ACT

To provide for the regulation of property practitioners; to provide for the continuation of the Estate Agency Affairs Board as the Property Practitioners Regulatory Authority; to provide for the appointment of the members of the Board and matters incidental thereto; to provide for the appointment of the Chief Executive Officer and other staff members of the Authority; to provide for transformation of the property practitioners sector; to provide for the establishment of the transformation fund and establishment of the research centre on transformation; to provide for compliance with and enforcement of the provisions of the Act; to provide for the continuation of the Estate Agents Fidelity Fund as the Property Practitioners Fidelity Fund; to provide for consumer protection; to provide for the repeal of the Estate Agency Affairs Act, 1976; and to provide for matters connected therewith.

PREAMBLE

WHEREAS a healthy property market is a national asset that restores the dignity of all South Africans through the basic constitutional right to ownership of immovable property through security of tenure;

AND WHEREAS a property is an asset to enhance economic activity, growth and development;

AND WHEREAS patterns of property ownership are historically imbalanced;

AND WHEREAS there are distortions within the property market, especially the secondary property market;

AND WHEREAS transformation of the property market is a necessary intervention that will benefit the historically disadvantaged individuals;

AND WHEREAS consumers require assistance when conducting property transactions;

AND WHEREAS property practitioners can play an important role in providing such assistance;

AND WHEREAS it is necessary to ensure that such assistance is rendered in a professional way;

AND it is necessary to regulate circumstances when such assistance is not rendered in a professional way,
MULAYO

Mulayotibe u khou ita mbetshele dza u langula vhashumi vha zwa Ndaka; u ita mbetshele malugana na u ya phandja ha Zhendedzi la zwa Ndaka sa Jone Maanjalanga a u Langula Vhashumi vha zwa Ndaka; u ita mbetshele malugana na u thola miraço ya Bodo na zwiinwe zwine zwa vhonala zwo tea; u ita mbetshele malugana na u thola Muofisi Mulangi na vhaaive vhashumi vha tshimiswa tsha Maanjalanga; u ita mbetshele ya u shandukisa sekithara ya vhashumi vha zwa Ndaka; u ita mbetshele ya u thomiwa ha tshikwama tsha tshandukiso na u thomiwa ha senthara ya fhojdjisoso la lavheleso kha zwa tshanduko; u ita mbetshele malugana na u tevedza na u tevedzisa mbetshele dza Mulay; u ita mbetshele malugana na u ya phandja ha Tshikwama tshi Thembeaho tsha Mazhendedzi a zwa Ndaka sa tshone Tshikwama tshi Thembeaho tsha Vhashumi vha zwa Ndaka; u ita mbetshele malugana na u tsireledza vharengi; u ita mbetshele malugana na u fhelisa Mulayo wa Estate Agency Affairs Act, 1976; na u ita mbetshele malugana na zwine zwa kwamana na zwenezwi.

MARANGA PHANDA

HU TSHI KHOU LAVHELEWSA URI maraga wa zwa ndaka wavhudi ndi thundu ya lushaka ine ya yusululiza tshirunzi tsha Vhothe Vhathu vha Afrika Tshipembe nga kha pfanelo dza ndemesa dza ndayotewa dza u vha muntu wa ndaka i sa endende kha kha tsireledzo ya u vha muntu wa ndaka iyo;

NAHONE HU TSHI KHOU LAVHELEWSA URI ndaka ndi thundu ine ya kwathicitwa mvilaphandza na nyaluwo ya ikonomi na zwothe zwine u vha muntu ka ikonomi;

NAHONE HU TSHI KHOU LAVHELEWSA URI njila dza u vha muntu wa ndaka zwiila kale dzo u殴 dza tshiitalula;

NAHONE HU TSHI KHOU LAVHELEWSA URI hu na zwi songo dzulaho zwavhudi kha maraga wa zwa ndaka, zwihulisa kha makete wa ndaka wa sekondari;

NAHONE HU TSHI KHOU LAVHELEWSA URI u khwinisa makete wa zwa ndaka ndi u dzenelena u thusa zwi todza u itela uri vhathu vho vhaiswaho nga tshiitalula zwiila kale vho vhuelwe;

NAHONE HU TSHI KHOU LAVHELEWSA URI vharengi vha toda thuuso musi hu tshi itwa ithubaterekisheni dza thengiso ya ndaka;

NAHONE HU TSHI KHOU LAVHELEWSA URI vhashumi vha zwa ndaka vha nga shuma mushumo wa ndemesa kha u fha thuusa iyo;

NAHONE HU TSHI KHOU LAVHELEWSA URI zwi a todelu atela u vhona uri iyo thuuso i khou setshedzwa nga njila la phrofeshina;

NAHONE zwi a todelu uri hu langulwe nyimele musi iyo thuuso i sa khou setshedzwa lwa phrofeshina,
BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa,
as follows:—

ARRANGEMENT OF SECTIONS

Sections

CHAPTER 1
DEFINITIONS, APPLICATION, OBJECTS AND
ESTABLISHMENT OF AUTHORITY

1. Definitions
2. Application of Act
3. Objects of Act
4. Exemption from Act
5. Establishment of Property Practitioners Regulatory Authority
6. Functions of Authority

CHAPTER 2
BOARD OF AUTHORITY

7. Composition and appointment of Board
8. Disqualification from membership of Board
9. Powers and duties of Board
10. Good governance and code of ethics
11. Conflict of interest of members of Board
12. Termination of Board membership
13. Meetings of Board
14. Committees of Board
15. Dissolution of Board

CHAPTER 3
APPOINTMENT OF CEO AND STAFF OF AUTHORITY

16. Appointment of CEO
17. Staff of Authority
18. Conflict of interest of employees
19. Delegation

CHAPTER 4
TRANSFORMATION OF PROPERTY SECTOR

20. Property sector transformation
21. Property Sector Transformation Fund
22. Property Sector Research Centre
23. Exemptions in respect of accounting records and trust accounts

CHAPTER 5
COMPLIANCE AND ENFORCEMENT

24. Appointment of inspectors
25. Powers of inspectors to enter, inspect, search and seize
26. Compliance notices
27. Fine as compensation
28. Lodging of complaints
29. Mediation
30. Adjudication
UKHWATHISWE nga Phalamennde ya Rhipabuljiki ya Afrika Tshipembe, nga ndilila i tevhelaho:—

NZUDZANYO DZA KHETHEKANYO

Khethekanyo

NDIMA YA 1

țHALUTSHEDZO, ZWINE MULAYO WA KWAMA, ZWIPIKWA NA U THOMIWA HA MAANQALANGA

1. țHALUTSHEDZO
2. ZGINE MULAYO WA KWAMA
3. ZWIPIKWA ZWA MULAYO
4. U VHOFHOLOLWA KHA U TEVHEDZA MULAYO
5. U THOMIWA HA MAANQALANGA A NDANGULO YA VHASHUMI VHA ZWA NDAKA
6. MISUMO YA MAANQALANGA

NDIMA YA 2

BODO YA MAANQALANGA

7. MIRADO YO VHUMBelho Bodo na u tholwa ha iyi miraŋo
8. U SA TSHA FUSHA ṭHOQEOA DZA U VHA MURAŋO WA Bodo
9. MAANqA NA MISUMO YA Bodo
10. KUVHUSELE KWAŬHUQI NA MULAYO WA VHUGHIFARI
11. KHU}}}NANO YA MADZANGALELO KHA MIRAŋO YA Bodo
12. U FHELISA VHRUQAO ṭA U VHA MIRAŋO WA Bodo
13. MIqANGANO YA Bodo
14. KOMITI DZA Bodo
15. U FHALADZA Bodo

NDIMA YA 3

U THOLWAMUOFISI MULANGI NAVHASHUMI VHA MAANQALANGA

16. U THOLWA HA MUOFISI MULANGI
17. VHASHUMI VHA MAANQALANGA
18. KHU}}}NANO YA MADZANGALELO YA VHASHUMI
19. VHRUMELWA

NDIMA YA 4

TSHANDUKO YA SEKITHARA YA ZWA NDAKA

20. TSHANDUKO YA SEKITHARA YA ZWA NDAKA
21. TSHIKWAMASHA TSHANDUKO YA SEKITHARA YA ZWA NDAKA
22. SENTHARA YA THONGISISO YA SEKITHARA YA ZWA NDAKA
23. U VHOFHOLOLA MALUGANA NA REKHODO DZA AKHAUNTHINGI NA AKHAUNTHU DZA THIRASITI

NDIMA YA 5

U TEVHEDZA MULAYO NA U TEVHEDZISA MULAYO

24. U THOLA VHAIINGAMELI
25. MAANqA A VHAIINGAMELI A U DZHENA, U INGAMELA, U ṭOqULUSA A U DZHIA
26. NDIVHADZO MALUGANA NA U TEVHEDZA MULAYO
27. NDAqISO SA MBADelo
28. U VHIGA MBILAELO
29. VHUkONANYI
30. KHATULO
31. Adjudication Appeal Committee

CHAPTER 6

FINANCES

32. Funds of Authority
33. Financial year and deposits

CHAPTER 7

PROPERTY PRACTITIONERS FIDELITY FUND

34. Property Practitioners Fidelity Fund
35. Primary purpose of Fund
36. Control and management of Fund
37. Claims from Fund
38. Payments from Fund
39. Authorisation of grants
40. Indemnity insurance
41. Fees payable by property practitioner
42. Co-operation by claimant
43. Actions against Authority in respect of Fund
44. Application of insurance monies
45. Transfer of rights and remedies to Authority
46. Fund exempt from insurance laws

CHAPTER 8

PROPERTY PRACTITIONERS

47. Application for Fidelity Fund certificate
48. Prohibition on rendering services without Fidelity Fund certificate
49. Mandatory time periods for issuing certificates
50. Disqualification from issue of Fidelity Fund certificate
51. Amendment of Fidelity Fund certificate
52. Withdrawal or lapse of Fidelity Fund certificate
53. Mandatory display of Fidelity Fund certificate
54. Trust account
55. Duty of property practitioner to keep accounting records and other documents
56. Property practitioner not entitled to remuneration in certain circumstances
57. Mandatory indemnity insurance
58. Limitation on relationships with other property market service providers
59. Insolvency or liquidation of property practitioner

CHAPTER 9

CONDUCT OF PROPERTY PRACTITIONERS

60. Application of this Chapter and Chapter 10
61. Code of conduct for property practitioners
62. Sanctionable conduct
63. Undesirable practices
64. Supervision of candidate property practitioners
65. Franchising
Mulayo wa Vhashumi vha zwa Ndaka, 2019

31. Komiti ya Aphili ya Vhuhaftuli

**NDIMA YA 6**

**MASHELENI**

32. Masheleli na Maandalanga
33. Nwaha wa mvhalelano na dzidiphosithi 5

**NDIMA YA 7**

**TSHIKWAMA TSHI THEMBEAHO TSHE VHASHUMI VHA ZWA NDACA**

34. Tshikwama tshi Thembeaho tsha Vhashumi vha zwa Ndaaka
35. Ndivho khulwane ya Tshikwama 10
36. Kulancele kwa Tshikwama
37. Mbilo d'zi bvaho kha Tshikwama
38. Mbadelo d'zi bvaho kha Tshikwama
39. U tendelwa ha magavelo
40. Ndindakhombo ya u tsireledza tshinyalelo 15
41. Masheleli a badelwaho nga musuhimi wa zwa ndaka
42. Tshumisano i lavhelelwa ho kha muitambilo
43. Maga aho a dzholwana Maandalanga malugana na Tshikwama
44. Khumbelo ya tshelele dza ndindakhombo
45. U rathisela pfanelo na thasululo kha Maandalanga
46. Masheleli a vhofohololwaho kha mulayo ya ndindakhombo 20

**NDIMA YA 8**

**VHASHUMI VHA ZWA NDACA**

47. Khumbelo ya ṭhanziela ya Tshikwama i Sumbedzaho u Thembea 25
48. Nyisidzo malugana na u ńeteshegza tshumelo hu si na ṭhanziela ya Tshikwama i Sumbedzaho u Thembea
49. Zwishiinga zwine zwa tou vhofoha zwa u ńeteshegza ṭhanziela
50. U sa tsha fusha ṭhoqha dza u fhiwa ṭhanziela ya Tshikwama i Sumbedzaho u Thembea
51. U khwiniswa ha ṭhanziela ya Tshikwama i Sumbedzaho u Thembea
52. U dzhiululwa kana u fhelna ha ṭhanziela ya Tshikwama i Sumbedzaho u Thembea 30
53. U ṭana ṭhanziela ya Tshikwama i Sumbedzaho u Thembea zwine zwa tou kombetschedza
54. Akhaunthu ya Thirasiti
55. Mushumo wa mushumi wa zwa ndaka wa u vhulungu dzirekhodo dza akhaunthingi na maņwe maňwalwa 35
56. Mushumi wa zwa ndaka ha tei u wana muholo kha nyimele dzenedzo dzo teaho u sa wana
57. Ndindakhombo ya tsireledzo ine ya tou kombetschedza
58. Phungudzelo ya vhushaka na vhaņwe vhańeteshegza tshumelo dzwa maraga ya ndaka 40
59. U sa tsha vha na tshelele ya u badela zwikelodo kana u rengiswa ha thundu ya mushumi wa zwa ndaka

**NDIMA YA 9**

**VHUĎIFARI HA MUSHUMI WA ZWA NDACA** 45

60. U shumiswa ha Ndimya 9 na Ndima ya 10
61. Mulayo wa vhudifari ha vhashumi vha zwa ndaka
62. Vhudifari vhune ha ita uri hu itwe ndaŋiso
63. Maitele a sa ťoĎei
64. U lavhelela mushumi wa zwa ndaka ane a kha ġi tou guda 50
65. U ita furantshaisa
66. Prohibition on conduct to influence issue of certain certificates

CHAPTER 10

CONSUMER PROTECTION

67. Mandatory disclosure form
68. Agreements
69. Consumer education and information

CHAPTER 11

GENERAL

70. Regulations
71. Penalties
72. Delegation of powers by Minister
73. Legal proceedings against Authority
74. Use of name of Authority
75. Transitional provisions
76. Repeal
77. Short title and commencement

CHAPTER 1

DEFINITIONS, APPLICATION, OBJECTS AND ESTABLISHMENT OF AUTHORITY

Definitions

1. In this Act, unless the context otherwise indicates—
   “accounting records”—
   (a) means information in written or electronic form concerning the trust accounts of the property practitioner as required in terms of this Act, including but not limited to, records of all transactions involving trust monies, general and subsidiary ledgers and other documents and books used in the administration of the trust accounts; and
   (b) in relation to the property practitioner’s business as such, means information in written or electronic form concerning the financial affairs of the business as required in terms of this Act or any other Act that may be applicable to the business of the property practitioner, including but not limited to, records of assets, liabilities, income and expenses, general and subsidiary ledgers and other documents and books used in the preparation of financial statements of the business;
   “audit” has the meaning ascribed to it in the Auditing Profession Act, 2005 (Act No. 26 of 2005);
   “auditor” means an individual or firm registered in terms of section 37 or 38 of the Auditing Profession Act, 2005 (Act No. 26 of 2005);
   “Authority” means the Property Practitioners Regulatory Authority established in terms of section 5;
   “Board” means the Board of Authority contemplated in Chapter 2;
   “candidate property practitioner” means a person who has not yet met all the qualification or experience required as prescribed, to practise as a property practitioner and who is undergoing training under the supervision of a property practitioner, or a program created by the Authority;
   “CEO” means the Chief Executive Officer of the Authority appointed in terms of section 17;
   “Chairperson” means the Chairperson of the Board;
   “code of conduct” means the code of conduct prescribed in terms of section 61;
   “consumer” means a consumer as defined in section 1(a) or (c) of the Consumer Protection Act, 2008 (Act No. 68 of 2008);
   “conveyancer” means a conveyancer as defined in section 1 of the Attorneys Act, 1979 (Act No. 53 of 1979);
66. Nyiledzo malugana na vhudifari ha u ũtuwedza u şetshedza ũhanziela dzenedzo

**NDIMA YA 10**

**TSIRELEDZO YA VHARENGI**

67. Fomo ine ya tou kombetsshedza ya u bvukulula
68. Thendelano
69. Ndįvhis na pfunzo zwa vharengi

**NDIMA YA 11**

**NYANGAREDZO**

70. Ndangulo
71. Ndàtiso
72. U hwesa maanda nga Minisîta
73. Tsengo ya mulayo malugana na Maanďalanga
74. U shumisa dzina ja Maanďalanga
75. Nzudzanyo dza tshanduko
76. Pheliso
77. Dzina ċipufhi na u thoma u shumisa Mulayo

**NDIMA YA 1**

**THALUTSHEDZO, ZWINE MULAYO WA KWAMA, ZWIPIKWA NA U THOMIWA HA MAANďALANGA**

1. Kha uno Mulayo, nga ndą ha musi zwo sumbedzwa nga iniwe ndjila—
   “rekhodo dza akhaunthingi”—
   (a) zwi amba ndįvhis yo tou ċwålwa ho ya ċiekįtįhironi malugana na akhaunthuvu dzira thirasi dzya mushumi wa zwa ndaka dzį ċwōhohu u ya nga uno Mulayo, hu tsįi kalela zwi sa guruho ha, rekhodo dzia ċhirantšekisheni dzotše dzį kwamaho masheleli a thirasi, rekhodo dzia ċhirantšekisheninyangaredzi dzya dza khamphani dzo fârwa ho nga khamphani khulwane na mańwe mańwalwa na dzĭburgu dzisumiswaho kha zwa vhulangi ha akhaunthu dzira thirasi; na
   (b) zwi tsįi kwamaho bundu ja mushumi wa zwa ndaka nga raoralo, zwi amba ndįvhis yo tou ċwålwa ho kaya ya ċiekįtįhironi ine ya kwama kaya masheleli a bundu u ya nga zwi ċwōhohu nga uno Mulayo kana Mulayo muńwe na muńwe wo teaho bundu ja mushumi wa zwa ndaka, hu tsįi kalela zwi sa ċhelēliho ha, rekhodo dzia thudu, zwikolodo, masheleli a dzhenaho na a shumiswaho, ċhirantšekisheninyangaredzi dzya dza khamphani dzo fvarwa ho nga khamphani khulwane na mańwe mańwalwa a ċwitâtamennde zwa bundu;
   “ńholo” thalutshedzo ya ċipfů li ċi dzhiwuo ċi tsįi welsa kha zwa Mulayo wa Audîting Profession Act, 2005 (Act No. 26 of 2005);
   “ńmujol” zwi amba muthu o ċwålwa ho kaya fome yo ċwålwa ho u ya nga khethekanyo ya 37 kana 38 ya Mulayo wa Audîting Profession Act, 2005 (Act No. 26 of 2005);
   “Maanďalanga” zwi amba Maanďalanga a Ndauolo ya Vhashumi vha zwa Ndaka o thomiwaho ho tsįi khou tehvshedza khethekanyo ya 5;
   “Bodo” zwi amba Bodo ya Maanďalanga ya bvulwaho kha Ndima ya 2;
   “mushumi wa zwa ndaka ane a kha di guda” zwi amba muthu a saathu fusha ċhôdəa dzə ċhelela ho dzya ndalukano kana tsheňzhemo i ċhôdəabo sa zwo ranđelwaho, kha zwi kwamaho u shuma sa mushumi wa zwa ndaka nahan a tsįi kha di guda nga thasi ha vhulavhelesi ha mushumi wa zwa ndaka, kana mbekanyamushumo yo itwaho nga Maanďalanga;
   “Muofisi-Mulangi” zwi amba Muofisi-Mulangi wa tsimiswaa tsha Maanďalanga o tholiwaho hu tsįi khou tehvshedza khethekanyo ya 17;
   “Mudzulatshidulo” zwi amba Mudzulatshidulo wa Bodo;
“days” means calendar days including Saturdays, Sundays and Public Holidays but excluding the period between 15 December to 15 January of the preceding year;

“Department” means the national Department of Human Settlements;

“Estate Agency Affairs Act” means the Estate Agency Affairs Act, 1976 (Act No. 112 of 1976);

“Estate Agency Affairs Board” means the Estate Agency Affairs Board established by section 2 of the Estate Agency Affairs Act;

“Fund” means the Property Practitioners Fidelity Fund contemplated in section 34;

“Fidelity Fund certificate” means a Fidelity Fund certificate contemplated in section 47(1);

“immediate family member” means a parent, child, brother or sister, or any person married to such a person, or a life partner of such a person;

“inspector” means a person appointed in terms of section 24;

“mandatory disclosure form” means the form referred to in section 67;

“Minister” means the Minister of Human Settlements;

“principal” means a property practitioner who is a director of a company, member of a close corporation, trustee of a trust, partner of a partnership or owner of sole proprietorship that operates as a property practitioner;

“property practitioner”—

(a) means any natural or juristic person who or which for the acquisition of gain on his, her or its own account or in partnership, in any manner holds himself, herself or itself out as a person who or which, directly or indirectly, on the instructions of or on behalf of any other person—

(i) by auction or otherwise sells, purchases, manages or publicly exhibits for sale property or any business undertaking or negotiates in connection therewith or canvasses or undertakes or offers to canvass a seller or purchaser in respect thereof;

(ii) lets or hires or publicly exhibits for hire property or any business undertaking by electronic or any other means or negotiates in connection therewith or canvasses or undertakes or offers to canvass a lessee or lessor in respect thereof;

(iii) collects or receives any monies payable on account of a lease of a property or a business undertaking;

(iv) provides, procures, facilitates, secures or otherwise obtains or markets financing for or in connection with the management, sale or lease of a property or a business undertaking, including a provider of bridging finance and a bond broker, but excluding any person contemplated in the definition of “financial institution” in section 1 of the Financial Services Board Act, 1990 (Act No. 97 of 1990);

(v) in any other way acts or provides services as intermediary or facilitator with the primary purpose to, or to attempt to effect the conclusion of an agreement to sell and purchase, or hire or let, as the case may be, a property or business undertaking, including, if performing the acts mentioned in this subparagraph, a home ownership association, but does not include—

(aa) a person who does not do so in the ordinary course of business;
"mulayo wa vhudifari" zwi amba mulayo wa vhudifari wo randelwaho hu tshi khou tevhedzwa khethekanyo ya 61;

"murengi" zwi amba murengi sa zwe zwa tshvihale ho khethekanyo ya 1(a)

"murathisi wa ndaka" zwi amba murathisi u ya nga zwa tshvihale ho khethekanyo ya 1 ya Mulayo wa Attorneys Act, 1979 (Act No.53 of 1979);

"maquvha" zwi amba maquvha a khalenda hu tshi khou khethekanyo ya 61;

"murengi" zwi amba murengi sa zwe zwa tshvihale ho khethekanyo ya 1(a) kana (c) ya Mulayo wa Consumer Protection Act, 2008 (Act No. 53 of 1976);

"murathisi wa ndaka" zwi amba murathisi u ya nga zwa tshvihale ho khethekanyo ya 1 ya Mulayo wa Labour Relations Act, 1976 (Act No. 67 of 1976);

"Thohoy箊" zwi amba Mushumi wa zwa ndaka ane a vha mulangi wa khamphani, muratho wa koporasi thukhu, thirasitii wa thirasiti, thama kha tshumelo sa muthu muthihi sa mushumi wa zwa ndaka;
12

(bb) where the person is a natural person and that person in the ordinary
course of business offers a property for sale which belongs to him or
her in his or her personal capacity;

(cc) an attorney or candidate attorney as defined in section 1 of the
Attorneys Act, 1979 (Act No. 53 of 1979); or

(dd) a sheriff as defined in section 1 of the Sheriffs Act, 1986 (Act No. 90
of 1986), when he or she performs any functions contemplated in
paragraph (a) of this definition, irrespective of whether or not he or
she has been ordered by a court of law to do so; or

(vi) renders any other service specified by the Minister on the recommenda-
tion of the Board from time to time by notice in the Gazette;

(b) includes any person who sells, by auction or otherwise, or markets, promotes
or advertises any part, unit or section of, or rights or shares, including time
share and fractional ownership, in a property or property development;

(c) includes any person who for remuneration manages a property on behalf of
another;

(d) includes a trust in respect of which the trustee, for the acquisition of gain on
the account of the trust, directly or indirectly in any manner holds out that it
is a business which, on the instruction of or on behalf of any other person,
performs any act referred to in paragraph (a);

(e) for the purposes of sections 34, 46, 48, 59, 60, 61 and 65 includes—

(i) any director of a company or a member of a close corporation who is a
property practitioner as defined in paragraph (a);

(ii) any person who is employed by a property practitioner as envisaged in
paragraph (a) and performs on his, her or its behalf any act referred to in
subparagraph (i), (ii), (iv), (v) or (vi) of that paragraph;

(iii) any trustee of a trust which is a property practitioner as envisaged in
paragraph (d);

(iv) any person who is employed by a property practitioner as envisaged in
paragraph (b) and performs on its behalf any act referred to in
subparagraph (i), (ii), (iv), (v) or (vi) of paragraph (a); and

(v) any person who is employed by a property practitioner contemplated in
paragraph (a) or (b) to manage, supervise or control the day-to-day
operations of the business of that property practitioner;

(f) includes any person who is employed by or renders services to an attorney or
a professional company as defined in section 1 of the Attorneys Act, 1979,
other than an attorney or candidate attorney, and whose duties consist wholly
or primarily of the performance of any act referred to in subparagraph (i), (ii),
(iii), (iv), (v) or (vi) of paragraph (a), on behalf of such attorney or
professional company whose actions will be specifically covered by the
Attorneys' Fidelity Fund and not the Property Practitioners Fidelity Fund;

(g) for the purposes of section 61 and any regulation made under section 70,
includes any person who was a property practitioner at the time when he or
she was guilty of any act or omission which allegedly constitutes sanctionable
conduct referred to in section 62,

but does not include an attorney who, on his own account or as a partner in a firm
of attorneys or as a member of a professional company, as defined in section 1 of
the Attorneys Act, 1979, or a candidate attorney as defined in that section, who
performs any act referred to in paragraph (a), in the course of and in the name of
(bb) hune muthu a vha uri ndi muthu wa mvelo nahone uyo muthu kha mshedzwa zwa ndaka yako zwa Mutinyo yako 5 ya Mulayo wa Attorneys Act, 1979 (Act No. 53 of 1979); kana

(cc) axennd’ene kana axennd’ene ane a kha dhi tou guda sa zwo zwa 75 tshumelo kha khethanayo ya 1 ya Mulayo wa Attorneys Act, 1979 (Act No. 53 of 1979); kana

(dd) mudzinda wako khothe sa zwo zwa tshumelo kha khethanayo ya 1 ya Mulayo wa Sheriffs Act, 1986 (Act No. 90 of 1986), musi a tshi shuma mishumo muiniwe na muiniwe yo bulwaho kha phara ya akha uyo phara ya (a) ya tshumelo, hu songo sedzwa uri o laelwa nga khothe uri a ri pfalo; kana

(vi) tshumelo tshumelo inakho a vha ina ina ya tshumelo nga Minisitza zwo themendelwa nga Bodo misi yoathe nga ndivhacuko nga Gazete;

(b) hu tshi khou kdelo muiniwe na muiniwe ane a rengisa, nga okusheni kana nga inwe ndi, kana u vhambadza, kungethlela tshipidza tshimwe na tshimwe, yunuti kana khethanayo ya, pfunelo kana mikhove, hu tshi khou kelwa u kankhakaneka tshifhinga tsha u vha vhane vha ndaka ndaka ndaka ine vhane vhanyo ndi vhanzi, kha ndaka kana mvedzizvo izwa ndaka;

(c) hu tshi kdelo muiniwe na muiniwe ane musi a tshi khou kdelo mulholo a langa ndaka na imela muiniwe;

(d) hu tshi kdelo thiratiti ane thiratiti a shumahlo mshedzwa muiniwe na muiniwe wo bulwaho kha phararirafa ya akha, u inwe u wana mbuelo kha akhauthu ya thiratiti, zwo livha kana u sa livha nga ndi, inwe na inwe vha vha vha uri ndi bindu line, nga kha ndela ya kana ho imelwa muiniwe na muiniwe;

(e) hu inwe nd镂fa dza khethanayo dza 34, 46, 48, 59, 60, 61 na 65 hu tshi

(katela—

(i) mulangi muiniwe na muiniwe wa khamphani kana murafulo wa koporasi thuiku ane a shuma sa mshedzwa wa zwo ndaka u yako yako ya nga tshumelo zwo re kha phara ya akha;

(ii) muiniwe muiniwe o tholwaho nga mshedzwa wa zwo ndaka sa zwo lavhelewaho kha phara ya akha nahone ane a shuma o tou imela mshedzwa wa zwo ndaka, a tshi shuma mshedzwa wo bulwaho kha phara thuiku ya akha, (ii), (vi), (v), (vi) kana (vi) ya itela phara;

(iii) thiratiti muiniwe na muiniwe wa thiratiti ane a vha mushumi wa zwo ndaka sa zwo lavhelewaho kha phara ya (d);

(iv) muiniwe muiniwe na muiniwe o tholwaho nga mshedzwa wa zwo ndaka sa zwo lavhelewaho kha phara ya akha nahone ane a shuma mshedzwa muiniwe na muiniwe o tou imela sa zwo bulwaho kha phara thuiku ya akha, (ii), (iv), (v) kana (vi) ya phararirafa akha;

(v) muiniwe muiniwe na muiniwe o tholwaho nga mshedzwa wa zwo ndaka sa zwo bulwaho kha phara ya akha kdelo u inwe u lavheleza kana u langula marshumele a думала a dvulawa a d velo a phara ya phara ya akha kdelo u yako yako ya nga mvedzizvo izwa phara ya (i), (ii), (iii), (iv), (v) kana (vi) ya pharagirafu akha;

(f) hu tshi kdelo muiniwe muiniwe na muiniwe o tholwaho nga kana kana a tshumeda tshumelo kha axennd’ene kana khamphani ya phrofeshina ya zwo tshumelo kha khethanayo ya 1 ya Mulayo wa Attorneys Act, 1979, nga mnda ha axennd’ene kana axennd’ene ane a kha dhi guda, nahone ane mishumo yawe ya katela zothe kana zwiwulwanesa u shuma mishumo ufhio na ufhio wo bulwaho kha phara thuiku ya akha, (ii), (ii), (iii), (iv), (v) kana (vi) dza phara ya akha; ho imelwa uyo axennd’ene kana khamphani ya phrofeshina ya mishumo yayo i do kdelo nga Tshikwama tsha Thembeaho tsha axennd’ene nahone hu si Tshikwama tsha Thembeaho tsha Vhashumi vha zwo Ndadza;

(u) inwe ndiho dza khethanayo dza 61 na ndangulo inwe na inwe ye itwaho nga fhasi ha khethanayo ya 70, hu kdelo muiniwe muiniwe na muiniwe wo a vha e mushumi wa zwo ndaka nga tshifhinga tsha musi a tshi vha na mulandu wa u kakhaka hune o humbulela uri zwi ita uri a gwevela vulungidzico ho bulwaho kha phethanayo ya akha, fhedzi zwi sa kdelo axennd’ene kana murafulo wa khamphani ya phethanayo, sa zwo zwo tshumelo kha khethanayo ya 1 ya Mulayo wa Attorneys Act, 1979, kana axennd’ene ane a kha dhi guda sa zwo tshumelo kha yenyoro khethanayo, ane a shuma mishumo muiniwe na muiniwe wo bulwaho kha phara ya akha, (v), (v) nga dzina ya, na u bva

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and from the premises of such attorney’s or professional company’s practice, provided that such an act may not be performed—
(i) in partnership with any person other than a partner in the practice of that attorney as defined in section 1 of the Attorneys Act, 1979; or
(ii) through the medium of or as a director of a company other than such professional company; and

“advertise” for the purposes of this definition does not include advertising in compliance with the provisions of any other law;

“prescribe” means prescribe by regulation;

“property” means immovable property, and any interest, right or duty associated with it as contemplated in section 2;

“record” means any recorded information regardless of form or medium;

“registration certificate” means a registration certificate as contemplated in section 47(2);

“this Act” includes any regulations made under this Act; and

“trust money” means—
(a) money entrusted to a property practitioner in his or her capacity as a property practitioner;
(b) money collected or received by a property practitioner and payable in respect of or on account of any act referred to in subparagraph (i), (ii), (iii) or (iv) of paragraph (a) of the definition of a “property practitioner”;
(c) any other money, including insurance premiums, collected or received by a property practitioner and payable in respect of any immovable property, business undertaking or contract for the building or erection of any improvements on immovable property.

