

TIBA CONSTITUTION AND CODE OF CONDUCT

(REVISED OCTOBER 2011)

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PART A: INTERPRETATION:

Section

1.0. NAME

The name of the Association shall be known as:

“Tanzania Insurance Brokers Association” (TIBA).

2.0. PLACE OF BUSINESS

The place of business of the Association shall be at **such address in Dar es Salaam** or such other place as the Council (as hereinafter defined) may from time to time decide and approved by the Registrar of Societies or any relevant authority

3.0. SEAL OF THE ASSOCIATION

- a) The Seal of the Association shall be determined by all members at the General Meeting.
- b) After the Seal has been decided upon, it shall thereafter be the emblem of the Association.

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4.0. DEFINITIONS

(a) As used in this Constitution:

“Act” means the Insurance Act, No 10 of 2009 as may be amended from time to time by respective legislations

“Association” means “Tanzania Insurance Brokers’ Association”;

“Associate Membership” means a Member who is entitled to be an Associate

Member of the Association, having satisfied the criteria set out under this constitution.

“Authority” means the Tanzania Insurance Regulatory Authority established under Section 5 (1) of the Insurance Act No 10 of 2009 or any authority succeeding it;

“Corporations” means anybody corporate that is incorporated or existing in

Tanzania or outside Tanzania and includes any foreign company but does not include;

- i. anybody corporate that is incorporated in Tanzania and is by notification of the Minister in the Gazette declared to be a public authority or an instrumentality or agency of the Government or to be a corporate which is not incorporated for commercial purposes;
- ii. any corporation sole;
- iii. any co-operative society; or

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iv. any registered trade union;

“Council” means the Governing Council for the administration and management of the Association;

“Councilor” means a member of the Governing Council;

“Immediate Past President” means the preceding President of the Association who has served his full term of office;

“Insurance Broker” means an insurance broker as defined under Section 3 of the Insurance Act No 10 of 2009 being a person who is or has been carrying on insurance business in Tanzania as an agent for insureds or prospective insureds in respect of

(a) insurance policies relating to short term and long-term business policies, other than insurance policies relating to reinsurance business; or

(b) Reinsurance relating to

i. life business; or

ii. general business; shall be construed accordingly;

“Members” means both the Ordinary and Associate members of the Association;

“Ordinary Member” means a Member, who is entitled to be an Ordinary Member of the Association, having satisfied the criteria set out under Section 7.1 of the constitution

“Associate Member” means a member of the Association as set out under Section 7.2 of this constitution

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“Secretary” means the Honorary Secretary of the Association;

“Register” means the Register of Members maintained by the Secretary;

“Rules”, “Regulations”, “Codes of Conduct”, “Bye-laws” or “Instructions” means the Rules, Regulations, Codes of Conduct, Bye-laws and Instructions, respectively of the Association established by the Council;

“Representatives” means Directors, Chief Executives or Principal Officers of the members and

“Person” shall be construed as a reference to an individual, corporation, company, firm or an incorporated body of persons;

5.0. OBJECTIVES

The objects of the Association shall be as follows:-

- a) To provide a central organization for Insurance Brokers (as herein defined) and generally to do all such things as from time to time may be considered or calculated to elevate their status and safeguard and advance their interests and procure their general efficiency and proper professional conduct with a view to ensuring for the community the existence of a class of insurance and reinsurance intermediaries who can be relied upon as being trustworthy and duly qualified to perform their responsible duties.

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- b) To encourage the training and education of persons practicing or intending to practice insurance broking in the United Republic of Tanzania.
- c) To co-operate with or become members of other professional bodies or associations having similar objectives to those of the Association.
- d) To keep under surveillance any legislation affecting the insurance industry in general and Insurance Brokers in particular,
- e) to promote, support and assist in any lawful manner the implementation of legislation having for its object the Association's common good or that of Insurance Brokers and the general public, and generally to promote and safeguard the common interests of the Members and the general public.
- f) To assist any Member in obtaining legal advice upon, or the judicial determination of, any question of general importance of interest to Members. Provided that the Association shall not commit any breach of the law.
- g) To arbitrate in any dispute between Members, or members and third parties relating to the practice of insurance broking where it is deemed to be in the interest of the Association.
- h) To propose, establish, implement and enforce any rules, regulations, bye-laws, professional standards and such codes of conduct for the promotion and safeguard of the interests of the insurance industry and that of Insurance Brokers.

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- I) to receive and hear complaints, disputes and claims made in relation to
Members, to set up or form such committees or bodies that may be appropriated whom reference may be made of such complaints, disputes and claims and to facilitate the settling of such complaints, disputes and claims by such means as shall be deemed expedient.
- j) To collate relevant information and data in relation to the Association and its Members, for use by the Association, it's Members, the relevant governmental statutory authorities and the general public.
- k) To engage secretaries, clerks, solicitors, professional persons, servants and others and to pay these persons in return for services rendered to the Association.
- l) To purchase or otherwise acquire for investment lands, houses, buildings and immovable property of any description or any interest therein.
- m) To purchase, take on lease or in exchange, hire or otherwise acquire any real or personal property, licenses, rights or privileges which the Council may think necessary or convenient for the purposes of the Association and to construct, maintain and alter any buildings or works necessary or convenient for the purposes of the Association.
- n) To mortgage, charge, sell, improve, manage, develop, turn to account, exchange, let on rent, grant licenses, easements and other rights in or over, and in any other manner deal with or dispose of the undertaking

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- and all or any of the property and assets for the time being of the Association for such consideration as the Council may think fit.
- o) To borrow or raise or secure the payment of money for the purposes of or in connection with the Association's objects herein.
 - p) To raise monies for the purposes of or in connection with the Association's objects herein and to provide training for its Members and for the purposes of or in connection with the raising of money, to organize fund-raising schemes in the name of the Association.
 - q) To organize conferences or seminars, for its Members and for the general public in relation to matters pertaining to insurance broking.
 - r) To do all such lawful things as are incidental or necessary to the achievement of the above objectives or any of them.

PART B: MEMBERSHIP

6.0. MEMBERSHIP ELIGIBILITY

Membership of the Association shall be **mandatory** to all insurance brokers (as herein before defined) carrying on business as such in the United Republic of Tanzania as provided for under **Section 67 [a] (iii)** of the Insurance Act No; 10 of 2009 and who have complied with the following conditions:

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6.1 A Certificate of Registration and subsequent renewal from the office of the

Commissioner of Insurance and as stipulated by the Insurance Act and any subsequent amendments thereafter.

6.2 Registration as a broker under any legislation for the time being in force for insurance brokers in the United Republic of Tanzania.

