



ACES

CONSTITUTION AND RULES

As adopted at the first Annual Meeting of the Association held on 27 November 1986 and incorporating all amendments subsequently approved, up to and including the Annual Meeting on the 16th November 2018:

1 NAME

The name of the Association shall be the "The Association of Chief Estates Surveyors and Property Managers in the Public Sector".

2 OBJECTIVES

- 2.1 The aim of the Association shall be to realise the value of public property for the public good – driving economic growth, enabling public sector reform, supporting service delivery, providing social value.
- 2.2 The Association will have the following objectives:
- A. To influence the formulation of regulation, policies and strategies governing the use of public sector property assets, by:
 - 1. Helping to shape policy in the industry and with government by making representations to government departments, local authority associations, professional institutions and other bodies as appropriate.
 - 2. Consulting and lobbying to assist government and professional organisations in formulating policy and advice to the public sector.
 - 3. Being proactive in issuing guidance and best practice and in facilitating debates.
 - B. To promote opportunities and best practice in the effective use and management of assets in order to support organisational priorities of the public sector
 - 1. Communicating key messages relating to challenges, initiatives and trends affecting public sector assets.
 - 2. Presenting a positive public image of ACES' members and their role and publicising the achievements of ACES and its members.
 - 3. Supporting members with their responsibilities to disseminate information and to promote best asset management practice to their own employers.
 - C. To equip our members in their work by supporting and encouraging them in the continual development of their personal and professional effectiveness
 - 1. Providing opportunities for collaboration through a programme of events and meetings, designed to develop a professional network for mutual support and the exchange of knowledge and opinion on matters of professional interest.
 - 2. Providing access for our members and colleagues to conferences, presentations and training events to enhance their technical skills and professional capability.
 - 3. Disseminating, analysing and debating information, experiences and best practice to enable our members to keep up to date and to respond effectively to developments affecting the management of public sector property.
- 2.3 To seek representation from every local authority and appropriate public sector body and to take all reasonable steps to promote and maintain:
- 1. a high standard of professional etiquette and conduct among members of the Association; and...

2. the proper interests of the members of the Association and the staff of local authorities and other public sector bodies employed under the direction of such members;

...provided that the Association shall not in any way negotiate salaries, conditions of service, or other like matters on behalf of its members..

3 MEMBERSHIP

- 3.1 The Association shall comprise four classes of membership - Full Members, Associate Members, Retired Members and Honorary Members.

Full Members

- 3.2 The ACES Council shall determine in its absolute discretion whether to admit an applicant for membership and when considering applications shall in every case have regard *inter alia* to the following:
 - the paramount desire of the Association to uphold and maintain its authority and status at the highest professional level;
 - the likely contribution to the work of the Association that the applicant can be expected to make;
- 3.3 The ACES Council may approve an application from a person who is directly employed as a member of staff by a public organisation, as defined in Rule 10.6, who is
 - (1) the officer with professional responsibility for the whole or substantial part of the property asset management work of the organisation
 - (2) the most senior officer suitably qualified by examination and experience in the profession of property asset management retained in direct employment, together with
 - (3) any other senior officer determined by the organisation and suitably qualified by examination and experience in the profession of property asset management for the organisation.
- 3.4 In the case where an applicant for membership under subsection (1) of section 3.3 is not suitably qualified by examination and experience in specialist skills necessary to support the estate management function as defined in section 10.7, then it will be a condition of their membership that an application from the officer defined in subsection (2) of section 3.3 within the same organisation will also be required.
- 3.5 The ACES Council may also approve an application from senior surveyors working in the private sector who are employed by an organisation appointed to represent the entire or substantial estates interests for a public sector client(s). In these circumstances the public sector client would need to confirm that fact.
- 3.6 The ACES Council may also approve an application from senior surveyors working in the private sector who are wholly or substantially working for or on behalf of the public sector.
- 3.7 The ACES Council may recommend, for the approval of the Association, such other persons whom they regard as persons who should, in the interests of the Association, be Full Members.
- 3.8 A person who desires to become a Full Member of the Association shall make application in writing to the Secretary with such particulars as the ACES Council may require including where possible a proposer and seconder who should be Full Members of the Association. The Secretary in conjunction with the President, Senior Vice President and branch secretary shall approve such applications where appropriate. In the event of a member transferring to another qualifying organisation he/she will not need to reapply for membership.

