

BOARD NOTICE 74 OF 2005
PROPERTY VALUERS PROFESSION ACT, 2000
FIFTH AMENDMENT TO RULES

The South African Council for the Property Valuer Profession, under section 37 of the Property Valuers Profession Act, 2000, hereby makes the rules in the Schedule.

SCHEDULE

Definitions

1. In these rules, unless the context otherwise indicates –
 - (i) “the Act” means the Property Valuers Profession Act, 2000 (Act No. **47** of 2000); and
 - (ii) “the Rules” means the Rules for the Property Valuers Profession, 2003, **as** amended.

Substitution of rule 5 of Rules

2. Rule 5 of the Rules is hereby substituted by the following rule:

“Validity of registration

5. (1) For the purposes **of** this rule –
 - (a) “date **of** registration” means the date of registration endorsed on a registration certificate referred to in rule **6** or the date deemed to be that date by virtue of subrule **(4)**;
 - (b) “effective date” means **1 April 2006**; and
 - (c) “expiry date” means the date on which the validity of the registration of a registered person expires in accordance **with** this rule.

(2) Subject to subrules (4), **(5)** and (8), a registration in terms of section 20(2) **of** the Act shall with effect from the effective date and as a general rule be valid for a period of five years from the date of registration.

(3) The period of validity of the registration of a registered person prescribed in this rule shall be endorsed on all registration certificates issued with effect from the effective date.

- (4) The date of registration of a person who on the effective date is registered as –
 - (a) a professional;
 - (b) a single residential property assessor; or
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(c) a candidate single residential property assessor, shall, for the purposes of subrule (1), be deemed to be that of the effective date.

(5) For the purposes of subrule (1), the following periods of validity shall apply to a candidate valuer who, on the effective date, has already been registered for –

- (a) six years or more, a further one year from the effective date;
- (b) five years or more but less than six years, a further two years from the effective date;
- (c) four years or more but less than five years, a further three years from the effective date;
- (d) three years or more but less than four years, a further four years from the effective date;
- (e) two years or more but less than three years, a further five years from the effective date; or
- (f) one year or more but less than two years, a further six years from the effective date.

(6) The period of validity of the registration of –

- (a) a professional or a registered single residential property assessor may, on the expiry date, be extended for a further period not exceeding five years, if the council is satisfied that the registered person concerned complies with the applicable conditions relating to and the nature and extent of continuing education and training determined by the council under section 13(k) of the Act.
- (b) a candidate valuer may, on the expiry date of his or her registration referred to in subrule (5), be extended for a further period determined by the council –
 - (i) if the council is convinced that circumstances beyond the control of the candidate valuer prevented him or her from obtaining the prescribed or a recognized academic qualification or from complying with the other requirements for registration as a professional associated valuer; or
 - (ii) the registration of the candidate valuer as a professional is pending and under consideration by the council or that the candidate valuer is about to apply for that registration; or
- (c) a candidate single residential property assessor may, on the expiry date, under the circumstances referred to in paragraph (b), with the necessary changes, be extended for a further period not exceeding one year.

(7) When the council extends the period of registration of a registered person in accordance with subrule (6), the council –

- (a) may determined conditions applicable to the extension; and
- (b) must convey its decision to the registered person in writing.

(8) **An** application for an extension of the period of validity of a registration shall be made in writing and be accompanied by –

- (a) any charge determined by the council under section 12 of the Act;
- (b) any registration certificate in possession of the applicant; and
- (c) any information or document required by the council.

(9) If the council refuses to extend the period of validity of the registration of a registered person the registered person may, after a period of two years from the date of the refusal, apply for registration in accordance with section 20(2)(a) or (b), **as** the case may be, of the Act.

(10) For the purposes of this rule, the Registrar shall at least **6** months before the expiry date cause a written notice to be given by registered post to a registered person requesting him or her to apply at least **3** months prior to the expiry date of his or her registration in the manner set out in subrule (9) for the extension of his or her registration.

Amendment of Part VIIA of Rules

3. ~~Part~~ VIIA of the Rules is hereby amended by the insertion of the phrase “RENEWAL OF RECOGNITION – VOLUNTARY ASSOCIATIONS” before the reference “(Section 26(7))”.

Substitution of rule 18 of Rules

4. Rule **18** of the Rules is hereby substituted by the following rule:

“Short title and commencement

18. These rules shall be called the Rules for the Property Valuers Profession, **2003**, and shall commence on **1 September 2003**.”.

Short title

5. These rules shall be called the Fifth Amendment to the Rules.
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EXPLANATORY NOTE

The South African Council for the Property Valuers Profession (“the Council”), under section 37, read with section 11(b) of the Property Valuers Profession Act, 2000, intends to make the attached rules.

Although the said section 11(b) authorizes the Council to prescribe the period of validity of the registration of a registered person, the Council has not done so **as** yet, and this **is** causing problems, particularly in respect of candidate valuers. At the moment it is a matter of once registered, always registered, provided that a registered person pays annual fees and manages to stay out of the trouble. It goes without saying that a candidate valuer cannot remain registered in that category for an indefinite period. The proposed rules seek to address this and related problems. As far as professionals are concerned, the Council is about to determine conditions relating to and the nature and extent of continuing education and training (“CET”, sometimes referred to as continuous professional development). The **proposed** rules complement and facilitate the envisaged CET measures. The other provisions contained in the proposed rules are of a consequential nature and do not require any explanation.

Interested persons or bodies are invited to submit written comments on the proposed rules on or before 19 August 2005 to the Registrar: SACPVP, by-

- mail to P O Box 114, MENLYN 0063;
 - fax to (012) 348 7528;
 - e-mail to info@sacpvp.co.za; or
 - hand delivery to 77 Kariba Street, LYNNWOOD GLEN, PRETORIA.
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