6.3. Members of staff working with registered insurance brokers in United Republic of Tanzania

6.4. Any individual or organization from other sectors, which has common purpose of

Contributing towards growth of the insurance industry and Brokers Association in particular

7.0. CLASSES OF MEMBERSHIP

The Association shall comprise of Ordinary Members and Associate Members as defined below.

7.1 Ordinary Membership:

Ordinary Membership shall be **mandatory** to Companies who are Direct Insurance Brokers and are registered with the office of Commissioner of Insurance to do business in the United Republic of Tanzania.

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7.2 Associate Membership:

Associate Membership shall be open only to Companies or individuals whose primary business is in the risk or insurance industry and who do not qualify as Ordinary Members under **Section 7.1** of the Constitution

7.3 Notwithstanding the provisions of **Sections 7.1 and 7.2**, the Council shall have that absolute discretion to accept or reject any application for **Associate membership** in the Association without assigning any reason.

7.4 Any Member may by resolution of its directors authorize its chief executive officer or any other senior officer or such other representative as may be approved in writing by the Council to act.

8.0. MEMBERSHIP APPLICATION AND ADMISSION

8.1. A candidate for membership of the Association (the “Candidate”) shall submit an application as well as documentary evidence to the Secretary in accordance with the Regulations and procedures which the Association may from time to time establish, and, in the case of an application for Associate Membership, shall be proposed and seconded by the Chief Executive Officers or Principal Officers of respective organizations and at least two members which references are acceptable to the Council.

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- 8.2. When a Candidate has satisfied the Council of its qualification for membership of the Association in accordance with the provisions as set out in the Constitution and has paid the entrance fee and the annual subscription, the Secretary shall then enter the Candidate's name on the Register and issue numbered Membership card. Membership shall commence from the day of such registration.
- 8.3 Membership shall at all times be subject to the Member's strict adherence to the Code of Conduct of the Association and any other rules and/or By-Laws as may be in force from time to time and which are an integral part of this Constitution and the operations of the Association.

9.0. MEMBER'S SUBSCRIPTIONS

- 9.1 Each member shall pay by way of admission fees and/or annual subscription fees such sums as may be determined from time to time by the Council
- 9.2 The council shall from time to time determine the times and manner of payment of **admission and** annual subscriptions fees

10.0 RENEWAL OF MEMBERSHIP

- 10.1 Ordinary Membership will be renewed annually only upon evidence, verification and submission of the following:-

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- (a) A copy of certification from the Commissioner of Insurance that approval had been granted to the Member to carry on the business of insurance broking in Tanzania under the Act;
- (b) Cheju or cash payment for renewal subscription and all other levies due; and
- (c) Any other document, papers or requirements that the Council may from time to time require or decide.

10.2 Associate Membership will be renewed annually only upon evidence, verification and submission of the following:-

- (a) Cheju or cash payment for renewal subscription and all other levies due; and
- (b) Any other document, papers or requirements that the Council may from time to time require or decide.
- (c) If a renewing member is unemployed at the time of renewal, the member remains eligible for membership for **up to 12 months** from the renewal date without being employed in the risk or insurance industry.
- d) If at the following renewal date the member is still not employed in the risk or insurance industry, the member shall no longer be eligible for membership.

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11.0. TERMINATION OF MEMBERSHIP

a) Any membership of the Association shall cease to be a member in the following circumstances:

- i. Resignation in writing of any Member to the Secretary.
- ii. Where any Member's name is deleted from the Register by the votes of no less than two-thirds of the Council Members at a meeting of the Council at which a quorum is present for any of the following reasons:-

11.1. Failure of a Member to pay the prescribed fees, subscriptions, fines and levies imposed by the Association within two months of the due date;

11.2. Cessation on the part of any Ordinary Member to qualify as an Insurance Broker by reason that the Ordinary Member has failed to satisfy the requirements under **Section 7.1 or 10.1** of the Constitution;

11.3. Where a Member go into liquidation whether compulsorily or voluntarily (save for the purposes of reconstruction or amalgamation) or if a receiver be appointed of any part of the Member's undertaking or property or assets or the Member has entered into any arrangement or composition with any of its creditors or becomes insolvent.

11.4. Where the Member has neglected or refused to comply with any of the Rules and Regulations of the Association after written notice has been

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sent by or on the instructions of the Association directing attention to such neglect or refusal.

11.5. Where the member has failed to comply with the provisions of the Professional Code of Conduct or in the exercise of its disciplinary powers.

11.6. On the death of an individual associate member

11.7 For any other cause which in the opinion of a majority of members at a Special General Meeting deems the Member unfit to be a member of the Association

12.0 DELETION OF MEMBER'S NAME

In the event of loss of Membership, the Secretary shall notify that Member's name to the Council and shall immediately delete the relevant name from the Register and inform the Authority accordingly

13.0 . RIGHTS OF MEMBERS

The rights of Members of the Association are as follows:

(a) Ordinary Members have the right:-

- i. To participate through their representatives in general meetings and propound any ideas which are consistent with the objects of the Association;
- ii. To utilize any services that may be provided by the Association;
- iii. To vote in general meetings; and

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- iv. Through their representatives, to stand for election to the Council or sit in any Committees formed by the Council.
- (b) Associate Members have the right:**
- i. To participate through their representatives in general meetings and propound any ideas which are consistent with the objectives of the Association but shall have no rights to call or vote in general meetings or stand for election through their representatives to the Council or any committees formed by the Council; and
 - ii. To utilize any services that may be provided by the Association;
- (c) Employees of Members shall also be entitled;**
- i. To attend any courses on insurance and related subjects which may be arranged by the Association; and
 - ii. Participate in any social events which may be arranged by the Association.

14.0 DUTIES AND OBLIGATIONS OF MEMBERS

- (a) To foster, support and observe the aims of the Association according to the objectives set out in Section 5 of the Constitution.

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- b) To observe strictly the Rules, Regulations, Codes of Conduct, Bye-laws and Instructions and such legislation supported by the Association affecting the insurance industry in general and Insurance Brokers in particular;
 - c) To uphold the prestige of the Association and its Members;
 - d) To pay the prescribed fees, subscriptions, levies and fines when due;
- and
- e) To comply with the directions and decisions of the Council made pursuant to the powers conferred on the Council.
 - f) To attend all meetings convened by the Association

PART C: GOVERNING COUNCIL

15.0. COUNCIL OF THE ASSOCIATION

15.1 The administration and management of the Association shall be entrusted to the Council which shall consist of **thirteen (13)** members elected at the Association General Meeting and shall comprise the following officers.

