee and fails to do so, the Committee may take a decision in the matter.

Any decision taken by the Committee shall be notified to the said member by registered letter. The member shall have the right to an appeal against any decision taken by the Committee by sending his appeal against any decision taken by the Committee by sending his appeal to the Secretary of the Association by registered letter. Any appeal shall reach the Secretary not later than 15 days after the date of receipt of the notification of the decision of the Committee by the member concerned. No appeal shall be considered after this delay has expired. The president shall cause a Special General Meeting to be held within one month of receipt of the notice of appeal. The decision of the Special General Meeting shall be final.

Any member whose subscription is in arrears for more than three months without sufficient cause being shown within one month after receipt of a letter from the Secretary of the Treasury shall be crossed out from the Register of Members by a decision of the Committee. A member who resigns or who is expelled forfeits all his rights to any property of the Association and to any sum which he might have contributed to the Association.

#### Article 9- POWERS OF THE COMMITTEE

The Managing Committee is empowered to invest its own monies (subscriptions, donations and entrance fees) in recognized securities to buy, to sell, to lease or to take on lease, or to let movable and immovable property, provided that the sanction of the General Meeting shall first be sought for any transactions exceeding one thousand rupees in value.

The Managing Committee shall be entitled to accept donations and legacies from any source provided that such donations and legacies be free from any conditions detrimental to the objects of the Association. The Committee shall not.....

The Managing Committee shall be empowered to appoint staff and retain services of legal advisers and to fix their remunerations.

#### Article 10 – DUTIES OF THE PRESIDENT

The President shall preside over all Meetings of the Association. In his absence he shall be replaced by the Vice-President. When both are absent, the meeting shall be presided over by a member chosen from among the Committee members present. The presiding member shall have an original as well as a casting vote. The Vice President shall exercise the same powers and rights as those of the President.

At the Annual General Meeting, the President shall submit a report on the working of the Association for the period ending 31<sup>st</sup> December preceding together with a statement of accounts drawn up and signed by the Treasurer and certified by the Auditors.

#### Article 11 – DUTIES OF THE SECRETARY

The Secretary shall convene all meetings of the association and draw up the minutes of proceedings of these meetings.

The minutes shall after confirmation at the ensuing meetings be signed by the presiding member and the Secretary.

The Secretary shall keep a Register of Members in which shall be recorded: (a) the names and surname of each member; (b) his address; (c) the date of his admission; (d) such other particulars as the Committee of Management may require. He shall have the custody of the records of the Association.

In case of absence he shall be replaced by the Assistant-Secretary, who shall exercise the same powers and rights as those of the Secretary.

#### Article 12 – DUTIES OF THE TREASURER

The Treasurer shall have the custody of all the account books of the Association. He shall receive all sums of money due or accruing to the Association and deliver receipts therefor. He shall within the least possible delay, pay into one of the local banks, chosen by the Managing Committee, all monies received by him. He shall be allowed to keep in his possession a sum not exceeding ONE THOUSAND Rupees, as petty cash, and shall lay every month before the Committee a statement showing the financial transactions of the association for the previous month. He shall prepare the statement of accounts. He shall submit at the monthly meeting, a list of members who have failed to pay their monthly subscription fees for three months.

He shall produce his books for examination whenever required by the.....

In case of absence, he shall be replaced by the Assistant-Treasurer who shall exercise the same powers and rights as those of the Treasurer.

#### Article 13 – DUTIES OF THE AUDITORS

1. Two Auditors shall be elected from among the members of the Annual General Meeting. They may be removed and replaced by a decision of a general meeting.
2. The Auditors shall make a thorough examination of all books and documents in the custody of the Treasurer at least once quarterly and shall forthwith report to the President any error or omission detected in the course of the examination.

They shall also verify and certify all statements of accounts previous to their being submitted to the Annual General Meeting. They shall draw an inventory of all the belongings of the Association at least once yearly.

#### Article 14- SECURITY BONDS

The President, the Vice-President, the Treasurer and the Assistant Treasurer shall each become bound with two sureties in the sum of Rupees ONE THOUSAND jointly and severally for the true performance of their duties.

The security bonds shall be filed in the Office of the Registrar of Associations without undue delay.

#### Article 15 – KEEPING AND INSPECTION OF BOOKS

All books of the Association shall be kept in English or French and shall be open to inspection by any person having an interest in the funds of the Association.

## Article 16 – ACTIONS BY OR AGAINST THE ASSOCIATION

The Association shall sue and shall be sued, implead and be impleaded and shall do all other acts under its corporate name and through its secretary.

Whenever the Association shall be sued or impleaded, and whenever it shall be necessary to serve notices, summonses or any other legal process, judicial or extra-judicial upon the Association, service upon the Secretary shall be good and sufficient upon the Association.

## Article 17 – MISCELLANEOUS

The Financial year of the Association shall be from the date of registration of the Association to 31<sup>st</sup> December.

In these rules, words importing the masculine include the feminine unless otherwise required by the context.

Any member who resigns or who is expelled shall have no claims to a refund of the contributions made by him to the Association in any way.

The Association may be affiliated to any other Association(s) or form part of any federation of associations, provided that in so doing such affiliations be not detrimental to the objects of the Association.

## Article 18 – AMENDMENTS, AMALGAMATION AND WINDING UP

No amendments or alterations of these rules shall be effected except as prescribed by law.

The decision to dissolve the Association or to amalgamate another one should be taken at a general meeting and in conformity with law. In the event of the winding up of the Association, all its property movable or immovable, its cash in bank and in hand, shall be disposed of in conformity with law.

## Article 19 - DISPUTES

Any dispute between the Association and any of its member or any person's claim by or through a member shall be settled by a special general meeting of the members.

## Article 20 – SIGNING OF CHEQUES, DEEDS, AND OTHER DOCUMENTS

All cheques, deeds and other documents shall be signed jointly by the President and Treasurer. In the case of the absence or incapacity of the President or Treasurer, these documents shall be signed by the Vice-President or Assistant Treasurer respectively.