
BOARD NOTICE RAADSKENNISGEWING

BOARD NOTICE 96 OF 2006

PROPERTY VALUERS PROFESSION ACT, 2000

FIFTH AMENDMENT TO RULES

The South African Council for the Property Valuers 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 heading of PART III of Rules

2. The following heading is hereby substituted for the heading of PART III of the Rules:
"REGISTRATION
(Sections 11(b), 20(2), 21(1)(a)(iii) and 23)".

Substitution of rule 5 of Rules

3. The following rule is hereby substituted for rule 5 of the Rules:

"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 the date on which this rule commences; 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
 - (c) 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 at least the other requirements for registration as a professional associated valuer; or
 - (ii) if 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; and
 - (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 determine conditions **applicable** to the extension; and
 - (b) must convey the determination 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 six months before the expiry date cause a written notice to be given to a registered person requesting him or her to apply at least three 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.

Insertion of rule 5A in Rules

4. The following rule is hereby inserted after rule 5 of the Rules:

"Confirmation of payment of annual fee and identification card

5A. (1) Without derogating from the provisions of sections 20(2) and 21(1)(a)(ii) of the Act, and in addition, the **council** may, with effect from 1 April 2007, or at some other future date, issue to a registered person -

- (a) a document confirming payment of the **annual** fee determined by the council for a **particular financial** year (being a year ending on 31 March); and/or
 - (b) an identification card certifying that the registered person is registered in terms of the Act, **including** -
 - (i) the category in which he or she **is** so registered; or
 - (ii) any other **relevant** information the **Council** deems fit.
- (2) The document and identification card **contemplated** in subrule (1) **shall** be in the form determined by the **Council** from time to time.
- (3) A registered person **shall** at **all** times -
- (a) **display** the document **contemplated** in paragraph (a) of subrule (1) in a prominent position in his or her place of business or **employment**; and
 - (b) produce the identification card **contemplated** in paragraph (b) of subrule (1) if requested to do so by any party requiring **details** of the registered persons registration in terms of the Act.
- (4) The provisions of section 24 of the Act **applies**, with the necessary changes, to the document and the identification card **contemplated** in subrule (1)."

Insertion of rule 6A in Rules

5. The following rule is hereby inserted after rule 6 of the Rules:

"Supplementary registration conditions for candidates

6A.(1) Without derogating from the provisions of section 20(2)(b) of the Act and Annexure D.1 and D.2 to the Rules, and in addition, a person wishing -

- (a) to obtain the **National Diploma in Real Estate (Property Valuation)** referred to in item 1(1)(a)(i) of Annexure D.1 to the Rules for purposes of registration as a candidate valuer, **shall** -
 - (i) register for **Practical Valuation**;
 - (ii) **enrol** for at least three subjects of the first year of that **Diploma**, which subjects **shall include** Property Valuation I and Property Economics and Finance I; and
 - (iii) submit written proof of the **enrolment** referred to in subparagraph (ii) when **applying** for registration as a candidate valuer; or
 - (b) to obtain the academic qualification referred to in item 1(1)(a) of Annexure D.2 to the Rules for purposes of registration as a candidate single residential property assessor, **shall** -
 - (i) register for **Practical Valuation**;
 - (ii) **enrol** for at least two subjects of the **National Diploma in Real Estate (Property Valuation)**, one of which **shall be** Property Valuation I; and
 - (iii) submit written proof of the **enrolment** referred to in subparagraph (ii) when **applying** for registration as a candidate single residential property assessor.
- (2) A candidate valuer or a candidate single residential property assessor -
- (a) may not canvass or **solicit** property **valuation** work or advertise his or her professional services; and
 - (b) **shall** accept an instruction to perform property **valuation** work **only from** a professional ("**the** instructing professional"), which instruction **shall** -
 - (i) be in writing;

- (ii) state the name, postal address and registration number of the instructing professional;
 - (iii) contain the name of the client requiring the property valuation; the registered or other description of the property to be valued; the type of property; and the purpose of the valuation; and
 - (iv) form part of any resulting valuation report prepared by the candidate valuer or candidate single residential property assessor.
- (3) The statement of account for services rendered in respect of property valuation work performed as a result of an instruction referred to in subrule (2), shall be issued by and in the name of the instructing professional or his or her practice, and payment thereof shall be made only to him or her or the practice, as the case may be.

Amendment of PART VIIA of Rules

6. Part VIIA of the Rules is hereby amended by the insertion of the phrase "RENEWAL OF REGISTRATION- VOLUNTARY ASSOCIATION" before the reference "(Section 26(7))".

Amendment of item 6 of Annexure D.1 to Rules

7. Item 6 of Annexure D.1 to the Rules is hereby amended by the substitution for subitem (1) of the following subitem:

"(1) For the purposes of this Annexure, the professional under the supervision and control of whom a candidate valuer must perform his or her work as provided for in section 19(3) of the Act, shall be a professional valuer or professional associated valuer, recorded and confirmed as such by the council ("supervisor")."

Amendment of item 6 of Annexure D.2 to Rules

8. Item 6 of Annexure D.2 to the Rules is hereby amended by the substitution for subitem (1) of the following subitem:

"(1) For the purposes of this Annexure, the professional under the supervision and control of whom a candidate single residential property assessor must perform his or her work as provided for in section 19(3) of the Act, shall be a professional valuer, a professional associated valuer or a single residential property assessor, recorded and confirmed as such by the council ("supervisor")."

Short title and commencement

9. (1) These rules shall be called the Fifth Amendment to the Rules, and, except for rule 3, shall commence on 1 September 2006.
- (2) Rule 3 shall commence on a date fixed by the council by notice in the Government Gazette.