Application of Act

2. This Act applies to the marketing, promotion, managing, sale, letting, financing and purchase of immovable property, and to any rights, obligations, interests, duties or powers associated with or relevant to such property.

Objects of Act

3. The objects of the Act are to—
(a) provide for the regulation of property practitioners;
(b) provide for the establishment of the Authority;
(c) provide for the powers, functions and governance of the Authority;
(d) provide for the protection and promotion of the interests of consumers;
(e) provide for a dispute resolution mechanism in the property market;
(f) provide for the education, training and development of property practitioners and candidate Property Practitioners;
(g) provide for a framework for the licensing of property practitioners;
(h) provide for a just and equitable legal framework for the marketing, managing, financing, letting, renting, sale and purchase of property;
(i) promote meaningful participation of historically disadvantaged individuals and small, micro and medium enterprises in the property market;
(j) provide for the transformation of the property market and the establishment of the Property Sector Transformation Fund;
Mulayo wa Vhashumi vha zwa Ndaka, 2019

Nom 22 ya 2019

15

kha zwifha zwa uyo axennde kana mushumo wa khamphani ya phrofeshina, tenda izwo zwa shunwe—
(i) hu tshi khou shumisanwa na muthu muuwe na muuwe nga nda ha mushumisani/thama kha zwa mushumo wa uyo axennde sa zwo štalutshedzawho kha khethekanyo ya 1 ya Mulayo wa Attorneys Act, 1979; kana
(ii) nga kha thsirathisi tsha, kana sa mulangi wa khamphani nga nda ha iyo khamphani ya phrofeshina, na “u kungedzela” ngauri ndivho dza ino šthalutshedzo a dzi kate kungedzela hu u tevhedza mbetselo dza mulayo; na

“randela” zwi amba u randela nga ndangulo;

“ndaka” zwi amba ndaka ine ya sa endedzwi, na nyingapfuma, pfanelo kana muthelo une ucwa kwama yenyego thundu sa zwo zwa bulwa kha khethekanyo ya 2; “rekhodo” zwi amba rekhodo ifhio na ifhio hu songo sedzwa uri ndi rekhodo ya lushaka de;

“ňhanziela yu ſńwalisa” zwi amba ſńhanziela ya ſńwalisa sa zwo zwa bulwa kha khethekanyo ya 47(2);

“uno Mulayo” hu katekwa ndangulo dzo itwahe nga fhasi ha uno Mulayo; nahone

“masheleli a thasiriti” zwi amba—
(a) masheleli ane o farwa nga mushumi wa zwa ndaka saizwi e mushumi wa zwa ndaka;
(b) masheleli o kuvhanganywohano kana o štanganedzwaho nga mushumi wa zwa ndaka nahone ane a bdelwa u ya nga zwo zwa bulwa kha pharagirafu šňukhu ya (i), (ii), (iii) kana (iv) ya pharagirafu ya (u) ya šthalutshedzo ya ipi š“mushumi wa zwa ndaka”;
(c) tshelede inwe na inwe, hu tshi katekwa mbadolo dzindakhombo, yv kuvhanganywohano kana yo štanganedzwaho nga mushumi wa zwa ndaka nahone i badelwaho malugana na thundu ifhio na ifhio i sa endedzwi, bindu kana konširaka ya tshišifha kana u šňatwa ha zwi kwama u kwiqisa ndaka i sa endedzei.

Zwine Mulayo wa kwama

2. Zwi kwamiwaho nga hoyu Mulayo ndi zwa mbambadzo, vhulangi, thengiso, u renndisa, u fha masheleni na u renga ndaka i sa endedzwi, na pfanelo dziniwe na dziniwe, zwine zwa vha mbofho, nyingapfuma, mishumo na maandila zwine izwi zwi lvihanywa na yenyego ndaka.

Zwipikwa zwa Mulayo

3. Zwipikwa zwa Mulayo ndi u—
(a) ita mbetselo malugana na u langula vhashumi vha zwa ndaka;
(b) ita mbetselo malugana na u thomiswa ha Maandžalanga;
(c) ita mbetselo malugana na maandila, mishumo na vhuvhusi ha Maandžalanga;
(d) ita mbetselo malugana na tsireledzo na u štušwedza madzangalelo a vharengi;
(e) ita mbetselo malugana na zwi kwama m njila ya u tandulula phambano kha maraga wa zwa ndaka;
(f) ita mbetselo malugana na pfunzo, vhugudizi na mvapelaphandza kha vhashumi vha zwa ndaka na vhashumi vha zwa ndaka vhane vha kha nji guda;
(g) u ita mbetselo malugana na muštheo u u fha laįsentse vhashumi vha zwa ndaka;
(h) ita mbetselo ya mulayo u sa dzhiho sia zwi tshi ɖa kha mafhungo a u vhambadza, u langa, u kolodisa masheleni, u hirisa, renndisa, thengiso na u renge ndaka;
(i) u štušwedza u dzienielela hu ſpaniedaho kha avho ve vha vha vho khehuluulo zwila kale na kha zwi kwama vhunidendzi vhutukusa, vhutukua na ha vhukati kha zwa maraga wa ndaka;
(j) ita mbetselo malugana na kwiqisišadzo kha maraga wa zwa ndaka na u thomiswa ha Tshikwama tsha Tshanduko ya Sekithara ya zwa Ndaka;
(k) ita mbetselo kha u kwiqisa maraga wa zwa ndaka u itela uru Vhathu vha Afrika Tshipembe vha konhe-vho u vha vhane vha ndaka musi hu na u dzienielela na u itwa ha mbekanyamushumo dza vhane vhane vha vha vharengi vha ndaka nga njila ine ya swikelelela nahone kha maraga wa sekondari; na

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Act No. 22 of 2019

Property Practitioners Act, 2019

(k) provide for the transformation of the property market that facilitates property ownership to more South Africans through structured interventions and the creation of property consumer ownership programmes in the affordable and secondary market; and

(l) create a mechanism for responding and implementation of directives received from the Minister, from time to time.

Exemption from Act

4. (1) Any person (hereinafter referred to as the applicant) may, subject to the provisions of this section, be exempted from compliance with any specific provision of this Act.

(2) The applicant must, in the prescribed manner and form, submit the application for exemption to the Authority, accompanied by—

(a) an explanation of the reasons for the application; and

(b) any applicable supporting documents.

(3) The Authority may direct the applicant to—

(a) furnish additional information which may be relevant; and

(b) appear in person before the Authority to support his or her application and provide verbal responses to questions raised by the Authority.

(4) (a) Any person may raise an objection to the Authority as prescribed regarding the exemption which has been granted to a person or an entity in terms of this section.

(b) The Authority must consider the objection and determine whether such objection may be sustained.

(5) The Authority must consider and decide on the application, taking into account whether—

(a) the granting of the exemption is likely to impact negatively on the interests of the general public;

(b) the granting of the exemption is likely to impact negatively on competition in the property sector or the property practitioners’ industry;

(c) the granting of the exemption is likely to benefit one section of the property practitioners’ industry to the detriment of another;

(d) appropriate, sufficient and effective regulatory protection of consumers’ rights and interests exists; and

(e) the exemption would not defeat the objects of the Act.

(6) The Authority may—

(a) approve the application, together with a record of the matters contemplated in subsection (7): Provided that the exemption may not exceed three years and may not be applied retrospectively;

(b) decline the application; or

(c) refer the application back to the applicant for further investigation or consideration, as the case may be.

(7) If the Authority approves the application, the Authority must publish the decision on its website, which must include—

(a) the provision of the Act from which exemption is granted;

(b) the person to whom the exemption applies;

(c) the date from which and the date up to when the exemption applies;

(d) any conditions that apply to the exemption;

(e) the reasons for granting the exemption;

(f) a declaration that the granting of an exemption does not create any special rights or legitimate interests which may apply to the category of persons so exempted; and

(g) a declaration that any exemption granted may be amended or withdrawn subject to the provisions of this section.

(8) Any person who is adversely affected by the decision of the Authority may request the Authority to provide written reasons.

(9) (a) Any person may, at any time in writing, request the Minister to review any exemption granted in terms of this section.

(b) The Minister must instruct the person requesting the review to notify the Authority as well as any other person specified by the Minister, for the account of the person requesting that review, and to submit any comments received to the Minister.
(l) ita njila ya u fhindula na u shumisa zwo laelwaho nga Minisṭa misi yoţhe.

U vhofhololwa kha u tevhedza Mulayo

4. (1) Muthu munwe na munwe (afha a tshi khou vhidzwa u pfu muhumbeli) a tshi khou tevhedza mbetshelo dza ino khethekanyo, a nga vhofhololwa ura a sa tevhedze yenyeyo mbetshelo ya uno Mulayo.

(2) Muhumbeli a tshi khou tevhedza njila na fomo yo teaho u tea u isa khumbelo kha Maandâlanga ya uri a tendelwe u sa vhoﬁwiwa nga Mulayo, nahone khumbelo i fhelekedzwe nga —

(a) thalutshezdo yo mbuno dza iyo khumbelo; na
(b) manwâlwa mâwe na mâwe o tea ho.

(3) Maandâlanga a dò vhudza muhumbeli uri a—

(a) gekedzo iwine ndivhviso ine ya khou tòde; nahone
(b) a diyvonadze phandâ ha maandâlanga u itela uri a tikedze khumbelo yaye na u fhindula mubudziso nga mulumo dzine Maandâlanga a dò vhudzisa.

(4). (a) Muthu munwe na munwe a nga hanedzana na Maandâlanga sa zve zwa randelwa malugana na u vhofhololwa ho geshzedzahwo muthu kana tshimisiswa u ya nga ino khethekanyo.

(b) Maandâlanga a tea u lavhelesa khanedzo nahone Maandâlanga a lavhelese uri naa iyo khanedzo i a khoufhihisedzwa naa.

(5) Maandâlanga a tea u lavhelesa nahone Maandâlanga a dzhe tsho malugana na khumbelo, a tshi khou dzhiela njha arali—

(a) u tendela uho u sa tevhedza uno Mulayo zwi tshi dò kwama tshitshavha tsiothe nga njila i si yavhuhi;
(b) u tendela u sa tevhedza uno Mulayo zwi tshi dò kwama mutażisano nga njila i si yavhuhi ka sekithara ya zwa ndaka kana sekithara ya vhashumi vha zva ndaka;
(c) u tendela uho u sa tevhedza uno Mulayo zwi tshi dò vhudza khethekanyo nthihi fhedzi kha ndowetshumo ya zwa vhashumi vha zva ndaka ngeno hu tshi khou huvhala vanwu;
(d) hu na ndangulo ya tsireledzo ya pfanelo dza vhere ngi ndaka vha, yo linganelaho nahone ine ya khou shumiswa; na
(e) u tendela u sa tevhedza uno Mulayo zwi tshi dò thithisa zwipikwa zwa Mulayo.

(6) Maandâlanga a a nga—

(a) tendela iyo khumbelo, khathihi na rekhodo ya mafhungo o bulwaho kha khethekanyo ũthukhu ya (7): Tenda u tendela ha sa pâde miyinwâ miraru nahone hu sa dò shumiswa ho sedzwa zwa murahu;
(b) hanela iyo khumbelo; kana
(c) humisela murahu khumbelo kha muhumbeli u itela uri hu itwe tsedzuloso kana u lavhelesa, u ya nga zwine nyimele ya vha zwone.

(7) Arali Maandâlanga a tendela iyo khumbelo, Maandâlanga a tea uri a anđadže iyo tsheo kha webusaithi ya one Maandâlanga, nahone iyo nyanjadzo i tea u katela—

(a) mbetshelo ya Mulayo ine ya khou ita uri hu vhe na u vhoﬁholo; na
(b) muthu ane a khou vhoﬁhololwa;
(c) datumu ya uri u vhoﬁhololwa zwi thoma linî zwa guma linî;
(d) nyimele dzinîwe na dzinîwe dzine dza khou shumiswa kha uho u vhoﬁholo;
(e) mbuno dzine dza khou ita uri hu vhe na uho u vhoﬁholo;
(f) hu bulwe uri u vhoﬁhololwa a hu iti uri hu vhe na pfanelo dza tshipentshela kana dzangalelo jo teaho line ja nga shumiswa kha khethekanyo ya vhashumi vha khou vhe na uhu vhoﬁholo;
(g) u bula uri u vhoﬁhololwa ho tendelwaho hu nga khwiﬁhdzahwo kana u dzhiululwa hu tshe khou tevhedzwa mbetshelo ya ino khethekanyo.

(8) Muthu munwe na munwe ane a kwamea nga njila i si yavhuhi nga tsheo ya Maandâlanga a nga humbela uri Maandâlanga a mu fhe mbuno dzo tou iwalwaho.

(9) (a) Muthu munwe na munwe nga tshifhunga tshinwe ya tshinwe nga u tou āwala a nga humbela Minisṭa uri a tle mboﬁhololo āwhe na āwhe yo fhîwaho u ya nga ino khethekanyo.

(b) Minisṭa u tea u luela muthu ane a khou humbela ũhlo ma mboﬁhololo uri a diyvodze Maandâlanga na muthu o bulwaho nga Minisṭa, u itela muthu ane a khou humbela ũhlo, na u isa mahumbulwa o tanganedzahwo kha Minisṭa.
Establishment of Property Practitioners Regulatory Authority

5. (1) There is hereby established a juristic person to be known as the Property Practitioners Regulatory Authority.

(2) The Authority is a National Public Entity subject to the Public Finance Management Act, 1999 (Act No. 1 of 1999).

(3) The Authority is governed and acts through a Board known as the Board of the Authority.

(4) The Authority must provide regulatory mechanisms in respect of the financing, marketing, managing, letting, hiring, sale, property consumer education and purchase of property, and may do all that is necessary or expedient to achieve the objects of this Act.

(5) The Authority is accountable to the Minister.

Functions of Authority

6. The functions of the Authority are to—

(a) regulate the conduct of property practitioners in dealing with the consumers;

(b) regulate the conduct of property practitioners in so far as marketing, managing, financing, letting, renting, hiring, sale and purchase of property are concerned;

(c) regulate and ensure that there is compliance with the provisions of the Act;

(d) ensure that the consumers are protected from undesirable and sanctionable practices as set out in section 62 and section 63;

(e) regulate any other conduct which falls within the ambit of the Act in as far as property practitioners and consumers in this market are concerned;

(f) provide for the education, training and development of property practitioners and candidate property practitioners;

(g) educate and inform consumers about their rights as set out in section 69; and

(h) implement measures to ensure that the property sector is transformed as set out in Chapter 4.

CHAPTER 2

BOARD OF AUTHORITY

Composition and appointment of Board

7. (1) The Board consists of—

(a) not less than nine but not more than 12 non-executive members, including the Chairperson, appointed by the Minister; and

(b) the CEO, who serves on the Board by virtue of his or her office.

(2) The total number of the Board members contemplated in subsection (1)(a) must consist of—

(a) a combination of the following skills and competencies:

(i) Sufficient financial expertise;

(ii) relevant legal experience;

(iii) sufficient experience as property practitioners;

(iv) sufficient experience in rural and land reform;

(v) sufficient experience in the promotion and protection of the consumer interests; and
(10) Maandâlanga arali hu na mbuno dzavhuði, a nga khwiqisa, imisa kana u dzhilula uho u vhofholola.

(11) Maandâlanga a tea u anðadza uho u vhofholola kha webusaiti ya one Maandâlanga.

U thomiwa ha Maandâlanga a Ndangulo ya Vhashumi vha zwa Ndaka

5. (1) Hu khou thomiwa tshiimiswa tshine tsha pfî Maandâlanga a Ndangulo ya Vhashumi vha zwa Ndaka.

(2) Maandâlanga ndi Tshiimiswa tsha Muvhuso wa Lushaka hu tshi khou tevhedzwa Mulayo wa Public Management Act, 1999 (Act No. 1 of 1999).

(3) Maandâlanga a vhwsua na u shuma nga kha Bodo ine ya pfî Bodo ya Maandâlanga.

(4) Maandâlanga a tea u fha ndîla dza ndangulo malugana na zwa u fha mashelele, u vhambadza, u rendiswa, u hirisa, thengiso, u renga ndaka na pfunzo vharengi vha ndaka, na uri Maandâlanga a nga ita zwo ðina zwine zwa ðoda kana zwine zwa tea u itwa nga u ðhvanya u itela u swikelela zwipikwa zwa uno Mulayo.

(5) Maandâlanga a vhiga ngei kha Minisîta.

6. Mishumo ya Maandâlanga

6. Mishumo ya Maandâlanga ndi u—

(a) langula vhudiðifari ha vhashumi vha zwa ndaka musi vha tshi shumana na vharengi;

(b) langula vhudiðifari ha vhashumi vha zwa ndaka zwi tshi kwama mbambadzo, ulanga, u fha mashelele, u rendiswa, u hirisa, thengiso na zwa u renga ndaka;

(c) langula na u vhona uri mbetshelo dza Mulayo dzì tevhedzwe;

(d) vhona uri vharengi vho tsireledzea kha zwiito zwi sa ðoda kana maitele ane a ita uri hu itwe ndiðiso u ya nga ha zwo sumbedzwaho kha khethekanyo ya 62 na khethekanyo ya 63;

(e) langula vhudiðifari vhunwe na vhunwe vhune na wela kha tshikoupu tsha Mulayo zwi tshi kwama vhashumi vha zwa ndaka na vharengi kha maraga;

(f) getshedza pfunzo, vhugudisi na mvelaphanda zwi vhashumi vha zwa ndaka na vhashumi vha zwa ndaka vhane vha kha ði guda;

(g) funza na u ðiðisira vharengi nga ha pfanelo dzavho dzì re kha khethekanyo ya 69; na

(h) shumisa maga u itela u vhona uri sekithara ya zwa ndaka i shanduke ahone i khwiqishale sa zwo sumbedzwaho kha Ndima ya 4.

NDIMA YA 2

BODO YA MAANDALANGA

Miraðo yo vhumbaho Bodo na u tholwa ha ði miraðo

7. (1) Bodo i na miraðo—

(a) i si ho fhasi ha miraðo ya ðihe fhedzi i sa paði fumimbili ya miraðo i sa weli kha khoro-sthutumbe, hu tshi khou katelewa Madzulatshidulo o tholwaho nga Minisîta; na

(b) Muofisi-Mulangi ane a shuma kha Bodo nga nwambo wa uri ndi ene o faraho ofisi.

(2) Nomboro yoðhe yo ðelela ya miraðo ya Bodo yo bulwaho kha khethekanyo ðthukhu ya (1)(a) i tea u vha na —

(a) vhathu vha re na vhukoni ho ꜟanganelanaho kha zwi tevhelaho:

(i) ndiðivo yo linganaho kha zwa mashelele;

(ii) tshenzhemo yo teaho kha zwa mulayo;

(iii) tshenzhemo yo linganaho ya u shuma sa mushumi wa zwa ndaka;

(iv) tshenzhemo yo linganaho kha zwa mbuedzedzo ya mashangohaya na mavu;

(v) tshenzhemo yo linganaho malugana na nyaluwo na tsireledzo ya madzangalelo a vharengi; na
(b) at least—
(i) one member nominated by the Minister of Trade and Industry, in consultation with the Minister; and
(ii) one member nominated by the Minister of Public Works, in consultation with the Minister.

(3) (a) The Minister must, prior to the appointment of members of the Board as contemplated in subsection (1)(a), or to filling a vacancy, issue an invitation in the Gazette and at least two newspapers circulating nationally in the Republic for the nomination of persons meeting the requirements to serve on the Board.
(b) A member of the Board contemplated in subsection (1)(a) who is not a public servant or in the full-time employ of the State may be paid out of the funds of the Authority the remuneration and allowances that may be determined generally or in any particular case by the Minister in concurrence with the Minister of Finance.

(4) The Minister must ensure that—
(a) the appointment of members of the Board is governed by the overriding principle of selection based on merit, determined by an assessment of—
(i) the objects, functions and operations of the Authority;
(ii) the competencies collectively required for serving on the Board, including the relevant skills, expertise and experience relating to governing an organ of state, having regard to subsection (2); and
(iii) the qualifications, skills, expertise and experience of each individual prospective candidate;
(b) the Board is broadly representative with regard to race, gender and disability; and
(c) the majority of persons serving on the Board are not public servants contemplated in section 8 of the Public Service Act, 1994 (Proclamation No. 103 of 1994).

(5) When the Chairperson of the Board—
(a) is absent from a meeting of the Board, the remaining members must nominate one of them to act as Chairperson for that meeting; or
(b) vacates his or her office, the Minister must within three months appoint a Chairperson in accordance with subsection (3).

(6) A non-executive member of the Board holds office for a period of three years.

(7) A member of the Board who is upon completion of his or her three-year term of office eligible for reappointment, but—
(a) no member may serve more than two consecutive terms of office; and
(b) the Minister may not reappoint more than five members of the same Board.

Disqualification from membership of Board

8. The Minister may not appoint a person to the Board—
(a) who is not a South African citizen or a permanent resident, and who is not ordinarily resident in the Republic;
(b) who is a member of Parliament, a member of a provincial legislature, a member of Cabinet or a Deputy Minister, a Premier or other member of a provincial executive council, a member of the National House of Traditional Leaders or a Provincial House of Traditional Leaders, or a mayor or other member of a municipal council;
(c) who or whose spouse, life partner, immediate family member, business partner or associate, holds an office in or is employed by or has any other interest whatsoever, whether direct or indirect, in any company or other entity which supplies goods or renders services to the Authority, unless such an interest is declared for purposes of considering that person’s nomination;
(b) mirađo i si ho fhasi ha—

(i) mirađo muthihi o nangiwa nga Ministra wa zwa Makwevho na Ndöwethshumo; a tshi khou kwamana na Ministra; na

(ii) mirađo muthihi o nangiwa nga Ministra wa Tšhumelo dza Tshitshavha, a tshi khou kwamana na Ministra.

(3) (a) Ministra phandja ha musi hu tshi tholwa mirađo ya Bodo sa zwe zwa bulwa kha khethekanyo ũhuku ya (1)/(a), kana u vala tshikhala, ene Ministra u do ita thambo kha Gazete na kha guranndja dzi si ho fhasi ha mbili dza lushaka kha Riphapuljikhi u itela uri hu ꞏngwwe vhatu vhane vha fusha ũhodwe dza uri vha shumele Bodo.

(b) Murađo wa Bodo wo bulwa kha khethekanyo ũhuku ya (1)/(a) ane a si mushumelile wa muvhuso kana a sa khou shumaho kha Muvhuso la tshiifhinga tsho fhelelaho a nga badelelele le Masanđala sa muhulo na magabolale le a nga tiwa nga u tou angaredza kana kha nyimele yeneyo ha ta Ministra a tshi khou tendelena na Ministra wa zwa Masheleni.

(4) Ministra u tea u vhona uri u—

(a) tholiwa ha mirađo ya Bodo zwi tshi khou hvuswa nga ndayo dza u ꞏnguludza zwo sendeka kha u tea ha muthu onoyo, zwo sendeka-vho kha ũhãhuvho ya—

(i) zwiipikwa, mishumo na makhumele zwa Maanďalanga;  

(ii) vhukoni vhune ha ũðeja kha u shuma kha Bodo, hu tshi khou katelwa vhukoni, ndîhvo na tshenzhemo malugana u na langa tshiimiswa tsha muvhuso, ho lavheleswa khethekanyo ũhuku ya (2); na

(iii) ndalukano, vhukoni, na tshenzhemo zwa muthu muĩwe na muĩwe ane a khou lavhelewla;

(b) Nga vhuphara, Bodo yo ũðanyisa vhatu yo sedza u imelwa ha murañho, mheu na vhuholefhalí; na

(c) vhunzhi ha vhatu vha shumaho kha Bodo a si vheshumeli vha muvhuso sa zwo bulwa kha khethekanyo ya 8 ya Mulayo wa Public Service Act, 1994 (Proclamation No. 103 of 1994).

(5) Musi Muvhusitshidulo wa Bodo a—

(a) si ho mušanganiwa wa Bodo, mirađo i re hone i tea ya nanga mirađo muthihi uri a vhe ene Muvhusitshidulo wa mušangano; kana

(b) tšutšela ofisi, Ministra u tea u thola Muvhusitshidulo muswa ha saathu u fhele minwedzi miraru u ya nga khethekanyo ũhuku ya (3).

(6) Murađo wa Bodo ane a si mirađo wa khorotshitumbe u vha kha ofisi ya Bodo la mëhina miraru.

(7) Murađo wa Bodo musi o fhelela tshiifhinga tsha minwaha miraru ya u vha kha ofisi u a dovha a tholea, fhelezi—

(a) a hu na mirađo ane a nga shuma lwa zwifhinga zwine zwa ũhira livhili kha ofisi zwi tshi khou tou tevhekana; na

(b) Ministra a nga si dovhe a thola mirađo muthihi ine ya ũhira mitjanu i tshi bva kha yeneyo Bodo yo fhelelewla nga tshiifhinga.

