

1988

## c Pr13 Chartered Institute of Marketing Management of Ontario Act, 1988

Ontario

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## CHAPTER Pr13

**An Act respecting The Chartered  
Institute of Marketing Management of Ontario**

*Assented to May 24th, 1988*

Whereas The Canadian Institute of Marketing/L'Institut Canadien du Marketing hereby represents that it was incorporated under the laws of Canada by letters patent dated the 19th day of May, 1983 and that it is desirous of creating a provincial institute to be known as The Chartered Institute of Marketing Management of Ontario, herein called the Institute, for the purpose of carrying out the objects of the proposed corporation and of the government and discipline of its members; and whereas it is considered desirable to grant to the members of the Institute the right to use the initials "M.C.Inst.M." or "AM.C.Inst.M." to indicate that the person is a member or associate member, respectively, of the Institute and whereas the Institute hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Definitions

"board" means the board of directors of the Institute;

"registered" means registered as a member under this Act, and "registration" has a corresponding meaning.

**2. The persons resident in Ontario who are members of The Canadian Institute of Marketing/L'Institut Canadien du Marketing on the day this Act comes into force and such other persons as become members of the Institute are constituted a body corporate without share capital under the name of "The Chartered Institute of Marketing Management of Ontario".**

Institute  
incorporated

**3. The first board and officers of the Institute shall be those persons named in the Schedule and they shall hold**

First  
board

office until their successors are appointed or elected in accordance with this Act and the by-laws.

Objects

**4.** The objects of the Institute are,

- (a) to furnish the means and facilities by which members and students of the Institute may increase their knowledge, skill and efficiency in all things related to the business or profession of marketing;
- (b) to hold examinations and prescribe tests of competency to qualify for admission to membership in the Institute; and
- (c) to maintain discipline among members and students of the Institute.

Board of directors

**5.—(1)** The affairs of the Institute shall be managed by a board of directors that shall consist of not fewer than five or more than thirty-five members of the Institute, as the board may from time to time determine, elected from the membership to the Institute.

Idem

(2) Notwithstanding subsection (1), the Institute may by by-law provide for the appointment to the board of up to two persons who are not members of the Institute.

Matters covered by by-laws

(3) The manner of electing the members of the board, the notification to the electors of the time and place of holding elections, the nomination of candidates, the presiding officers at elections, the taking and counting of votes, the giving of a casting vote in the case of an equality of votes, the tenure of office of members of the board and other necessary details shall be as set out in the by-laws.

Quorum

**6.** At any meeting of the board, a majority of the members of the board constitutes a quorum.

Chairman, etc.

**7.** The board shall elect from its number a chairman and vice-chairman and shall appoint a secretary-treasurer or a secretary and a treasurer, who need not be members of the board.

Vacancies

**8.** In the case of the death, resignation or incapacity of any member of the board, the office shall be declared vacant by the board and the board shall fill the vacancy in such manner as may be provided by the by-laws of the Institute for the balance of the term and, for the purposes of this section, absence from three consecutive meetings of the board may be treated by the board as incapacity.

**9.** The board shall appoint a registrar, who need not be a member of the board, and the registrar shall perform the functions assigned to him or her by this Act and such other duties as may be assigned by the board. Registrar

**10.** At any general or special meeting, members of the Institute may be represented by proxy and members may vote by proxy, but, Proxies

- (a) no proxy shall be exercised by a person who is not a member of the Institute; and
- (b) the proxy shall be exercised in accordance with the by-laws on voting and proxies.