Associate Members

- 3.9 The ACES Council may elect any person either on retirement or who has ceased to qualify as a member of the Association (other than a member who has been called upon to resign or who has been expelled in accordance with the provisions of Rule 3.19 and 3.20) to be designated as an Associate Member. An Associate Member shall be entitled to vote at any meeting but shall not be eligible for election as an officer save as Secretary, Honorary Treasurer, Assistant Honorary Treasurer, Press and Publicity Officer of the Association or as a member of the ACES Council.
- 3.10 Associate Members may as a right attend all meetings of the Association. Admissions to associate membership will be subject to the payment of an annual subscription to cover administrative costs including the circulation of the appropriate documentation and the annual report, such subscription to be determined by the Association at the Annual General Meeting and as provided in Rule 6.2.
- 3.11 Any Associate Member shall be excluded from meetings of the Association during all discussions relating to matters where the ACES members present consider that a conflict of interest could arise.

Retired Members

- 3.12 The ACES Council may elect any person on retirement (other than a member who has been called upon to resign or who has been expelled in accordance with the provisions of Rule 3.19 and 3.20) to be designated as a Retired Member. A Retired Member shall not be entitled to vote at any meeting and shall not be eligible for election as an officer save as Secretary, Honorary Treasurer, Assistant Honorary Treasurer, Press and Publicity Officer of the Association or as a member of the ACES Council.
- 3.13 Retired Past Members may as a right attend all meetings of the Association. Admissions to retired membership will be subject to the payment of an annual subscription to cover administrative costs including the circulation of the appropriate documentation and the annual report, such subscription to be determined by the Association at the Annual General Meeting and as provided in Rule 6.2.
- 3.14 Any Retired Member in gainful employment, shall be excluded from meetings of the Association during all discussions relating to matters where the ACES members present consider that a conflict of interest could arise.

Honorary Members

- 3.15 The ACES Council may nominate as an Honorary Member of the Association such person or persons who have in the opinion of the Council merited such honour by one or a combination of factors including extraordinary service to the Association or its two predecessor associations and/or because of his or her professional standing. Honorary Members may as a right attend all meetings of the Association and shall be entitled to vote at any meeting but shall not be eligible for election as an officer save as Secretary, Honorary Treasurer, Assistant Secretary, Press and Publicity Officer of the Association or as a member of the ACES Council. Honorary Members will bear the normal expenses of each meeting attended but shall not pay an annual subscription unless they opt to receive the full set of papers in which case the annual subscription shall be determined by the Association at the Annual General Meeting.
- 3.16 Any Honorary Member in gainful employment, shall be excluded from meetings of the Association during all discussions relating to those matters, or others, where the ACES Council and/or President considers that a conflict of interest could arise.

Cesser of Membership

- 3.17 A member of the Association may by notice in writing addressed to the Secretary resign at any time. On the receipt of such notice such person shall cease to be a member of the Association.
- 3.18 Any Full Member ceasing to hold the post held at the time of his/her admission to membership shall forthwith cease to be a full member unless he/she transfers to another qualifying organisation.
- 3.19 The Honorary Treasurer shall notify any member of the Association whose subscription is three months in arrears, and if, without an explanation for such non-payment which in the opinion of the ACES Council is satisfactory such subscription is not paid within three months after the date of such notification, such member shall cease to be a member of the Association, and shall not be eligible for reinstatement unless he/she gives an explanation in writing which in the opinion of the ACES Council is satisfactory.
- 3.20 If the conduct, either in or out of the Association of any member of the Association shall be or shall have been, in the opinion of the ACES Council, after enquiry, injurious to the welfare and interests of the Association, the ACES Council shall call upon him to resign, and in the event of his/her refusal to do so, shall expel him from the Association, provided that no member shall be called upon to resign or be expelled unless a resolution to that effect shall have been passed by a majority of at least three quarters of the members of the ACES Council present and voting at a General Meeting or one specially convened for that purpose.
- 3.21 Where any person ceases to be a member the Association shall not be under any obligation to refund to him any entrance fee or subscription paid by him or any part of such entrance fee or subscription.

