
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF HUMAN SETTLEMENTS**NO. R. 825****11 SEPTEMBER 2015****AMENDMENT OF THE ESTATE AGENCY AFFAIRS BOARD
REGULATIONS IN TERMS OF THE ESTATE AGENCY AFFAIRS
ACT, 1976 (ACT NO. 112 OF 1976)****PUBLICATION FOR COMMENT**

I, Lindiwe Sisulu, Minister of Human Settlements has, after consultation with the Estate Agency Affairs Board ("the Board"), in terms of section 33 and section 33(1) of the Estate Agency Affairs Act, 112 of 1976 ("the Act"), hereby prescribe the penalty payable in terms of section 16 (5) as set out in the Schedule and made the regulations contained in the Schedule respectively.

Kindly note that these regulations were published on 27 March 2015 under Government notice No. 38603, however there was an omission in that it was not stated that they were published for public comments. The regulations will take effect on January 2017.

Any person wishing to comment on or to make representation with regard to the draft regulations, are hereby invited to do so within 30 days of the date of publication of this notice. All such comments or representations must be submitted in writing in one of the following ways:

- (a) By post to: The Director-General
 Department of Human Settlements
 Private Bag x 644
 Pretoria, 0001
 For attention: [Mr T Khambule].

- (b) Delivered to: The Director-General
 Department of Human Settlements
 [Justice Mohammed Street, Govan Mbeki Building]

For attention: [Mr T Khambule]

(c) By electronic mail: [Thulani.Khambule@dhs.gov.za].

Enquiries: [Mr T Khambule 012 444 9088]

Comments received after the closing date may not be considered.

Lindiwe Nonceba Sisulu

Minister of Human Settlement

Annexure A

Estate Agency Affairs Act 112 of 1976 and Regulations

LATE PAYMENT OF LEVIES AND CONTRIBUTIONS, 2015

Published under

Government Notice _____ of ____ August 2015

In terms of section 33 of the Estate Agency Affairs Act, 1976 (Act 112 of 1976), I, Lindiwe Sisulu, Minister of Human Settlements, after consultation with the Estate Agency Affairs Board, hereby prescribe the penalty payable in terms of section 16 (5) as set out in the Schedule.

SCHEDULE

1. The penalty payable to the Estate Agency Affairs Board in terms of section 16 (5) of the Estate Agency Affairs Act, 1976 (Act 112 of 1976) shall be –
 - (a) in respect of an estate agent by virtue of paragraph (a) of the definition of “estate agents” or paragraph (c) (i) of the definition of “estate agents”, R450 per month or part thereof that payment of such levy is made late;
 - (b) in respect of an estate agent by virtue of paragraph (c) (ii) or (cA) of the definition of “estate agents”, R240 per month or part thereof that payment of such levy is made late.

This notice shall come into effect on the day of publication.

L. N. Sisulu

Minister of Human Settlements

Annexure B

**DRAFT REGULATIONS IN TERMS OF THE ESTATE AGENCY
AFFAIRS ACT, 112 OF 1976****ISSUING OF FIDELITY FUND AND REGISTRATION
CERTIFICATES****Published under****Government Notice _____ of _____ March 2015**

I, Lindiwe Sisulu, Minister of Human Settlements has, after consultation with the Estate Agency Affairs Board ("the Board"), in terms of section 33(1) of the Estate Agency Affairs Act, 112 of 1976 ("the Act"), made the regulations contained in the schedule.

SCHEDULE

1. In these regulations words and expressions defined or used in the Act have the meaning assigned thereto.
2. Every estate agent, excluding an 'estate agent' referred to in paragraph (cA) of the definition of 'estate agent' in section 1 of the Act, shall –
 - (a) for the calendar year 2016, and annually thereafter, pay to the Board a levy of –
 - (i) R1,200.00 if he/she is a principal estate agent;¹
 - (ii) R1,200.00 if it is a company or close corporation operating as estate agency;
 - (iii) R510,00 if he/she is a non-principal estate agent;²
 - (iv) R364.80 if he/she is an intern estate agent;³
 - (b) for the calendar year 2016, and any subsequent year in respect of which he/she applies for the issue to him/her of a fidelity fund certificate, pay to the Estate Agents Fidelity Fund ("the Fund") a contribution of –
 - (i) R580,00 if he/she is a principal estate agent;

¹ Principal Estate Agent as defined in terms of Government Notice No. R31125 of 4 June 2008.