U sa tsha fusha ũhodwe dza u vha murađo wa Bodo

8. Ministra a nga si thole muthu kha Bodo—

(a) ane a sa vhe Muzulalapo wa Afrika Tshipembe kana mudzulalapo wa tsothõhe, nhone ane a sa vhe mudzuli fhelezi kha Riphapuljikhi;

(b) ane a vha murađo wa Phalamennde, murađo wa vhuzimamilihanu ha vundu, murađo wa Khabinele kana Muthusa Ministra, Muphriame kana muĩwe murađo wa khorotshitumbe ya vundu, murađo wa Nndu ya Lushaka ya Bhurangaphandha sa Sialala kana Nndu ya Vhurangaphandha sa Sialala, kana meyara kana muĩwe murađo wa khoro ya masipala; na

(c) ane mufarisi kana ane mufarisi wawe, ũðama ya hvutshilo hošhe, murađo wa tšinswa wa muta, ũðama kana mushumisani kha zwa hvubindudzí, o fara ofisi kha kana o tholwa nga kana u na dzangalelo kha, ũho livhali kana ũhi songo livhali, kha khamphani iwevha ka tshiũhelelele le tsiimiswa tshine tsha rengisela thundu kana u fha tshumelo kha one Maanďalanga, nga ndnda ha musi iyo dzangalelo ũho bvukulwa u itela ndziwo dza u ũhi ꞏngiwa ha uyo muthu hu lavheleswe;
(d) who is disqualified to act as a director of a company incorporated in terms of the Companies Act, 2008 (Act No. 71 of 2008);
(e) who has been found in any civil or criminal proceedings by a court of law, whether in the Republic or elsewhere, to have acted fraudulently, dishonestly, unprofessionally, dishonourably or in breach of a fiduciary duty, or of any other offence for which such person has been sentenced to direct imprisonment without the option of a fine, other than an offence committed prior to 27 April 1994 demonstrably associated with political objectives;
(f) whose name, or the name of a juristic person of whom the person was a director, member, trustee, partner, shareholder, holder of membership or other beneficial interest has been listed by the National Treasury on its Register for Tender Defaulters established by section 29 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004);
(g) who has been discharged from a position of trust;
(h) whose membership of a board or other accounting authority of a public entity as defined in section 1 of the Public Finance Management Act, 1999 (Act No. 1 of 1999), has been prematurely terminated due to a dishonourable discharge;
(i) who has at any time been found to be in contravention of this Act or the Estate Agency Affairs Act;
(j) who is of unsound mind; or
(k) who is an unrehabilitated insolvent.

Powers and duties of Board

9. The functions of the Board are to—
(a) ensure that the Authority complies with this Act and any other applicable law;
(b) ensure that the Authority performs its duties efficiently and effectively;
(c) provide corporate governance for the Authority;
(d) determine and enforce the broad policy framework within which the Authority must pursue its objects and perform its functions;
(e) ensure that the Authority exercises its powers in accordance with the principles of transparency and accountability;
(f) manage the marketing, promotion, sale, lease, financing, purchasing, registration and transfer of property of the Authority;
(g) advise the Minister on—
(i) the efficacy of this Act;
(ii) the state of transformation of the industry;
(iii) prescribing of regulations;
(iv) education and training of property practitioners; and
(v) any other matter on which the Minister requires the advice of the Board;
(h) maintain the Fund and hold it in trust; and
(i) perform any other power or duty conferred on the Board by this Act or any other applicable law.

Good governance and code of ethics

10. (1) The Board must—
(a) approve codes of ethics applicable to all members of the Board and employees of the Authority, respectively; and
(b) from time to time, review those codes to ensure compliance with all current law, principles of good governance and ethical behaviour.
(2) Nothing in this section prevents the Board from voluntarily adopting any code, protocol or charter not in conflict with any policy, code, protocol, guideline or similar document contemplated in subsection (1) and applicable to its members.
(d) ane o bviswa uri a sa tsha vha Mulanguli wa khamphani yo katelwaho hu tshi khou tevhedzwa Mulayo wa *Companies Act*, 2008 (Act No. 71 of 2008);

(e) ane o wanwa mulandu kha zwi kwamaho mbilo kana vhugwehenga tsengoni nga khothe ya mulayo, hu nga vha hu kha la Afrika Tshipembe kana mashangojakhava, uri muthu uyo o ita vhufhura, ha ngo fhulufhedzeza, nga ndjila i si ya phrofeshinala, u sa fhulufhedzeza kana u vunja vhujihinduleli hu u vha mulondoli wa mashelemi/thundu, kana vhutshinyi vhuiwe na vhuiwe he uyo muthu a vhu ita nahone a gwevhelwa tou dzula tiromgoni hu si n a badela ndaśiso, nga ndjila ha vhutshinyi he ha itwa phanja ha dži 21 Lambamai 1994 nahone vhu tšumahona na zwa polišiti;

(f) ane dzina Jawe, kana dzina ja tshimiswa he muthu uyo a vha e mulanguli, murađo, thirasiti, ṭama, mufaramukovhe, a na vhurađo kana liniwe dzangalelo ji kha muteteve wo itwaho nga Gwama ja Lushaka kha Rezhisitšara ya u swifhadzwa ha dzina ja mudgetshedzi wa thumelo nga thendara yo thomiswa u ya nga khethekanyo ya 29, ya Mulayo wa *Prevention and Combating of Corrupt Activities Act*, 2004 (Act No. 12 of 2004);

(g) ane o ruľwa mushumo wa u vha thirasiti;

(h) ane vhurađo hawe ha u vha kha Bodo kana kha mańwe mańdlanga a vhudimilaruleli kha tshimiswa tsha tshithavhava sa zwo t-altlishedzwaho kha khethekanyo ya 1 ya Mulayo wa *Public Finance Management Act*, 1999 (Act No. 1 of 1999), vhurađo uho ho ‡heliswa tshifhinga tsha saathu u swika nga ŋwambo wa u sa fhulufhedzeza;

(i) ane nga tshifhinga tšinawo na tšinawo a wanwa mulandu wa u pfukekanya uno Mulayo kana Mulayo wa *Estate Agency Affairs Act*, 1976;

(j) ane a zwo ngo dzudzana maluvhini; kana

(k) ane o kundelwa u badela zwiḳolodo zwawe lwe a sa tsha vusuludzea.

Mańda na mishumo ya Bodo

9. Mishumo ya Bodo ndi u—

(a) vhona uri Mańdlanga a khou tevhedza uno Mulayo na mńwe milayo yothe yo teaho;

(b) vhona uri Mańdlanga a khou shuma mishimo yao zwavhudi;

(c) ṭetshedza vhuvhusi kha one Mańdlanga;

(d) likedza Tšikwama na uri tshi vhe kha thirasiti; na

(e) vhona uri Mańdlanga a khou shumisa mańnda nga ndjila i re khagala nahone nga ndjila ya vhudimilaruleli;

(f) langa mbambadzo, u kungedzela, ḋhengiso, thendelano ya u remnda, u lambedza mashelemi, u renga, u ḋwalisa na u Rathisa ndaka ya Mańdlanga;

(g) eletshedza Minisṭa kha—

(i) u shuma zwavhudi ha uno Mulayo;

(ii) nyimele ya u khwiniṣa ndjoweshumo;

(iii) u randela ndangulo;

(iv) pfunzo na vhugudisi kha avho vhashumi vha Mańdlanga; na

(v) mafhungo mańwe na mańwe ane Minisṭa a ṭoja ngeleshezo i bvahe kha Bodo;

(h) likedza Tšikwama na uri tshi vhe kha thirasiti; na

(i) shuma mushumo mańwe na mańwe kana mushumo we wa hweswa Bodo u ya nga uno mulayo kana mańwe milayo yothe yo teaho.

Kuvhusele kwavhudi na mulayo wa vhudifari

10. (1) Bodo i teah u—

(a) tshululwa milayo ya vhudifari yo teaho kha mirađo yothe ya Bodo na vhashumi vha Mańdlanga; na

(b) tola iyo milayo ya vhudifari misi yothe u itela u vhona uri i khou anana na milayo yothe, ndayo dža kuvhusele kuvhudi na mńwana yavhudi.

(2) Kha ino khethekanyo a hu na tshi thišįhelaho Bodo kha u vha na mulayo mńwe na mańwe, kutele kana tshata i sa hanedzaniho na mbekanyamaitele, mulayo, kutele, tsumbandilana kana jinwabwa sa zwo ambwaho kha khethekanyo ḋųkhu ya (1) nahone ḋo fanelaho mirađo ya yone Bodo.
Conflict of interest of members of Board

11. (1) A member of the Board must, upon appointment, submit a declaration to the Minister, made under oath or by affirmation, to the effect that he or she is not disqualified from appointment as contemplated in section 8.

(2) A member of the Board or of a committee of the Board, as the case may be, must immediately when he or she becomes aware of any conflict of interest, in writing, inform the Chairperson of the Board or the chairperson of a Board committee, as the case may be, of such conflict, and the relevant chairperson must immediately excuse that member from participating and voting in any part of a meeting or proceedings where the matter that has caused such a conflict is considered.

(3) The Chairperson of the Board or of a committee of the Board must, immediately when he or she becomes aware of any conflict of interest, in writing, inform the Board or the Board committee of such conflict, and the Chairperson must recuse himself or herself from participating and voting in any part of a meeting or proceedings where the matter that has caused such a conflict is considered.

Termination of membership of Board

12. (1) The Minister may, after having afforded a member of the Board a reasonable opportunity to make submissions in writing, terminate that member’s membership of the Board if that member has—

(a) failed to immediately declare any conflict of interest as contemplated in section 11;

(b) repeatedly and knowingly disregarded or contravened any code of ethics contemplated in section 10 or any other applicable law; or

(c) failed to attend three consecutive meetings of the Board or a Board committee without the permission of the Chairperson or of the Board or the Chairperson of the relevant Board committee.

(2) The Minister must, when terminating the membership of a member of the Board, in writing, inform both the Board and that member of the reasons for that termination.

(3) If a member of the Board at any time during his or her term of office becomes disqualified to be a Board member on any of the grounds contemplated in section 8, that member—

(a) must immediately in writing inform the Minister and the Chairperson of the Board of that disqualified, and once the Minister has been so informed he or she must forthwith in writing remove that member from the Board; and

(b) may not attend a Board meeting or a Board committee meeting from the time he or she has so become disqualified until he or she is removed by the Minister.

(4) A member of the Board may resign by giving one month’s notice in writing to the Minister.

(5) The termination of membership of the Board or resignation from the Board does not in any way prevent or influence the institution or continuance of proceedings against the person whose membership of the Board was terminated or who resigned from the Board, as the case may be.

Meetings of Board

13. (1) The Board must meet at least once in every three months.

(2) The Chairperson or Board must forthwith call a special meeting of the Board, if requested in writing to do so by at least three members of the Board.

(3) A majority of members of the Board constitute a quorum for a meeting of the Board.

(4) The Chairperson has a casting vote only.
Mulayo wa Vhashumi vha zwa Ndaka, 2019

Khudâno ya madzangalelo kha miraøo ya Bodo

11. (1) Muraøo wa Bodo musi a tshi tou tholiwa u tea u buvukululela Minisîta, nahone izwo zwo itwa nga u tou ana kana u tou khwaqhîsedza nga njîla inê zwa do ita uri zwa sa sie a sa tsâa fusha ñoqêa dza u tholiwa sa zwi zwa bulwa kha khethekanyo ya 8.

(2) Muraøo wa Bodo kana komiti ya Bodo, u ya nga hune nyimele ya vha zwone, nga u tâvhanya musi a tshi to u ñivha uri hu na khudâno ya madzangalelo, nga u tou ñwala u tea u vhudza Mudzulatshidulô wa komiti ya Bodo, u ya nga hune nyimele ya vha zwone, a mu vhadze nga ha iyo khudâno, na uri nga u tou tâvhanya, mudzulatshidulô o teaho u tea u imisa uyo muraøo kha u dzhenelela na u voutha kha muîqangano uñhío na uñhío kana zwone nge uñhío kha uñhío uñhío zwo zwone kha khethekanyo ya vha khou itwa zwa vha khou itwa zwo vhangâo uri hu vhe na khudâno ya madzangalelo.

(3) Mudzulatshidulô wa Bodo kana komiti ya Bodo nga u tâvhanya zwenezwí a tshi tou thoma u ñivha nga ha khudâno ya madzangalelo nahone nga u tou ñwala, u tea u ñivházâdo Bodo kana komiti ya Bodo nga ha iyo khudâno, nahone Mudzulatshidulô u tea u ñbvisa kha u dzhenelela na u voutha kha muîqangano kana zwone nge zwone zwone zwone khou itwa zwo vhangâo uri hu vhe na khudâno ya madzangalelo.

Ufhelisa vhuradô ha u vha muraøo wa Bodo

12. (1) Nga murahu ha musi muraøo wa Bodo o fhiwa tshikhala tsâa u qetshedza jikumedzwa nga u tou ñwala, Minisîta a nga fhelisa vhuradô ha uyo muraøo wa u vha kha Bodo arali uyo muraøo wa Bodo o—

(a) kundelwa u ñibvukulula nga u tâvhanya malugana na khudâno ya madzangalelo sa zwo bulwaho kha khethekanyo ya 11;

(b) pfuka kana a songo ñonîfha milayo ya vhuqifari lunzhi nga kholo sa zwi zwa bulwa kha khethekanyo ya 10 kana kha mulo yo muîhé na muîhé we teaho; kana

(c) kundelwa u vha hone kha mitâqango miraòu kha tshi tou têvhekana ya Bodo kana komiti ya Bodo ngeno a songo fhiwa ñendelo nga Mudzulatshidulô kana Bodo kana Mudzulatshidulô wa komiti ya Bodo yo teaho.

(2) Musi Minisîta a tshi fhelisa vhuradô ha muraøo ha u vha kha Bodo, nga u tou ñwala ene Minisîta u tea u ñivhisa Bodo na muraøo uyo nga ha m universe dza uri ndi ngani a tshi khou fhelisa vhuradô ha muraøo wa Bodo.

(3) Arali muradô wa Bodo nga tshifhinga tshînwe na tshînwe musi a tshi khou shuma kha ofisi a mbo sa tsâa fushe ñoqêa dza u vha muraøo wa Bodo zwo vhangâo nga m universe dzo bulwaho kha khethekanyo ya 8, uyo muraøo—

(a) nga u tâvhanya nahone nga u tou ñwala u tea u ñivhisa Minisîta na Mudzulatshidulô wa Bodo nga uhoo u sa tsâa fushe ñoqêa ñawhe, na uri zwenezwí musi Minisîta o ñivhisa nga ha izwi, nga u tou ñwala, ene Minisîta u tea u namba a bvisa uyo muraøo wa Bodo; nahone

(b) a nga si tsâa dzhenelela muîqangano wa Bodo kana muîqangano wa komiti ya Bodo misi yothe musi o vha ane a sa tsâa fushe ñoqêa u swika a tshi bvisa nga Minisîta.

(4) Muraøo wa Bodo a nga ñirula mushumo nga u tou fhiwa ñivhîdzo ya ñwedzi muthîhi o tou zwi ñwalela Minisîta.

(5) U fhelisa vhuradô kha Bodo kana u rula mushumo a zwi tshiheli kana a zwi ñtûwezâdi tshînîmiswa kana u ya phanda na u sengisa muthu ane vhuradô ñawhe kha Bodo ho fhelisa kana o rula mushumo wa Bodo, u ya nga nyimele.

Miîqangano ya Bodo

13. (1) Bodo i tea u ñangana lu si ho fhasi ha luthîhi kha miñwedzi miraòu miñwe na miñwe.

(2) Mudzulatshidulô u kana Bodo i tea u ramba muîqangano wa tshîpentshela wa Bodo, arali zwo humbelwî nga u tou ñwala uri zwi pî piulo nga muraøo i si ho fhasi ha miraòu yo salaho ya Bodo.

(3) Vhunzhi ha muraøo ya Bodo ndi yone ine ya vhumba khoramu ya muîqangano wa Bodo.

(4) Arali u voutha ha wa thâi, Mudzulatshidulô voutha yawhe u ifha tshîqgâda thînhe a funny u koone u dzhiwiwe tsheo.
(5) Any minutes of a meeting, or a decision, signed by the Chairperson of the meeting, or by the chairperson of the next meeting of the Board, as the case may be, is evidence of the proceedings of that meeting or adoption of that decision, as the case may be.

(6) A meeting of the Board may be conducted by electronic communication and individual Board members may participate in a meeting by electronic communication, if the Board so approves, but the electronic communication facility employed must enable all persons participating in that meeting to communicate concurrently with each other without an intermediary and to participate effectively in the meeting.

(7) The Board must, in addition to this section, adopt a charter setting out its rules of operation in line with applicable good corporate governance codes.

(8) The Board determines its own procedures at meetings of the Board.

Committees of Board

14. (1) The Board may appoint committees to assist it in efficiently and effectively performing its functions and exercising its powers.

(2) The Chairperson of the Board may not serve on any of the Board’s committees.

(3) The Board must determine the experience and qualifications of the members of the committees as well as the composition, period of service, rules and procedures of those committees.

(4) The Board remains responsible and accountable for anything done by its committees.

Dissolution of Board

15. (1) Subject to the provisions of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), the Minister may dissolve the Board if—

(a) the Board collectively disregards or contravenes any document contemplated in section 10 or any applicable law; or

(b) the Auditor-General has for two successive years qualified his or her audit report or noted matters of emphasis or has declined to express an opinion on the accounts, financial statements and financial management of the Authority.

(2) Upon dissolution of the Board, the Minister must appoint an administrator to take over the functions of the Board and to do anything which the Board might otherwise be empowered or required to do by or under this Act, subject to such conditions as the Minister may determine.

(3) The appointment contemplated in subsection (2) may not exceed a period of 12 months.

CHAPTER 3

APPOINTMENT OF CEO AND STAFF OF AUTHORITY

Appointment of CEO

16. (1) The Board must, with the approval of the Minister, appoint a suitably qualified and experienced person as CEO for a period not exceeding five years.

(2) The CEO is accountable to the Board and is responsible and accountable for the day-to-day management and operations of the Authority.

(3) The Board must, prior to the appointment of the CEO, satisfy itself that the person whom it intends to appoint has a suitable combination of qualifications, skills and experience to lead and manage the Authority.

(4) The appointment of the CEO is subject to the conclusion of a written performance contract entered into between the CEO and the Board within three months of the appointment of the CEO.

(5) The CEO and any company in which he or she is a director may not trade with the Authority within 12 months after the termination of his or her employment by or resignation from the Authority.

(6) A CEO may be re-appointed after the expiration of his or her term of office for one additional term of five years.
(5) Maambiwa mañwe na mañwe a muñangano, kana tsheo, zwo sainwaho nga Mudzulatshidulo wa muñangano, kana nga mudzulatshidulo wa muñangano u tevhelaho wa Bodo, u na nga nyimele, ndi hone vhuetansi za zwo zwa itwa kha uyo muñangano kana tsheo ye ya tendelanwa, zwi tshi ya nga nyimele.

(6) Muñangano wa Bodo u nga farwa hu tshi khou shumiswa vhudavhidzani ha ilekhiθironiki na uri muthu ane a vha muraqo wa Bodo a nga dzhenela muñangano wa Bodo a khou shumisa vhudavhidzani ha ilekhiθironiki, arali zwo tendiwa nga Bodo, fhedzi vhudavhidzani ha ilekhiθironiki vhune ka khou shumiswa vhu tea u ita uri vhathu vhoθhe vha kone u dzhenela muñangano nga khatiihi hu si na mnïwe wa vhukati na hone u dzhenela uho hu konadzee zwavhuζi.

(7) Nga nζha ha ino khethekanyo, Bodo i tea u vha na tshata ine ya khou sumbedza ndayo dza kushumele dzine dza elana na milayo ya mhuwsele avhuζi.

(8) Bodo ndi yone ine ya ta maitele ayo a muñangano ya Bodo.

Komiti dza Bodo

14. (1) Bodo i nga thola dzikomiti u itela u thusa kha mashumele avhuζi a mishumo na u shumisa maanda.

(2) Mudzulatshidulo wa Bodo a nga shuma kha komiti inwë na inwë ya Bodo.

(3) Bodo i tea u ta tshenzhemo na ndalukano dza muraqo ya dzikomiti khatiihi na mhuwsele adzo, vhulapfu ha tshifhinga tsha u shuma kha dzikomiti, ndayo na maitele a izdo komiti.

(4) Bodo ndi yone i re na vhufihinduleli heta tshiño tsha tshiño tsha itwa nga komiti.

Ufhaladza Bodo

15. (1) Hu tshi khou tevhedzwa mbetshelo dza Mulayo wa Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), Minisθta a nga fhaladza Bodo—

(a) arali Bodo yoθhe nga guθe i songo tevhedza kana musi yo pfuka θiθwilawa θiθhio na θiθhio jo bulwaho kha khethekanyo ya 10 kana mulayo mnïwe na mnïwe wo fanelaho; kana

(b) Mujoli-Muangaredzi lwa miñwa miñvili i tshi tou tevhekana a vha a khou bvisa muθhigo wa uri zwa masθeleni a zwi tshimbili zwavhuζi na hone hu na zwine zwa khou ombedzelwa kana o hana u ambu muθumbulo malugana na dziaθkaunthu, zwiθiζamennde na kulangele kwa masθeleni a Maandaθanga.

(2) Musi hu tshi tou fhaladzwa Bodo, Minisθta u tea u thola mulangi ane a θo shuma mishumo ya Bodo na u ita tshiño tsha itwa, a tshi khou tevhedza izdo nyimele dzine Minisθta a ta.

(3) U tshiño ho bulwaho kha khethekanyo θhukhu ya (2), a hul paθi miñwedzi ya 12.

NDIMA YA 3

UTHOLWA HA MUOFISI MULANGI NA VHASHUMI VHA MAANDÂLANGA

U tholwa ha Muofisi Mulangi

16. (1) Bodo musi Minisθta o zwi tendela, i tea u thola muthu o teaho ane a fusha θhodœa nahone a re na tshenzhemo ane a θo shuma sa Muofisi Mulangi lwa miñwaθa i sa paθi miθanu.

(2) Muofisi Mulangi u vhiga kha Bodo nahone u na vhufihinduleli kha mushumo wa vhulangi dëvha na dëvha na mashumele a Maandaθanga.

(3) Bodo musi hu saathu u tholwa Muofisi Mulangi i tea u thoma ya fushea uri muthu ane ya khou θoθa u vha u na ndalukano, vhukoni na tshenzhemo zwa vhurangaphandâna na u langa Maandaθanga.

(4) U tholwa ha Muofisi Mulangi hu tevhedza ku khethekanyo ho konθiraka yo tou ŋwâlwaho ywa mashumele vhukati ha Bodo na Muofisi Mulangi hu saathu u fheθa miñwedzi miraru musi ho tholwa Muofisi Mulangi.

(5) Muofisi Mulangi na khamphani inwë na inwë ine a vha mulangi wayo a i tei u ita zwa makwêveho na Maandaθanga hu saathu u fheθa miñwedzi ya 12 nga muθahu ha musi ho fheθa mushumo wa Muofisi Mulangi nga, kana nga u tou rula mushumo.

(6) Muofisi Mulangi a nga tholwa hafaθu nga muθahu ha u fheθa ha tshifhinga tshawe tsha u shuma kha ofisi nahone a nga tholwa hafaθu lwa miñwe miñwaθa miθanu.
(7) The CEO may resign by giving three months’ notice in writing to the Board, unless the parties agree on a shorter period.

(8) Upon resignation or removal of the CEO, the Board must immediately appoint a new CEO or another suitable person as acting CEO on the terms and conditions determined by the Board, until a new CEO is appointed.

(9) If the Board has not appointed a new CEO within six months after the position of the CEO became vacant, the Board must within 14 days after the expiry of that six-month period report to the Minister the reasons why it has not done so.

(10) The termination of the CEO’s employment contract or the CEO’s resignation does not in any way prevent or influence the institution or continuance of legal or disciplinary proceedings against him or her.

Staff of Authority

17. (1) The CEO must appoint suitably qualified persons to assist the CEO to efficiently and effectively perform his or her functions under this Act, in accordance with an employment policy approved by the Board.

(2) The CEO must ensure that all employees of the Authority are adequately qualified and trained for their respective positions.

(3) The code of ethics for employees of the Authority contemplated in section 10(1) applies to all employees of the Authority to the extent indicated in the code.

Conflict of interest of employees

18. (1) An employee of the Authority must, on appointment, submit to the CEO a statement in writing in which that person declares whether or not he or she has any direct or indirect interest, financially or otherwise, which—

(a) may constitute a conflict of interest in respect of his or her functions as a member of staff of the Authority; or

(b) could reasonably be expected to compromise the Authority in the performance of its functions.

(2) If an employee of the Authority acquires an interest contemplated in subsection (1), he or she must immediately in writing declare that fact to the CEO.

(3) An employee of the Authority may not be present at, or take part in, the discussion of or the taking of a decision on any matter before the Authority in which that member has an interest contemplated in subsection (1).

(4) An employee of the Authority may not use his or her position or privileges, or confidential information obtained as a member of staff of the Authority, for personal gain or to improperly benefit another person.

(5) The Authority must institute disciplinary proceedings against any employee of the Authority who fails or refuses to comply with or contravenes subsection (1), (2), (3) or (4) in accordance with applicable employment and labour law.

(6) The Authority must keep a register of the interests of members of staff disclosed in terms of subsections (1) and (2), and must update that register every three months.

Delegation

19. (1) The CEO may, in writing, delegate any of his or her functions or powers to any of the staff members of the Authority subject to any qualifications he or she may determine.

(2) The delegation of any function or power under subsection (1) does not preclude the CEO from exercising such function or power.
(7) Muofisi Mulangi a nga rula mushumo nga u tou ita njivhazdo ya miñwedzi miraru nhone o tou ēvalela Bodo, nga ndʒa ha musi Bodo na Muofisi Mulangi vho tendelana kha tshifihinga tshipfufhi.

(8) Musi Muofisi Mulangi o rula mushumo kana o pandelwa, Bodo i tea u thola Muofisi Mulangi muswa nga u ēvahanya kana můiwe mutu o teaho ane a do tou farela Muofisi Mulangi lu tshi khou tevhedzwa milayo yo tiwaho nga Bodo u swika lu tshi tholwa Muofisi Mulangi muswa.

(9) Arali Bodo i songo thola Muofisi Mulangi muswa kha miñwedzi ya rathi nga murahu ha musi poso ya Muofisi Mulangi yo vha na tshihkala, Bodo musi bu saatu u ḥela maŋuva a 14 nga murahu ha u ḥela ha iyo miñwedzi ya rathi i tea u vhigela Miṅsta mbuno dzə urí ṉi nganí hu songo tholwa Muofisi Mulangi muswa.

(10) U ḥeliswa ha konjiraka ya u tholwa ha Muofisi Mulangi kana u rula mushumo nga Muofisi Mulangi a zwi thihveli kana a zwi tṳuωwedzi u tevhelwa ha mulayo malugana na uyọ Muofisi Mulangi a sa tsha shumah kha Maandålanga.

Vhashumi vha maandålanga

17. (1) Muofisi Mulangi u teu a thola vhat̄u vho teaho uri vha thuse Muofisi Mulangi u itelà urí ene Muofisi Mulangi a kone u shuma zwavhuði mishumo yawe nga ḥaii ha uno Mulayo, lu tshi khou tevhedzwa mbeŋkayamaitele ya zwa mushumo na matholele yo ǰanganedzwaho nga Bodo.

(2) Muofisi Mulangi u teu u vhona uri vhashumi vho ʺthe vha Maandålanga vha khou fusha ʺhod̄ea nahone vho gudiswa ho sedzwa idzo poso dzavho.

(3) Mulayo wa vhudifari vha vhashumi vha ḥthe vha Maandålanga wo ambiwaho kha khethekanyo ya 10(1) u katela vhashumi vho ʺthe vha tshiimiswa tsha Maandålanga u ya nga henehfo he zwa sumbedziswa zwone kha mulayo wa vhũšifiari.

Khuďano dza madzangalelo ya vhashumi

18. (1) Musihammera wa tshiimiswa tsha Maandålanga musi a tshi tou tholwa u tea u isa tʃiːtʃaːtamennde kha Muofisi Mulangi tʃo tou ʹṉalwa tʃiːne kha tʃaːtʃho mushumi u tea u bula madzangalelo o livhaho kana a songo livhaho, a zwa masheheni arali e hone kana nga ēvwe nd̄ila, ane—

(a) nga ita urí hu vhe na khud̄ano ya madzangalelo malugana na mishumo yawe sa izwi e mushumi wa tshiimiswa tsha Maandålanga; kana

(b) a khou layveliswa uri a nga kwama nga nd̄ila i si yawhuði tshiimiswa tsha Maandålanga kha u shuma mishumo.

(2) Arali mushumi wa tshiimiswa tsha Maandålanga a mbo vha na khud̄ano ya madzangalelo sa zwo ambiwaho kha khethekanyo ḥθuku kha ya (1), u teu u ēvalela Muofisi Mulangi nga u tou ēvahanya u itela u bula ijo dzangalelo.

