

## **Statute Federation of Real Estate Agencies**

1. There shall be an association of real estate agencies that shall be known as the “Federation of Real Estate Agencies”, and is hereinafter referred to as “The Federation”.
2. The primary objects of the Federation shall be:
  - a) to unite all those persons who carry a ‘bona fide’ estate, letting or managerial agency in immovable property in Malta;
  - b) to secure the advancement and facilitate the acquisition of the knowledge requisite for the carrying on of the said business;
  - c) to maintain and extend the standard of services which Members of the Federation render to the public;
  - d) to protect and promote the general and special interests of its members;
  - e) to maintain and improve the standards of the conduct appropriate to its Members or their business;
  - f) to issue certificates of membership to its Members;
  - g) to supply each and every member with an updated copy of the “Code of Ethics” from time to time;
  - h) to promote harmony between the Members of the federation and other persons engaged in other related businesses being companies as well as individuals;
3. a) Membership shall be open to all those individuals, partnerships and companies who carry out the object mentioned in clause 2 (a) above, and have been carrying out such activities in Malta for a period exceeding two years. If the member is a legal person, it shall be represented in the Federation by a physical person nominated by such legal person and acknowledged by the council of the Federation. No single physical person can represent more than one Member of the Federation;
4. In this statute the following terms shall have the following meanings:
  - a) “Estate Agency” shall mean any business concern the primary object of which is to provide services conducive to the transfer, letting or management of immovable property, for third parties for an agreed written consideration;
  - b) “Estate Agent” shall mean any person in the employ of or working within an Estate Agency;
  - c) “Client” shall mean any person interested in acquiring any right over immovable property through the services of an estate agency. The term client shall also include the Client’s representative or any member of his immediate family.
  - d) “Member” shall mean shall mean any estate agency registered with the Federation;

- e) "Property Owner" shall mean any person having a title over immovable property enabling him to transfer, let or manage such immovable property;
  - f) In the case of a dispute between agents the agent who physically showed the apartment to the purchaser shall be defined as the selling agent'  
Provided further that in the case of a project consisting of one or more blocks, where specific viewing procedures have been established by the Property Owner, such specific viewing procedures shall be considered in determining whether a viewing has taken place or not.
5. Membership is restricted to natural or legal persons who are resident in these islands;
  6. Applications for membership shall be made in writing to the council. Such an application shall be made by the applicant and endorsed by two members. It shall be made out in such a form and shall contain such particulars as the council shall from time to time prescribe; the application shall be accompanied by an authenticated copy of the Trading license to carry on the business in a given address, and, in the case of a company, a copy of the Memorandum and Articles of Association of the same company, and in the case of a partnership, a copy of the deed of incorporation.
  7. The council may approve or reject such an application and shall be obliged to give its reasons to the applicant, who shall have the right to reapply after the lapse of three (3) months thereafter.
  8. Members are to pay an annual subscription fee of Lm 40 (forty Malta Liri) reflecting the membership fee of the Federation and Lm 90 reflecting the membership fee of the Chamber of Commerce, or such other amount as may be established from time to time by the council, which shall be due on the first (1<sup>st</sup>) January of each year, irrespective of the members date of admission.
  9. An admission fee of fifteen Malta Liri (Lm15), or such other amount as may be prescribed by the council, together with the annual subscription fee shall be lodged with every membership application.
  10. The treasurer of the Federation shall send a reminder to any Member who has failed to pay the annual subscription fee by the end of January of each year. Failure to submit the fee within ninety (90) days of such reminder will be construed to signify the applicants / Members intention not to retain his membership within the Federation, and the defaulting Members name shall be taken off the Federations register of Members, and notified

accordingly. Thereafter, defaulting Member shall not be permitted to make use of the Federation Logo for any reason whatsoever.

11. Membership within the Federation shall be automatically renewed from year to year. Any Member who wishes to resign shall signify his intention by writing to the secretary before the 1<sup>st</sup> of December of each year. In default the annual subscription for the forthcoming year shall automatically be due to the Federation.
12. The Federation shall be governed by a council composed of a minimum of **six (6)** physical persons from Malta and one (1) from Gozo. The number of physical persons to form the council during any particular year may be increased if consented to by seventy-five percent (75%) of the Members present and voting during the Annual General Meeting (AGM) of that particular year.
  - a) The President and other Members of the council of the federation shall be elected by a majority of votes at the Annual General Meeting (AGM);
  - b) The said President and elected council members shall hold office for a period of one year;
  - c) The results of the vote are to be recorded in the minutes;
  - d) Physical persons representing Members and presenting themselves for election to the council are to be the actual persons taking up office if elected;
  - e) If an elected person cannot take up office on the council his or her place shall be taken by the person with the next highest number of votes cast at the AGM.
  - f) If no person next in line can be determined as in clause 10e) above, the council shall co-opt a replacement of its choice.
13. The council shall elect from among its Members, a Vice President, a Secretary and a Treasurer.
14. No council member can occupy the same official position for more than two (2) consecutive years.

