

BOARD NOTICE 24 OF 2006
PROPERTY VALUERS PROFESSION ACT, 2000
PROPOSED RULES – CALL FOR COMMENT

The South African Council for the Property Valuers Profession (“the Council”), under section 27 of the Property Valuers Profession Act, 2000 (Act No 47 of 2000), intends to make the attached **rules**.

1. Introduction

1.1 Kindly note –

- that draft rules 1, 2, 4 and 5 were previously published for comment – see Fifth Amendment to the Rules, Board Notice 74 of 2005, Government Gazette Notice No. 27846 of 5 August 2005, together with a covering Explanatory Note in which interested persons and bodies were invited to submit written comments; and
- that draft rules 1, 3,6,7 and 8 were also previously published for comment – see Sixth Amendment to the Rules, Board Notice 81 of 2005, Government Gazette No. 27913 of 26 August 2005, but that the covering Explanatory Note in which persons and bodies were invited to submit comments was for some unknown reason not published together with the Board Notice concerned; and
- that the proposed rules concerned, have not, as yet, been made in accordance with section 37 of the said Act.

1.2 In order to clarify the matter once all for all, the Council **has** concluded to consolidate the two Amendments concerned and to republish the proposed rules for comment.

2. Comment on Proposed Rules

2.1 Draft rule 2

Although section 11(b) of the Act 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 candidates. 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 candidates cannot remain registered in that category for an indefinite period. The proposed rule seeks 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 rule also complements and facilitates the envisaged CET measures.

2.2 Draft Rules 3,6,7 and 8

Although section 20(2)(b)(i) of the Act, provides that a person applying for registration as a **candidate** valuer or a candidate in a specified category must satisfy the Council that he/she is enrolled at **an educational** institution accredited for a course which includes the prescribed or recognized examination applicants routinely enroll for one subject only. It stands to reason that it will take such persons much longer to complete his/her studies. The Council wishes to rectify **this** matter – hence the provisions of the proposed rule 6A.(1).

As far as the practical training of candidates is concerned, the following restrictions and **conditions** apply to the candidates by virtue of section 20(3) of the Act:

- “1. All **work in** property valuation must be performed under the supervision and control of a professional person (supervisor).
- “2. The work referred to in paragraph 1 **must** be signed by the candidate valuer concerned **and** must be counter-signed by the supervisor to **certify** that the work **has** been performed under his/her supervision, before submission thereof to the client.
- “3. A complete record of the details of such work in property valuation must be kept.”

In spite of this, it **has** become customary for candidates to accept instructions direct from the public and also to ignore or manipulate (**with** or without the aid **and** support of the supervisor) the above-mentioned restrictions and conditions – **an** activity or **modus operandi** of which the Council strongly disapproves. It must be discontinued **as soon as** possible – hence the provisions of **the** proposed rule 6A.(2).

The Rules for the **Property** Valuers Profession, 2003, **as** amended, currently provide that a supervisor shall be a professional valuer or a professional associated valuer who **specializes in** a particular field of property valuation, and is therefore, restricted to that field, **from** sharing his/her knowledge and experience **with** a candidate valuer – hence the proposed amendment contained in **draft** rules 6 and 8.

As **far as** the proposed amendment contained in **draft** rule 7(a) is concerned, the Council is of the view that the Property Economics and Finance I, which consists mainly of the Time Value of **Money**, in the current **academic** requirement for the category concerned, is **unnecessary** and that it **can** be excluded without compromising the competency and proficiency of a prospective single residential property assessor.

23 Other **Draft** Rules

These are **of a** consequential **nature** and do not require **any** explanation.

3. **Interested** persons or bodies **are** invited to submit written comments on the proposed rules **on or before 12 May 2006** 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**