(3) Musihammera wa tshiimiswa tsha Maandålanga a nga si kone u vha hone kana nga si kone u dzhenelela kha zwa u rera madzhiele a tsheo kha fhungo ĸiːne na ĸiːne ja tshiimiswa tsha Maandålanga hune uyo mushumi a vha na khud̄ano ya dzangalelo kha zwenezwɔ zwine zwa khou rerwa sa zwe sa ambiwaho kha khethekanyo ḥθuku kha ya (1).

(4) Musihammera wa tshiimiswa tsha Maandålanga a nga si shumime fhumo hawe kane zwo khethehahprivileges, kana ma fhungo a tshiːdzwemb e a a wana sa mushumi wa tshiimiswa tsha Maandålanga, a vho zwi itela u vhuelwa ene muqe kana a ita uri munwe mutu a vhuelwe nga nd̄ila i si songo teaho.

(5) Maandålanga a teu a ita uri hu vhe na maga a usenga uri hu kaidzwwe mushroom wa tshiimiswa tsha Maandålanga a kundelwo kana a hanahó u anana na kana a fhUKaho khethekanyo ḥθuku dzə (1), (2), (3) kana (4) ya u nga mulayo wa zwa mushumo wo teaho.

(6) Tshiimiswa tsha Maandålanga tshi tea u ēvalisa madzangalelo a vhashumi o bulwaho u ya nga khethekanyo dzə (1) na (2), nahone redzhisitjara i tea u dzula i songo salela murahu kha miñwedzi miraru miɳwe na miɳwe.

Vhurumelwa

19. (1) Nga u tou ʹnwala, Muofisi Mulangi, a nga hwesa mishumo yawe na maandå awe mushumi munwe na munwe wa tshiimiswa tsha Maandålanga hu tshi khou tevhedzwa ndalukano dzĩne ene muqe Muofisi Mulangi a tou dzai tə.

(2) Uhxeswa ha mishumo na maandå nga ḥaii ha khethekanyo ḥθuku kha ya (1), a zwi thihveli Muofisi Mulangi u shuma iyo mishumo na u shumisa maandå.
(3) The CEO remains responsible and accountable for all acts and omissions in terms of or under such a delegation.

(4) The CEO may in writing revoke any delegation under subsection (1).

(5) The CEO must maintain a register of all delegations under subsection (1).

CHAPTER 4

TRANSFORMATION OF PROPERTY SECTOR

Property sector transformation

20. (1) The Property Sector Transformation Charter Code as amended from time to time applies to all property practitioners.

(2) When procuring property related goods and services, all organs of state must utilise the services of property practitioners who comply with the broad-based black economic empowerment and employment equity legislation and policies.

(3) The Authority must from time to time—

(a) implement and assess measures to progressively promote an inclusive and integrated property sector;

(b) implement appropriate measures and assess the state of transformation within the property sector;

(c) create such mechanisms for the continuous monitoring and evaluation of the sector performance on the transformation imperatives and granting of incentives as may be prescribed; and

(d) introduce measures to be implemented, which may include incubation and capacity building programmes to redress the imbalances of the past.

Property Sector Transformation Fund

21. (1) The Authority must, within six months of its establishment, open a Property Sector Transformation Fund into which grants contemplated in section 38 are paid.

(2) The Minister may prescribe measures to promote economic transformation by facilitating the accessibility of finance for property ownership, property development and investment in order to enable meaningful participation of historically disadvantaged individuals including women, youth and people with disabilities.

(3) The Authority must utilise the Property Sector Transformation Fund in such a manner as may be prescribed, which may include the following transformation and empowerment programmes:

(a) Principalisation Programme, to promote Black owned firms and principals.

(b) Regularisation Programme, to promote and encourage participation of the historically disadvantaged due to non-compliance.

(c) Consumer Awareness Programme, to promote awareness of property transactions and business undertaking.

(d) Work Readiness Programme, to promote and enhance participation of the historically disadvantaged in the property sector.

(4) The Authority must in consultation with the services SETA develop special dispensation for the training and development of the historically disadvantaged which must include recognition of prior learning.
(3) Muofisi Mulangi ndi ene ane a dzula a na vhujifhinduleli kha zwotho zwo itwaho na zwi songo itwaho nga uvho vhurumelwa.
(4) Muofisi Mulangi nga u tou īwala u tea u dzhiulula maanđa kha vhurumelwa u ya nga khethekanyo ũthuku ya (1).
(5) Muofisi Mulangi u tea u vhulunga redzhisitara ya vhurumelwa nga fhasi ha khethekanyo ũthuku ya (1).

NDIMA YA 4

TSHANDUKO YA SEKITHARA YA ZWA NDAKA

Tshanduko ya sekithara ya zwa ndaka

20. (1) Mulayo wa Tshata ya Tshanduko ya Sekithara ya zwa Ndaka une wa khwiniswa misi yothose u khou kwama kana u katela vhashumi vhothose vha zwo ndaka. 

(2) Musi hu tshi khou itwa zwa u renga tshumelo na thundu zwi tshi khoy kwama ndaka, zwiimiswa zoote zwa muvhuso zwi tea u shumisa tshumelo ya vhashumi vha zwa ndaka vhane vha anana na broad-based black economic empowerment na mbekanyamaitele na mulayosiwa wa zwa uvingana musumoni.

(3) Misi yothose maandalanga a tea u—

(a) shumisa na u lavhelesa maga u itela u tšutuwedza uri hu vhe na sekithara ya zwo ndaka yo ¡anganelanaho nhone ine ya katela muwie na muwie;
(b) shumisa maga o teaho na u lavhelesa nyimele ya tshanduko kha sekithara ya zwa ndaka;
(c) ita njila dzenedzo dzine dza ita uri hu vhe na u dzulela u lavhelesa na u ¡ha¡hvhiwa ha kushumele kwa sekithara kha zwa tshanduko ine ya tou kombetsheda na u fha malamba u ya nga zwine zwa nga vha zwo randelwa; na
(d) ihoma maga ane a tea u tevhezwa, ane a nga katela u gudisa na mbekanyamushumo dza u alusa vhukoni izwi zwi tshi khou itelwa u lulamisa zwi kwamahohu u sa lingana ha vhashu zwi kal/unita.

Tshikwama tsha Tshanduko ya Sekithara ya zwa Ndaka

21. (1) Maandalanga hu saathu u fhela miwedzi ya rathi o sikiwa, a tea u vula Tshikwama tsha Tshanduko ya Sekithara ya zwa Ndaka thine khatsho magavhelo o bulwaho a ¿o kona u badelwa.
(2) Minista a nga randela maga a u alusa tshanduko ya ikonomi nga u leludeza u swikelelwa ha masheleni ane a konisa vhashu u renga ndaka, u bindulisa na u bvulelezi ndaka u itela vhe vha vha vho khethululwa zwi kal/unita na vhono vhe vha vho khou u dzhenelela-vo hu tshi khou kutelwa vha-fumakadzi, vhaswa na vhashu vhe vha vho khou tshila na vhuholelhali.

(3) Maandalanga a tea u shumisa Tshikwama tsha Tshanduko ya Sekithara ya zwa Ndaka nga njila yo randelwaho, zwine izwi zwi nga keta mbekanyamushumo dza u maandaladhaza na tshanduko dzi tevheleho:

(a) Mbekanyamushumo dzine dza alusa vhurangaphandana ha vhere na ndlela dzine vhange vhandzo ndi vhere.
(b) Mbekanyamushumo dzine ndango ya, u itela u alusa na u tšutuwedza u dzhenelela ha avho vhe vha vho khethululwa zwi kal/unita, zwo itiswa nga u sa tevhelezi milayo na mbekanyamaitele.
(c) Mbekanyamushumo dzine dza ita uri vharengi vhe vha vho ndjivho, izwi zwi tshi khou itelwa urhi vha dvhe nga ha ¡hirantskesheni dzai ndaka na thendelano kha zwi kwamahohu bindu.
(d) Mbekanyamushumo dzine dza ita uri muthu a kone mbumo, u itela u tšutuwedza u u khwa¡hisa u dzhenelela ha avho vhe vha vha vho khethululwa zwi kal/unita khaleni kha sekithara ya zwo ndaka.

(4) Maandalanga a tea uri a tshi khou kywana na tshumelo dza vha Maandalanga a Sekithara ya Vhugudisi na Pfunzo (SETA) a bvulelezi sisisite ne tshipentshela ya u itela vhugudisi a u bvulelezi vhashu vhe vha vha vho khethululwa zwi kal/unita ine iyi sisisite ne tshipentshela a tea u dzhiulila ngi ndjivho ye vhashu vha kona u i wana hu si nga u tou gudela tshikoloni.
Property Sector Research Centre

22. (1) The Property Sector Research Centre is hereby established.  
(2) The Property Sector Research Centre must conduct market research in partnership with the National Research Foundation and institutions of higher learning.  
(3) The Property Sector Research Centre must—  
   (a) be aimed at increasing the national scientific research and innovation capability through the development of human capacity and stimulating the generation of new knowledge in the property sector;  
   (b) be the central repository of expert knowledge on pre-determined areas of the transformation of the property sector in South Africa; and  
   (c) support the realisation of South Africa’s transformation into knowledge-based economy in which the generation of knowledge translates into socio-economic benefits.  
(4) The property sector research agenda must prioritise the following:  
   (a) Identification of barriers to entry and meaningful participation in the property sector by historically disadvantaged individuals;  
   (b) Demographic distribution of skills that determine resilience in the property sector;  
   (c) An inclusive, accessible and transformatory curriculum development and enhancement in the technical and vocational education and training and higher education sectors in South Africa;  
   (d) Systematic patterns of discriminatory behaviour in the property development and management value-chain;  
   (e) Efficacy of compliance, monitoring and enforcement mechanisms to advance the transformation of the property sector;  
   (f) The rural-urban dynamic in property sector growth and transformation; and  
   (g) The contribution of the property sector in urban spatial transformation and economy.  
(5) The Property Sector Research Centre must annually promote consumer awareness and education, which must include:  
   (a) The education of consumers on their rights and responsibilities in respect of property ownership and development;  
   (b) All the empowerment programmes of the Authority; and  
   (c) Consumer protection and lodging of claims

Exemptions in respect of accounting records and trust accounts

23. (1) A property practitioner whose turnover is below R2,5 million must cause his, her or its accounting records to be subjected to an independent review by a registered accountant subject to the provisions of section 54(1) to (7), applied with the necessary changes.  
(2) The Minister may by notice in the Gazette—  
   (a) determine the circumstances under which certain property practitioners may be exempted from keeping trust accounts; and  
   (b) determine a different dispensation for the review of accounting records for those property practitioners.

CHAPTER 5  
COMPLIANCE AND ENFORCEMENT

Appointment of inspectors

24. (1) The CEO—  
   (a) must appoint any suitably qualified person as an inspector; and
Senthara ya ṭhodisiso ya Sekithara ya zwa Ndaka

22. (1) Afha hu khou thomiwa Senthara ya ṭhodisiso ya Sekithara ya zwa Ndaka.
(2) Senthara ya ṭhodisiso ya Sekithara ya zwa Ndaka i tea u ita ṭhodisiso nga ha maragi i tshi khou shumisana na National Research Foundation na zwimiswa zwa pfunzo ya nth’a.
(3) Senthara ya ṭhodisiso ya Sekithara ya zwa Ndaka i tea u—
   (a) engedza ṭhodisiso ya lushaka ya saimthiki na vhukoni ha hu thoma zwithu zwiswa na kha mveledziso ya vhukoni ha vhathu na u ṭutuwedza u sikwa ha nďivho ntswa kha sekithara ya zwa ndaka;
   (b) tea u vha yone ḩulu ḧilulwane ja nďivho ye vhadjivhi malugana na masia a dzulahlo o ṭiwa u itela u tshanduko kha sekithara ya zwa ndaka sha hango ja Afrika Tshipembe;
   (c) tikedza uri tshanduko Afrika Tshipembe vha vhlaleke i ya vhukuma kha ikononi yo sendekahho kha nďivho ine u sikwa a ha nďivho zwa zwi tshi khou ambha mbuelo kha zwa ikononi na matshilisano.
(4) Adzhenda ya ṭhodisiso ya sekithara ya zwa ndaka i tea u dzhelesa ntha zwi tevhelaho:
   (a) U kona u dzivha zwi thivhelaho u dzhena na u dzhenela lwo fhelela kha sekithara ya zwa ndaka nga avho vha vho khethuluwe zwila kale;
   (b) Phaṱhaladzo ya nďivho na vhukoni kha mirafho u itela u lavhelesa khwini/phadzozwa kha sekithara ya zwa ndaka;
   (c) U kona u katela vhathu vhoghe, u swikelela ha vhoghe na u khwathisa na mveledziso ya kharihukulumu yo shandukahho kha sekithara dzva vhugudisi na pfunzo ya nth’a na pfunzo yo mishumo ya zwi ambha ha ndava na zwi ikonomi ya ndiwideza mumbelele kha zwi ikonomi na matshilisano.
(5) Senthara ya ṭhodisiso ya Sekithara ya zwa Ndaka nga nwa muhwa muhirwe na muhirwe i tea u ṭutudza zwi kwama phunzo na nďivho ye vharengi, zwine zwa katela:
   (a) Pfunzo ya vharengi ine ya kwama pfanelo dzvho na vhadjivhinuveli havho malugana na u vha muge wa ndaka na u bveledzisa ndaka;
   (b) Mbekanamushumo dzothe dza umapirikira dza nda wa mhehezwa; na
   (c) Tsireledzo ya vharengi na u vhiga zwi kwama zhungo mbilo.

U vhofoholola malugana na rekhodo dza akhaunthingi na akhaunthingu dza thirasiti

23. (1) Mushumi wa zwi ndaka ane tsheledide ye a shuma nga ſwaha nga vhahsi ha phisi na miliyoni dza R2.5 u tea u ita uri rekhodo dzawe dza akhaunthingi dzvi lavheleswa kana u tšwana nga muakhauthenthe o ṭiwa ha tsho tevhedzwa mbelele dza khethekanyo ya 54(1) u ya kha (7); dzvi tshi khou shumiswa na tshanduko dzo faneleho.
(2) Nga nďivhado dzvi Gweta Minista a nga—
   (a) lavhelesa nyimele dzine nga phisi hadzo vhenevho vhahshi kwa zwi ndaka vha nga vhofohozwa kana u tšwana u vha sa vhe na akhaunthingu dza thirasiti na
   (b) u lavhelesa sishite yo vhambanahho u itela u tšwana rekhodo dza akhaunthingi dzvi avho vhahshi kwa zwi ndaka.

NDIMA YA 5

UTEVHEDZA MULAYO NA U TEVHEDZISA MULAYO

U thola vhaingameli

24. (1) Muofisi Mulangi—
   (a) u tea u thola mutshu muhirwe na muhirwe o teaho nahe kha fusha ṭhodjea urhi a vhe ene muingameli; nahe kha
(2) When the inspector performs his or her functions in terms of this section, the inspector must—

(a) be in possession of a certificate of appointment or an inspector’s identification card issued to that inspector in terms of subsection (1)(b);

(b) immediately show that certificate or inspector’s identification card to any person who—

(i) is affected by the inspector’s actions in terms of this Act; or

(ii) requests to see the certificate or inspector’s identification card; and

(c) have the powers of a peace officer as defined in section 1 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), and may exercise the powers conferred on a peace officer by law.

Powers of inspectors to enter, inspect, search and seize

25. (1) An inspector may, at any reasonable time and without prior notice, conduct an inspection to determine whether the provisions of this Act are being or have been complied with, and for that purpose, may without a search warrant—

(a) enter and inspect any business premises, except a private residence, of a property practitioner;

(b) require the property practitioner, manager, employee or an agent of the property practitioner to—

(i) produce to him or her the fidelity fund certificate of that property practitioner;

(ii) produce to him or her any book, record or other document related to the inspection and in the possession or under the control of that property practitioner, manager, employee or agent; or

(iii) furnish him or her with such information in respect of the fidelity fund certificate, book, record or other document at such a place and in such manner as the inspector may determine; and

(c) examine or make extracts from, or copies of, any such fidelity fund certificate, book, record or other document.

(2) Where a property practitioner conducts his or her business at his or her private residence, the inspector must notify the property practitioner in advance and in writing before conducting the inspection in terms of subsection (1), and set out the details of the inspection.

(3) An inspector may, on authority of a search warrant—

(a) enter and search any premises and any person on those premises if there are reasonable grounds for believing that there is an article or record therein that has a bearing on the inspection;

(b) examine any such article or record that is in those premises;

(c) request any person on the premises to unlock or otherwise provide unhindered access to any safe, storage facility or other receptacle on the premises, or to point out any other person on the premises who can do so;

(d) request information about any article, document or record that has a bearing on the inspection;

(e) take extracts from, or make copies of, any book, computer, document or record that is on or in the premises and that has a bearing on the inspection;

(f) use any computer system on the premises that has a bearing on the inspection, or require assistance of any person on the premises to use that computer system, to—

(i) search any data contained in or available on that computer system; or

(ii) reproduce any record from that data.
Mulayo wa Vhashumi vha zwa Ndaka, 2019

Nom 22 ya 2019

(b) u teu a fha muingameli muiniwe na muiniwe ðhanziela nga ndîla yo randelwaho, hu bulwe-vo uri muthu o thoôlewa uri a vhe muingameli hu tshi khou tevhedzwa uno Mulayo nahone hu vhe na khadi ya vhufe ya muingameli uyo.

(2) Musi muingameli a tshi khou shuma mishumo yawe u ya nga ino khethekanyo, muingameli u tea—

(a) u vha a na ðhanziela ya uri o tholwa kana a na khadi ya vhufe ya muingameli u ya nga khethekanyo ðhuku ya (1)(b);
(b) u sumbedza ðhanziela kana khadi yaye ya vhufe kha muthu muiniwe na muiniwe ane—
   (i) a kwamea nga zwine muingameli a ita u ya nga uno Mulayo; kana
   (ii) a humbela u vhona ðhanziela kana khadi ya vhufe ya muingameli; na
(c) maandå a muofisiri wa Mulalo sa zwo ðalutshedzawaho kha khethekanyo ya 1 ya Mulayo wa Criminal Procedure Act, 1977 (Act No.51 of 1977), na uri a nga shumisa maandå o hweswaho muofisiri wa zwa Mulalo nga mulayo.

Maandå a vhaingameli a u dzhena, u ingamela, u ðoðulusa na u dzhia

25. (1) Muingameli nga tshîfinga tshiñwe na tshiñwe tshi pîfadhaho nahone a songo ranga u ðivhada zha nga ingamela u itela u lahelesa uri nna mbetshelo dza uno Mulayo dze khou tevhedzwa kana dzo tevhedzwa, nahone hu songo vhuva ha vha na khwâílsedzo ya u ðoðulusa—

(a) a nga dzhena a ingamela kha zwifha zo zwa bindu, nga ndëndî na hayani hune ha dzuulu hona, ha musumi wa zwa ndaka;
(b) ðoða musumi wa zwa ndaka, mulanguli, musumi kana razhendedzi wa musumi wa zwa ndaka a nga zha—
   (i) sumbedza muingameli ðhanziela ya tshikwama i sumbedzaho u thembea ya uyo musumi wa zwa ndaka;
   (ii) sumbedza muingameli bugu, rekhodo iñwe na iñwe, kana mawa manwalwa ane uyo musumi wa zwa ndaka, mulanguli, musumi kana razhendedzi a vha naa kana a re ðhisi ha ndango ye huna hona a re na vhushaka na nyangamelo; kana
   (iii) fha muingameli iyo ðôvhisos malugana na ðhanziela ya tshikwama i sumbedzaho u thembea, bugu, rekhodo kana mawa manwalwa a re afho ðhethu nahone nga ndîla ine muingameli a ðo ta; na
(c) ðhaðñuva kana u dzhia zwi bvaðo heñefho, kana khophi dza, ðhanziela ya tshikwama i thembea, bugu, rekhodo kana mawa manwalwa.

(2) Hune musumi wa zwa ndaka a vha a khou ita vhubindudzi hawe hayani hawe ha phuräivethe, muingameli u tea u ðivhada musumi wa zwa ndaka hu tshe na tshîfinga nahone nga u toû ðwala phando ha musi hu tshi ingamela u ya nga khethekanyo ðhuku ya (1), nahone hu sumbedzwe zwidodombedzawo malugana na u ingamela.

(3) Muingameli a tshi khou shumisa maandå a u ðoðulusa a nga—

(a) dzhena a ita tsedzuluso kha zwifha zo zwinekwa na khawo nga mawo muiniwe na mawo kha izwo zwifha zo ara li hu na mbuño dze pfadhado dza u tenda uri hu na atikili kana rekhodo heñefho ine ya vha na zwine zwa tea u ingamela;
(b) ðhaðñuva iñwe ya iñwe ya atikili kana rekhodo ine ya vha heñefho zwifhañtöni;
(c) humbele mutu muiniwe na mawo kha izwo zwifha zo uri a khulu kana uri a sa khakhise u swikeletwa ha sefo, tshôtôredzinh kana rekhodo i re afho zwifhañtöni, kana uri a sumbe mutu muiniwe na mawo a re afho zwifhañtöni ane a nga kona u pfalo;
(d) humbele ndôvhisos nga ha atikili, liñwawa kana rekhodo ine ya vha heñefho zwifhañtöni;
(e) dzhia zhwi re kha iyo rekhodo, kana khophi ya, bugu ifhio na ifhio, khomphiyutha, liñwawa kana rekhodo ine ya kana i re ngomu zwifhañtöni nahone ine ya vha na zwine zwa kha khou ðoðelwa u ingamela;
(f) shumisa sisîteme ya khomphiyutha iñwe na iñwe kha zwifha zo zwinekwa na zwine zwa kha khou ðoða u ingamela, kana a tou ðoða thuso kha muthu ufhio na ufhio heñefho zwifhañtöni uri a shumisa sisîteme ya khomphiyutha, u itela u—
   (i) ita tsedzuluso ya data i re kha kana i re heño kha sisîteme ya khomphiyutha;
   (ii) u bevedzululwa rekhodo iñwe na iñwe i bvaða kha data;
(g) seize any output from that computer for examination and copying;
(h) attach and if necessary remove from the premises for examination and safekeeping anything that has a bearing on the inspection; and
(i) seize and retain any such fidelity fund certificate, book, record or other document that may afford evidence of sanctionable conduct under this Act:
Provided that the person from whom the fidelity fund certificate, book, record or other document was taken shall, at his or her request and at his or her expense, be allowed to make copies thereof or extracts therefrom, under the supervision of the inspector concerned.

(4) The search warrant contemplated in subsection (3) may only be issued by a judge or a magistrate if it appears from the information given by the inspector under oath or affirmation that—
(a) there are reasonable grounds for suspecting that a contravention of the Act has occurred or is occurring;
(b) a search of the premises is likely to yield information pertaining to the alleged contravention; and
(c) the search is reasonably necessary for the purposes of enforcing the Act.

(5) The search warrant must identify the premises that may be entered and searched and specify the parameters within which the inspector may perform an entry, search or seizure.

(6) The search warrant is valid only until—
(a) the warrant is executed;
(b) the warrant is cancelled by the person who issued it or, in that person’s absence, by a person with similar authority;
(c) the purpose of issuing it has lapsed; or
(d) the expiry of one month after the date it was issued, whichever occurs first.

(7) The warrant may be executed only during the hours of 08h00 and 17h00 of a day other than a Saturday, Sunday or public holiday, unless the judge or the magistrate who issued it authorises that it may be executed at any other time that is reasonable in the circumstances.

(8) Immediately before commencing with the execution of a search warrant, the inspector executing that warrant must—
(a) if the owner or person in control of the premises to be searched is present—
(i) provide identification to that person and explain to that person the authority by which the warrant is being executed; and
(ii) hand exact copies of the warrant and of this section to that person or to the person named in it; or
(b) if no person is present, affix an exact copy of the search warrant at the entrance to the premises in a prominent and visible place.

(9) The inspector authorised to conduct search entry and search in terms of a search warrant issued in terms of subsection (3), may be accompanied and assisted by one or more police officers.

(10) The inspector and any police officer accompanying the inspector must, when entering and searching any premises in terms of a search warrant, conduct that entry and search with strict regard to decency and every person’s right to dignity, freedom, security and privacy.

(11) During any search, only a female inspector or police officer may search a female person and only a male inspector or police officer may search a male person.
(g) "dzibha tshithu tshiňwe na tshiňwe tshine tsha khou bva kha khomphiyutha uri tshi ḷhańbũvhiwe na u kopiwa;
(h) nambatedza nahone arali zwi tshi ṭoďea ha to bvisiwa afho zwifhańtoni hu tshi khou itelwa uri zwe zwa bviswa zwi ḷhańbũvhiwe na u vhulunga tshiňwe na tshiňwe tshine tsha vha na zwine zwa tea u ingameliwa; na
(i) dzibha na u fara tshithu tshiňwe na tshiňwe u tou fana na ḷhańziela ya tshiķikwama i sumbedzaho u thembea, bugu, rekhdho kana mańwe mainwala na u ṭa ita uri hu waniwe ḷhuťanzi malugana na ḷhuťanzi vhune na ita uri hu itwe nĎańśo u ya nga uno Mulayo: Tenda uyo muthu ane ḷhańziela ya tshiķikwama i sumbedzaho u thembea, bugu, rekhdho kana mańwe mainwala zwa vha zwo dziňwia khae a tea uri musi o tou humbela nahone hu tshi khou shuma maseheleši awe ene mune u tea u tendelwa u ita dzikhopi kana u wana zwi re ḷeneňho ngomu kha jińwalwa a nga ḷhasi ha vhulavhelesi ha muingameli a kwameňaho.

(4) Khwańţhisedzo ya tsedzuluso yo bulwaho kha khethekanyo ſhuńku ya (3) i nga ġetsheidza ġhedzi nga muhańţi kana madžhisĩţiraṭa arali ḷivhiyo isyo ġetsheidzwaňo nga muingameli nga ḷhasi ha muano kana khwańţhisedzo uri—
   (a) hu na mbunu dži pfalaho malugana na u humbulela uri Mulayo u khou pfukiwa kana wo pfukiwa;
   (b) u ita tsedzuluso afho zwifhańtoni zwi na tshikhalala tsha u nga swikisa kha u wana ḷivhiyo malugana na khumbulele ine ya vha hone; nahone
   (c) u ita tsedzuluso zwi tea u itwa u itela nĎivhiyo dza uri Mulayo u teňvaldwe.

(5) Khwańţhisedzo ya u ita tsedzuluso i tea u bula dzina ja zwifhańjo zwine zwa khou tea u nga dzhenwa khazwo musi hu tshi tsedzuluswa nahone hu talsuše na mikanö ine muingameli a ḷo shuma vhukati hayo musi a tshi dzhen, a sedzulusa kana a dzhiha.

(6) Khwańţhisedzo ya u sedzulusa i vha ine ya khou shuma u swikela—
   (a) mushumo wayo u tshi itwa;
   (b) musi zwenezwio i tshi tou fheliswa nga muthu we a i ġetsheidza kana, ya fheliswa uyo muthu a siho, nga muńwe muthu ane a vha na mańdjalanga ane a fana na onoyo we a i ġetsheidza;
   (c) nĎivho ya uri i ġetsheidzwe i tshi fhel;a kana
   (d) u fhela hayo ha ġwédzi muthiňhi nga murahu ha datumu ye ya ġetsheidzwa ngayo, hu tshi shumiswa tshine tsha swika u thoma.

(7) Khwańţhisedzo ya u sedzulusa i nga shumiwa ġhedzi vhukati haswiňha zwa 08h00 na 17h00 kha ġuńva nga nĎnda kha Mugivišela, Swónďhána kana holodeni ya nnyi na nnyi, nga nĎnda ha musi muhańţi kana madžhisĩţiraṭa we a ġetsheidza o tenda uri i nga shumiswa tshiķishina tshińwe i tshinwe tsahi pĎdза u ya nga nyimele.

(8) Nga u tou ſhwanyha phañĎa ha u thoma u shumiwa ha khwańţhisedzo ya u ita tsedzuluso, muingameli ane a khou shumisa khwańţhisedzo a nga—
   (a) arali muńge wa zwifhańjo kana muthu ane a khou langula zwifhańjo zwine zwa khou ya u sedzuluswa a hone—
      (i) muingameli u tea u ſi TimeSpan kha uyo muthu nahone a ſalutshedze kha ſu ſeŋhańtoni kha khou itelwa; na
      (ii) muingameli u tea u fhā khophi dза khwańţhisedzo na ino khethekanyo kha ſu ſeŋhańjo kha muthu o bulwaho khayo; kana
   (b) arali hu si na muthu, khophi i tou nambatedzwa ya ſyo khańţhisedzo ya u sedzulusa ġenheľo muńgəngoni wa zwifhańjo kha vhufhekhi hune ha vha khagala nahone hune ya ſo vhoňala.

