



**Society of Offshore Marine Warranty Surveyors**

**RULES**

# Society of Offshore Marine Warranty Surveyors

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# Society of Offshore Marine Warranty Surveyors

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### **FOUNDERS NOTES**

The Society was founded on 29th November 2017 by the following persons:-

#### **MatthewsDaniel**

James Vavasour  
S. Douglas Devoy

#### **DNVGL Noble Denton**

Kim Rolfsen  
Stephen Norman

#### **Braemar Offshore**

Michael Chan  
Michael Kwan

#### **SompoCanopus**

Francis Lobo

#### **ACE Overseas General**

James Miller

#### **Global Maritime**

Neil Walker  
Chris Boyd

#### **London Offshore Consultants**

Peter Baggaley  
David Ballands

# Society of Offshore Marine Warranty Surveyors

## Rules

### 1. APPOINTMENT OF DIRECTORS

The appointment of directors to the Board is governed by the Articles under Clauses 21 & 22. For the avoidance of doubt, it is understood that the maximum number of directors from one company is two.

### 2. MEMBERSHIP

The criteria for Full Membership of the Society will be as set out in the published guidelines. For the avoidance of doubt, Full Membership will mean a Member entitled to vote, unless otherwise stated. As long as they remain fully paid up Members of the Society they will be entitled to use the post nominal letters MSOMWS as well as any other designation approved by the Board of Directors

Fellowship of the Society – FSOMWS will be by invitation of the Board and will be awarded to reflect considerable service to either the Society or the profession.

Associate Membership of the Society is intended for those starting out or in the early stages of their career in MWS, who currently have limited experience in the profession but are looking to progress to Full Membership within a 5 year timeframe. As long as they remain fully paid up Members of the Society they will be entitled to use the post nominal letters AMSOMWS as well as any other designation approved by the Board of Directors. Associate membership carries no voting rights.

The Board of Directors will be able to refuse membership to any applicant without needing to give a reason to the applicant.

### 3. USE OF DESCRIPTIVE LETTERS OR TITLES

The use by a Member of any form of descriptive letters or title shall, unless authorised by the Articles or these Rules, be an infringement of the Articles and/or Rules and shall render the person concerned subject to the disciplinary provisions contained in Rule 5.

### 4. SUBSCRIPTIONS

4.1 Applicants for membership shall pay an application fee at the time of making their application at the rate determined by the Board of Directors. This fee will be non refundable in the event that the applications is not successful.

4.2 Subscriptions shall be payable to the Society by each Member at the rate or rates determined by the Board of Directors in full by the anniversary of their membership.

4.3 Members who have failed to pay their subscription, in full, within six months of their membership anniversary date shall have their membership benefits

suspended and termination of membership will be made as close as possible to that date.

- 4.4 A person who is admitted to Membership shall pay an initial subscription to the Society at the rate or rates determined by the Board of Directors. Irrespective of the time of year that the member joins the Society they shall pay the full year's subscription for following year.
- 4.5 All subscriptions shall be payable in advance but the Board of Directors may, in their absolute discretion waive wholly or in part any subscription.

## **5. PROFESSIONAL DISCIPLINE**

5.1 In addition to the power conferred by Article 32.2, the Board of Directors shall have power to warn or reprimand, or suspend or terminate the Membership of a Member who acts or conducts herself/himself in such a manner that the Board of Directors shall consider they have:

- violated any such standards of professional conduct as may be established or prescribed under the provisions of the Articles; or
- acted in breach in any provision of the Articles or these Rules; or
- acted in breach of the Code of Ethics set out in Appendix I to these Rules; or
- brought, or likely to bring, the practice of professions of offshore marine warranty surveying into disrepute.

5.2 Any complaint made against a Member must be submitted in writing to the National Office. The Secretary will acknowledge receipt and seek any further facts that may be relevant. After enquiry and further clarification, if necessary, the Secretary will place the complaint before the Professional Practices Committee. At all times common sense will prevail.

5.3 The Committee shall, if it appears to it that the complaint discloses a possible cause for invoking Rule 5.1, conduct a preliminary investigation. In conducting that investigation, the Committee shall invite the Member whose act or conduct is the subject of the complaint, to respond to the complaint. On completion of that investigation, the Committee shall decide that:

- a prima facie case for invoking Rule 5.1 in which case it shall refer the matter to the Board of Directors; or
- no case of sufficient gravity to justify invoking 5.1 has been made out in which case it may take such action as it deems appropriate, not being action Rule 5.1; or
- the complaint has no substance.