- a) President;
- b) Vice President;
- c) Immediate past President
- d) Honorary Secretary;
- e) Honorary Treasurer;
- F) Five (5) committee chairpersons and
- G) Three (3) other members

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- 15.2 A member can be elected as President for **only two (2)** consecutive terms but may remain in office until next election.
- 15.3. Names for the above officers shall be proposed at the Annual General Meeting and seconded by at least **three (3)** voting members and election will follow on a simple majority of the Members.
- 15.4 The Immediate Past President shall, if he is not elected, remain as an additional ex officio Councilor with the designation of Immediate Past President, but shall not have any voting rights in the deliberations of the Council-
- 15.5 The duty of the Council is to organize and supervise the day-to-day activities of the Association. The Council may not act contrary to the expressed wishes of the General Meeting without prior reference to it and always remains subordinate to the General Meetings.
- 15.6 A member of the Council must be gainfully employed by an Ordinary Member, and shall vacate his office in the event that he is not gainfully employed by an Ordinary Member for a period of more than three (3) months.

16.0 TERM OF OFFICE

- 16.1 Save as otherwise provided below or in the transitional provisions herein, the term of office of any Councilor including that of the President, Vice President, Honorary Secretary and Honorary Treasurer shall be **two (2)** years.

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- 16.2 The members of the Council shall retire at the Annual General Meeting after serving their term of two (2) years.
- 16.3 The General Meeting shall elect new Councilors, President, Vice President, Hon. Secretary, and Hon. Treasurer as and when such positions fall vacant.
- 16.4 The retiring Council Members shall have the right to stand for re-election to the Council provided that no member shall serve for **more than two (2) consecutive years.**

17.0. REMOVAL FROM OFFICE

The office of a Councilor shall be vacated in the event of:-

- A) His/her tendering his /her resignation subject to approval of the Council;
- b) His/her principal becoming disqualified for membership of the Association according to the provisions of **Sections 11 and 12** of the Constitution;
- c) Him/her ceasing to be the appointed representative of the relevant Member;
- d) Him/her being convicted of an offence resulting in a custodial sentence or involving dishonesty;
- e) He/she becoming of unsound mind;

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- f) He/she becoming bankrupt or if he makes any arrangement or composition with his creditors; or
- g) His/her being absent from a Council Meeting for three consecutive times with no justifiable reasons.
- h) In the opinion of the Council is unable to discharge his/her duties as a council member
- i) Is directly interested in any contract with the Association and fails to declare nature of the interest.

18.0. POWER S OF THE COUNCIL

18.1. The Council may co-opt additional Council Members in the following circumstances:

- a) When there are vacancies on the Council after elections at the Annual General Meeting

Meeting, by reason of insufficient candidates standing for election, withdrawal of the same or for any reason whatsoever.

- b) When a Council Member vacates office, the Council may co-opt a replacement from among voting members to fill such vacancy. The co-opted members shall retire at the next annual General Meeting

18.2. Co-opted members shall have the right to vote at the meetings of the Council and shall be deemed to be members of the remaining Council term

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18.3 The Council may, by a simple majority of votes at a meeting of the Council at which a quorum is present, in their absolute discretion and without assigning any reason therefore restrain anyone not acceptable to the Council as a Councilor from standing for election or to compel him to resign as a Member, granted that he has the right of appeal to the General Meeting of Members.

19.0. COUNCIL MEETINGS

19.1 Meetings:

- a) The Council shall meet not less than once every three months.
- b) Meetings shall be called by the President at any time by giving **7 days' notice** in writing to the Councilors.
- c) The Council shall be at liberty to waive the said notice or agree to a shorter notice by agreement in writing of a majority of the Councilors prior to the said meeting or at the said meeting itself by the decision of a majority of the Councilors present sufficient to constitute a quorum.
- d) Minutes of all the Council Meetings should be circulated to all Members.

19.2 Quorum:

At each meeting of the Council, not less than **seven (7)** of the total number of Councilors shall constitute a quorum.

19.3 Chairperson

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The President of the Association shall preside over all meetings of the Council. When the President is unable to attend, the Vice President shall act as Chairman. If both the President and Vice President are unable to attend; the meeting shall elect any Councilor present to preside over the Meeting.

19.4 Resolutions:

Resolutions of the Council shall be decided by a majority of votes except where otherwise provided in this Constitution.

19.5 Resolutions in writing:

Resolution in writing, signed by no less than half of the Councilors for the time being entitled to receive a notice of a Council meeting, shall be as valid and effective as if it had been passed at a Council meeting duly convened and held, any such resolution may consist of several documents in like form each signed by one or more Councilors. Such resolutions may be communicated by way of email, facsimile or any other electronic means which the Council may prescribe.

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20.0. PROCEEDINGS OF THE COUNCIL

- 20.1. Questions arising at any meeting shall be decided by a majority of votes. In the case of an equality of votes, **the chairperson** shall have a second or casting vote
- 20.2. All acts done by the council or by a committee appointed by the council or by an individual acting as a member of the council or such committee shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such member or individual acting as aforesaid or any of them were disqualified, be as valid as if every such individual has been duly appointed and was qualified to be a councilor committee member
- 20.3. A Council member shall not vote in respect of any contract in which he is interested or any matter arising there from unless such Council member has made a full disclosure to the council of his interest and if he does so vote, his vote shall not be counted

21.0. DUTIES OF COUNCIL OFFICE BEARERS

21.1 The President shall:

- a) Represent the Association in its dealings with matters outside the Association
- b) Preside over all meetings of the Council and the Association;**

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- c) **In the event of disorderly behaviour by any member or members at any General Meeting of the Association, the Chairperson shall have powers to adjourn the Meeting**

21.2 The Vice President shall perform the functions of the President when the President is absent or unable to perform his functions

21.3 The Honorary Secretary shall:

- a) **Keep an up to-date register of all members and other records of the Association**
- b) **Keep minutes of all General and Council meetings;**
- c) **Issue meeting notices and agendas;**
- d) **Deal with and attend to all correspondence of the Association as directed by the Council;**
- e) **Keep an inventory of the Association's movable and immovable property;**
- f) **Generally carry out the directions and put into effect the decisions of the Council; and report to the Council at its meeting.**

21.4 The Honorary Treasurer shall:

- a) **Arrange collection of all members' admission and subscriptions fees, donations and disburse all moneys belonging to the Association;**
- b) **Deposit forthwith into the Association's bank account all moneys received;**
- c) **May maintain a float not exceeding Tshs. 50,000= (Fifty Thousand Only) any time to meet petty expenditure. Payments other than for**

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- regular expenses shall receive prior written approval of the Council
- d) Arrange payments of all expenditures and preserve vouchers and receipts for the payments made;
 - e) Maintain the accounting records of the Association and implement adequate financial controls in respect of the Association's finances;
 - f) Keep an account of all monetary transactions and submit to the Council correct financial statements at its periodical meetings on the state of the Association's finances.
 - g) By the end of March each year complete the Association books and prepare an Income and Expenditure Account and Balance Sheet ready for audit; and arrange for an audit to be carried out independently
 - h) Prepare an annual financial report and present it to the Annual General Meeting.