(9) Muingameli o ſhiwaho mańdą a u ita tsedzuluso o tou dzhenha ſhethu afho nahone a sedzulusa u ya nga khwańţhisedzo yo ġetsheidzwaňho u ya nga khańţhisedzo ſhuńku ya (3), a nga ſheľekedzwa na u thuswa nga pholisa ſhiĎihi kana mapholisa.

(10) Muingameli na pholisa ſhirwe na ſhirwe ſhine ja khou ſheľekedzwe muingameli musi vha tshi dzhenha u sedzulusa zwifhańtoni zwifhiwe na zwifhiwe u ya nga khańţhisedzo ya u sedzulusa vha tea u dzhenha vha sedzulusa vho ſhi ſešelana nahone vha na mikhwa vha tshi doňva hafhu vha ſhi ſešelana na pfanelo ya tšiľeme tsha muthu, mboľoľolo, ſišrelozd e na tshiźdůme.

(11) Musi hu tshi khou sedzuluswa, muingameli wa tshiſumakadzini kana pholisa ja tshiſumakadzini ġhedzi ndi vhońe vhane vha nga sedzulusa nga u phuphuledza-phuphuledza muthu wa tshiſumakadzini nahone ane a ḷo phuphuledza-phuphuledza wa tshinnani hu tshi do ſlw isa nga muingameli kana pholisa wa tshinnani-vho.
38

(12) An inspector who removes anything from premises being searched must—

(a) issue a written receipt for it to the owner of or person in control of the premises
   in sufficient detail to identify each specific thing so removed; and

(b) return it as soon as practicable after achieving the purpose for which it was
   removed to the person from whose control it was taken, unless it is to be used
   as evidence in any subsequent proceedings, in which case the inspector must
   forthwith in writing inform the person from whose control it was taken of that
   fact.

(13) During a search conducted under a search warrant, a person may refuse to permit
   the removal of an article, document or record on the grounds that it contains privileged
   or protected information, but that person may not cause such article, document or record
   to be amended, altered or destroyed until the inspector has been afforded a reasonable
   time to act under subsection (14).

(14) If the owner or person in control of an article or document refuses to give the
   article, document or record to the inspector conducting the search, that inspector may in
   writing request the registrar or sheriff of the High Court that has jurisdiction to attach
   and remove the article, document or record for safe custody until a court determines
   whether or not the information is privileged or protected.

(15) A police officer who is assisting the inspector in terms of this section may use as
   much force as is necessary, including breaking a door or window of the premises, or the
   breaking of any lock which prevents the search of any safe, storage facility or other
   receptacle on the premises, to overcome resistance by any person to the entry and
   search.

(16) Before using force, a police officer must audibly demand admission or access and
   must announce the purpose of entry, unless it is reasonable to believe that doing so may
   induce someone to destroy, dispose of or conceal an article, document or record that
   forms part of the search or is otherwise relevant to the search.

(17) A person who submits any information to an inspector or makes any statement to
   him or her may indicate to the inspector that he or she claims confidentiality in respect
   of any information or statement so provided, and the inspector must deal with such
   information in accordance with the relevant law.

Compliance notices

26. (1) The Minister must, from time to time, determine—

(a) contraventions of the Act that are of a minor nature; and

(b) contraventions of the Act that are of a substantial nature.

(2) The Minister must publish the determinations referred to in subsection (1) by
   notice in the Gazette and the Authority must publish the determinations on its website
   and via any other medium it deems fit.

(3) The Minister must, by notice in the Gazette, prescribe the maximum fines in
   respect of each type of contravention which the Authority may determine for the
   purposes of subsection (5): Provided that such a maximum fine may not for a particular
   year exceed the amount prescribed in respect of one year of imprisonment in accordance
   with the Adjustment of Fines Act, 1991 (Act No. 101 of 1991), at any particular moment
   in time.

(4) The Authority may, where an inspection or investigation by an inspector indicates
   a contravention of this Act which is of a minor nature as determined under subsection
   (1), issue a compliance notice in the prescribed format to the person so allegedly
   contravening this Act, calling on that person to comply with this Act within a period
   specified in the compliance notice, which period must be reasonable in the circum-
   stances.

(5) The Authority may, in the compliance notice, determine a fine to be paid by the
   person concerned if such person, in writing, on the compliance notice acknowledges his,
   her or its failure to comply with this Act as stated in the compliance notice.
(12) Muingameli ane a dzhia tshiitu tshiinwe na tshiinwe afho zwifhajoni zwine zwa khou sedzuluswa u tea u —

(a) geshedza rasithi yo tou iwalwaho kha uyo muge wa zwifafo kana muthu ane a khou langa zwifhaho ho dodombahekwa zwidodombahekwa zwa u talusa tshiitu tshiinwe na tshiinwe tsho dzhiwiwaho; na

(b) u humisa itho tshe tsha dzhiwiwa musi ho no thoma ha swikelelwya ndivhoro ye tsha dzhielwa nentefo tshinwe na tshinwe tsho dzhiwaho; na

(13) Musi hu tshi khou sedzuluswa hu tshi khou shumiswa kwakhisezo ya u sedzulusa, muthu a nga hana u fha thendelo ya u dzhiwiwa ha atikili, jinwalwa kana rekhoedo a tshi khou hana o diyendeka kha mbunono dza uru hu na mafhungo o farezhvaho henehfo ane a si a meny na meny kana mafhungo o tsireledzvaho, fhedzi uyo muthu a nga si ite uri atikili iyo, jinwalwa ijo kana rekhoedo iyo i kwhigwisesi, shandukisesi kana kherukanywya u swikelwa muingameli a tshi wana tshifhinga tshi pfadzahoro tsha u shumiswa khethekanyo tshukhu ya (14).

(14) Arali muge wa kana muthu ane a khou langa iyi atikili kana ijo jinwalwa a hana u fha muingameli atikili, jinwalwa kana rekhoedo uri a ite tsedzululso, uyo muingameli nga u tou iwalwa a nga hubelwa redzishekira kana musingana wabo Khothe Khuwane a re na maandjalananga kha uyo mukano uri a nambatezne na u dhzia atikili, jinwalwa kana rekhoedo i iswe kha vhuweghoro ho tsirelezhvaho u swika kholo i tshi lavhela uro naa mafhungo ayo ndi o khetheano nana ndi o tsireledzvaho.

(15) Pholisa jena khou thusa muingameli u ya nga iyi khethekanyo ji nga shumiswa khombetsshedzo u ya nga afho hune u kombetshedza ha tojea, hu tshi khou kateela u kwasha vothi kana fasiyothee afho zwifhajoni, kana u kwasha loko ine ya khou thivhela u sedzulusa sefoni, shitorezedzi kana tshisaredzi henehfo zwifhajoni, u itela u kunda uvho vhukondi vhune ha khou itwa nga muthu.

(16) Phandha ha u shumisa khombetsshedzo, pholisa ji tea u amba zwi tshi tou pfala uri ji khou toja u dzhena na uru pholisa ji tsha u dvhazda ndivhoro ya u dzhena, nga ndza ha musi hu na lutendo lu pfalaho uri u ita zwinezwino zwa u humbela u dzhena zwi nga ita uri muthu ane a sa toje u vula a nga vho tshinyadza, lata kana u dzumba atikili, jinwalwa kana rekhoedo ine ya khou ita uri hu vhe na tsedzululso kana yone ine ya khou toja.

(17) Muthu ane a fha muingameli ndvihisho ihfio na ifhio kana ane a ita tshitajamennde a nga sumbedza kha uyo muingameli uri a khou toja tshidzumbe malugana na ndvihisho inwe na inwe kana tshitajamennde tshe tshiedzvaho, nhone muingameli u tea u shumana na iyo ndvihisho u ya nga mulayo wo fanelaho.

Ndvihasho malugana na u tevhedza Mulayo

26. (1) Minastra misi yothe u tea u lavhela u—

(a) pfukiwa ha uno Mulayo hune ha vha hu songo tou kalula; na

(b) pfukwa ha uno Mulayo ho kalulaho.

(2) Minastra u tea u andzada zwo tiwaho zwine zwo bulwa kha khethekanyo tshukhu ya (1) nga ndvihasho kha Gazete nahone Maandjalananga a tea u andzada zwo tiwaho kha webusaiti na kha khasho yo fanelaho.

(3) Nga ndvihasho kha Gazete, Minastra u tea u randela ndafiwo kholwanesa malugana na u pfuka Mulayo huinwe na huinwe hune Maandjalananga a nga lavhela u itela ndivhoro kha khethekanyo tshukhu ya (5): Tenda iyo ndafiwo kholwanesa ya sa padzumuteng wo randelwaho malugana na nhwa mathehi wa u vavela dzhele u ya nga Mulayo wa Adjustment of Fines Act, 1991 (Act No. 101 of 1991), kha tshifhinga tshiinwe na tshinedzsho.

(4) Maandjalananga afho hune nyingamelo kana tsedzululso nga muingameli ya sumbedza u pfukiwa ha uno Mulayo hune u pfuka uho a hongo hulesa sa zwo tiwaho nga fhasi kha khethekanyo tshukhu ya (1), a nga geshedza ndvihasho malugana na u tevhedza nga ndzila yo randelwaho kha uyo muthu ane a khou hubelula hune uri a khou pfuka uno Mulayo, uyo muthu u vhudzewa uri a tevhedze uno Mulayo hu saathu u fhesi nga tshifhinga tshe bulwaho kha ndvihasho ya uri a tevhedze Mulayo, tshine itsho tshifhinga ndi tshifhinga tshine tsha pfadza ho sedzwa nyimile.

(5) Maandjalananga a tshi khou tevhedza ndvihasho, a do tsha shikalo dzenjiso ine ya tea u badelwa nga muthu a kwamehoro arali uyo muthu nga u tou nhwala a tshi khou fhindula iyo ndvihasho, a tshanazwizwa hari o kundela u tevhedze uno Mulayo sa zwe zwa bulwa kha ndvihasho malugana na u tevhedza Mulayo.
(6) The fine contemplated in subsection (5) must be paid to the Authority within a period specified in the compliance notice.

(7) Any fine paid in consequence of a compliance notice accrues to the Fund, and the person named in that notice may not be prosecuted for having committed such contravention.

(8) Any contravention of a minor nature may not be taken into consideration when considering any application by or other proceedings against the person concerned.

Fine as compensation

27. (1) The Authority may, whenever a fine has been imposed on a property practitioner under this Act and taking into account any amounts paid under the mandatory indemnity insurance contemplated in section 57, if any, order that any portion of the fine be applied towards the payment of compensation to any person who suffered a pecuniary loss as a result of the conduct of that property practitioner.

(2) The Authority may, on receipt of a fine imposed on a property practitioner, make the payment contemplated in subsection (1), but no such payment may be made until all appeals in respect of the imposition of the fine have lapsed or have been finalised or abandoned.

(3) This section does not preclude any person from referring any dispute against a property practitioner or other person to the Authority, but if an award is made by an Authority in favour of a person who has received payment from the Authority as contemplated in subsection (2), the Authority must take that payment into account.

Lodging of complaints

28. (1) Any person may, in the prescribed form, lodge a complaint with the Authority against a property practitioner in respect of financing, marketing, management, letting, hiring, sale or purchase of property.

(2) The Authority must, in writing, within seven days acknowledge receipt thereof and inform the complainant of the case number assigned to the complaint.

(3) After receiving the complaint, the Authority may require the complainant to submit further information or documentation in relation to the complaint.

Mediation

29. (1) An Authority may—

(a) if it believes that a complaint may be resolved through mediation; or

(b) on application by the person concerned,

refer the complaint for mediation, as prescribed.

(2) Within seven days of referral to mediation, the Authority must appoint a suitably qualified person as a mediator.

(3) The mediator must within seven days of appointment—

(a) give notice of the mediation as prescribed to all parties concerned; and

(b) set the matter down for mediation within 30 days.

(4) (a) The mediator assists the parties to resolve the dispute.

(b) If the parties come to an agreement which resolves the matter or mediation has failed, the mediator must—

(i) issue a certificate stating the outcome of the mediation; and

(ii) serve a copy of that certificate on each party to the dispute.

(5) The Authority must keep the records of all mediation proceedings, including the agreements where applicable, as prescribed.

(6) Notwithstanding the provisions of subsection (1), property practitioners may consent to refer an inter-property practitioners’ dispute for mediation by the Authority, and the Authority may provide such mediation service on a cost recovery basis.
(6) Ndaţiso yo bulwaho kha khethekanyo ṱhukhu ya (5) i tea u badelwa Maanjâlanga hu saathu u fhele tshifhinga tsho bulwaho nga njivhazdo ya malugana na uho u pfuka Mulayo.

(7) Ndaţiso iînwe na iînwe ine ya badelwa zwo itiswa nga njivhazdo ya malugana na u pfuka Mulayo i kuvhangana ngei kha Tshikwama, nahone muthu o bulwaho kha iyo njivhazdo a nga si tshutshiselwe uho u pfuka Mulayo.

(8) U pfuka Mulayo huiînwe na huiînwe hu songo hulesaho hu nga si dzhielwe njha musi hu tshi khou lavheleswa khumbelo iînwe na iînwe nga kana dźiînwe nyîto sa tsengo malugana na muthu a kwameaho.

Ndaţiso sa mbadelo

27. (1) Maanjâlanga, tshifhinga tshiînwe na tshiînwe musi ho hweswa ndaţiso kha mushumi wa zwa ndaka nga fhasi ha uno Mulayo nahone hu tshi dzhielwe njha mashelelê mairîwe na mairîwe o badelwaho nga fhasi ha ndindakhombo yo bulwaho kha khethekanyo ya 57, arali i hone, Maanjâlanga a fha ndaela uri tshipiqa tshiînwe na tshiînwe tsha ndaţiso tshi shume kha mbadelo ya ndlîiso kha muthu muînwe na muînwe o huvhazdzwaho nga u xelela zwo itiswa nga vhudîfari ha mushumi wa zwa ndaka.

(2) Maanjâlanga a tshi tou ŏngandênda ndaţiso ye ya hweswa kha mushelelî wa zwa ndaka, a ḍo mbo ḍi ita mbadelo yo bulwaho kha khethekanyo ṱhukhu ya (1), fhedzi a hu na mbadelo ine ya ḍo itwa u swikela khaţululo dzôqhe dzì tshi ōnō nga dźe dzîne dza kwama ndaţiso yo itwaho kana khaţululo dzî litshwa.

(3) Ino khethekanyo a i thîvhele muthu ufhînio ha ufhînio kha u sa phambano kha Maanjâlanga ine phambano iyo i kwameaho wa zwa ndaka kana muthu muînwe, arali nyavhelo yo itwa nga Maanjâlanga zwi tshi thusa muthu ana o ŏngandênda mbadelo i bvaho kha Maanjâlanga sa zwe zwa bulwaho kha khethekanyo ṱhukhu ya (2), Maanjâlanga a tea u dzhiela iyo mbadelo njha.

U vhîgâ mbîlaelo

28. (1) Muthu muînwe na muînwe kha fomo yo randelwaho a nga vhîgâ mbîlaelo ngei kha Maanjâlanga a tshi khou hwelela mushumi wa zwa ndaka malugana na zwi kwamalo mashelelî, zwa maraga, ndaulo, u renndisa, u hirisa, thengsî kana u renndisa ndaka.

(2) Maanjâlanga nga a tou nwaîla, hu saathu fhele mađuvha a sumbe a tea u ambu uri o ŏngandênda mbîlaelo nahone a vhudze muhweleli nga ha nomboro ya mulandu wo vulwaho nga muhwelele.

(3) Nga murahu ha u ŏngandênda mbîlaelo, Maanjâlanga a nga tōţa muhweleli a tshi dîsa vhûtîanzî vhunwe kana ŋînwalwa li re na vhushaka na mbîlaelo.

Vhukonanyi

29. (1) Maanjâlanga—

(a) arali a tshi khou tenda uri mbîlaelo i nga tandululwa nga u tou konanya; kana

(b) musi muhweleli a kwameaho o tou ita khumbelo,

anga isa mbîlaelo kha zwa vhukonanyi, u ya nga he zwa randelwa.

(2) Hu saathu fhele mađuvha a sumbe musi ho iswa mbîlaelo kha zwa vhukonanyi, Maanjâlanga a tea u thola muthu ane a fusha ŋhoqîa uri a vhe ene mukonanyi.

(3) Mukonanyi hu saathu fhele mađuvha a sumbe o thîloâî u tea u—

(a) fha ndîvhozdo vhoqîe vha kwameaho nga ha uho u konanya sa zwe zwa randelwa; na

(b) ita uri fhuqî nga dzuleleî u saathu fhele mađuvha a 30.

(4) (a) Mukonanyi u thusa vha kwameaho uri vha tandulule phambano.

(b) Arali vha kwameaho kha konla u tendelana kha zwine zwa tandulula phambano kana vhukonanyi ha kundelwa, mukonanyi u tea u—

(i) getshedza ŋhanziela ine ya khou bulêtshedza mvelelo dza vhukonanyi; na

(ii) fha khophî ya ŋhanziela muînwe na muînwe vha vha kwameaho nga phambano.

(5) Maanjâlanga a tea u vhulunga rekho dza zwe zwa itea kha vhukonanyi, hu tshi katelewa thendelalo hene'hîo hune zwa konadzea, u ya nga he zwa randelwa.

(6) Naho hu na mbêtshelo dza khethekanyo ṱhukhu ya (1), vhshumi vha zwa ndaka vha nga tenda u isa phambano vhukati ha vhshumi vha vha ndaka kha zwa vhukonanyi nga Maanjâlanga, nahone Maanjâlanga a nga getshedza iyo tshumelo ya vhukonanyi nga ndîla ine ya tea u badelwa.
(7) If a matter is not resolved as contemplated in this section, the matter must be adjudicated in accordance with section 30.

**Adjudication**

30. (1) If—

(a) a person on whom a compliance notice has been served in accordance with section 26—

(i) fails to comply with this Act as demanded in the compliance notice;

(ii) fails to timeously comply with the compliance notice; or

(iii) fails to timeously pay the fine determined by the Authority; or

(b) mediation has been attempted in accordance with section 29 but has failed; or

(c) the serious nature of the complaint and the contravention in question warrants, the Authority must cause a notice of adjudication to be served on the person concerned as prescribed.

(2) The Authority must appoint an independent legally qualified person as an adjudicator to conduct an adjudication of a complaint in terms of this section, who for purposes of this section is referred to as the “adjudicator”.

(3) The Authority may upon application from the adjudicator on good grounds appoint independent assessors to assist him or her.

(4) Within 14 days of the appointment of the adjudicator, the adjudicator must—

(a) give notice of the adjudication as prescribed to all parties concerned; and

(b) set the matter down for hearing within 60 days.

(5) The adjudication must be held expeditiously, subject to upholding the rules of natural justice and in accordance with prescribed procedure.

(6) (a) The adjudicator must upon conclusion of the adjudication make a determination as to whether the complaint is upheld or not.

(b) If the complaint is upheld, the adjudicator must make an order which in the circumstances is appropriate, and such an order has the status of an order of a magistrate’s court and must be executed accordingly.

(7) The order contemplated in subsection (6) may include—

(a) a fine which may not exceed the amount determined by the Minister of Justice for the purposes of section 29(1)(a) of the Magistrates’ Courts Act, 1944 (Act No. 32 of 1944);

(b) if appropriate in the circumstances, an order that the Authority pays not more than 80 percent of the fine as a compensation award to the complainant; and

(c) any other appropriate order under the circumstances.

(8) The adjudicator must upon finalisation of the adjudication process provide written reasons for any of his or her determinations or orders.

(9) The Authority must keep the records of all hearings, including the order made and written reasons provided by the adjudicator, as prescribed.

(10) Notwithstanding the provisions of subsection (2), property practitioners may consent to refer an inter-property practitioners’ dispute for adjudication by the Authority, and the Authority may provide such service on a cost recovery basis.

(11) Subject to the provisions of subsection (7)(b), any fine paid pursuant to an order made by the adjudicator accrues to the Fund.

**Adjudication Appeal Committee**

31. (1) Any person who is aggrieved by the decision of the adjudicator in terms of section 28 may appeal against such decision to the Adjudication Appeal Committee in the prescribed format.
(7) Arali—phambane i songo tanduluwa sa zwe zwa bulwa kha ino khethekanyo, phambane i tea u haṭulwa u ya nga khethekanyo ya 30.

Khaṭuło

30. (1) Arali—

(a) muthu ane njivhazdo ya uri hu vhe na zwine a tea u zwi tevhedzela o i fhiwa hu tshi khou tevhedzelwa khethekanyo ya 26—

(i) a kundelwa u tevhedzela uno Mulayo naho njivhazdo ya u tevhedzela yo vha i kombetshezhazo;

(ii) a kundelwa u tevhedzela njivhazdo ya u tevhedzisa nga tshihungo; kana

(iii) a kundelwa u badela ndatšiso nga tshihungo yo tiwaho nga Maanđalanga; kana

(b) vhukonanyi ho lingedzwa u ya nga khethekanyo ya 29 fhedzi ha kundelwa;

(c) vhuhulu ha vhuvha ha mbilaelo na u pfuka zwo teaho hu kwameho zwa vha zwi tshi khwatšiszedza,

Maanđalanga a tea u ita uri njivhazdo ya vhuhatulini i qetshezdwe muthu ane a kwameu a ya nga he zwa randelwa.

(2) Maanđalanga a tea u thola muthu ane a vha na ndalukano dza mulayo uri hu vhe ene muhaṭulini ane a ɖו tshimbizida zwa u haṭulina kha iyo mbilaelo hu tshi khou tevhedzwa ino khethekanyo, ane hu tshi khou itelwa nivhvo dza ino khethekanyo muthu uyo u vhizdwa u pfi ndi "muhaṭulini".

(3) Maanđalanga musi hu na klumbelo ine ya bva kha muhaṭulini nhone hu na mbuno dzavhu, Maanđalanga a nga thola mulavhelesi o ɖiimisaho ane a ɖo thusa ene muhaṭulini.

(4) Hu saathu fhela madvhuva a 14 ho tholwa muhaṭulini, muhaṭulini u tea u—

(a) fha njivhazdo vhathu vhọţe vha kwameho nga ha u haṭulina u ya nga he zwa randelwa; nahone

(b) ita uri fhungo Ŭthetsheleswe hu saathu fhela madvhuva a 60.

(5) U haṭulina hu tea u itwa nga u ņavhany, hu tshi khou tevhedzwa nday a vhulamukanyi ha nvelo na u ya nga kuitele kwo randelwaho.

(6) (a) Muhaṭulini musi hu tshi tou fhela zwa vhuhatulini u tea u lavelela uri mbilaelo yo dzingindelina kana a yo ngoo dzingindelina naa.

(b) Arali mbilaelo yo dzingindelina, muhaṭulini u tea u ita ndaela ine yo tea idzo nyimele, nahone iyo ndaela i na vhuvho vhune ha tou fana na ndaela ine ya itwa nga mazhisįţarата wa khothe nahone i tea u tevhedzwa nga ndřila yone.

(7) Ndaela yo bulwaho kha khethekanyo ðhułku ya (6) i nga katela—

(a) mulifho une wa sa pade mutengw wo tiwaho nga Minisťa wa zwa Vhulamukanyi nivhvo dzi dza u itela khethekanyo ya 29(1)(a) ya Mulayo wa Magistrates’ Court Act, 1944 (Act No. 32 of 1944);

(b) arali zwo tea nyimele, ndaela ya uri Maanđalanga a badela phesenthe i sa padî 80 ya mulifho sa ndřilo kha muheveli; na

(c) ndaela inwe na inwe yo teaaho nyimele.

(8) Muhaṭulini musi hu tshi tou fhela zwa u haṭulina u tea u fha mbuno dzo tou ñavalwaho malugana na tsheo dzawe kana ndaela dze a ita.

(9) Maanđalanga a tea u vhulungu rekhozdo nga ha u tshetsheleswa hoțhe ha mbilaelo, hu tshi katełwa ndaela yo itwaho na mbuno dzo tou ñavalwaho dze dza qetshezdwa nga muhaṭulini, sa zwi zwa randelwa.

(10) Naho hu na mbetsheleho dza khethekanyo ðhułku ya (2), mushumi wa zwa ndaka a nga tenda hu tshi iswa mbilaelo vhukati ha vhshhumi vha zwa ndaka u itela uri mbilaelo i haṭulwe nga Maanđalanga, nahone Maanđalanga a nga qetsheza iyo tshumelo hu si nga mahala.

(11) Hu tshi khou tevhedzwa mbetsheleho dza khethekanyo ðhułku ya (7)(b), mulifho muñwe na muñwe u badelwaho nga murahu ha ndaela yo itwaho nga muhaṭulini i kuvhangingwa kha Tshikwama.

Komiće ya Aphiļi ya Vhuhatuli

31. (1) Muthu muñwe na muñwe o khakhelwaho nga tsheo ya khathulo u ya nga khethekanyo ya 28 a nga ita aphiļi ya u hanedza iyo tsheo. Aphiļi i itwa negi kha Komiti ya Aphiļi ya Vhuhatuli nga ndřila yo randelwaho.
(2) The Authority must, within 14 days of the date on which it received the notice of appeal in terms of subsection (1), establish an Adjudication Appeal Committee consisting of three independent suitably qualified persons to hear the appeal.

(3) Within 14 days of the appointment of the Adjudication Appeal Committee, the Adjudication Appeal Committee must-

(a) give notice of the appeal as prescribed to all parties concerned; and

(b) set the matter down for hearing within 60 days.

(4) The appeal must be held expeditiously, subject to upholding the rules of natural justice and in accordance with prescribed procedure.

(5) (a) The Adjudication Appeal Committee must upon conclusion of the appeal make a determination as to whether the complaint is upheld or not.

(b) If the complaint is upheld, the Adjudication Appeal Committee must make an order which in the circumstances is appropriate, and such an order has the status of an order of a magistrate’s court and must be executed accordingly.

(6) The Adjudication Appeal Committee must upon finalisation of the appeal process provide written reasons for any of its determinations or orders.

(7) The Authority must keep the records of all appeals, including the order made and written reasons provided by the Adjudication Appeal Committee, as prescribed.

CHAPTER 6

FINANCES

32. (1) The funds of the Authority consist of—

(a) monies appropriated by Parliament;

(b) fees paid to the Authority by property practitioners;

(c) all monies derived from any investments in terms of section 33(2); and

(d) all other monies which may accrue to the Authority from any other source.

(2) The Authority must utilise its funds to defray the expenses incurred by it in the performance of its functions and the exercise of its powers, but—

(a) any monies or other property donated or bequeathed to the Authority must be utilised in accordance with the conditions of such donation or bequest; and

(b) if the Authority—

(i) after an inspection or investigation has found that a property practitioner failed to comply with any duty imposed upon him or her in terms of this Act;

(ii) has incurred any liability to pay costs in respect of any proceedings instituted by it in terms of this Act for the recovery from a property practitioner of any amount which is payable by him, her or it to the Authority or the Fund; or

(iii) has incurred any liability to pay audit fees in respect of an audit done on the instructions of the Authority in a case where an audit contemplated in section 54 has not been done,

the Authority may recover the costs of such inspection or investigation in so far as it relates to such duty or the taxed amount of such costs on an attorney and client scale or the amount of such audit fees, as the case may be, from the property practitioner concerned.

(3) The Minister must by notice in the Gazette, prior to the commencement of the Act and thereafter annually prior to the beginning of a financial year of the Authority, after consultation with the Board, determine the fees payable in terms of or under this Act.
(2) Maandâlanga hu saathu fhela maďuvha a 14 u bva kha datumu ya musi o ṭanganedza ndîvihadzo ya aphiîli u y nga khethekanyo ṭhukhu ya (1), a tea u thoma Komiti ya Aphiîli ya Vhuhaîluli ine ya vha na vhathu vhararu vhane vha fusha ṭhodîca nahone vho tou ṭimisaho uri vha thetsyhlese aphiîli.

(3) Hu saathu fhela maďuvha a 14 ho tholwa Komiti ya Aphiîli ya Vhuhaîluli, Komiti ya Aphiîli ya Vhuhaîluli i tea u—
   (a) fha ndîvihadzo vhoţhve vha kwameaho nga ha aphiîli sa zwe zwa randelwa; na
   (b) ita uri fhungo ģî thetsyhlesewe hu saathu fhela maďuvha a 60.

(4) Aphiîli i tea u itwa nga u ţavhanya, hu tshi khou tevhedzwa nday o fza vhuâlumukanyi ha mvelo nahone hu tshi khou tevhedzwa-vho na kuîtele kwo randelwaho.

(5) (a) Komiti ya Aphiîli ya Vhuhaîluli musi hu tshi tou fhela aphiîli i tea u mbo ita tsheo ya uri naa mbilaelo yo dzîngindîle kana a yo ngo dzîngindîle.
   (b) Arali mbilaelo yo dzîngindîle, Komiti ya Aphiîli ya Vhuhaîluli i tea u ita ndala yo teaho nyîmele, nahone iyo ndala i na vhûimo ha ndala ine ya tou fana na ya mazhîstîrâta wa khotše nahone i tea u tevhedzwa zwâvhuîdi.