5.4 By referring any complaint to the Board of Directors, the Professional Practices Committee shall assume responsibility for preparing and presenting evidence in support of the complaint to the Board of Directors.

5.5 The Board of Directors shall hear evidence placed before it by the Professional Practices Committee and by the Member, whose act or conduct is the subject of

the complaint, together with any additional evidence, which it considers desirable to enable it to reach a just decision. The Member concerned will be invited (by written request sent by recorded delivery as soon as is practicable) to a meeting with the Board of Directors, to be held from a choice of 3 dates provided by the Member which must be within 6 weeks of the date of the letter.

- 5.6 The Member, whose act or conduct is the subject of the complaint, may, if she/he so wishes and at their own cost, be represented at that meeting before the Committee by a solicitor, barrister or any other person whom she/he may nominate for the purpose of the hearing. The Professional Practices Committee shall have a similar right to be so represented. Subject to the provisions of Rules 5.1 to 5.13, the Board of Directors may make regulations for governing the consideration of complaints by the Professional Practices Committee.
- 5.7 If a Member wishes to resign her/his Membership of the Society when a complaint against her/him has been referred to the Board of Directors, the resignation shall not become effective until that complaint has been disposed of.
- 5.8 If the Board of Directors finds that the complaint has been sustained, it shall make a decision as to how and in what way the powers of the Board of Directors under 5.1 should be exercised. A copy of the Board's findings, but not of its recommendation (if any), shall be supplied to the Member about whom the complaint has been made and to the Professional Practices Committee, but those findings shall be treated as confidential until they shall have been published in accordance with Rule 5.11. In the case of a complaint found to have been substantiated, the Member, whose act or conduct is the subject of the complaint, may, if she/he wishes, submit to the Board of Directors within seven days, a written statement dealing with the findings of the Committee and that statement, together with any comments upon it by the Professional Practices Committee, shall be considered by the Board of Directors, together with the findings and the recommendation (if any) of the Professional Practices Committee.
- 5.9 The Board of Directors shall consider the findings and recommendation (if any) of the Professional Practices Committee at the earliest opportunity. A quorum for the meeting which considers the matter shall be two thirds of the whole number of the Directors eligible to be present, which excludes members of the Professional Practices Committee. In addition, Directors with an interest in the Member or the complaint must declare such conflict of interest to the meeting and absent themselves from that meeting.
- 5.10 The Board of Directors shall accept the findings of the Professional Practices. After considering of the findings and recommendation (if any) of the Professional Practices Committee and any statement submitted by the Member, whose act or conduct is the subject of the complaint, the Board of Directors shall make such order as it deems appropriate. Any decision to warn or reprimand a Member or suspend or terminate Membership shall be taken by not less than three fourths of the Directors present (excluding members of the Professional Practices Committee).

- 5.11 The decision of the Board of Directors shall be binding and shall be communicated to the Member concerned by recorded delivery within 7 days, and the Professional Practices Committee. The communication will include information regarding the Member's right to appeal against the decision in writing. The decision shall also be published at the earliest opportunity, but no earlier than the expiry of the 30 day period granted to the Member for a right to appeal, by inclusion in an official publication of the Society giving particulars of the complaint with the findings and any order of the Board of Directors. At their discretion, the Board of Directors may cause wider publication of such information.
- 5.12 Any warning, reprimand, suspension or termination of Membership under these Rules may be revoked or modified by the Board of Directors, at any time, subject to such terms and conditions as the Board of Directors shall think fit, provided that the resolution revoking or modifying the warning, reprimand, suspension or termination shall be passed at a meeting of the Board of Directors convened with notice of the motion for that resolution and at which meeting the quorum shall be two thirds of the whole number of the Board of Directors and at which not less than three fourths of those present shall vote for the resolution.
- 5.13 Where a member feels that disciplinary action taken against them is wrong or unjust they have, for a period of 30 days from the date of the letter notifying them of such action, a right to appeal against the decision. Any appeal must be made in writing to the Appeals Committee and must be submitted in writing to the Secretary at National Office.

## **6. APPEALS COMMITTEE**

- 6.1 The Board of Directors shall appoint an Appeals Committee consisting of 3 members, who must be fully paid up members of the Society and, if required, a legal representative.
- 6.2 Appeals received should be heard without unreasonable delay and ideally at an agreed time and place. The appeal should be dealt with impartially and by members who have not previously been involved with the complaint. When dealing with such appeals, Committee members with an interest in the Member or the complaint, must declare such conflict of interest to the Committee and absent themselves from meetings.
- 6.3 Members have a statutory right to be accompanied at appeal hearings and members should be informed, in writing, of the results of the appeal hearing as soon as possible.