The following persons are debarred from serving on the council:-

  - i. Persons involved directly or indirectly in politics;
  - ii. Persons who have ceased to be Members of the Federation;
  - iii. Physical persons who represent a firm or partnership if these have ceased to be Members;

- iv. Persons serving as directors or as a Chairman to the Government or Government entity or Government (majority controlled) company.

15. A minimum of half the elected persons on the Council shall constitute a quorum for the purpose of council meetings;

16. When a council member fails to attend, without good cause for three consecutive council meetings, he shall thereby automatically forfeit his seat as a Member of the council. The resultant vacancy shall be filled by the person who had obtained the next highest number of votes during the election.

17. A council meeting shall be convened by the President at least once every two months. The President shall also convene a meeting of the council within 14 days from the date of a written request made by 3 members of the council.

18. An AGM shall be held during the month of November of each year with the following agenda:

- i) Presidents report
- ii) Treasurers Financial Statement certified by a CPA or Audited change to The Accounts must be drawn up the Treasurer and checked by two (2) internal members (not forming part of the Committee of Federation Estate Agents)
- iii) Election of the President and Members of the council
- iv) Election of CPA or Auditor/s (who serve as an Auditor but not forming part of the Committee of Federation Estate Agents)
- v) Any other matter arising that may deem necessary

19. The council may, whenever it deems fit, convene an EGM (Extraordinary General Meeting). Such Extraordinary General Meeting shall be convened by the council within 3 weeks from the receipt of a written request made by Members of the Federation holding between them, more than 50% plus one (fifty percent plus one) of the voting power with the Federation.

20. Any request to convene a council or E.G.M shall be made in writing, specifying the matter or matters which are to be placed on the agenda.

21. Notices of all meetings shall be sent to all Members who are entitled to attend thereat. Such notices are to be mailed to Members at least 14 days prior to the date when meeting is due to be held.

22. Members who are unable to attend may grant a written proxy in favour of any member who will be attending the meeting. Proxies must be handed to the President before the meeting.

23. The omission to give notice of a meeting or non receipt thereof by any Members, shall not invalidate a meeting if this is due to a clerical error or fortuitous or accidental circumstances provided that Members who have not been notified as described do not exceed one in number in the case of council meetings and three in the case of General Meetings.

25. The quorum for General Meetings of the Federation shall be made up of one half of the registered Members of the Federation plus one. No meeting shall be held unless a Quorum of Members is present, and shall stand adjourned to the same day in the next week, at the same time and place. Notices of the adjournment shall be sent to all Members who were not present at the first meeting. Such an adjourned meeting shall be held even in the absence of a Quorum.

26. When the President and three council Members are satisfied that an urgent meeting of the council be held, Members may be convened even verbally by the Secretary, without the requirement of giving notice thereof.

27. Every Member present shall be entitled to one vote, and all decisions shall be arrived at by the majority rule. In the case of an equality of votes, the President shall have a second or casting vote.

28. The Treasurer shall keep proper records of the books of accounts, and draw up a yearly Balance sheet showing a true and fair view of the state of affairs of the Federation.

29. The Secretary shall keep proper Minutes for all council and General Meetings. He shall also keep an up to date Register of Members and all their necessary details.

30. The Register of Members shall be kept by the Secretary but can be inspected by any Members on request. A list of all updated Members may at a later date be placed on the website of the Federation. The Federation must comply with the Data Protection Act.

31. All payments made by the Federation shall be made by cheque signed by at least two Members of the council authorised nominees, but must include the President or the Treasurer.

32. Any Amendments to the Statute of the Federation of Estate Agents or Code of ethics shall only be deemed valid if brought before an Extraordinary General Meeting of the Federation, brought to the prior

notice of all Members of the Federation and consented to by seventy five percent (75%) of the Members present and entitled to vote during the Meeting of the Federation.

33. All Federation Members shall be bound by, and undertake to observe fully, the Code of Ethics of the Federation. Each Member shall also undertake to have each of its negotiators informed of the Code of Ethics and hold them accountable to any breach of the Code of Ethics.

- i) Any breach of the code of ethics shall be discussed in front of a board made up of a minimum of three (3) members independent of any Estate Agency, which board shall be appointed on an annual basis by the council. Unless removed such members shall be automatically reappointed.
- ii) Any violation of the conditions contained in the Code either by Members or any of their estate agents shall render the defaulting Member subject to disciplinary proceedings contemplated in the Code of Ethics.

- 34. The council may appoint a person to host and upkeep the Federations website.
- 35. The registered office of the Federation shall be situated at Chamber Of Commerce, Exchange Buildings, Republic Street, Valletta.
- 36. The council may appoint a non-voting legal advisor to assist the council on all legal matters.
- 37. All Code of Ethics regulations must be printed on each of the inspection forms.