(6) Komiti ya Aphiîli ya Vhuhaîluli musi hu tshi tsi tou fhela aphiîli i tea u mbo ȝetshezda mbunu dzo tou ţwâliwa malugana na tsheo ye ya dzhia na ndala ye ya itwa.

(7) Maandâlanga a tea u vhulonga rekhodo dza aphiîli dzoţhwe, hu tshi khou katelwa ndala yo itwa na mbunu dzo ţwâliwa zwo ȝetshezdzwa nga Komiti ya Aphiîli ya Vhuhaîluli, sa zwe zwa randelwa.

NDIMA YA 6

MASHELENI

Mashedeleni a Maandâlanga

32. (1) Mashedeleni a Maandâlanga hu katelwa—
   (a) tshelede ine ya avhîwa i tshi bva Phalamennendeni;
   (b) tshelede ine ya bdelwa Maandâlanga nga vhashumi vha zwa ndaaka;
   (c) tshelede yoţhe ine ya bva khâ u binduzu u y nga khethekanyo ya 33(2); na
   (d) tshelede yoţhe ine ya nga kuvhanganywa ka Maandâlanga i tshi bva kha tshiko tshînwe na tshînwe.

(2) Maandâlanga a tea u shumisa mashedeleni ao kha u badela zwo itwa ho nga Maandâlanga zwi kwamaho mushumo wa Maandâlanga na u shumisa maandâ, fhedzi—
   (a) mashedeleni manwe na manwe kana ndaaka zwo lambdaizwaho kana zwo fhiwaho Maandâlanga zwi tea u shumisa u y nga milayo ya uho u lambdaizwa kana u na ţwe sa ifa; nahone
   (b) arali Maandâlanga—
      (i) nga murahu ha u ingamela kana tsedzuluzo Maandâlanga a vha o wana uri mushumi wà zwa ndaka o kundelwa u tevhedza mushumo wawo kana o kundelwa u tevhedza uno Mulayo;
      (ii) o ita uri hu vhe na tshikolo do ndîhlo o ya u badela tshînwe na tshînwe tsho itwa ho tshi khou tevhedza uno Mulayo u tleta u wana masheleni ane mushumi wà zwa ndaaka a khou koloda kana Maandâlanga a tea u bdelwa kha one ange kana kha Tshikwama; kana
      (iii) o ita uri hu vhe na tshikolo do tleta u bdelwa masheleni a țholo malugana na țholo yo itwa zwo itiswa nga ndaaka dza one Maandâlanga ka nyîmele hune țholo yo bulbaho kha khethekanyo ya 54 ya vha i saathu u itwa,

Maandâlanga a nga wana murahu iyo tshelede ya uho u ingamela kana tsedzuluzo saizwî zwi na vhushaka na uyo mushumi kana tshelede yô țumbulwaho ya ayo masheleni kha axenndê kha nango ma mashelele a iyo țholo, u y nga nyîmele ya zwithu, u bva kha mushumi wà zwa ndaka a kwameaho.

(3) Nga ndîvihadzo kha Gazete, phanđa ha u thoma u shuma ha uno Mulayo na nga murahu ha hone nga țwâha nga țwâha phanđa ha mathomo a țwâha wa muvhalelano wa Maandâlanga, nga murahu ha u kwamana na Bodo, Minista u ta mashelele a badelwaho u ya nga uno Mulayo.
Financial year and deposits

33. (1) The financial year of the Authority is the period from 1 April in any year to 31 March in the following year, but the first financial year of the Authority begins on the date that this Act comes into operation, and ends on 31 March following that date.

(2) The Authority may invest or deposit money of the Authority that is not immediately required for contingencies or to meet current expenditures on a call or short-term fixed deposit account with any bank approved by the National Treasury.

CHAPTER 7

PROPERTY PRACTITIONERS FIDELITY FUND

Property Practitioners Fidelity Fund

34. (1) The Fund established by section 12 of the Estate Agents Affairs Act, 1976, known immediately before the commencement of this Act as the Estate Agents Fidelity Fund, continues to operate as if it were established in terms of this Act, under the name Property Practitioners Fidelity Fund.

(2) The following must be paid into the Fund:

(a) all monies paid as fees in accordance with this Act to or on account of the Fund;

(b) income derived from the investment of monies in the Fund in terms of section 33(2);

(c) all monies recovered by or on behalf of the Fund in the exercise of any right of action conferred by this Act;

(d) all monies received on behalf of the Fund from any insurance company;

(e) interest paid to the Fund; and

(f) any other monies accruing to the Fund from any other source.

Primary purpose of Fund

35. (1) Subject to the provisions of this Chapter, the Fund must be maintained and applied to reimburse persons who suffer pecuniary loss by reason of—

(a) theft of trust money committed by a property practitioner who was in possession of a Fidelity Fund certificate at the time of the theft; or

(b) the failure by a property practitioner to comply with section 54(1) or (3).

(2) No person has any claim against the Authority as contemplated in subsection (1) unless the claimant has—

(a) within three years after the circumstances giving rise to a claim came into being, given notice to the Authority of such claim as contemplated in section 37; or

(b) within the three-year period contemplated in paragraph (a) after a written request was sent to him or her by the Authority, furnished to the Authority such proof as it may reasonably require.

Control and management of Fund

36. (1) Subject to subsections (2) and (3), the Authority is responsible for the management and administration of the Fund.

(2) The Authority may, with the approval of the Minister, outsource the management and administration of the Fund to any portfolio management company or a financial institution in terms of the Financial Services Board Act, 1990, on the terms and conditions approved by the Minister, subject to subsection (3).

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33. (1) Nwaha wa muvhalelano wa Maanđalanga ndi dzu 1 dza Lambamai kha ngwaha mhuwe na mhuwe u swiwa dzu 31 dzwa Thafamuhwe dzwa ngwaha u tevelhaho, hledzi ngwaha wa muvhalelano wa u thoma wa Maanđalanga u thoma nga đvuhva line uno Mulayo wa thoma u shuma, nahone wa fhela nga dzu 31 dzwa Thafamuhwe dzwa ngwaha u tevelhaho ijo đvuhva. 

(2) Maanđalanga a nga bindudza kana u diphositha tsheledze ya Maanđalanga kha ine a toqi u shumiswa nga u ţavhanya kana ine a i toqi u shumiswa zwenzwo kana kha akhauthu ya diphosithi ya u bindudza ya thšífihiga thšífipufhi kha banga ińwe na ińwe yo ṵwalisaḥo wa Muhasho wa Gwama ja Muvhuso.

NDIMA YA 7

TSHIKWAMA TSHI THEMBEAHO TSHA VHASHUMI VHA ZWA NĐAKA

34. (1) Tshikwama tshe thomiwaho u ya nga khethekanyo ya 12 ya Mulayo wa Estate Agents Affairs Act, 1976, tshi dživheaho hu saathu u thoma u shuma uno Mulayi sa tshone Tshikwama tshe Thembeaho tsha Mazhendedzi a zwa Ndaka, tsyi ya phanqá na u shuma u tou nga tshe thomiwaha nga uno Mulayo, nga fhasi da dzína lino ja pﬁ Tshikwama tshe Thembeaho tsha Vhashumi vha zwa Ndaka. 

(2) Masheleli a tevelhaho a tea u badelwa kha Tshikwama: 

(a) Tshelede yoňthe yo bađelwaho sa mbadelo u ya nga uno Mulayo kha kana kha ṵkaḥauthu ya Tshikwama;
(b) Tshelede yo dzhenaho i tshi bva kha tshelede dza u bindudza kha Tshikwama u nga khethekanyo ya 33(2);
(c) Tshelede yoňthe vhuiswaho nga kana ho imelwa Tshikwama hu tshi khou shumiswa pfaneło ińwe na ińwe yo hweswaho nga uno Mulayo;
(d) Tshelede yoňthe yo janganžwaho ho imelwa Tshikwama i tshi bva kha khampháni ya ndindakhombo;
(e) Nzwálelo dzo badelwaho kha Tshikwama; na
(f) Tshelede ińwe na ińwe yo kuvhanganywaho kha Tshikwama i tshi bva kha zwiko zwińwe na zwińwe.

Nd̳i̳v̳h̳o̳ k̳h̳u̳l̳w̳a̳n̳e̳ y̳a̳ T̳s̳h̳i̳k̳w̳a̳m̳a̳

35. (1) Hu tshi khou tehevzwa mbetshelo dza ino Ndima, Tshikwama tshi te u tikedzwa na u shumiswa kha u badela vhathu vhe vha vhaisala zwo ńtswa nga u xelêwla nga masheleli nga vhangá lá—

(a) U tswiwa ha tshelede ya tshikwama zwo ńtswa nga mushumí wa zwa Ndaka ane o vha a na nhâniţela ya Tshikwama i Sumbedzaho a Thembea nga tshiﬁhiga tsha u tswiwa; kana
(b) U kundêlwaho nga mushumí wa zwa Ndaka malugana na u ana na khethekanyo ya 54(1) kana (3).

(2) A hu na muthu a re na mbilo ińhío na ńhío kha Maanđalanga sa zwe bulwa kha khethekanyo ńtshukú ya (1) nga nda ha musi muitambilo o—

(a) Ita nδívhisó kha Maanđalanga nga ha ńyo mbilo sa zwo bulwaho kha khethekanyo ya 37; nahone hu saathu fhela mĩn̲w̲aho miruru nga murahu ha nyimele yo ńtisaho uri hu ińwe mbilo ńyo; kana
(b) Nesheđza Maanđalanga tsumbo ine ya khou ńdówba, hu saathu fhela mĩn̲w̲aho miruru yo bulwaho kha phara ya (a) nga murahu ha u rumelwa ha khumbelo khae yo tou ńwalwaho nga Maanđalanga.

Kulangele kwa Tshikwama

36. (1) Hu tshi khou tehevzwa khethekanyo ńtšukú dza (2) na (3), Maanđalanga a na vhud̳i̳nhinduleli kha kulangele kwa Tshikwama. 

(2) Maanđalanga musi hu na thendelo ya Minísša, a nga ita uri tshumelo ya kulangele kwa Tshikwama i shuńwe nga khampháni ya u langa phothifolo:jö kana tshiﬁmisa tsha masheleli u ya nga Mulayo wa Financial Services Board Act, 1990, ho sedzwa milayo yo tendelwaho nga Minísša, hu tshi khou tehevzwa khethekanyo ńtshukú ya (3).
(3) Each member of the Board, or if the management and administration of the Fund has been outsourced to any portfolio management company or institution as contemplated in subsection (2), that portfolio management company or institution, owes a fiduciary duty and a duty of care and skill to the Fund, and any such portfolio management company or financial institution may be held liable in accordance with the principles relating to breach of a fiduciary duty, for any loss, damages or costs sustained by the Fund as a consequence of any breach by such portfolio management company or financial institution of such a duty.

Claims from Fund

37. (1) A claim for compensation from the Fund must be lodged with the Authority in the prescribed manner.

(2) A person is not entitled to claim against the Authority in respect of theft of trust money by a property practitioner unless such a person has, before lodging a claim with the Authority, laid a criminal charge against that property practitioner.

(3) The Authority must hold an inquiry in the prescribed manner into any claim lodged with the Authority in respect of the Fund.

Payments from Fund

38. (1) Subject to the provisions of this Act, the following must, whenever required, be paid out of the Fund:

(a) The amount of all claims, including costs, allowed or established against the Fund as provided for in this Chapter;

(b) in the discretion of the Board, any contribution in respect of any expense incurred by any claimant in establishing a claim;

(c) all legal, accounting and other expenses incurred in investigating and defending claims made against the Fund or otherwise incurred in relation to the Fund;

(d) all premiums payable in respect of contracts of insurance entered into by the Authority in terms of section 40;

(e) the expenses incurred in the management, control and administration of the Fund by the Authority, or if the management and administration of the Fund has been outsourced to a portfolio management company or financial institution as contemplated in section 36(2), by that institution, as the case may be, in accordance with the terms and conditions approved by the Minister;

(f) grants as contemplated in section 39; and

(g) any other monies which may be paid out of the Fund in accordance with this Act.

(2) The Minister may, in consultation with the Board, by notice in the Gazette limit the amount which may be paid from the Fund in respect of any category of claims.

(3) Any monies in the Fund not immediately required for the purposes of the Fund must, on the terms and conditions approved by the Minister, be invested with or in an institution approved by the National Treasury.

Authorisation of grants

39. (1) Subject to the terms and conditions that it may determine, the Board may authorise grants from the Fund—

(a) with regard to—

(i) research in fields of activity relevant to the business of property practitioners;

(ii) the maintenance and promotion of the standard of conduct of property practitioners;
Mulayo wa Vhashumi vha zwa Ndaka, 2019

49

(3) Muraŋo muňwe wa muňwe wa Bodo, kana arali ndaulo ya Tshikwama yo iswaho u shunwa nga khamphani ya ndaulo ya phothifolio nga khamphani ya ndaulo ya phothifolio ifhio na ifhio kana tshiimiswa sa zwo bulwaho kha khethekanyo ũthukhu ya (2), iyo khamphani ya ndaulo ya phothifolio kana tshiimiswa, tshi na vhufihindulileli ha mushumo na mushumo wa ndondolo na vhukoni kha Tshikwama, na uri iyo khamphani ya ndaulo ya phothifolio kana tshiimiswa tsوا zwa masheleli tshi tsa vhufihindulileli u ya nga ndayo dzi kwamaho u pfuka uyo mushumo wa vhufihindulileli, kha ndozwo iwę na iwę, shinyalelo kana masheleli o lovhah o Tshikwama zwo vhangwa nga uho u pfuka milayo nga iyo khamphani ya ndaulo ya phothifolio kana tshiimiswa tswa masheleli.

Mbilo dzi bvaho kha Tshikwama

37. (1) Mbilo ya mbadelo i bvaho kha Tshikwama i tea u itwa kha Maandalanga nga njila yo randelwaho.

(2) Muthu ha tei u ita mbilo Kha Maandalanga malugana na u tšwinya ha tšesede ya tšikwama zwo itwa nga mushumi wa zwa ndaka nga nnja ha musi uyo muthu musi a saathu ita mbilo ngei kha Maandalanga, a tea u thoma a vula mulandu a tshi vulela vhutshinya ho itwaho nga mushumi wa zwa ndaka.

(3) Maandalanga a tea u ita ũthoisi nga njila yo randelwaho malugana na mbilo yo itwaho kha one Maandalanga malugana na Tšikwama.

Mbadelo dzi bvaho kha Tšikwama

38. (1) Hu tshi khou tevhedzwa mbetshelo dza uno Mulayo, misi yoũthu me zwi tshi ũthedzwa, zwi tevhelaho zwi õdo badelwa nga tšesede i bvaho kha Tšikwama:

(a) Tšesede ya mbilo dzǒţhe, hu tshi katelwa tšesede, yo tšendelwaho kana yo thomîwaho malugana na Tšikwama u ya nga mbetshelo ya ino Ndîma;

(b) u ya nga hune Bodo ya vhona zwo tea, mbadelo iňwe na iňwe malugana na tšesede yo shumiwaho nga uyo ake a khou vhilu musi a tshi khou ita mbilo;

(c) masheleli ũtho o badelwaho zwi tshi kwamaho mulayo, na zwiwwe-vho zwe zwa badelwaho musu tshi khou sedzulusu na u imelela mbilo malugana na Tšikwama kana masheleli o shumiwaho zwi tshi kwamaho Tšikwama;

(d) mbadelo dzǒţhe dza ndindakhombo dzì badelwaho malugana na dzikonjira dza ndindakhombo dzo itwaho nga Maandalanga hu tshi khou tevhedzwa khethekanyo ya 40;

(e) masheleli o shumiwaho kha zwi kwamaho ndaulo, ya Tšikwama nga Maandalanga, kana arali ndaulo ya Tšikwama yo ita uri mushumo u tou shunwa nga khamphani ya ndaulo ya phothifolio kana tshiimiswa tsha zwa masheleli sa zwo bulwaho kha khethekanyo ya 36(2), nga tshiimiswa, u ya nga hune nyimele ya vha zwone, hu tshi khou tevhedzwa ndayo õdo tendelwaho nga Minista;

(f) magavhelo u ya nga zwe zwa bulwaho kha khethekanyo ya 39; na

(g) masheleli manwe na manwe ane a nga badelwaho a tshi bva ka Tšikwama u ya nga uno Mulayo.

(2) Minista a tshi khou kwamana na Bodo, nahone nga kha nðivhazdzo i re kha Gazette u õdo ita phungudzelo ya tšesede ine ya nga badelwaho i tshi bva kha Tšikwama malugana na khethekanyo ya dzimbilo.

(3) Masheleli manwe na manwe a re kha Tšikwama ane ha ũtho u shumiwaho nga u ñavhanya nga Tšikwama, musi hu tshi khou tevhedzwa milayo yo teaho ine Minista o i tendela, masheleli ayo a tea u binduliswa kha tshiimiswa tswo kwañhisedzwoaho nga Muhasho wa zwa Gwama Ja Lushaka.

U tendelwaho ha magavhelo

39. (1) Hu tshi khou tevhedzwa milayo ine ya nga tiwa, Bodo i nga tendela magavhelo a tshi bva kha Tšikwama—

(a) malugana na—

(i) ũthoisi nga masia a mushumo une waka elana na zwa bindu ja vhashumi vha zwa ndaka;

(ii) u löndola na u alusa zwiwandi zwa vhufihari ha vhashumi vha zwa ndaka;
(iii) the maintenance and promotion of the training standards of property practitioners;
(iv) the education and training of property practitioners; and
(v) transformation of the property sector;
(b) to any association or society of property practitioners for the purpose of enabling that association or society to maintain and promote the interests of property practitioners; and
(c) of the amount that it may determine for the purposes of—
   (i) advertising and promoting the services and facilities offered by property practitioners in general; or
   (ii) promoting public awareness in respect of consumer rights in matters relating to immovable property.

(2) The Board may at any time revoke any authorisation contemplated in subsection (1) on reasonable grounds.

Indemnity insurance

40. The Authority may in the public interest arrange any group insurance scheme with any insurer registered as a short-term insurer in terms of the Short-term Insurance Act, 1998 (Act No. 53 of 1998), for the provision of insurance to cover property practitioners’ liability to members of the public on the grounds of malpractice, up to an amount determined by the Board.

Fees payable by property practitioner

41. (1) A property practitioner must annually pay to the Fund—
   (a) a prescribed application fee for a Fidelity Fund certificate in accordance with the provisions of section 47; and
   (b) any amount that the Minister may, after consultation with the Minister of Finance and the Board, determine from time to time by notice in the Gazette.

(2) The Minister must in exercising the powers conferred in subsection (1), specify a method or standard to determine the percentage by which the amounts contemplated in paragraphs (a) and (b) of that subsection are automatically adjusted annually on 1 April of every subsequent year, but—
   (a) the Minister may at any time override such an automatic adjustment by making a new determination in terms of subsection (1); and
   (b) the Minister must not later than five years after making a determination contemplated in subsection (1) or paragraph (a), as the case may be, make a new determination in terms of subsection (1).

Cooperation by claimant

42. (1) A person who has lodged a claim contemplated in section 36(1) must, upon request by the Authority participate, cooperate and assist the Authority in respect of any matter concerning the claim.

(2) The Authority may withhold payment from the Fund of any amount payable to a person who fails or refuses to substantially comply with any reasonable request made in writing by—
   (a) the South African Police Service or other organ of state responsible for investigating or monitoring crime or criminal activity, to cooperate and assist in its investigation of any criminal charge laid against a property practitioner;
Mulayo wa Vhashumi vha Ndaka, 2019

Nom 22 ya 2019

51

(iii) u londola na u alusa zwiṱandadi zwa vhugudisi ha vhashumi vha zwa ndaka;
(iv) pfunzo na vhugudisi ha vhashumi vha zwa ndaka; na
(v) tshanduko ya sekithara ya zwa ndaka;
(b) kha asosiesheni kana sosaiṭhi ya vhashumi vha zwa ndaka u itela ndivho ya u ita uri asosiesheni kana sosaiṭhi i londole na u alusa madzangalelo a vhashumi vha zwa ndaka; na
(c) tshelede ine ya nga ta i tshi itela ndivho dzii u—
(i) kungedzela na u alusa tshumelo dzii na zwishumiswai zwi getschedzwaho nga mushumi wa zwa ndaka nga u tou angaredza; kana
(ii) alusa ndivho tshitshavhani nga ha fpafanelo dza vharengi kha mafhungo a kwamahlo zwa ndaka i sa endedzwi.

(2) Bodo nga tshifhinga tshiṅwe na tshiṅwe i nga fhelisa u tendelwa ho bulwaho kha khethekanyo ṭhu khu ya (1) musi hu na mbuno dzi pfalaho.

Ndindakhombo ya u tsireledza thinyalelo

40. Ho sedzwa dzangalelo ja tshitshavha Maanḏalanga a nga ita nzudzanyo ya tshikimu tsha ndindakhombo kha khamphani ya ndindakhombo iṅwe na iṅwe yo iṅwalisaḥo sa khamphani ya zwa ndindakhombo ya tshifhinga tshipufuḥi u ya nga Mulayo wa Short term Insurance Act, 1998 (Act No. 53 of 1998), u itela mbetshelo ya ndindakhombo ya u tsireledza tshikoloṭo tsha mushumi wa zwa ndaka kha miraḍa ya tshitshavha ho sedzwa zwa kushumele ku si kwavhudi, u swika kha tshelede ine ya ṭo tiwa nga Bodo.

Mashelela a badelwaho nga mushumi wa zwa ndaka

41. (1) Mushumi wa zwa Ndaka nga ṭwaha nga ṭwaha kha Tshikwama u tea u badela—
(a) tshelede yo randelwaho ya khumbelo ya ṭhanziela ya Tshikwama i Sumbe dzii u Thembeka u ya nga mbetshelo dzii khethekanyo ya 47; na
(b) tshelede iṅwe na iṅwe ine Minisṭa, nga murahu ha musi o kwamana na Minisṭa wa zwa Mashelela na Bodo, a ṭo ta misi yoṱhe nahone zwo itwa nga ndivhadzo kha Gazette.

(2) Minisṭa u tea u shumisa maanḍa awe e a hweswa nga khethekanyo ṭhu khu ya (1) a ṭaluse ngona kana tshitshandadi tsha u ta phesenthe ine mashelela o bulwaho kha pharagirafu dzii (a) kana (b) dzii iyo khethekanyo ṭhu khu dzii tou dzula dzoi gonya nga dzotṱhe ṭwaha nga ṭwaha nga dzii 1 dzii Lambamai ṭwaha muṅwe na muṅwe ṭe ṭevhela; ṭhedzi—
(a) Minisṭa misi yoṱhe u na maanḍa a u hana uho u gonya ha ṭwaha ha ṭwaha nga u tou ta nga huṅwa hu ṭshi khou tevhedzwa khethekanyo ṭhu khu ya (1); na
(b) Minisṭa hu saathu ṭhira miṅwaḥi miṱanu nga murahu ha u ita zwa u ta sa zwe zwa bulwa kha khethekanyo ṭhu khu ya (1) kana phara ya (a), u ya nga hune nyimele ya vha zwo, u tea u ta nga huṅwa a ṭshi khou tevhedzha khethekanyo ṭhu khu ya (1).

Tshumisano i lavhelelwaho kha muitambilo

42. (1) Muthu ane a khou ita mbilo o bulwaho kha khethekanyo ya 36(1) musi o khumbelo nga Maanḏalanga, u tea u dzenelena, shumisana nae nahone a thuse Maanḏalanga mulugana na tshinṅwe na tshinṅwe ṭshi kwamahlo mbilo. 

(2) Maanḏalanga a nga fara mbadelo i bvaho kha Tshikwama ine mbadelo iyo ya vha ya mutengo muṅwe na muṅwe i ṭshi u badelwa kha muthu ane a kundelwa kana ane a hana u anana na khumbelo i fpadzaho yo ṭiwa nga u tou ṭwala nga—
(a) Tshumelo ya Tshipholisa ya Afrika Tshipembe kana tshinṅwe tshimiswai tsha muṅwuso ṭshi re na vhudzhinduleli ha tsedzuluso kana la vhelela
vhugevhenga kana zwito zwa vhugevhenga, u shumisana na u thusa kha tsedzuluso ya mulandu muṅwe na muṅwe wa vhugevhenga wo vulwaho u ṭshi khou kwama mushumi wa zwa ndaka;
(b) the National Directorate of Public Prosecutions, any other prosecuting authority or any organ of state responsible for asset forfeiture investigations or proceedings, in respect of any investigation or proceedings in a court of law of which the relevant property practitioner is the subject or defendant, as the case may be; or

(c) the Authority to cooperate and assist in—
   (i) the investigation of any complaint against the relevant property practitioner; or
   (ii) the exercise of the Authority’s rights and remedies against the relevant property practitioner pursuant to the provisions of this Act.

(3) Neither the Fund nor the Authority is liable for payment of interest on any amount withheld as contemplated in subsection (2).

Actions against Authority in respect of Fund

43. (1) No person may commence any action against the Authority for payment from the Fund after the expiry of three years from the date of a written notification by the Authority addressed to the claimant, or his, her or its legal representative, if any, informing the claimant that the Authority—
   (a) rejects the claim to which the action relates; or
   (b) requires compliance with section 42.

(2) No person may recover from the Authority any amount larger than the difference between the amount of the loss suffered by him or her and the amount or value of all monies or other benefits which he or she received or is entitled to receive out of any other source in respect of such loss.

(3) No right of action lies against the Authority in respect of any loss suffered by—
   (a) the spouse, life partner, business partner or immediate family member of a property practitioner by reason of any negligent or intentional conduct including theft committed by such property practitioner; or
   (b) any property practitioner by reason of any negligent or intentional conduct including theft committed—
      (i) by his, her or its business partner;
      (ii) if such property practitioner is a company, by any director of such company;
      (iii) if he or she is a director of a company, by any co-director in such company;
      (iv) if such property practitioner is a close corporation, by any member of such corporation;
      (v) if he or she is a partner in a partnership, by any other partner of such partnership; or
      (vi) by any person employed by him or her as a property practitioner;
   (c) any person as a result of negligent or intentional conduct including theft, or as a result of any other act or omission in connection with trust monies held or received on account of any other person, by any person referred to in paragraph (d) of the definition of “property practitioner” in section 1.

Application of insurance monies

44. (1) No claimant having a claim against the Authority under this Chapter has by virtue of any contract entered into in terms of section 40 by the Authority with an insurer, have any right of action against that insurer.

(2) No claimant having a claim against the Authority under this Chapter has any right or claim in respect of any money paid or payable to the Authority by an insurer in accordance with a contract entered into in terms of section 33, but such money must be paid into the Fund and applied by the Authority in accordance with the provisions of this Chapter to settle any relevant claim.
(b) Khethekanyo ya Lushaka ya Vhutshutshutshisi ha Lushaka, maandalanga maite na mairwe kha zwa vhutshutshutshisi kana tshiismiswa tshiinwe na tshiinwe tsha muyhuso tshi re na vhujidhinduleleli kha zwa tsebdululo dza u xelaxela ha ndaka kana tsengo, malugana na tsebdululo inwe na inwe kana tsengo ngei khothe ya mulayo hune mushumi wa zwa ndaka o teaho ha vha ene muhwelelwa, u ya nga hune zwithu zwa vha; kana

(c) Maandalanga u itela u shumisana na u thusa kha—

(i) tsebdululo ya mbilaelo ifhio na ifhio ine ya kwama mushumi wa zwa ndaka; kana

(ii) u shumisa pfanelo dza Maandalanga na thandululo zwi tshi kwama mushumi wa zwa ndaka o teaho hu tshi khou tebhelwa mbeleshelo dza uno Mulayo.

(3) A si Tshikwama nahone a si Maandalanga a re na vhujidhinduleli ha u badela nzwalelo kha tshelede yo farwaho u ya nga zwe zwa bulwa kha khethekanyo ŉtukhu ya (2).

Maga ane a dzhielwa Maandalanga malugana na Tshikwama

43. (1) A huna muthu ane a dho thoma āja āniwe ji kwamaho Maandalanga malugana na mbadelo i bvaho kha Tshikwama nga murahu ha u fhela ha minwaha miraru u bva kha datumu ya u āvalwa ha nḏivhazdo ngo one Maandalanga yo livhiswa kha muitambilo, kana muimeleli wa ene muitambilo, arali a hone, hu tsii khou vhudzwa muitambilo uri Maandalanga—

(a) a khou hana mbilo; kana

(b) a khou ādā hu tshi tevhedzwa khethekanyo ya 42.