21.5 Ordinary Councilors

Shall assist in the general administration of the Association and perform duties as may be assigned by the Council from time to time.

21.6 Immediate Past President

Shall guide the Council with respect to the affairs and business of the Association

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22.0. AUTHORITY AND DUTIES OF THE COUNCIL

22.1. The business of the Association shall be managed by the Council who may exercise all powers of the Association and may delegate their powers to the committees as they shall deem fit

22.2 The Council shall be able to appoint and/or employ individuals and/or enter into contracts for the provision of services for and on behalf of the Association on such terms and conditions, including without limitation terms as to payment and/or remuneration, as the Council shall in its sole discretion determine, provided that any such appointments and/or contracts may be terminated by Association by way of resolution in a General Meeting.

22.3. The council may authorize the formation of zonal committees to be elected by the members in the regions. Such Committees shall be answerable to the Council

22.4. The Council shall consider, approve or reject applications or renewal of membership, and shall be made in writing in such form as the Council shall from time to time prescribe

22.5. The council shall formulate the code of conduct and practice or make amendments as may from time to time be deemed necessary provided always that such code or amendments thereto shall be accepted at Annual General Meeting

22.6. The Council shall appoint a disciplinary committee comprised of not more than **three (3)** individuals who represent members but not

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- themselves serve on the council. The resolutions of the committee shall be tabled before the council for final decision
- 22.7. The council shall cause proper books of accounts to be kept to give a true and fair view of the state of affairs of the Association
- 22.8. At the Annual General Meeting in every year, the Council shall lay before the Association proper income and expenditure account for the last financial year together with a proper balance sheet and a report of the council on the activities of the Association for that period
- 22.9. To make Rules, Regulations, Codes of Conduct, Bye-laws and to give Instructions relating to professional conduct, for the inculcation of sound practice, the promotion of the interests of the profession of insurance broking, the prevention of illegal and dishonorable practices and further as far as may be legal, to regulate the conduct of Members;
- 22.10. To discipline any Member and impose such penalties as it deems fit in the manner as provided and for the reasons as stated in Rule 26 (as the case may be);
- 22.11. To appoint sub-committees and ad hoc committees to carry out specific work within the jurisdiction of the Council,
- 22.12. To delegate any of its functions to any Member(s) and in particular to delegate to a sub-committee or ad hoc committee its function of hearing and investigating any complaint or breach of the Articles, Rules, Regulations, Codes of Conduct and Bye-laws of the

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Association by any Member and to empower such subcommittee or ad hoc committee to discharge the said function;

22.13. In the event of any question or matter pertaining to the day-to-day administration which is not expressly provided for in this Constitution, the Council shall have power to use its own discretion. The decision of the Council shall be final unless it is reversed at a general meeting of the Members.

23.0. ESTABLISHMENT OF COMMITTEES

- a) There shall be established **four (4) committees** comprising of members appointed by the Council provided that composition of each committee shall be as provided for under **Sections (23.1) to (23.4)** of the Constitution
- (b) The chairperson of each committee shall be elected from among the committee members.
- c) The tenure of the committee members shall be for a period of one (1) year after which the Council shall have the discretion to re-appoint the committee members or to appoint new committee members.

23.1 Finance and Administration Committee

- a) The committee shall comprise of the following:
 - i. The President
 - ii. The Honorary Treasurer
 - iii. The Honorary Secretary

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- iv. And two (2) other representatives of fully paid up members of the Association.
- b) The committee shall:
 - i. Deal with all issues relating to the administration of the Association.
 - ii. Deal with financial affairs of the Association subject t the limitation prescribed in this constitution.
 - iii. Deal with all issues of membership of the Association including the vetting for applications for membership and collections of membership subscriptions.
 - iv. Perform all other tasks and duties as shall be assigned to it by the Council from time to time

23.2 TECHNICAL COMMITTEE

- a) The Committee shall comprise of a minimum of five fully paid up members.
- b) The Committee shall:
 - i. Advise the members on the technical aspects of Insurance.
 - ii. Advise on any new developments in the Insurance Industry.
 - iii. To propose, establish, implement and enforce any rules, regulations, bye-laws, professional standards and such codes of conduct for the promotion and safeguarding of the interests of the insurance industry and that of the Association

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- iv. Arrange training, seminars and conferences for the members and other stakeholders interested in practicing insurance brokerage.
- v. Perform all other duties as shall be assigned to it by the Council.

23.3 LEGAL AND DISCIPLINARY COMMITTEE

- a). The Council shall from time to time appoint a Legal and Disciplinary Committee (herein called a Disciplinary Committee) comprising of the following:
 - i. Two (2) representatives from the Ordinary Members;
 - ii. Three (3) Councilors;
- b). The Disciplinary Committee shall
 - i. Be chaired by the Council Chairperson.
 - ii. If the Chairperson is unable to attend or chair the meeting, the meeting shall elect any member of the Disciplinary Committee present to preside over the meeting.
 - iii. Hear and investigate matters referred to the Committee by the Council pertaining to all breaches of and non-compliance of Members with the Rules, Codes of Conduct, Regulations, Bye-laws and Instructions, all matters of professional conduct and all written complaints and applications made to the Association with respect to any Member for the hearing and consideration of the conduct of the Members.

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- iv. Advise the Council on legislative matters affecting the Insurance Industry and in particular the Members of the Association.
 - v. Assist any Member in obtaining legal advice upon, or the judicial determination of, any question of general importance of interest to Members. Provided that the Association shall not commit any breach of the law.
 - vi. Arbitrate in any dispute between Members, or members and third parties relating to the practice of insurance broking where it is deemed to be in the interest of the Association...
- c). In the event of an appeal to the Council against the decision or recommendation of the Disciplinary Committee, the Chairperson of the Disciplinary Committee, being a Council Member shall not sit as a Member of the Council during the hearing and consideration of the Appeal.
- d). At each meeting of the Disciplinary Committee, not less than four (4) Members (Including the appointed Councilor) of the Disciplinary Committee shall constitute a quorum.
- e). A Member's representative shall be barred from being a member of the Disciplinary Committee hearing a matter in which he or the Member Who nominated him has an interest.
- f). All decisions and recommendations made by the Disciplinary Committee shall be by way of a majority of votes of Members present at the meeting of the Disciplinary Committee. `

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23.4 Social and Publicity Committee

- a) The committee shall comprise of **three (3)** fully paid up ordinary Members.
- b). The committee shall
 - i. Maintain close and effective relationships with other professional associations or bodies and all stakeholders having similar objectives as that of the Association.
 - ii. Promote interaction and good working network among members and stakeholders in the insurance industry with a view of attaining the Association objectives..
 - iii. Undertake awareness, sensitization and advocacy programmes for good image of the Associations
 - iv. Co-ordinate members concerns and advise the Council accordingly.
 - v. Do all such law full things as are incidental to the achievement of the association objectives.