4 OFFICERS

- 4.1 The Officers of the Association shall be the President, Senior and Junior Vice-President, Secretary, Honorary Treasurer, Assistant Secretary, Press Officer and Editor and, if the Association so decides, the Honorary Auditor and the Honorary Solicitor. Each of such Officers shall be elected at the Annual General Meeting of the Association, or Special Meeting should the need arise, and with the exception of the Secretary, Honorary Treasurer, Assistant Secretary, Press Officer Editor, Honorary Auditor and the Honorary Solicitor shall be appointed from the Full Members of the Association and shall (unless he/she previously resigns or is removed from office) hold office until the conclusion of the Annual General Meeting next following the date of his/her election but (subject to the provision of Rule 4.2) be eligible for re-election.
- 4.2 No person shall be eligible for re-election as President for the year immediately following his/her year of office.

- 4.3 The Association may remove an officer from his/her office at any time and may appoint another person in his/her place. An officer may by notice in writing addressed to the Secretary resign his/her office at any time.
- 4.4 The Honorary Auditor and the Honorary Solicitor, who need not be members of the Association, shall attend such meetings of the Association and the ACES Council as the Association or Council, as the case may be, may require but shall have no power to vote on any question coming or arising before such meeting. They shall not be eligible to preside at any meeting of the Association or the ACES Council.
- 4.5 The President in consultation with the ACES Council shall be empowered to appoint a paid Consultant Secretary in accordance with terms and conditions which shall be approved by the ACES Council. Such appointment may be of a company or an individual and if the latter may not be of an individual who is a current Full Member of the Association but may be of an individual who is an Associate, Retired or Honorary Member of the Association and such appointment shall be for a period agreed by Council from the date of appointment.
- 4.6 All references in these Rules to "Secretary", shall be understood to mean - "Honorary Secretary or Consultant Secretary as may be appropriate from time to time", except that a Consultant Secretary, who would be required to be present to service meetings of the ACES Council, would not be eligible to vote at such meetings.

5 ACES COUNCIL

- 5.1 The management of the Association shall be vested in an ACES Council which shall consist of:

Elected at the Annual General Meeting

- the officers of the Association as identified in Section 4 above;
- three Full Members of the Association;
- two representatives of the Honorary, Associate and Retired Members of the Association (notwithstanding anything to the contrary Retired members shall be allowed to vote for these two representatives at the Annual General Meeting)

Elected/nominated by each Branch

- two representatives of each Branch, one of whom should be the current Branch Chairman or Branch Secretary

Appointed/co-opted by the ACES Council

- any ACES members who may be appointed by the ACES Council to serve as either chairmen of national ACES working parties, as principal ACES spokesmen on major professional issues or as leading ACES representatives on external bodies