## **7. FINANCE COMMITTEE**

- 7.1 This Committee, comprising the nominated Directors and Secretary, shall be responsible for making recommendations to the Board of Directors on all matters of policy and finance in relation to the affairs of the Society. In respect of matters of urgency, which shall be justified to the next meeting of the Board of Directors, this Committee may exercise all of the powers of the Board of Directors and may pay such expenses for that purpose, as it thinks fit.

7.2 The quorum for this Committee shall be three of its members personally present. The Chair shall be the Chairman; in his absence the Committee shall decide amongst themselves who shall preside as Chair.

## **8. MEMBERSHIP SCREENING COMMITTEE**

8.1 The Board of Directors shall be responsible for appointing a Membership & CPD Committee consisting of suitable qualified persons including the Secretary and at least two and not more than five other Members of the Society, and the Committee so appointed shall have power to co-opt other Members of the Society for a specific task or tasks.

8.2 The Committee shall be responsible for:

- Screening all applications for membership of the Society.
- maintaining and increasing the Membership of the Society and, in performing its functions, shall give effect to such directions as it, from time to time, may receive from the Board of Directors; and
- determining and monitoring the CPD requirements of the Society.

8.3 The quorum for this Committee shall be three of its members personally present.

## **9. PROFESSIONAL PRACTICES COMMITTEE**

9.1 The Board of Directors shall appoint a Professional Practices Committee consisting of not less than two other members of the Board of Directors. The Committee so appointed shall have power to co-opt not more than two other Full Members of the Society.

9.2 The Professional Practices Committee shall:

- be responsible for dealing with complaints against a Member submitted to it in accordance with Rule 5.2. When dealing with such matters, Committee members from the Region to which the Member belongs against which the complaint is made, or with an interest in the Member or the complaint must declare such conflict of interest to the Committee and absent themselves from meetings;
- make recommendations to the Board of Directors on all matters concerning the objects for which the Society is incorporated, and
- deal with such other related business as may be referred to it by the Board of Directors.

9.3 The quorum for this Committee shall be four of its members personally present. The Chair of the Society shall be the Chairman and will carry the casting vote; in his absence the Committee shall decide amongst themselves who shall preside as Chair.

## **10. USE OF LOGO**

10.1 The Society's logo in all of its forms is a registered trade mark. It may only be displayed by full members and, when displayed, the full members name must



be displayed directly alongside. If an individual's membership should cease for whatever reason they must cease displaying the logo forthwith.

- 10.2 The SOMWS logo is an asset of the Society. The misuse or unauthorized display of the logo will be treated as an infringement of proprietary rights. The Society, as a matter of policy, will vigorously protect its interest and hold the defaulting party responsible for any, or all, damaged caused.
- 10.3 All advertising using the Society's logo by a business employing a full member, must be accompanied by the full member's name and permission must be granted by the full member concerned. The Society reserves the right to withdraw the right to use the logo at any time.

## **11. CERTIFICATES**

- 11.1 Members are reminded that all certificates and membership cards remain the property of the Society at all times. In the event of the cessation of membership these will be returned to the Society at the earliest possible opportunity.

## **SOCIETY OF OFFSHORE MARINE WARRANTY SURVEYORS**

### **CODE OF ETHICS**

All members of the Society agree to be bound by the following Code. In doing so you are making a promise, to yourself and to the other Members of the Society, which you should make every effort to keep to the best of your ability.

1. A Member shall not conduct themselves at any time in a manner likely to prejudice their professional status as a Marine Warranty Surveyor or the reputation of their profession.
2. A Member will pledge a complete confidential relationship to those they are called upon to serve.
3. A Member shall not solicit orders nor employ any person to do so on their behalf, nor shall they either offer to give any reward for any recommendations.
4. A Member undertakes to abide by the Rules of the Society and to support, to the best of their ability, any meeting or gathering arranged by them.
5. A Member shall only perform services in areas of their competence.
6. A Member shall not take any position contrary to his or own professional knowledge or opinion.
7. A Member shall not engage so as to create conflicts of interest unless fully disclosed to and with the prior agreement of all affected principals.
8. A Member shall not engage in any practice that may be construed to not be in compliance with the principles of free and fair competition.
9. A Member shall not offer, promise, give, authorize, solicit or accept any undue pecuniary or other advantage of any kind in order to obtain or retain business or gain other improper advantage for any party.