PART D: SUPREME AUTHORITY

24.0. GENERAL MEETING

24.1 The supreme authority of the Association is vested in the General Meeting of the Members presided over by the President.

24.2 In the absence of the President at any Meeting the Vice P resident

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shall preside and in his absence the Members present shall elect a Chairperson to preside at that meeting.

24.3 An Annual General Meeting shall be held in the month of October each year

24.4 An Extraordinary General Meeting can be called at any time in the event of the following;

- a) If for any reason that the Council deems expedient, or
- b) if a group of Members not less than one third (1/3) of all ordinary members (not including Associate Members) sign a petition in writing giving reasons for the calling of the meeting to the Secretary, the President shall call an Extraordinary General Meeting.

24.4 Notice of Meeting

- a) The Council shall serve upon the Members a notice appointing the time for a General Meeting not less than 14 days in advance by post or by insertion of a notice in a daily newspaper for not less than two days. The notice appointing the time for a General Meeting shall contain the agenda as well as the date, time and place of the Meeting.
- b) The non-receipt of any notice of General Meetings by any Member or person entitled to receive such notice after such notice has been duly sent pursuant to **Section 24.4(a)** shall not invalidate any resolution passed, or proceeding had, at any General Meeting.

24.5 Quorum:

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For a General Meeting not less than one-third (1/3) the total numbers of Ordinary Members represented, including their respective representatives shall constitute a quorum.

24.6 Resolutions:

Resolutions of a General Meeting shall be determined by a majority of votes.

24.7 Lack of Quorum:

- a) If within half an hour from the time appointed for a General Meeting a quorum is not present, the Meeting, if convened at the request of the Members, shall be dissolved and in any other case, it shall be postponed, and in such circumstances the Council shall call another General Meeting within fourteen (14) days from the day appointed from the first Meeting.
- b) If no quorum is present at the later meeting those present shall be considered a quorum but shall have no power to amend the Constitution.

24.8 Agenda:

The Agenda at the Annual General Meeting shall be as follows: -

- a) To approve the minutes of the previous General Meeting;
- (b) To approve the annual reports of the Council on the operations of the Association during the year;
- (c) To approve the Accounts (Income and Expenditure and Balance Sheet) of the last financial year;

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- (d) To elect new Councilors and office bearers when the term of the office ends. ;
- (e) To elect an Honorary Auditor from the representatives of the Membership of the Association for the year;
- (f) Any other matters provided prior notice has been received by the Secretary at least 7 days before the date of the Annual General Meeting.

25.0. VOTES OF MEMBERS

25.1 The representative of an Ordinary Member shall be entitled to one vote as proxy for his or her principal. Provided that Members shall advise the Association in writing of the names of their duly accredited representatives and shall immediately notify the Association in writing of any change of the same.

25.2 Such an Ordinary Member shall be duly registered, and have paid all subscription and any other sums due and payable to the Association in respect of its membership and shall be entitled to vote on any question at any General Meeting.

25.3 Voting shall be performed by either of the following methods:

- (a) Open ballot by show of representatives' hands; or
- (b) Secret ballot by writing a ballot paper or

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(c) Other method, to be used only at the request of not less than one half of the Ordinary Members' representatives present at the Meeting.

25.4 An Ordinary Member's representative shall be barred from voting in any disciplinary action or matter that may be arbitrary or in which he has personal interest, except voting for electing the Council,

26.0. MINUTES OF MEETINGS

The Minutes of meetings of the Council, General Meetings and Committee Meetings shall all be recorded in English and shall be submitted for approval at the next Meeting.

PART E: FINANCE

27.0. FINANCE OF THE ASSOCIATION

27.1. Income of the Association

- a) The Association shall obtain income from the following sources:
- i. Entrance fees and Member's annual subscription;
 - ii. Charges for services as provided by the Association;
 - iii. Donations;
 - iv. Interest from investments and properties of the Association;
 - v. Levies as may be prescribed by the Council; and
 - vi. Fines as imposed on errant Members, the amount of such fines to be decided by the Council.

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27.2. Entrance Fees and Subscriptions

The Council shall determine the rates of membership dues, i.e. the entrance fees and subscription, as it sees fit, and shall serve advice in writing upon all Members of the entrance fee and the subscription which may be modified according to the resolution of the majority of the Members in General Meetings.

27.3. Remittances of Subscriptions

- a) A Member shall remit subscriptions yearly payable in full on 1st of September.
- b) New Members shall pay when they apply for registration.

27.4. Services provided by the Association,

The Council may lay down instructions or regulations on collection of fees or costs of services as it sees fit and the Members shall pay such fees and/or costs before using the services.

27.5. Funds of the Association

The Council shall deposit the funds of the Association in a Commercial Bank in the name of the Association. All cheques shall bear the signatures of the President or the Vice President, Secretary and that of the Treasurer.

27.6. Balance Sheet

The council shall ensure that a balance sheet is prepared annually and certified by the Honorary Auditor not later than the 30th day of March of each year.

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27.7. Financial year

The financial year of the Association shall end on the 31st of December.

28.0. AUTHORITY OF HONORARY AUDITORS

28.1. The Honorary Auditor shall be responsible for examination of the Accounts (Income and Expenditure and Balance Sheet) and shall have authority to inspect the accounting records and financial documents of the Association and shall have the right to make enquiries of any of the Councilors as well as those who are in charge of such accounting records and financial documents.

PART F: DISCIPLINARY MATTERS AND PROCEDURES

29.0. DISCIPLINARY POWERS

29.1 The Council shall have the power to discipline a Member subject to

calling the member for a disciplinary hearing giving at least five (5) days prior notice before hearing. After the hearing, any one or more of the following actions, subject to adhering to the principles of natural justice, may be taken by the Council.