² Non-Principal Estate Agent as defined in terms of Government Notice No. R31125 of 4 June 2008.

³ Intern Estate Agent as defined in terms of Government Notice No. R31125 of 4 June 2008.

- (ii) R580,00 if it is a company or close corporation operating as estate agency;
- (iii) R230,00 if he/she is a non-principal estate agent;
- (iv) R165,00 if he/she is an intern estate agent;

provided that no such contribution will be payable if the estate agent concerned can show that a valid fidelity fund certificate was issued to him/her in respect of any one of the immediately preceding three calendar years.

3. An estate agent referred to in paragraph (cA) of the definition of 'estate agent' in section 1 of the Act shall pay annually to the Board a levy of:

- (a) R 510,00 for the principal members;
- (b) R 295,00 for non-principal members;

for the registration certificate.

4. (1) Every estate agent to whom a fidelity fund certificate or registration certificate, as the case may be, has already been issued in respect of a specific calendar year, shall, unless he/she has ceased or will cease before the end of that year to operate as an estate agent and has advised the Board of such fact in writing, by not later than 31 October of that year, apply to the Board for the issue to him/her of a fidelity fund certificate or registration certificate, as the case may be, in respect of the immediately succeeding calendar year.
- (2) Any person who intends to commence operating as an estate agent during the course of any calendar year shall apply to the Board for the issue to him/her of a fidelity fund certificate or registration certificate, as the case may be, in respect of the remainder of that year.
- (3) An estate agent who carries on business, otherwise than as an employee, in more than one branch or outlet, shall apply for a separate fidelity fund certificate in respect of each such branch or outlet, irrespective of the trading name or style under which the business is carried on in each such branch or outlet and shall display each such fidelity fund certificate to the satisfaction of the Board in a prominent position in each such branch or outlet and shall pay a levy or contribution of each such certificate as contemplated in Regulation 1.
5. The applications referred to in regulation 4 shall be accompanied by the levies referred to in regulation 2 or 3, as the case may be, and by the contribution referred to in regulation 2, if the contribution is applicable.

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6. An application by a person who applies in terms of regulation 4(2) for the issue to him/her of a fidelity fund certificate or a registration certificate, as the case may be, for a certain year shall, be accompanied by the full amount of the levy and, if applicable, the contribution referred to in regulation 2 or the full amount of the levy referred to in regulation 3, as the case may be.
7. (1) If the Board is satisfied that the applicant concerned is not disqualified in terms of section 27 of the Act and that the requirements of regulations 4 and 5 have been complied with, the Board shall issue to the applicant a fidelity fund certificate or a registration certificate, as the case may be, which certificate shall be expressed to be valid until 31 December of the year to which the application relates.
(2) The word "Intern Estate Agent" shall be printed in a conspicuous manner on any fidelity fund certificate issued to a person who in terms of Government Notice No. R31125 of 4 June 2008 has been registered with the Board, in accordance with the prescribed standard of training.
8. (1) Any company or close corporation operating as estate agency shall in its own name apply in terms of these regulations for the issue to it of a fidelity fund certificate and shall pay a levy and contribution referred to in regulation 1.
(2) A fidelity fund certificate referred to in sub-regulation (1) shall, to the satisfaction of the Board, be displayed in a prominent position on the premises of the company or close corporation concerned.
9. The holder of a fidelity fund certificate or a registration certificate, as the case may be, shall inform the Board within fourteen (14) days of any change in the information supplied to the Board at the time of applying for the issue to him/her of such certificate and, if the information appearing on the certificate is no longer applicable or has changed, such certificate shall forthwith be forwarded to the Board for the appropriate amendment thereof or for the issue of a new certificate in substitution therefor.
10. Every fidelity fund certificate or registration certificate issued in terms of these regulations shall remain the property of the Board.
11. (1) The provisions of sub-regulation (1) shall *mutatis mutandis* apply to a registration certificate issued to any person referred to in paragraph (cA) of the definition of 'estate agent' in the Act.

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(2) If the employer concerned is unable, for any reason, to return the certificate as required by sub-regulation (1) or (2), as the case may be, the employer shall within fourteen (14) days of the termination of employment or ceasing to be associated, inform the Board of that fact, stating the reasons why it is unable to return such certificate as well as furnishing all available information concerning the whereabouts of such employee or independent contractor.

12 Government Notices 373 of 2 March 2006 are hereby withdrawn with effect from 01 January 2015.

13. This notice shall come into effect on the day of publication.

L. N. Sisulu
Minister of Human Settlements