**11.** The board may pass by-laws regarding such matters as are necessary to conduct the business and carry out the objects of the Institute, and without restricting the generality of the foregoing, in addition to the matters specifically provided elsewhere in this Act, the board may pass by-laws, By-laws

- (a) prescribing the qualifications for and conditions of registration of members;
- (b) prescribing a curriculum and courses of study to be pursued by students and the subjects upon which students and candidates for admission as members of the Institute shall be examined, and for granting certificates to students and candidates who have successfully passed the examinations;
- (c) regulating and governing the conduct of members of the Institute in the practice of their business or profession, by prescribing a code of ethics, rules of professional conduct and standards of practice, and by providing for the suspension, expulsion or other penalty for professional misconduct, incapacity or incompetence;
- (d) prescribing fees payable to the Institute;
- (e) governing the calling, holding and conducting of meetings of the board and of the members of the Institute;
- (f) establishing and providing for the administration of a benevolent fund for the benefit of any member of the Institute or the families of deceased members of the Institute who may require financial assistance and, for that purpose, providing for the receipt of

contributions or donations and for contributions from the funds of the Institute; and

- (g) authorizing the making of grants for any purpose that may tend to advance marketing knowledge and education, or improve standards of practice in the Institute or support and encourage public information and interest in the past and present role of the Institute in society.

Confirmation  
of by-laws

**12.** Every by-law or change to an existing by-law is effective when it is passed by the board but expires with the close of the next annual meeting of the members of the Institute held after its passing, unless it is confirmed at that meeting.

Inspection  
of by-laws

**13.** The by-laws of the Institute shall be open to examination by the public at the head office of the Institute during normal office hours.

Membership

**14.** The Institute shall grant a membership in the Institute to any individual who applies therefor in accordance with the by-laws, if the individual,

- (a) is of good character;
- (b) is not less than eighteen years of age;
- (c) has complied with the academic and experience requirements specified in the by-laws for the issuance of membership; and
- (d) has passed such examinations as the board may set or approve in accordance with the by-laws.

Designation

**15.—(1)** Every registered member of the Institute may use after the member's name the initials "M.C.Inst.M." or "AM.C.Inst.M." indicating that the person is a registered member or associate member, respectively, of the Institute.

Offence

(2) Any person in Ontario who, not being a registered member of the Institute, takes or uses the initials "M.C.Inst.M." or "AM.C.Inst.M." or any word, name, title, initial or designation that implies or suggests that that person is a registered member or associate member of the Institute is guilty of an offence.

Register

**16.—(1)** The registrar of the Institute shall keep a register in which shall be entered the names of all members of the Institute in good standing and only those persons so registered

are members entitled to the privileges of membership in the Institute.

(2) The register shall be open to examination by the public at the head office of the Institute during normal office hours. Inspection of register

**17.**—(1) An individual who is qualified for membership in the Institute and who has been refused membership or a person who has been subject to a disciplinary sanction under the by-laws may appeal to the Divisional Court from the refusal to grant membership or from the sanction. Appeals

(2) Upon the request of a party desiring to appeal to the Divisional Court and upon payment of a reasonable fee therefor, the registrar shall furnish the party with a certified copy of the record of the proceedings, including the documents received in evidence and the decision or order appealed from. Record

**18.**—(1) In every case where registration is an issue, the production of a copy of the register, certified under the hand of the registrar of the Institute, is sufficient evidence of all persons who are registered in lieu of the production of the original register, and any certificate upon such copy of the register purporting to be signed by a person in the capacity as registrar is proof, in the absence of evidence to the contrary, that the person is the registrar without proof of the person's signature or of that person being the registrar. Evidence

(2) The absence of the name of any person from a copy of the register produced under subsection (1) is proof, in the absence of evidence to the contrary, that the person is not registered. Idem

**19.** This Act does not affect or interfere with the right of any person who is not a member of the Institute to practice as a marketer in the Province of Ontario. Right to practice unaffected

**20.** Any surplus derived from carrying on the affairs and business of the Institute shall be devoted and applied solely in promoting and carrying out its objects and purposes and shall not be divided among its members. Surplus

**21.** This Act comes into force on the day it receives Royal Assent. Commencement

**22.** The short title of this Act is the *Chartered Institute of Marketing Management of Ontario Act, 1988*. Short title

**SCHEDULE**

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