- 5.2 The elected Full Members, and the representatives of Honorary, Associate and Retired Members, shall hold office until the conclusion of the Annual General Meeting next following the date of their election but shall be eligible for re-election. The immediate Past President shall not be eligible for re-election in the year following his/her term of office. Nominations shall be supported by a proposer, a seconder and four Full Members of the Association. For the representatives of Honorary, Associate and Retired Members nominations may also be supported by Honorary, Associate and Retired Members.
- 5.3 Nominations of Branch representatives should be made by each Branch to the Secretary during the six weeks preceding the Annual General meeting, failing which the Branch Chairman and Branch Secretary shall serve as the Branch representatives. Branch representatives shall hold office until the conclusion of the next following Annual General Meeting but shall be eligible for re-nomination.
- 5.4 Members co-opted following appointment by the ACES Council shall hold office until the conclusion of the Annual General Meeting next following the date of their co-option but shall be eligible for re-appointment.
- 5.5 In the event of a vacancy occurring in the membership of the ACES Council it shall be filled at the next convenient meeting of the Association. Five members shall constitute a quorum and the ACES Council shall have the power to co-opt a Full Member or Members in special circumstances.
- 5.6 The ACES Council shall present to each Annual General Meeting of the Association a report on their activities and the activities of the Association since the last previous Annual General Meeting of the Association.
- 5.7 The ACES Council may nominate any member to form a working party to represent the Association in any discussion with or representation to government departments, local authority associations, professional institutions or other bodies and may defray out of the funds belonging to the Association the reasonable expenses of any Member so representing the Association.

6 FINANCE

- 6.1 The Entrance Fee to the Association shall be such figure as the Association may from time to time decide and no person shall become a Full Member until the fee has been paid.
- 6.2 The Annual Subscription to the Association shall be such figure as the Association may decide, payable in advance on the 1st day of October in each year. Honorary Members shall not be required to pay an annual subscription unless they opt to receive the full set of papers.
- 6.3 Notwithstanding anything contained in Rules 6.1 and 6.2, where an entrance fee to the Association, or where in any year an annual subscription to the Association, has been paid by a local authority in respect of a person who becomes or, as the case may be, is a Full Member of the Association and who leaves the service of that authority, no entrance fee or, as the case may be, no annual subscription in respect of that year shall be payable by any person who has so left its service.

A Bank Account in the name of the Association shall be opened at a bank approved by the Association and all cheques shall be signed by the Honorary Treasurer and by such officer of the Association or member of the ACES Council as that Council shall appoint.

The books and accounts of the Association shall be kept by the Honorary Treasurer and shall be audited annually by the Honorary Auditor or, if no Honorary Auditor be elected, by two persons appointed at the Annual General Meeting and as so audited such books and accounts shall be laid before the Annual General Meeting of the Association each year.

- 6.4 The Association is a non-profit making organisation and shall not distribute any profits or surpluses to its members or any other party other than in the event of a liquidation or cessation of activities.

7 MEETINGS

Annual and Ordinary Meetings

- 7.1 The Annual General Meeting of the Association shall be held in each year at such time and place as the ACES Council may from time to time appoint.
- 7.2 Ordinary meetings of the Association shall be held at such time and place as the ACES Council may from time to time appoint.
- 7.3 As from 18th November 2016 a quorum for meetings of the Association shall be 20 for the Annual General Meeting, 10 for a Branch Annual General Meeting, 5 for a Branch Ordinary Meeting and 15 for an ACES Council until further notice.
- 7.4 Ordinary meetings of the ACES Council shall be held at such time and place as that Council may appoint.

Special Meetings

- 7.5 A Special Meeting of the Association may be convened by the President, or by the Secretary upon requisition signed by 10 Ordinary Members of the Association setting forth the object of such meeting.
- 7.6 A Special Meeting of the ACES Council may be convened by the President, the Secretary or by 3 members of the ACES Council setting forth the object of such meeting.
- 7.7 If the President refuses to convene a Special Meeting of the Association or the ACES Council after a requisition for that purpose, or if, without refusing, the President does not within fourteen days after the requisition has been presented to him convene such a Special Meeting, the persons who signed such requisition may forthwith on his/her so refusing, or on the expiration of those fourteen days, as the case may be, call a Special Meeting of the Association or the ACES Council as the case may be.
- 7.8 A Special Meeting of the Association or the ACES Council shall be held at such convenient time as the person or persons convening the meeting shall appoint.