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- (a) By reprimanding a Member;
- (b) By imposing a fine which shall not exceed the sum of Tshs 500'000 for each offence or breach of this Constitution, the Rules, Regulations, Codes of Conduct, Bye-laws or Instruction committed by the Member;
- (c) By suspending a Member from exercising any rights or privileges of membership of the Association for such period or on such conditions as the Council may determine;
- (d) By expelling a Member from the Association; or
- (e) By any other way or method or manner as the Council may from time to time provide under the Rules and Regulations.

29.2 The Council shall also have the absolute power and discretion to suspend a Member for a temporary period of time from exercising all rights and privileges of membership of the Association pending an inquiry as hereinafter provided or pending the decision of the Council after such an inquiry.

29.3 In the event that a complaint is made by one Member against another Member whereby an inquiry is conducted, the Council shall in its absolute discretion be empowered to impose and apportion the costs of the inquiry and such other proceedings as it deems fit. Should a complaint be made by a member of the public as against a Member resulting in an inquiry being conducted, the Council shall in its

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absolute discretion be empowered to impose the costs of the inquiry and such other proceedings on the Member concerned.

30.0 REASONS FOR DISCIPLINARY ACTION

30.1. The Council may exercise its disciplinary powers for one or more of the following reasons:-

- (a) Where a Member (whether through its representatives, officers or staff in the performance of his duties to the Member) has conducted itself in such a manner which in the opinion of the Council or the Disciplinary Committee is derogatory to the dignity of or injurious or prejudicial to the reputation or interests of the Association;
- (b) Where a Member is in any way connected with any occupation or business which in the opinion of the Council or the Disciplinary Committee is inconsistent with the continued membership of the Member in the Association;
- (c) Where a Member has failed to comply with any of the Rules, Regulations, Codes of Conduct, Bye-laws or Instructions of the Association;
- (d) Where a Member (where appropriate) uses any professional designation or initials of the insurance industry to which it is not entitled; and

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- (e) Where a Member has committed an offence under the Companies Act (2002) or any other laws of Tanzania or elsewhere in relation to fraudulent practices of the Member or its officers.

31.0 DISCIPLINARY PROCEDURES

- 31.1 Upon reference of any matter from the Council, should the Disciplinary Committee, after a preliminary investigation, find no reason to proceed further in the matter, the Disciplinary Committee shall dismiss the reference. If however, the Disciplinary Committee shall be satisfied that a prima facie case for inquiry exists, the Disciplinary Committee may hold or order an inquiry into the conduct of a Member. A Notice of Complaint as hereinafter provided signed by the Secretary shall be served upon the Member concerned.
- 31.2 The Member concerned shall be entitled to appear before the Disciplinary Committee to rebut or explain the matters to which Complaint is made either personally or in writing provided that the Member serves on the Secretary the Notice of Intention to Appear. The Member is not entitled to be represented by counsel or solicitor at any hearing
- 31.3 Within fourteen days of the service upon the Member concerned of a Notice of Complaint the Member may deliver by hand or by registered post to the Secretary either a Notice of Intention to Appear or a Reply to the Complaint or both.

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- 31.4 If the Secretary fails to receive such a Notice of Intention to appear or a Reply the Disciplinary Committee may consider and act upon the Complaint without further reference to the Member.
- 31.5 Any Notice of Complaint sent pursuant to **Section 31.1** shall be sent by registered post to the last known address of the Member concerned and shall be deemed to have been received by the Member within seventy two (72) hours of posting. The Notice of Complaint need not be drafted in or contain any formal or legal language or be in any particular form and shall be sufficient as long as it contains short particulars of the Complaint and state the date, time and place of the meeting at which the Complaint will be considered. It will call upon the Member to rebut or explain the matter of which Complaint is made either in writing or personally or both, and notify the Member that a Reply or Notice of Intention to Appear must be received by the Secretary within fourteen days of the service of the said Notice upon the Member, and of the right of the Disciplinary Committee to proceed in the absence of the Member.
- 31.6 The Disciplinary Committee shall have power to extend the time within which a Reply or Notice of Intention to Appear must be made and to alter the date of the meeting, adequate notice of such alteration being given to the Member concerned.

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32.0. DECISIONS OF THE DISCIPLINARY COMMITTEE

32.1 At the meeting of the Disciplinary Committee to consider the complaint, the Disciplinary Committee may:

- (a) Dismiss the charge against the Member concerned; or
- (b) Recommend to the Council any of the following courses of action against the Member concerned: -
 - i. To reprimand a Member and warn the Member not to repeat or continue the conduct on which the complaint was founded; or
 - ii. To impose a fine on the Member; or
 - iii. To suspend a Member from exercising any rights or privileges of membership of the Association for such period or on such conditions as recommended by the Disciplinary Committee; or
 - iv. To expel a Member from the Association.

32.2 The Disciplinary Committee shall report to the Council its factual findings and any decision or recommendation made in respect of the matter referred to the Disciplinary Committee.

32.3 The meeting of the Council shall be convened as soon as possible upon receipt of the report from the Disciplinary Committee for the consideration of the report, at which meeting the Council shall, by way of a majority of votes of Councilors present at the meeting and sufficient to constitute a quorum, exercise the disciplinary powers as conferred in Section 29 of the Constitution based on such recommendation of the Disciplinary Committee.

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- 32.4 A notice of the decision of the Council based on such of the Disciplinary Committee and the effect thereof shall be sent by the Secretary to the Member concerned.
- 32.5 In the event that a majority is not obtained, the Council shall then order a further inquiry into the matter which further inquiry shall be conducted by the Council in the same manner and procedure as that provided hereinafter for an appeal by the Member. No further appeal from the decision of the Council made at this inquiry shall be allowed.

33.0. APPEALS

- 33.1 Any Member subject to the decision of Council made under **Section 29.4** of the Constitution or whose membership has been terminated for any of the reasons stated under **Section 11.0** of the Constitution may appeal to the Council.
- 33.2 The appeal shall be in writing and addressed to the Council and shall not contain any disrespectful or improper language and shall be complete in it.
- 33.3 No appeal under **Section 33.1** shall be entertained by the Council unless it is received within a period of one (1) month from the date on which the intending appellant receives a copy of the Council's decision or within a period of one (1) month from the date on which the Member concerned receives notice of the termination of Membership for the reasons as stated in Clause 11(b).

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33.4 Notwithstanding **Section 33.3**, the Council may decide to entertain the appeal after the expiry of the said period if it is notified that the intending appellant has reasonable or sufficient cause for not submitting the appeal in time. After the appeal any aggrieved party may refer the matter to Arbitration under the Arbitration Act CAP 15 (Revised R.E.2002) . Such reference to the arbitration shall be within thirty (30) days from the date of the determination of the appeal.