(2) A hu na muthu ane a dho vhuisa tshelede i tshi bva kha Maandalanga ine ya vha nnzhi u fhira tshelede yo lozweaho ya muitambilo na tshelede kana nde me ya tshelede yoṭh e kana mbuelo dzine kana dzo tanganedzwaho kana yo teaho u tanganedzwa i tshi bva kha tshiko tshiinwe na tshiinwe malugana na uho u lozwea.

(3) A hu na pfanelo ya nyito malugana na Maandalanga malugana na u xelaxela ho pfuwoha nga—

(a) mufarisi, ōthama ya vhutshilo hōthe, mushumisani kha zwa mabindu kana muradō wa tsinisa wa muña wa mushumi wa zwa ndaka nga mbuno i kwamaho u sa londa kana nga khole hu tshi kotelwa vhuvhava ho ātwa ho nga ūyu mushumi wa zwa ndaka; kana

(b) mushumi wa zwa ndaka muiniwe na muiniwe nga vhanga ja u sa londa kana nga khole hu tshi khou kotelwa vhuvhava ho ātwa ho—

(i) nga ene muŋe kana nga mushumisani kha zwa bindu;

(ii) arali ūyu mushumi wa zwa ndaka e khamphani, nga mulanguli wa khamphani muiniwe na muiniwe iyo khamphani;

(iii) arali e mulanguli wa khamphani, nga mulangi-ngae kha iyo koporasi;

(iv) arali ūyu mushumi wa zwa ndaka hu koporasi ŋtukhu, nga muraḏo muiniwe na muiniwe ya ūneyo koporasi;

(v) arali hu ōthama kha vhushaka ha bindu, nga ōthama ya zwa bindu ya honoho vhujama; kana

(vi) nga muthu muiniwe na muiniwe o tholwaho nga sa mushumi wa zwa ndaka;

(c) muthu muiniwe na muiniwe zwo itiswa nga u sa londa kana nga khole hu tshi kotelwa vhuvhava, kana zwo itiswa nga u khakha zwi tshi ūmana na tshelede dza tshikwama dzo farwaho kana dzo tanganedzwaho kha akhauntu hu muthu ufhio na ufhio, nga muthu o bulwaho kha pharagirafu ya (d) ya ŋtulutshedzo ya idph “mushumi wa zwa ndaka” kha khethekanyo ya 1.

Khumbelo ya tshelede dza ndindakhombo

44. (1) A hu na muitambilo a re na mbilo kha Maandalanga nga fhasi ha ino Ndima nga āwambo wa konjiraka āniwe na āniwe yo ātwa ho u ya nga khethekanyo ya 40 nga Maandalanga na khamphani ya ndindakhombo, a re na pfanelo āniwe na āniwe ya nyito kha iyo khamphani ya ndindakhombo.

(2) A hu na muitambilo ane a vha na mbilo kha Maandalanga nga fhasi ha ino Ndima ane a vha na pfanelo ifhio na ifhio kana mbilo malugana na tshelede āniwe na āniwe i badelwaho kha Maandalanga nga khamphani ya ndindakhombo u ya nga konjiraka yo ātwa ho u ya nga khethekanyo ya 32, Ifhedi iyo tshelede i tea u badelwaho kha Tshikwama nahone ya tea u hubelwaho nga Maandalanga u ya nga mbeleshelo dza ino ndima u itela u badela mbilo.
Transfer of rights and remedies to Authority

45. If the Authority settles in full or in part any claim under this Chapter, all the rights and remedies of the claimant in respect of such claim against the property practitioner concerned or any other person or, in the case of the death, insolvency or other legal incapacity of that property practitioner or other person, against the estate of that property practitioner or other person shall pass to the Authority, without qualification or diminution, to the extent of such settlement.

Fund exempt from insurance laws

46. No provision of any law relating to insurance applies to or in respect of the Fund.

CHAPTER 8

PROPERTY PRACTITIONERS

Application for Fidelity Fund certificate

47. (1) Every property practitioner, excluding a property practitioner referred to in paragraph (g) of the definition of “property practitioner” in section 1, must, within the prescribed period and in the prescribed manner, every three years apply to the Authority for a Fidelity Fund certificate, and such application must be accompanied by the fees contemplated in section 34.

(2) A property practitioner referred to in paragraph (d) of the definition of “property practitioner” in section 1, must, within the prescribed period and in the prescribed manner, apply to the Authority for a registration certificate, and such application must be accompanied by the fees contemplated in section 34.

(3) Subject to sections 43 and 52, the Authority must, upon receipt of an application contemplated in subsection (1) or (2) and the relevant fees, if the applicant concerned—

(a) meets or has met all requirements provided for in or under this Act; and

(b) is not disqualified in terms of section 48 from being issued with a Fidelity Fund certificate,

issue to the applicant concerned a Fidelity Fund certificate in the prescribed form, which is valid until 31 December of the year to which such application relates.

(4) A property practitioner who applies to the Authority for a Fidelity Fund certificate or a registration certificate, after the prescribed period referred to in subsection (1) or (2), or whose application is not accompanied by the fees referred to in section 34, must in addition to the applicable fee pay a prescribed penalty to the Authority and the Authority may not issue a Fidelity Fund certificate to the property practitioner concerned until the penalty has been paid.

(5) A property practitioner may not use or display a lapsed Fidelity Fund certificate.

(6) A property practitioner must, upon request from any relevant party, produce a Fidelity Fund certificate or certified copy thereof.

(7) A property practitioner whose contact details change during the period of validity of his, her or its Fidelity Fund certificate, must within 14 days of such a change taking place in writing provide the Authority with his, her or its new contact details.
55

U rathisela pfanelo na thasululo kha Maandalanga

45. Arali Maandalanga a badela tshelede yothe kana a tou badela iwe ya mbilo nga fhahi ha ino Ndima, pfanelo dzothe na thandululo dza muitambilo malugana na iyo mbilo kha mushumi wa zwa ndaka a kwameaho kana munwe muthu kana, kha nyimele ya musi ho vha na u lovha, u kundelwa nga u badela zwikolodo kana zwiwinwe zwi kwamahou u sa kona wo sedza mulayo kha uyo mushumi wa zwa ndaka kana munwe muthu, kha ndaka ya uyo mushumi wa zwa ndaka kana munwe muthu, pfanelo dzi the fhirela kha Maandalanga, hu si na ndalukano na u fhungudzea, kha vhuhulu ha iyo mbadelo.

Masheleli a vhohololwaho kha milayo ya ndindakhombo

46. A hu na mbetshele ya mulayo i kwamahou ndindakhombo ine ya kwama kha kana malugana na Tshikwama.

NDIMA YA 8
VHASHUMI VHA ZWA NDAKA

Khumbelo ya thanziela ya Tshikwama i Sumbedzaho u Thembela

47. (1) Mushumi wa zwa ndaka munwe na munwe hu sa katelwi mushumi wa zwa ndaka o bulwaho kha pharagirafu ya (g) ya thanlutsedzo ya ifi “mushumi wa zwa ndaka” kha khethekanyo ya 1, u tea, u ta khumbelo minwaha miraru minwe na minwe kha Maandalanga u itela u wana thanziela ya Tshikwama i Sumbedzaho u Thembela, nahone iyo khumbelo i tea u fheledzwo nga masheleli o bulwaho kha khethekanyo ya 34, nahone khumbelo iyo i tea u itwa hu saathu fhira tshifhinga tsho randelwaho nahone i itwe nga njila yo randelwaho.

(2) Mushumi wa zwa ndaka o bulwaho kha pharagirafu ya (d) kha thanlutsedzo ya ifi “mushumi wa zwa ndaka, kha khethekanyo ya 1, hu saathu u fhele tshifhinga tsho randelwaho nahone nga njila yo randelwaho, u tea u ita khumbelo kha Maandalanga u itela u nwalisa thanziela, nahone iyo khumbelo i tea u fheledzwo nga masheleli o bulwaho kha khethekanyo ya 34.

(3) Hu tshi khou tevhedzwa khethekanyo 43 na 52, Maandalanga musi a tshi tou tanangedza khumbelo yo bulwaho kha khethekanyo thukhu ya (1) kana (2) na masheleli o teaho, arali muhumbeli a kwameaho—

(a) a tshi fusha thojea kana o fusha thojea dza mbetshele nga fhahi ha uno Mulayo; nahone

(b) a songo hanelwa u fhira thanziela u ya nga khethekanyo ya 48, Maandalanga a do tea u fha mumbeli a kwameaho thanziela ya Tshikwama i Sumbedzaho u Thembela nga njila yo randelwaho, ine iyo thanziela i do shuma u swika nga dizi 31 dza Nyendavhusiku kha wonoyo iwaya uno kumbelo ya khon itelwa wone.

(4) Mushumi wa zwa ndaka a humbelaho thanziela ya Tshikwama i Sumbedzaho u Thembela kana u nwalisa thanziela kha Maanadalanga, nga murahu ha tshifhinga tsho randelwaho sa zwo bulwaho kha khethekanyo thukhu ya (1) kana (2), kana ane khumbelo yaywe a vo ngo fheledzwo nga tsheledyo yo bulwaho kha khethekanyo ya 34, u a tea u badela nadjisso yo randelwaho kha Maanadalanga nahone Maanadalanga ha nga netshedzi thanziela ya Tshikwama i Sumbedzaho u Thembela kha uyo mushumi wa zwa ndaka a kwameaho u swikela a tshi badela ndjisso.

(5) Mushumi wa zwa ndaka a nga si shumise kana u tan thanziela ya Tshikwama i Sumbedzaho u Thembela yo fhirelwa nga tshifhinga.

(6) Mushumi wa zwa ndaka musi hu na khumbelo ine ya bva kha munwe na munwe a kwameaho nahone o teaho, u tea u bvisa thanziela ya Tshikwama i Sumbedzaho u Thembela kana khophi ya iyo thanziela.

(7) Mushumi wa zwa ndaka ane zwidodombedzwa zwa zwa vhukwamani zwo shandukiswa nga tshifhinga tsha musi iyo thanziela i saathu u fhirelwa nga tshifhinga tsha u vha i shumaho, hu saathu fhela madzvha a 14 ho shandukiswa izwo zwidodombedzwa nga u tou nwala u tea u fha Maanadalanga zwidodombedzwa zwa vhukwamani ziswa.
56

Prohibition on rendering services without Fidelity Fund certificate

48. (1) No person or entity may act as a property practitioner unless, in addition to any other requirements provided for in or under this Act—
   (a) he or she or it has been issued with a Fidelity Fund certificate contemplated in section 47; or
   (b) if he or she or it employs any other person as a property practitioner, that person has also been issued with a Fidelity Fund certificate contemplated in section 47.

(2) If an entity is—
   (a) a company;
   (b) a close corporation;
   (c) a trust; or
   (d) a partnership,

   every director of such a company, every member of such a close corporation, every trustee of such a trust and every partner of such a partnership, as the case may be, must have been issued with a Fidelity Fund certificate contemplated in section 47.

(3) Any person who contravenes or fails to comply with subsection (1) is guilty of an offence.

(4) A person who contravenes or fails to comply with subsection (1) must, immediately upon receipt of a request from any relevant party in writing, repay any amount received in respect of or as a result of any property transaction during such contravention.

(5) A person who fails to comply with a request contemplated in subsection (4) is guilty of an offence.

(6) The provisions of this section apply irrespective of—
   (a) what appellation a person or entity is described by; or
   (b) whether he, she or it is registered, certified or appointed or acts in terms of or under or for purposes of any other Act.

Mandatory time periods for issuing certificates

49. (1) The Authority must, within 30 working days, consider any application submitted to it in terms of this Act, which fully meets the prescribed requirements, unless the Authority, on good grounds in writing, informs the applicant of the reasons why that period is to be extended, provided that such extension may not exceed 20 working days.

(2) The period of 30 working days contemplated in subsection (1) commences afresh if the Authority requests the applicant to submit additional information or to correct the said application.

(3) If the Authority has failed to comply with subsection (1), the application is deemed to have been approved and the Authority must, upon written request by the applicant within 10 working days, issue the applicant with the relevant certificate.

Disqualification from issue of Fidelity Fund certificate

50. The Authority may not issue a Fidelity Fund certificate to—
   (a) any person who—
       (i) is not a South African citizen and does not lawfully reside in the Republic;
       (ii) has, at any time in the preceding five years, been found guilty of contravening this Act, the Estate Agency Affairs Act, or any similar legislation in any other jurisdiction;
Nyiledzo malugana na u ṣetshedza tshumelo hu si na ṣhanziela ya Tshikwama i Sumbedzaho u Thembea

48. (1) A hu na muthu ane kana tshiimiswa tshine tsha nga shuma sa mushumi wa zwa ndaka nga nnďa ha musi nga njha ha dziňwe ṣhoqea dzo vhetselwaho kha kana nga fhansi ha uno Mulayo—
   (a) uyo muthu kana isho tshiimiswa tsho ṣetsedzwa ṣhanziela ya Tshikwama i Sumbedzaho u Thembea sa zwo bulwaho kha khethekanyo ya 47; kana
   (b) arali uyo muthu kana isho tshiimiswa tsho thola muthu sa mushumi wa zwa ndaka, ane uyo muthu o ṣetsedzwa ṣhanziela ya Tshikwama i Sumbedzaho u Thembea sa zwo bulwaho kha khethekanyo ya 47.
(2) Arali tshiimiswa hu—
   (a) khamphani;
   (b) koporasi ṣhukhu;
   (c) thirasiti; kana
   (d) tshine tsha shumisanwa natsho,
   mulanguli muñwe na muñwe wa yeneyo khamphani, muraŋo muñwe na muñwe wa yeneyo koporasi ṣhukhu, thirasiti muñwe na muñwe wa yeneyo thirasiti na muñwe na muñwe a re ṣhama ya thumisano, u ya nga hune zwa vha, hu tea u vha o ṣetsedzwa ṣhanziela ya Tshikwama i Sumbedzaho u Thembea sa zwo bulwaho kha khethekanyo ya 47.
(3) Muthu muñwe na muñwe ane a pfukekanya kana ane a kundelwa u tevhedza khethekanyo ṣhukhu ya (1) u na mulandu wa vhuthinyi.
(4) Muthu ane a pfukekanya kana ane a kundelwa u tevhedza khethekanyo ṣhukhu ya (1), nga u tou ṣatvhanya musi a tshi tou wana khumbelo i bvaho ho teaho nahone yo tou ſwalwa, u tea u badela tsehede ifhio na ifhio yo tånganedzwaho malugana na kana zwo vhangwa nga ḥirantsekisheni inwe na inwe nga tshifhinga tshenetshe tsha uho u sa tevhedza khethekanyo ya Mulayo.
(5) Muthu ane a kundelwa u tevhedza khumbelo yo bulwaho kha khethekanyo ṣhukhu ya (4) u na mulandu wa uri o khakh.
(6) Mbetshelo dza ino khethekanyo dzo shumiswa hu songo sedzwa—
   (a) kuabalashedzelwe kwa aphiįį ya muthu kana tshiimiswa; kana
   (b) muthu o ſwalisa kana tshiimiswa tsho ſwalisa, u vha hone ha ṣhanziela kana u thola kana u shuma u ya nga, kana nga fhansi ha, kana u itela ndîvho dza muñwe Mulayo.

Zwifhinga zwine zwa tou vhotha zwa u ṣetshedza ṣhanziela

49. (1) Maanďalanga hu saathu fhela maďuvha a 30 a mushumo, a tea u lavhelesa khumbelo inwe na inwe yo ḣiswaho u ya nga uno Mulayo, ine iyo khumbelo i khou fusha ṣhoqea dzõ Ngho dzò Randelwaho, nga nnďa ha musi Maanďalanga arali hu na zwivhangi zwi re khagala a tshi nga tou ſwalela muhumbeli mbuno dza uri maďuvha a 30 a tea u engedzwa, tenda uho u engedza maďuvha hu sa ḣo Ḫira maďuvha a 20 a mushumo.
(2) Tshifhinga tsha maďuvha a 30 a mushumo o bulwaho kha khethekanyo ya (1) a thomululwa u vhaľwa nga hwsaw arali Maanďalanga a hambela muhumbeli uri a ḳise ndîvho kana u lulamisa khumbelo.
(3) Arali Maanďalanga a kundelwa u tevhedza khethekanyo ṣhukhu ya (1), zwi dzhiwiha khumbelo ya muhumbeli yo tendelwa nahone Maanďalanga a tea uri musi muhumbeli o hambela nga u tou ſwala hu saathu u fhela maďuvha a 10 a mushumo, Maanďalanga a ṣetshedze muhumbeli ṣhanziela yo teaho.

U sa tsha fusha ṣhoqea dza u Ḫiwa ṣhanziela ya Tshikwamai i Sumbedzaho u Thembea

50. Maanďalanga a nga si ṣetshedze ṣhanziela ya Tshikwama i Sumbedzaho u Thembea
   (a) muthu muñwe na muñwe ane—
      (i) a sa vhe Mudzulapo wa Afrika Tshipembe nahone ane a sa vhe na thendelo ya u dzula kha Riphabuljiki lwa mulayo;
      (ii) ane kha mińwa mińanu yo ḥiraho o wanwa mulandu wa u pfuka Mulayo wa Estate Agency Affairs Act, 1976, kana mulayosĩnwa muñwe na muñwe une wa fana na yeneyi kha vhuńwe vhupo;
(iii) has been found in any civil or criminal proceedings by a court of law, whether in the Republic or elsewhere, to have acted fraudulently, dishonestly, unprofessionally, dishonourably or in breach of a fiduciary duty, or of any other offence for which such person has been sentenced to imprisonment without the option of a fine;
(iv) is of unsound mind;
(v) has, at any time in the preceding five years by reason of improper conduct, been dismissed from a position of trust;
(vi) is an unrebhilalibrated insolvent;
(vii) is not in possession of a valid tax clearance certificate;
(viii) has been prohibited by any legislation, enacted in the Republic or elsewhere, from practicing as a property practitioner or from occupying a position of trust, including any juristic person to whom the disqualifications in subparagraphs (ii), (iii), (vi) and (vii) apply with the necessary changes;
(ix) has been found guilty by a competent tribunal or a court of law of unfairly differentiating, distinguishing or excluding directly or indirectly anyone on the basis of race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth;
(x) is not in possession of a valid BEE certificate;

(b) any property practitioner who or, if such property practitioner is a company, any director or member of management of that company, or if such property practitioner is a close corporation, any member referred to in paragraph (a) of the definition of “property practitioner” in section 1, or if such property practitioner is a trust, any trustee, or if such property practitioner is a partnership, any partner, who—
(i) in the preceding five years has been found guilty of contravention of this Act or the Estate Agency Affairs Act, 1976;
(ii) does not comply with the prescribed standard of training;
(iii) does not have the practical experience determined by the Authority; or
(iv) has at any time been guilty of any act or omission in respect of which any person had to be compensated pursuant to the provisions of section 38 from the Fund, unless the property practitioner has repaid the relevant amount in full to the Authority, or the Authority is of the opinion that satisfactory arrangements for the settlement of such amount have been made and has confirmed such arrangements;

(c) any property practitioner contemplated in paragraph (a) of the definition of “property practitioner” in section 1, if such property practitioner carries or intends to carry on business as a property practitioner under a trade name which is identical or confusingly similar to the trade name of another property practitioner—
(i) already issued with a Fidelity Fund certificate; or
(ii) whose Fidelity Fund certificate is suspended or has lapsed or been withdrawn in terms of this Act; or

(d) any property practitioner who is a director of a company, or who is a member referred to in paragraph (b) of the definition of “property practitioner” in section 1 of a close corporation—
(i) of which the Fidelity Fund certificate was withdrawn by the Authority in terms of section 52; or
(ii) which was prohibited in terms of section 48 from operating in any way on its trust, savings or other interest-bearing accounts referred to in terms of that section.
(iii) o wanwa mulandu kha zwi kwamaho mbilo kana zwa vhugushengeng nga khothe ya mulayo, hu nga vha kha ja Afrika Tshipembe kana kha jiwe shango, o wanwa mulandu wa u ita zwa vhufhure, u sa fhulufhedzea, u sa vha mphoreshina, u sa tlomtho kana u pfuka mushumo wa vhufhifunduleli ha u vha thirasiti, kana vhutshinyi vhunwe na vhunwe he ha ita uri uyo muthu a valemwe dzhele a songo tendelwa na u tou badela ndatiso;

(iv) ane mubhulelele wave a u shumi zwavhu; 5

(v) o pandelwaho kha vhuimo ha u vha thirasiti zwo itiswa nga vhufihari vhu si havhu kha minwaha mtanu yo fhiraho; 10

(vi) ane o kundelwa u badela zwikololo lwe a sa tsha dohva a vusuludzea;

(vii) ane ha na thamziela ine ya sumbedza uri madzungo a muthelo o dzula zwavhu;

(viii) ane o hanelwa u ya nga mulayosiwa, wo itwaho kha Riphabuljiki kana kha jiwe shango, o hanelwa u shuma sa mushumu wa zwa ndaka kana u hanelwa u fara vhiimo ha u vha thirasiti, hu tshi ketela kha mphamphi nani u hanelwa uho na u sa tsha fusha fhoqo uho kha phara dza (ii), (iii), (vi) na (vii) zwa shuma kathithi nani tshanduko dzse teaho;

(ix) ane o wanwa mulandu nga thribunala kana khothe ya mulayo uno mulandu uyo ndi u kwamaho u fhambanitsisa vha the nga ndila i sa pfadzi, u fhambanitsisa kana u jala nga ndila yo livhahlo kana uno livhahlo zwo seka kha murafrho, mbeu, vhun  dwe na vhun  dwe he ha ita uri uyo muthu a valelwe dzhele a songo tendelwa na u tou badela ndatiso;

(x) ane ha na thamziela ya BEE; 15

(b) mushumi munwe na munwe wa zwa ndaka ane kana, arali uyo mushumi wa zwa ndaka hu khamphani, mushumi munwe na munwe kana muradalo wa zwa ndaka hu koparasi tshhukhu, muradalo o bulwaho kha pharagarifa ya (a) kha tshaluludzho ya ifi “mushumi wa zwa ndaka” kha khethekanyo ya 1, kana arali uyo mushumi wa zwa ndaka hu thirasiti, thirasiti, kana arali uyo mushumi wa zwa ndaka hu mshumisani, tsha munwe na munwe, ane— 20

(i) kha minwaha mtanu yo fhelaho o wanwa mulandu wa u pfuka uno Mulayo kana Mulayo wa Estate Agency Affairs Act, 1976;

(ii) a sa anane na tshiqandadi tsho pandelwaho tsha fhugudisi;

(iii) ha na tshenzhemo ya mushumo yo tiwaho nga Maandalanga; kana 25

(iv) o wanwa mulandu wa nyito ifhio na ifhio kana u sa tevhedza malugana na muthu munwe na munwe ane o tewa u badelwa hu tshi khoo tevhelwa mbetshelo dzse khethekanyo ya 38 u bva kha Tshikwama, nga ndla ha musi mushumi wa zwa ndaka o badela muradalo tshelele ye teaho nga vhuvalo negi kha Maandalanga, kana Maandalanga a sa mubhubulo wo uri nzudzanyo dzsi fushaho dzse u badela iyo tevhelwe dzse itwa nahone idzo nzudzanyo dzse kwa thathisedzwa; 30

(c) mushumi munwe na munwe wa zwa ndaka o bulwaho kha pharagarifa ya (a) ya tshaluludzho ya ifi “mushumi wa zwa ndaka” kha khethekanyo ya 1, arali uyo mushumi wa zwa ndaka a tshi shuma kana a tshi hubuluma u shuma zwa bindu sa mushumi wa zwa ndaka nga fhasi ha dzina ja bindu line jha tou fana kana ja kanganysa zwi tshi itwa nga u fana na dzina ja bindu ja munwe mushumi wa zwa ndaka— 35

(i) ane o ho tshhango tshamziela ya Tshikwama i Sumbedzaho u Tshemba; kana

(ii) ane thamziela ya Tshikwama i Sumbedzaho u Tshemba yo imiswa u shumiswa kana yo fhirelwyo nga tshihinga kana yo dzhiululwa u ya nga uno Mulayo; kana 40

(d) mushumi wa zwa ndaka munwe na munwe ane ndi mulanguli wa khamphani, kana ane a vha murafo o bulwaho kha pharagarifa ya (b) ya tshaluludzho ya ifi “mushumi wa zwa ndaka” kha khethekanyo ya 1 ya koparasi tshhukhu— 45

(i) ine thamziela ya Tshikwama i Sumbedzaho u Tshemba yo dzhiululwa nga Maandalanga u ya nga khethekanyo ya 52; kana

(ii) ine yo ilehwa u shuma mishumo ya thirasiti kana zwiwe u ya nga khethekanyo yeneyo ya 48. 50
Amendment of Fidelity Fund certificate

51. (1) For the purposes of this section, “holder” means the holder of a Fidelity Fund certificate.
   (2) The Authority may, at any time in writing, inform the holder that the Authority intends to amend any particulars of the Fidelity Fund certificate held by the holder, and the Authority must—
   (a) provide reasons for the proposed amendment; and
   (b) invite the holder to submit a written response within a prescribed period.
   (3) The Authority may, after due consideration of any response received, including that of any person other than the holder, amend the particulars of the Fidelity Fund certificate and issue an amended Fidelity Fund certificate to the holder.
   (4) When issuing the Fidelity Fund certificate contemplated in subsection (3), the Authority must, simultaneously in writing—
   (a) provide the holder with reasons for the amendment;
   (b) provide the holder with a copy of any response received from the other person; and
   (c) request the immediate return of the original Fidelity Fund certificate.
   (5) A person who, in terms of paragraph (c), is requested to return the original Fidelity Fund certificate to the Authority, must—
   (a) do so forthwith; or
   (b) if that Fidelity Fund certificate cannot be returned, submit a declaration made under oath or affirmed to the Authority as to the reasons and circumstances preventing that person from doing so.
   (6) An amended Fidelity Fund certificate comes into operation on the date on which it is served by the Authority on the holder.
   (7) If the holder prevents delays or avoids service of the amended Fidelity Fund certificate by the Authority or attempts to do so, the amended Fidelity Fund certificate comes into operation on the date on which the Authority first attempted to serve the amended Fidelity Fund certificate on the holder.
   (8) If the Authority attempted to serve the amended Fidelity Fund certificate on the holder but was unsuccessful for the reason that the holder prevented, delayed or avoided the Authority from doing so, the Authority must, for the general public’s information, publish the date on which the amended Fidelity Fund certificate came into operation, and the nature or contents of the amendment, in any medium which it deems adequate for this purpose.

Withdrawal or lapse of Fidelity Fund certificate

52. (1) The Authority may, whether on its own initiative or pursuant to an instruction issued by a court of law or an adjudicator contemplated in section 30, withdraw a Fidelity Fund certificate issued to—
   (a) any person, partnership or trust summoned in the prescribed manner to appear before the Authority if that person or trust, without just cause, fails to comply with the summons and prior to the date of the appearance stated in the summons has not been excused in writing by the Authority, from so appearing;
   (b) a company or close corporation, if—
      (i) the Fidelity Fund certificate of any director of the company or of any member of the corporation has lapsed in terms of subsection (5); or
Ukhwiniswa ha ṭhanziela ya Tshikwama i Sumbedzaho u Thembea

51. (1) U itela ndivho ya ino khethekanyo, "mupe" zwi amba mupe wa ṭhanziela ya Tshikwama tshi Thembea ho.
(2) Maandalanga nga tshifhinga tshiwe na tshiwe nhone nga u tou ñwala, a ño ñhvisisa nufari uri Maandalanga a khou humbula u khwinisa zwindombedzwa zwa ṭhanziela ya Tshikwama i Sumbedzaho u Thembea ya mupe wayo, nhone Maandalanga a tea u—
(a) u fha mbuno dza u dzininga u ita iyo khwiniso; na
(b) vhidza mupe wa ṭhanziela u itela uri a ñise phindulo yo tou ñwalwaho hu saatu u fhlene tshiwe hino tso randelwaho.
(3) Maandalanga nga murahu ha u lavhelesa phindulo yo ṭanganedzwo, hu tshi katelewa na phindulo ya uy o ane a sa vhe mupe wa ṭhanziela, Maandalanga a ño kona u khwinisa zwindombedzwa zwa ṭhanziela ya Tshikwama i Sumbedzaho u Thembea nhone a ño konaha u ṭetshezha ṭhanziela ya Tshikwama i Sumbedzaho u Thembea yo khwinisiwo kha uy o mupe wayo.
(4) Musi hu tshi ṭetshezwa ṭhanziela ya Tshikwama i Sumbedzaho u Thembea yo bulwaho kha khethekanyo ṭhuku ku ya (3), Maandalanga nga khathihi nhone nga u tou ñwala a tea u—
(a) u fha mupe wa ṭhanziela mbuno dza uho u khwinisa; na
(b) u fha mupe wa ṭhanziela khophi pha phindulo inwe na inwe yo ṭanganedzwo u bva kha munwe muthu; na
(c) humbele u humiselwa murahu ha ṭhanziela ya oridzhina ṭla ya Tshikwama i Sumbedzaho u Thembea.
(5) Muthu ane u ya nga pharagirafu ya (c) u humbelwa u humisa ṭhanziela ya oridzhina ṭla ya Tshikwama i Sumbedzaho u Thembea kha Maandalanga u tea —
(a) u zwi itu nga u ñavhanya; kana
(b) uri arali iyo ṭhanziela ya Tshikwama i Sumbedzaho u Thembea i sa humisei, a ise khwâquisedzo yo bulwaho ñhisi ha muano kana a khwâquisedzele Maandalanga nga ha mbuno na nyimele dzî thivhelaho u humisa iyo ṭhanziela.
(6) ṭhanziela ya Tshikwama i Sumbedzaho u Thembea i thoma u shuma nga datumu ine ya ṭetshezwa mupe wayo nga Maandalanga.
(7) Arali mupe wa ṭhanziela a thivhela, lengisa kana u u sa ṭetshezwa ṭhanziela yo khwinisiwo ya Tshikwama i Sumbedzaho u Thembea nga Maandalanga kana ndingedzo dza u pfalo, ṭhanziela yo khwinisiwo i thoma u shuma nga datumu ye Maandalanga a ña ndingedzo dzî u thoma u ṭetshezha iyo ṭhanziela yo khwinisiwo kha mupe wayo.
(8) Arali Maandalanga o lingedza u ṭetshezha ṭhanziela yo khwinisiwo ya Tshikwama i Sumbedzaho u Thembea kha mupe wayo fledzi zwa sa konadze nga vhanga ja uri mupe wa ṭhanziela ndi ene o thivhelaho, o lengisa kana o zwi thivhelaho, Maandalanga uri a ri pfalo, Maandalanga a tshi itela ndivhiso ya tshitschavha, a tea u anadza datumu ine ṭhanziela yo khwinisiwo ya thoma u shuma ngayo, na izwo zwi zwa khwinisiwo kha zwirthisi zwirhini zwine zwa vhonala zwi tshi nga fusha ino ndivho ya u anadza.