Chairmanship

- 7.9 At a meeting of the Association or of the ACES Council the President, or in his/her absence the Senior Vice-President, or in his/her absence the Junior Vice-President, shall preside. In the event of the President, the Senior Vice-President and the Junior Vice-President all being absent the meeting shall elect a Chairman from the Full Members present at the meeting. Interpretation of the Rules of this Association shall be, for the purposes of the conduct of the meeting, the prerogative of the Chairman whose decision shall be binding and final.

Voting

- 7.10 Subject to the provisions of Rule 8.5 all acts and decisions of the Association and of the ACES Council shall be done and made by a majority of the members present and voting. In the event of an equality of votes the person presiding at the meeting shall have a casting vote.
- 7.11 The proceedings of the Association or the ACES Council shall not be invalidated by any defect in election or qualification of any member.

Notice of Meetings

- 7.12 Not later than the day mentioned in Rule 7.13 a summons to attend the meeting shall be left with or delivered to:
- in the case of a meeting of the Association, each Ordinary Member of the Association; or
 - in the case of a meeting of the ACES Council, each member of the Council.
- 7.13 The day referred to in Rule 7.12 shall be:
- in the case of the Annual General Meeting of the Association, 21 days before the date of the meeting;
 - in the case of any other meeting of the Association, 14 days before the date of the meeting;
 - in the case of a meeting of the ACES Council convened by the President as a matter of urgency, 2 days before the date of the meeting; or
 - in the case of any other meeting of the ACES Council, 7 days before the date of the meeting.
- 7.14 The summons referred to in Rule 7.12 shall state the time and place of and the agenda for the meeting but nothing shall prevent the introduction of other business if the person presiding at the meeting shall, in his/her discretion so approve.
- 7.15 The summons referred to in Rule 7.12 shall be signed.
- in the case of a Special Meeting of the Association or of the ACES Council by the person or persons calling the meeting; or
 - in the case of any other meeting of the Association or the ACES Council, by the President, the Senior Vice-President, the Junior Vice-President, the Secretary or the Assistant Secretary.
- 7.16 Want of service of a summons on a person mentioned in Rule 7.12 shall not affect the validity of the meeting or any business transacted.

Minutes of Meetings

- 7.17 Minutes of Association and ACES Council meetings shall be drawn up and circulated to members of the Association or ACES Council (as the case may be) not later than the date of the summons to attend the next meeting except in the case of the Annual General Meeting in which case it shall be circulated with the papers for the subsequent Annual General Meeting. Such minutes shall be signed at the same or next ensuing meeting of the Association or ACES Council (as the case may be) by the presiding member, and any minute purporting to be so signed shall be received in evidence without further proof.
- 7.18 The names of the members present at a meeting of the Association or of the ACES Council shall be recorded.
- 7.19 Until the contrary is proved, a meeting of the Association or the ACES Council in respect of which a minute has been signed in accordance with Rule 7.17 shall be deemed to have been duly convened and held, and all the members present at the meeting shall be deemed to have been duly elected.

8 AMENDMENT OF RULES

- 8.1 Subject to the provisions of Rules 8.2 to ~~08-6~~ the Association may at any time make any amendment to or revocation of any existing rule and make any new rule or set of rules.
- 8.2 Any proposal for an amendment to these rules shall, unless it is made in pursuance of a resolution of the ACES Council, be in the form of a written notice setting forth the proposal signed by four Ordinary Members of the Association and addressed to the Secretary. Not earlier than 28 days after the receipt of such a proposal it shall be considered by the ACES Council.
- 8.3 A proposal for an amendment to these rules will be considered at a General Meeting or Special Meeting convened for that purpose. The summons convening the meeting shall be served on each member of the Association not less than 28 days before the date of such meeting and shall contain full particulars of the amendment proposed with the comments (if any) of the ACES Council.
- 8.4 At the meeting of the Association at which a proposal to make an amendment to these rules is considered, it shall not be lawful to move any amendment to the proposal without the consent of the member presiding at the meeting, which

consent shall only be given if the last-mentioned amendment does not, in the opinion of the presiding member, involve a substantial alteration in the proposal.