34.0 Consideration of the Appeal

34.1. Where an appeal has been received under the provisions herein provided, the Council shall consider all circumstances of the case and make such decision as it deems fit after the appellant has been given a reasonable opportunity of presenting its case either in person or by written submissions.

34.2. A Member shall be entitled at its or his/her own expense to be represented by counsel or solicitor at any hearing of the appeal before the Council provided that notification of such representation is given to the Council not less than fourteen (14) days before the hearing and the Council shall then be entitled to have counsel or solicitor present at the hearing to advise it.

34.3. The Council shall decide, at its discretion, on the manner, mode, process and times of the proposed appeal including the examination of witnesses, if any.

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- 34.4. A notice of the decision of the Council arrived at by way of a majority of votes of Council Members present at the hearing of the appeal and the effect thereof shall be sent to the members concerned.
- 34.5. The quorum of the Council for purposes of any meeting or hearing relating to the appeal shall be the same as that required for ordinary meetings under Section **20.2.of the** Constitution

PART G: RESIGNATION, SUSPENSION & EXPULSION

35.0. RESIGNATION OF MEMBER

- 35.1 Any Member intending to resign from the Association shall give notice of his intention to do so in writing to be received by the Secretary provided always that the resignation of any Member shall not affect any liability already incurred by that Member to the Association in respect of arrears of subscriptions or otherwise prior to the date of resignation.
- 35.2 No Member shall be entitled to resign from the Association after the Member has been notified of the commencement of any disciplinary proceedings against him under the provisions herein until such proceedings have been concluded.
- 35.3 The Council shall be entitled to proceed with the expulsion of a Member under these provisions and if necessary to publish a notice of

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such expulsion, notwithstanding the resignation or purported resignation of such Member.

36.0. SUSPENDED MEMBERS

36.1 A suspended Member shall cease to be entitled to any rights and privileges of membership of the Association or such rights and privileges of membership as determined by the Council with effect from the date of suspension but shall remain subject to this Constitution, the Rules, Regulations, Codes of Conduct, Byelaws and Instructions of the Association.

36.2 During the period of suspension and subject to the conditions of suspension as imposed by the Council, the suspended Member shall be required to make all the necessary arrangements with its insurers and clients in respect of matters which shall or may be affected by its suspension which arrangements shall be made known forthwith to the Council. Should the Member concerned fail, refuse or neglect to make the necessary arrangements, the Council shall be entitled but not obligated to make the said arrangements on behalf of the suspended Member in such manner as it deems fit.

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37.0. EXPELLED MEMBERS

- 37.1 Where a Member is expelled, the Member shall cease to be entitled to any rights and privileges of Membership with effect from the date of expulsion. The name of the expelled Member shall be deleted from the Register, and the Member shall thereupon cease for all purposes to be a Member.
- 37.2 The Member shall not use any designation or description of the Association implying membership or former membership of the Association and shall immediately return any identification of membership.
- 37.3 The Council shall forthwith inform the Authority of the member's expulsion from the Association.

38.0. REINSTATEMENT/ RE-APPLICATION

- 38.1 A Member who has been suspended shall be automatically reinstated at the expiration of the period of suspension.
- 38.2 A Member, whose name has been deleted from the Register under **Section 12 (b)** of the Constitution either;
- (a) Unconditionally or
 - (b) Upon such terms as to payment of arrears of subscription or such other sums in lieu of subscription.
 - (c) Or as to the provision of such evidence and certification as required by the Association to indicate qualification for Membership, may

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- reapply for Membership of the Association after a period of one year from the date of termination.
- 38.3 A Member expelled from the Association may re-apply for membership of the Association after a period of three years from the date of the expulsion.
- 38.4 Every re-application for membership shall be made in the same manner as that prescribed for the application of admission of Members.
- 38.5 Re-applications submitted by expelled Members may be referred by the Council to the Disciplinary Committee for investigation and report.
- 38.6 The Council shall, in its absolute discretion, have the power by resolution passed by a majority of the Council Members present and voting to:
- (a) Re-admit any Member whose name has been deleted from the Register under **Section 11(b)** before the period of one year under Section 38.2 has expired.
 - (b) Shorten any suspension period before the expiry of the said period, and Re-admit any expelled Members.
- 38.7 A member who has been readmitted to the association for reasons set out under Section 38.2 (b) can only be admitted upon payment of outstanding dues.

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PART H: MISCELLANEOUS PROVISIONS

39.0. EXEMPTION FROM LIABILITY

39.1 No suit or other legal proceedings shall lie against the Association, the Council Members, the Disciplinary Committee Members or any other person nominated, appointed or employed in connection with the administration, implementation and enforcement of the Rules, Regulations, Codes of Conduct, By-laws and Instructions for any act done in good faith in the performance or intended performance of any duty or in the exercise of any power herein, or for any neglect or default in the performance or exercise in good faith of such duty or power.

39.2 The Association, any Councilor , the Disciplinary Committee Members and every other person nominated, appointed or employed in connection with the administration, implementation and enforcement of the Rules, Regulations, Codes of Conduct, By-laws and Instructions shall not be liable to any action for defamation at the suit of any person in respect of any statement made in the course of or in discharge of its or his/her functions or duties herein whether the statements were made orally or in writing.

39.3 Each Councilor, agent, auditor and other officer for the time being of the Association shall be indemnified by the Association against any liability incurred by him in defending any proceedings, whether civil

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or criminal in which judgment is given in his favour or in which he is acquitted or in connection with any application in which relief is granted to him by a court in respect of any negligence, default, breach of duty or breach of trust in connection with his responsibilities as an officer of the Association.

40.0. TRUSTEES

40.1 Immovable Properties

The immovable property of the Association (including all leasehold property) and any other property or investments or liabilities deemed appropriate by the Council, shall be vested either in a limited liability company or in a trustee company, or in the name of natural trustees subject to a declaration of trust.

40.2 Natural trustees of the Association

Natural trustees of the Association, shall

- (a) Not be more than four nor less than two in number;
- (b) Be elected by a General Meeting of Members.

40.3 Sale or mortgage of any property

No sale or mortgage of any property held in trust shall be affected without the prior approval of the General Meeting of the Members.

40.4 Appointment of a Trustee Company

No company other than a trustee company registered pursuant to the Trust Companies Act shall be appointed to hold in trust any property

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of the Association without the prior approval by the members at a General Meeting

40.5 The office of a natural trustee shall be vacated if

- (a) The trustee dies or becomes a lunatic or of unsound mind;
- (b) He is absent from Tanzania for a period of more than 1 year;
- (c) He is guilty of misconduct of such a kind as to render it undesirable that he continues as a trustee; or
- (d) He submits notice of resignation from his trusteeship

40.6 Removal and appointment of Trusteeship

Notice of any proposal to remove a trustee from his trusteeship or to appoint a new trustee to fill a vacancy must be given by posting it on the notice board in the Association's premises **at least two (2) weeks** before the General Meeting at which the proposal is to be discussed. The result of such general meeting shall then be notified to the registrar of societies.

40.7 Addresses of Association properties and names of trustees

The address of each immovable property, name of each trustee and any subsequent change must be notified to the Registrar of Societies.

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41.0. VISITORS AND GUESTS

41.1 Visitors and guests may be admitted into the premises of the Association but they shall not be admitted into the privileges of the Association.

41.2 All visitors and guests shall abide by the Rules and Regulations of the Association

42.0. NOTICES

42.1 A notice may be given by the Association to any Member either personally or by sending it by post to its registered address.

42.2 When a notice is sent by post, it shall be deemed to have been served 2 days after the date of posting of such notice.

42.3 Notice of every General Meeting shall be given in the same manner hereinafter authorized to;

(a) Every Member; and

(b) The auditors for the time being of the Association.

42.4 No other person shall be entitled to receive notices of General Meeting.

43.0. GENERAL PROVISIONS

43.1 Gambling of any kind is forbidden on the Association's premises, if any, or meeting place or the introduction of materials for gambling or drug taking and of bad character therein is prohibited.

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- 43.2 The funds of the Association shall not be used for payment of fines of members who have been convicted in Court.
- 43.3 The Association shall not attempt to restrict or in any other manner interfere with trade or prices or engage in any Trade Union activity as defined in any written law relating to Trade Unions for the time being in force in the United Republic of Tanzania.
- 43.4 The Association shall not hold any lottery, whether confined to its Members or not, in the name of the Association or its office-bearers, Council or Members unless with the prior approval of the relevant authorities.
- 43.5 The Association shall not, in contradiction with the laws of Tanzania, attempt to restrict or interfere with trade or make directly or indirectly any recommendation to, any arrangement with the Members which has the purpose or is likely to have the effect of fixing or controlling the price or any discount, allowance or rebate relating to any goods or service which adversely affects consumer interests.
- 43.6 The Association shall not indulge in any political activity or allow its funds and/or premises to be used for political purposes.
- 43.7 The Association shall not raise funds from the public for whatever purposes without the prior written approval of the relevant authorities.

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44.0. AMENDMENTS TO CONSTITUTION

Alterations, amendments, and deletion of, or addition to this Constitution shall be made only by a majority of not less than two-thirds of the Members present and voting at a General Meeting and they shall not come into force without the prior approval of the Registrar of Societies

45.0. DISSOLUTION

45.1 The Association shall not be dissolved except with the consent of not less than two thirds(2/3) of the Members of the Association for the time expressed, either in person or by proxy at a General Meeting convened for the purpose.

45.2 In the event of the Association being dissolved as provided above, all debts and liabilities legally incurred shall be transferred to some other institution(s) not for profit having objectives similar to those of the Association. If and so far as effect cannot be given as aforesaid provision then the fund shall be given to **charitable or educational organization as the members may approve at a General Meeting of the Association**

45.3 Notice of dissolution shall be given within seven days of such dissolution to the Registrar of Societies.

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46.0. DISPUTES

- a) In the event of any dispute arising amongst Members, they shall attempt to resolve the matter at an Extraordinary General Meeting in accordance with this Constitution.
- b) Should the Members fail to resolve the matter, they may bring the matter to a court of law for settlement.

47.0. TRANSITIONAL

47.1 Notwithstanding the provisions of **Section 7.1** of the Constitution, the Council shall be entitled, but not obliged, to suspend, waive, modify or moderate the application of the provisions of **Section 7.1** to existing Members

47.2 At the General Meeting convened for the purposes of adopting this substituted Constitution, all Members then registered as Members of the Association shall automatically have their membership in the Association converted into Ordinary

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48.0 TANZANIA INSURANCE BROKERS ASSOCIATION CODE OF CONDUCT

Members of the Association Agree that they, and their officers, servants and agents shall at all time comply with and adhere to the following codes of conduct:

1. Members shall, in relation to all other parties, conduct their business with utmost faith and integrity.
2. Members shall place the interests of their clients before any other consideration, including the broker's own remuneration.
3. Members shall offer advice and services only in areas where they are proficient to render such advice and services.
4. Members undertake to avoid any malicious act or statement which may be damaging to the reputation and integrity of competitors or other members of the insurance market, either individually or as a whole.
5. Members shall comply with the requirements under the Insurance Regulations as provided for under the Insurance Act No 10 of 2009 or any subsequent amendment of the Act.
6. Members shall not negotiate any short term or individual life contracts of insurance free of commission.

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7. Statements made by or on behalf of members, whether in advertisement or otherwise, must be factual and must not contain misleading or extravagant claims.
8. Any information required by a member from his client will not be used or disclosed except in the course of negotiating, maintaining, renewing, or servicing a contract of insurance for that client with an insurer, unless the consent of the client has been previously obtained in writing.
9. Members shall disclose to the insurer, all facts material to the risk including any information which might influence the insurer's decisions regarding the underwriting of the risk to which the information relates and will not deliberately, directly, indirectly or by implication, make any false or misleading statements to insurers, underwriters or their clients.
10. Insurance covers will only be provided by a member of the Association in terms which are consistent with the Insurance Act No.10 of 2009.
11. A member will not disclose one insurer's quotation to another insurer, other than to a following insurer on the same risk, with the exception of long-term published rates.
12. A member will not approach insurers for quotations or other underwriting information unless they hold a letter of appointment, or have obtained authorization from the proposed insured or client.

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13. All subscriptions and dues payable to the Association shall be paid in full by the due date(s).
14. Premiums to Insurance Companies be paid to the insurance company on the due
16. A member shall at all times be honest in his/her dealings and its decisions shall be made with integrity and purpose.
17. A member's advice to a client shall at all times be impartial.
18. A member and/or its officers, employees, servants or agents must never place itself/themselves in a position where its duties are likely to create a conflict with its/their professional career.
19. Any conflict or dispute that may arise between members of the association shall first be referred to the Association for resolution, failing which the parties may refer the matter to arbitration before a single arbitrator to be agreed by the parties and in the event of disagreement, a single arbitrator to be nominated by the Chairperson of the Association.
20. Any complaint that a member may have against another member arising out of relating to the Constitution of the Association or the Code of Conduct shall be made to the Council for referral to the Disciplinary Committee.

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