- 8.5 No proposal to make an amendment to these rules shall be carried unless not less than three quarters of the members present and voting on such proposal at the meeting of the Association at which such proposal is considered, vote in favour of such proposal. Subject to the provisions of Rule 8.4 an amendment to these rules may be carried by a simple majority of the members present and voting such amendment.

No amendment may be accepted which purports to fundamentally change the character and/or objectives of the Association or dissolve it; dissolution can only be in accordance with Rule 10.

9 BRANCHES

- 9.1 Provision shall be made from the date of adoption of the Association's Constitution and Rules for the following Branches:
- Rural Practice Branch
 - London Branch
 - North West Branch
 - Scottish Branch
 - South West Branch
 - South East Branch
 - North East Branch
 - Heart of England Branch
 - Welsh Branch
 - Eastern Branch
- 9.2 Further Branches of the Association may be established provided that the Association has approved their establishment.
- 9.3 The approval of the Association to the establishment of a branch shall be treated as an amendment of the Rules and Rule 8 shall apply.
- 9.4 Each Branch shall appoint a Branch Chairman and Branch Secretary.
- 9.5 Each Branch may appoint a Branch Committee consisting of the Branch Chairman, Branch Secretary and the immediate past Chairman of the Branch, together with a Branch Vice-Chairman, Branch Treasurer, Branch Public Relations Officer and such other Branch Committee members as the Branch may decide;
- 9.6 Where relevant and not inconsistent with the overall rules of the Association, the rules of the Association will apply, *mutatis mutandis*, to the conduct and proceedings of Branches. No separate constitution and rules will be required for any Branch.
- 9.7 All Full Members of ACES will automatically be members of the local Branch for the area where their organisation is located.
- 9.8 A Branch may allow anyone deemed appropriate at the discretion of the Branch Committee to attend meetings of the Branch as a Branch Associate until such reasonable time as their application for membership of the Association has been approved. A Branch Associate shall not be entitled to vote in Branch proceedings or be a Branch Officer or a member of a Branch Committee.

10 MISCELLANEOUS PROVISIONS

Investment of Funds

- 10.1 The funds of the Association not required for current business or to meet accruing liabilities may, subject to the direction of the ACES Council be invested in any approved investment.

Dissolution

- 10.2 No proposal shall be made to dissolve the Association unless it is in pursuance of a resolution of the ACES Council or in the form of a written notice signed by 10 Full Members of the Association and addressed to the Secretary. Not earlier than 28 days after the receipt of such a proposal it shall be considered by the ACES Council.

- 10.3 A proposal to dissolve the Association will be considered at a special meeting convened for that purpose. The summons convening the meeting shall be served on each member of the Association not less than 28 days before the date of such meeting and shall contain full particulars of the proposal with the comments (if any) of the ACES Council.
- 10.4 No proposal for the dissolution of the Association shall be carried unless not less than three quarters of the members present and voting at the Special Meeting vote in favour of the proposal.
- 10.5 Except where dissolution is for the purpose of amalgamating the Association with another association or unless the Association at such Special Meeting directs otherwise the ACES Council shall thereupon proceed to realise the property of the Association and after discharge of all liabilities shall divide the sum equal amongst all Full Members and upon the completion of such division the Association shall be dissolved.

Interpretation

- 10.6 In these Rules the expression 'public organisation' means:
- The Common Council of the City of London;
 - the council of a shire county;
 - London borough;
 - unitary authority council;
 - a district council, both metropolitan and non-metropolitan;
 - any other local authority defined by statute;
 - any other public organisations that the ACES Council may determine as appropriate
- and the expression 'public organisation' means every public organisation (as so defined) or more than one public organisation (as so defined) as the context may require.
- 10.7 In these rules the expression "specialist skills necessary to support the property asset management function" will be assessed by reference to suitable experience and/or qualifications in:
- valuation and estate management
 - property asset management
 - any other specialist skills as determined from time to time by a resolution of the ACES Council.
- 10.8 In these rules the masculine gender shall be interpreted as both masculine and feminine.
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