U dzhiululwa kana u fhlene ha ṭhanziela ya Tshikwama i Sumbedzaho u Thembea

52. (1) Maandalanga one âgeo a tou zwi thoma kana a tshi khou tevhela ndaela yo ṭetshezwo nga khotse ya mulayo kana muhañuli sa zwo bulwaho kha khethekanyo ya 30, Maandalanga a nga dzhiululwa ṭhanziela ya Tshikwama i Sumbedzaho u Thembea ye ya ṭetshezwa—
(a) muthu muniwe na muniwe, ṭhama kana thirasiti o vhidzwo u ya nga ndiila yo randelwaho urí a divhona phanda ña Maandalanga arali uyo muthu kana thirasisi hu si na tshivhangi tshi pfalaho a kundelwa u anana na jiniwalu ja u vhidzwo nhone phanda ha datumu ya u divhonadza zwo bulwaho kha samanisi uri a hongo vha na pfarelo yo tou ñwalwaho nga Maandalanga, kha uho u divhonadza;
(b) khamphani kana koporasi ṭhuku, arali—
(i) ṭhanziela ya Tshikwama i Sumbedzaho u Thembea ya mulangi wa khamphani kana murañiqo muñwe na muniwe wa koporasi yo fhirelwa u ya nga khethekanyo ṭhuku ku ya (5); kana
(ii) any director of such company, or any member, referred to in paragraph (a) of the definition of “property practitioner” in section 1, of such corporation, has lapsed in terms of subsection (5), or any trustee of a trust or the person responsible for the trust, becomes subject to any disqualification referred to in section 50(b)(ii) and (iii) or section 50(c);

(c) a person or trust becomes subject to any disqualification referred to in section 50(b)(ii), (iii) or section 50(c).

(2) A person who is in possession or in control of any Fidelity Fund certificate which has been withdrawn in terms of subsection (1) must refrain from using or displaying that Fidelity Fund certificate.

(3) A court may, on good cause and upon application by the Authority or any other competent person, withdraw any Fidelity Fund certificate issued to any person, and thereupon order that the person contemplated in subsection (2) or any other person to immediately refrain from using and displaying that Fidelity Fund certificate.

(4) A Fidelity Fund certificate lapses immediately and is of no force and effect if the person to whom it has been issued—

(a) in the case of a natural person, the person to whom it has been issued dies or becomes subject to any disqualification referred to in section 50(a)(iii) to (vi);

(b) is a company or a close corporation, and the company or close corporation is being wound up, whether provisionally or otherwise, or is deregistered, as the case may be;

(c) is a partnership, and one of the partners is sequestrated; or

(d) in the case of a trust with only one trustee, that trustee is sequestrated.

(5) A person who is in possession or control of a Fidelity Fund certificate which has been withdrawn or has lapsed must immediately return the certificate to the Authority, or if that Fidelity Fund certificate cannot be returned, submit a declaration made under oath or affirmed as to the reasons and circumstances preventing the property practitioner from doing so.

(6) A person whose Fidelity Fund certificate has been withdrawn in terms of subsection (1) or has lapsed in terms of subsection (4), may not directly or indirectly participate in the management of any business carried out by a property practitioner in his, her or its capacity as such, or participate in the carrying out of such business, or be employed, directly or indirectly, in any capacity in such business, except with the written consent of the Authority and subject to the conditions that the Authority may determine.

(7) A property practitioner may not directly or indirectly in any capacity whatsoever employ a person contemplated in subsection (6), or allow or permit such person directly or indirectly to participate in any capacity in the management or the carrying on of his, her or its business as a property practitioner, except with the consent in writing of the Authority, and subject to the conditions that the Authority may impose.

(8) The Authority has no liability whatsoever in respect of the withdrawal or lapse of a Fidelity Fund certificate, except where the withdrawal was due to the Authority’s negligence.

(9) A person, partnership or trust whose Fidelity Fund certificate has been withdrawn or lapsed in terms of this section may re-apply for a Fidelity Fund certificate when it, he or she again qualifies for such a certificate.

(10) A person who uses or displays the Fidelity Fund certificate contemplated in subsection (2) is guilty of an offence.
Mulayo wa Vhashumi vha zwa Ndaka, 2019

Nom 22 ya 2019

(ii) mulanguli munwe na muñwe na iyo khamphani, kana muraqo muñwe na muñwe, o buluwa ho pharagirafu ya (a) ya nko phatshhororo ya ipi “mushumi wa zwa ndaka” kha khethekanyo ya 1, ya iyo kforosapi, yo fhirelewana ya nga khethekanyo thukhu ya (5), kana thirasiti muluwe na muñwe ka munwe a re na vhuðifhinduleli ho thirasiti, a vha ho a tea u sa tsha fusua hoðe sa zwo buluwa ho khethekanyo ya 50(b)(ii) na (iii) kana khethekanyo ya 50(c);

(c) munwe kana thirasiti u tea u vha ane a khou sa tsha fusua hoðe dzo buluwa ho khethekanyo ya 50(b)(ii), (iii) kana khethekanyo ya 50(c).

(2) Muthu a re na, kana a re langa ṣhanziela ya Tshikwama i Sumbedzaho u Thembea ine iyo ṣhanziela yo dzihuluula hu tshi khou tevhedzwa khethekanyo thukhu ya (1) u tea u litswa u shumisa kana u ṣha futhi, u tea u re iyo ṣhanziela.

(3) Khothe, musi zwo tea nahone hu na khumbelo ho itwa nga Maaŋalanga kana muñwe muthu, khothe i nga dzihuluula ṣhanziela ya Tshikwama i Sumbedzaho u Thembea ye ya getschedzwa muthu muñwe na muñwe, nahone ya ta na ndAleya u a laela uri muthu o buluwa ho khethekanyo thukhu ya (2) kana muthu muñwe na muñwe uri a litswe u shumisa na u ṣha futhi ṣhanziela.

(4) ṣhanziela ya Tshikwama i Sumbedzaho u Thembea i mbo ṣhi vha u sa tsha shuma nga u ṣha futhi a arali muthu we a i getschedzwa—

(a) kha nyimele ya muthu wa mvelo, muthu uyo o lovha kana muthu uyo a vho wela kha nyimele ya u sa tsha fusua hoðe sa zwo buluwa ho khethekanyo ya 49(a) (ii) u ya kha (vi);

(b) kha nyimele ya musi hu khamphani kana kforosapi thukhu, nahone khamphani kana kforosapi thukhu ya wa, Iwa tshifhinga nyana kana nga inwe ndila, kana ya vha i sa tsha vha yo itwalukatso, u ya nga heñefho hune nyimele ya vha;

(c) kha nyimele ya musi hu tshumisano, nahone muthihi wa ṣha futhi, a wa nahone a tea u re engiselwana ndaka uri hu lifhiwe zwikolodo zwawe; kana

(d) kha nyimele ya musi hu Thirasiti nahone i re na thirasiti muthihi fhedzi, uyo thirasiti a tshi khou dzihuelwa ndaka nga vhango ja u a sadela zwikolodo.

(5) Muthu a re na kana ane a vha nga ndango ya ṣhanziela ya Tshikwama i Sumbedzaho u Thembea ine iyo ṣhanziela yo dzihuluula kana i sa tsha shuma nga u ṣha futhi a arali muthu we a i getschedzwa iyo ṣhanziela i sa nga si humiswe, uyo muthu u tea u isa kwawhisedzo yo itwaho nga ṣha futhi ha muano ya u bula mbuno na nyimele dzwi rhelabo uyo mushumi wa zwa ndaka a tshi umisa ṣhanziela.

(6) Muthu a re na vha nga ndango ya ṣhanziela ya Tshikwama i Sumbedzaho u Thembea ine iyo ṣhanziela yo dzihuluula kana a i sa tsha shuma nga u ṣha futhi a arali muthu we a i getschedzwa iyo ṣhanziela.

(7) Muthu uyo o lovha kana muthu uyo a vho wela kha nyimele ya u sa tsha fusua hoðe sa zwo buluwa ho khethekanyo ya 50(b)(ii), (iii) kana khethekanyo ya 50(c).

Muthu a re na kana ane a vha nga ndango ya ṣhanziela ya Tshikwama i Sumbedzaho u Thembea ine iyo ṣhanziela yo dzihuluula kana a i sa tsha shuma nga u ṣha futhi a arali muthu we a i getschedzwa iyo ṣhanziela i sa nga si humiswe, uyo muthu u tea u isa kwawhisedzo yo itwaho nga ṣha futhi ha muano ya u bula mbuno na nyimele dzwi rhelabo uyo mushumi wa zwa ndaka a tshi umisa ṣhanziela.

Muthu uyo o lovha kana muthu uyo a vho wela kha nyimele ya u sa tsha fusua hoðe sa zwo buluwa ho khethekanyo ya 49(a) (ii) u ya kha (vi);
Mandatory display of Fidelity Fund certificate

53. (1) A holder of a Fidelity Fund certificate must—
   (a) prominently display his, her or its Fidelity Fund certificate in every place of
      business from where he, she or it conducts property transactions, to enable
      consumers to easily inspect it;
   (b) ensure that the prescribed sentence regarding holding a Fidelity Fund
      certificate is reproduced in legible lettering on any letter head or marketing
      material relating to that property practitioner;
   (c) in any agreement relating to property transactions entered into by him or her
      or by his, her or its company, close corporation, partnership, trust or other
      entity permitted to conduct the business of a property practitioner, include the
      prescribed clause which ensures that he, she or it guarantees the validity of the
      certificate.

   (2) A person who contravenes subsection (1) is guilty of an offence.

Trust account

54. (1) Every property practitioner—
   (a) must open and keep one or more separate trust accounts, which must contain
      a reference to this section, with a bank registered in terms of the Banks Act,
      1990, (Act No. 94 of 1990);
   (b) must immediately after opening a trust account contemplated in paragraph (a)
      appoint an auditor as prescribed;
   (c) must immediately after opening a trust account as contemplated in paragraph
      (a) and appointing an auditor as contemplated in paragraph (b), provide the
      Authority as prescribed with all information in respect of such account or
      accounts and such auditor; and
   (d) or his, her or its responsible or designated employee, as the case may be, must
      immediately deposit all trust money held or received by or on behalf of that
      property practitioner in the relevant trust account.

   (2) Despite subsection (1), any property practitioner may invest in a separate savings
      or other interest-bearing account opened by him, her or it with any bank any monies
      deposited in his, her or its trust account which are not immediately required for any
      particular purpose, provided that—
      (a) savings or other interest-bearing accounts must contain a reference to this
          subsection; and
      (b) property practitioner must as prescribed provide the Authority with all
          information in respect of such account.

   (3) A property practitioner must retain all trust money deposited in terms of
      subsection (1) or invested in terms of subsection (2), until he, she or it—
      (a) is lawfully entitled to such money; or
      (b) is lawfully instructed in writing to make payment therefrom to any person.

   (4) Any bank which manages trust accounts for purposes of this Act must, from time
      to time as prescribed, submit a certificate to the Authority declaring interest in respect of
      that account.

   (5) Every property practitioner must—
      (a) keep separate accounting records of all monies deposited by him, her or it in
          his, her or its trust account and of all monies invested by him, her or it in any
          savings or other interest-bearing accounts contemplated in subsection (2);
      (b) balance his, her or its books and records relating to any account contemplated
          in paragraph (a) at intervals of not more than one month, and cause them as
          well as all his, her or its business accounts or any other account into which
          monies are deposited in connection with any property transaction to be
          audited by the same auditor contemplated in subsection (1)(b), within six
          months after the final date of the financial year of the property practitioner
          concerned; and
U ũkana ũhanziela ya Tshikwama i Sumbedzaho u Thembea zwine zwa tou kombetschedza

53. (1) Muwe wa ũhanziela ya Tshikwama i Sumbedzaho u Thembea u tea u—
(a) ũhanziela yawe ya Tshikwama i Sumbedzaho u Thembea huṁwe na huṁwe aho bindumi ṣawwe hune hune a shumela hone kana hone bindu ṣawwe ja ṣa hone, u itela uri vharengi vha kone u tshi vhona;

(bh) vhona uri mitaladzi yo randelwaho malugana na u vha muwe wa ũhanziela ya Tshikwama i Sumbedzaho u Thembea i a bveledzululwa zwavhudi nga maledjere kha mabammbiri a bindu kana matheriaja a u vhambadza malugana na mushumi wa zwa ndaka;

(c) uri kha thendelano imwe na imwe malugana na thirantsekisheni dzine dza itwa nga ene, nga khamphani yekeye, koporasi ũkhu, vhutshina kha zwa bindu, thirawu kana tshinwe tshiimiswa tsho tendelwaho u ita vhbinandzi ha u vha mushumi wa zwa ndaka, hu tshi katelela khethekanyo yo randelwaho ina ye vhona uri ene uyo muwe wa ũhanziela a vhone uri ũhanziela ndi yavhukuma.

(2) Muthu ane a pfuka khethekanyo ũkhu ya (1) u na mulandu wa vhutshinyi.

Akhaunthu ya thirawu

54. (1) Mushumi munwe na munwe wa zwa ndaka—
(a) u vula na u ṣhugomela akhaunthu nthihi ya thirawu kana akhaunthu nnzhi dza tshirawu, dzine dza bula ino khethekanyo, ngi kha bannga yo ñwaliswaho u ya nga Mulayo wa Banks Act, 1990, (Act No. 94 of 1990);
(b) u vula akhaunthu nthihi ya thirawu ya akhaunthu yo bulwaho kha phara ya (a) u tea u thola mutoli sa zwo randelwaho;

(c) u vula akhaunthu nthihi ya thirawu, u u vula akhaunthu ya thirawu sa zwo bulwaho kha pharagirafu ya (a) na u thola mutoli sa zwo bulwaho kha pharagirafu ya (b), sa zwo bulwaho, u tea u fla Maanjalanga nqvilviso malugana na iyo akhaunthu kana izido dziakhaunthu na uyo mutoli; na

(d) kana, mushumi wawe a re na vhugifhinduleli kana mushumi o ngawo, u ya nga hune zwa vha, nga u ṣathu yona a tea u diphositha tshelede yo farwaho kana u tshinwe tshiimiswa tsho tendelwaho u ita vhubindudzi ha u vha mushumi wa zwa ndaka, hu tshi katelela khethekanyo yo randelwaho ina ye vhona uri ene uyo muwe wa ũhanziela a vhone uri ũhanziela ndi yavhukuma.

(2) Naho hu na khethekanyo ũkhu ya (1), mushumi munwe na munwe wa zwa ndaka a nga bundudza tshelede kwa akhaunthu ya thungo kana inwe akhaunthu i re na nzwalelo dza kwiwesha ine iyo akhaunthu ndi ene o i vula ho kana yo vulwa nga khamphani ngi kha bannga. Iyo tshelede niyo yo diphosithwaho kwa akhaunthu ya thirawu nahone iyo tshelede a i toshi u shumiswa nga u ṣathu, tenda—

(a) akhaunthu ya u vhulunga masheleli kana akhaunthu i re na nzwalelo ya tea u vha na referentsi ya ino khethekanyo ũkhu; nahone

(b) mushumi wa zwa ndaka sa zwo randelwaho u tea u fla Maanjalanga nqvilviso yoqhe nga ha iyo akhaunthu.

(3) Mushumi wa zwa ndaka u tea u fara tshelede yoqhe ya thirawu yo diphosithwaho u ya nga khethekanyo ũkhu ya (1) kana yo bindudzwaho u ya nga khethekanyo ũkhu ya (2), u swika a tshi kana i tshi—

(a) a tshi vha o teaho o wana iyo tshelede; kana

(b) a tshi laelwa lwa mulayo nga u tou nhala uri mbadelo i itwe kha uyo muthu.

(4) Bannga inwe na inwe ine ya langa akhaunthu dza thirawu kwa tshi itela nqhilho dza uno Mulayo, misi yoqhe iyo bannga sa zwo randelwaho i tea u isa ũhanziela kwa Maanjalanga u itela u kwaqhisidza nyingapfuma dza iyo akhaunthu.

(5) Mushumi munwe na munwe wa zwa ndaka u tea u—

(a) vhulunga rekhodo dza tshelede yoqhe ye a diphositha na tshelede yoqhe ye ya bindudzwaho ngae kwa akhaunthu dza u vhulunga tshelede kana dzinwe akhaunthu dza u bindudza tshelede sa zwo bulwaho kwa khethekanyo ũkhu ya (2);

(b) dzudzanya dzibugu na dzirekhodo malugana na akhaunthu yo bulwaho kha pharagirafu ya (a) nga zwifhinga zwo panelo nga sa tshikhala vuhati kwa thiri nedzi, na akhaunthu dzawo dza zwo bindu kana akhaunthu inwe na inwe ine tshelede ya diphosithwa malugana na thirantsekisheni ya ndaka inwe na inwe ine ya khwe do tolo nga mutoli onoyo muthihi o bulwaho kwa khethekanyo ũkhu ya (1)(b), hu saathu u fhela minwezi ya rathi nga murahu ha datumu ya u fhedza ya nwa wa muvhalelano wa mushumi wa zwa ndaka u kwameaho; na
(c) administer the accounts referred to in subsections (1) and (2) in the prescribed manner.

(6) A property practitioner must, forthwith after receipt of an audit report contemplated in subsection (5)/(b), submit that report to the Authority, but a property practitioner who submits that report later, may upon payment of a prescribed penalty make a late submission of that report.

(7) Despite subsection (5), the Authority may on good cause at any time order a property practitioner by notice in writing to submit to the Authority within a period stated in such notice, but not less than 30 days, an audited statement prepared by an auditor fully setting out the state of affairs in respect of the matters referred to in subsection (5)/(b).

(8) A court may on good cause, upon application by the Authority or any other competent person, prohibit any property practitioner from operating in any way his, her or its trust, savings or other interest-bearing accounts contemplated in subsection (2) and may appoint a curator bonis to control and administer such trust, savings or other interest-bearing accounts, with the rights, duties and powers that the court deems fit.

(9) If—
   (a) the Authority refuses under the provisions of this Act to issue a Fidelity Fund certificate to any property practitioner who applied for a Fidelity Fund certificate;
   (b) a Fidelity Fund certificate issued to any property practitioner has been withdrawn or lapsed without being renewed;
   (c) any property practitioner ceases to act as such; or
   (d) any property practitioner becomes subject to any disqualification contemplated in section 50,

the property practitioner concerned must immediately wind up his, her or its trust account, savings account or other interest-bearing account in the prescribed manner and pay out in the prescribed manner the amount standing to the credit of any such account to the persons entitled to it.

(10) Any property practitioner who winds up an account as contemplated in subsection (10) which contains unclaimed or unidentifiable money, or who has held monies in his, her or its trust account of which the owner or beneficiary could for longer than three years not be identified, must pay that money into the Fund to be held in trust, but the Fund must, upon application in the prescribed manner by the owner or beneficiary of such money and with the provision of sufficient proof, pay that money to that owner or beneficiary.

(11) Any money paid into the Fund in accordance with subsection (11) which has remained unclaimed by the person entitled thereto for a period of 30 years as from the date upon which such person became entitled to claim that money, is forfeited to the Fund.

(12) Despite any other law, the amount standing to the credit of the trust, savings or other interest-bearing account contemplated in subsections (1) and (2) of a property practitioner, does not under any circumstances form part of the assets of such property practitioner or, if he or she was a natural person and has died or has become insolvent, of his or her deceased or insolvent estate.

(13) Despite any other law, no trust money which may have been paid into any account other than an account contemplated in subsection (1) or (2), whether erroneously or not, under any circumstances becomes part of any such account, and does not lose its nature or characteristics as a result of being paid into such other account.

(14) A property practitioner must annually confirm or update the details of his, her or its auditor as prescribed.
(c) laula akhaunthu dzwo bulwaho kha khethekanyo thukhu dz (1) na (2) nga njilila yo rodelwaho.

(6) Mushumi wa zwa ndaka nga u township nga murahu ha u tanangedza muvhigo wa tholo wo bulwaho kha khethekanyo thukhu ya (5)(b), u tea u isa muvhigo kha Mqandlalanga, fhedzi mushumi wa zwa ndaka ane a isa muvhigo wa tholo o lenga, u do ri zwenezwo o badela ndatiso yo rodelwaho a konaha u isa muvhigo uyo wo lenga.

(7) Nabo hu na khethekanyo ya (5), Mqandlalanga musi hu nu mbuno ine ya pfala nga tshifhinga tshinwe a nga laelu mushumi wa zwa ndaka nga njivhazdo yo tou nwalwaho uri a dize muvhigo wo tolwaho kha Mqandlalanga hu saathu fhela tsho bulwaho kha njivhazdo, fhedzi hu saathu fhela majuvha a 30, une uyo muvhigo wo dzudzanywa nga mu tolo nhone u vhea khagala mafuongo a kwamaho zwo bulwaho kha khethekanyo thukhu ya (5)(b).

(8) Musi ho itwaka hu khumbelo nga Mqandlalanga kana mu tiwe mu tolo ane a kona, kholo musi hu nu mbuno i pfalaho, i nga iledza mushumi wa zwa ndaka kha u shumisa akhaunthu yawe ya thirasiti, ya u vhulunga masheleni kana iwe akhaunthu ine ya vha na nzawelelo sa zwo bulwaho kha khethekanyo thukhu ya (2) nhone a nga thola muhogomeli uri a londole na u laula iyo akhaunthu ya thirasiti, u vhulunga masheleni kana iwe akhaunthu ine ya vha na nzawelelo, ane uyo muhogomeli u na pfanelo, mishumo na maanda ane kholo ya vhona o tea.

(9) Arali—

(a) Mqandlalanga o disendeka nga mbetshelo dzo uno Mulayo a hana u thamizela ya Tshikwama i Sumbedzaho u Thembea kha mushumi wa zwa ndaka we a ita khumbelo ya iyo thamizela;

(b) thamizela ya Tshikwama i Sumbedzaho u Thembea ya thamizela mu tolo mushumi wa zwa ndaka mu tiwe mu tolo ya vha ya dzhululwa kana i sa tolo shuma nhone a songo sha vhulunga dza.

(c) mushumi wa zwa ndaka a ima u shuma sa mushumi wa zwa ndaka; kana

(d) mushumi wa zwa ndaka a mbo vha u hana e tsha fusha fobile sa zwo bulwaho kha khethekanyo yaya 50,

mushumi wa zwa ndaka a kwameaho nga u township u na nambo a phelisa akhaunthu dzawe dza thirasiti, dza u vhulunga masheleni kana dza u bunduda dzine dza vha na nyangapfuma nga njilila yo rodelwaho nhone a badele tshelede kha avho vhono vha tea u i wana nga njilila yo rodelwaho.

(10) Mushumi wa zwa ndaka mu tiwe mu tolo ane a phelisa akhaunthu yo bulwaho kha khethekanyo thukhu ya (10) ine ya vha i na tshelede ine a hongo itwa mbilo yayo kana ine a ita dzhivi muge wayo, kana ane o fara tshelede kha khethekanyo ya thirasiti ine muge wayo kana muwanambu elo ho fhele mi vhwa miruru a sa dzhivi, i tea u badele kha Tshikwama tshine tsha farwo nga thirasiti, fhele li hu na khumbelo yo itwako nga njilila yo rodelwaho nga muge wayo kana nga muwanambu elo iyo tshelede nhone hu na vhona zithku zwo fusha, iyo tshelede i nga badele nga ka uyo muge wayo kana muwanambu elo.

(11) Tshelede iwe na iwe i badele kha Tshikwama u ya nga khethekanyo ya (11) ya sa vhile nga muthu ane a tea u i wana iyo vhangwa tua 30 u tou bva kha datumu ye uyo muthu tshelede iyo ya vha tea u vha yawe uri a ita mbilo, i fheleka i tsho vha tshelede ya Tshikwama.

(12) Nabo hu na mu tolo mulayo u fhipho na ufhipho, tshelede yo dzulako haka akhaunthu ya thirasiti, ya u vhulunga kana kha akhaunthu ya u dzwalisa nyangapfuma zwo zwo bulwaho kha khethekanyo dza (1) na (2) ya mafungo wa zwa ndaka, a hu na na nyimele na nhili ine ya ita uri iyo tshelede hu pfi ndi tshipipja tsha thunhu ya uyo mafungo wa zwa ndaka kana arali o vha e muthu wa mvelo nhone o lovha kana a kundela u badele zwikolodo, iyo tshelede a i vhe tshipipja tsha ndaka ya mufu kana ndaka ya muthu o fhelelwaho nga tshelede.

(13) Nabo hu na mu tolo mulayo u fhipho na ufhipho, a hu na tshelede ya thirasiti ine ya nga vha ya badele kha akhaunthu inwe na inwe nga nndza ha akhaunthu yo bulwaho kha khethekanyo thukhu dza (1) kana (2), hu nga vha zwo itea nga u khakhla kana hu si u khakhla, a hu na nyimele ine ya ita uri iyo tshelede i vhe tshipipja tsha iyo akhaunthu nhone iyo tshelede a i xelwini nga vhulunga hayo kana zwituli zwayo zwo zhangwa nga u badele kha iyo akhaunthu.

(14) Mushumi wa zwa ndaka nga nwa nga nwa nga vha u kwathisheda kana u khvinisa zwidodombedzwa zwo mu tolo wawo sa zwo rodelwaho.
Duty of property practitioner to keep accounting records and other documents

55. (1) Despite any other law, a property practitioner must for a period of five years in respect of—
   (a) all documents exchanged with the Authority;
   (b) if applicable, correspondence with his, her or its employer or franchisor;
   (c) any agreement incidental to his, her or its carrying on the business of a property practitioner;
   (d) any agreement, mandate, mandatory disclosure form or other document relating to the financing, sale, purchase or lease of a property;
   (e) any advertising or marketing material related to his, her or its carrying on the business of a property practitioner; and
   (f) any other document prescribed by the Minister,
from the date of the document or the probable date of the document retain that document and must upon request forthwith provide the Authority with a legible certified copy of that document.

(2) The documents contemplated in subsection (1) may be stored electronically if such storage meets the requirements of the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002).

(3) A property practitioner who contravenes subsection (1) is guilty of an offence.

(4) In addition to the duties contemplated in section 54, a property practitioner must in respect of his, her or its activities—
   (a) keep at an address in the Republic the accounting records that are necessary to fairly reflect and explain the state of affairs—
      (i) of all monies received or expended by him, her or it, including monies deposited to a trust account referred to in section 54(1) or invested in a savings or other interest-bearing account referred to in section 54(2);
      (ii) of all his, her or its assets and liabilities; and
      (iii) of all his, her or its financial transactions and the financial position of his, her or its business; and
   (b) cause the accounting records contemplated in paragraph (a) to be audited by an auditor within six months after the final date of the financial year of the property practitioner, which final date may not be altered by him, her or it without the prior written approval of the Authority.

Property practitioner not entitled to remuneration in certain circumstances

56. (1) A property practitioner is under no circumstances entitled to any remuneration or other payment in respect of or arising from the performance of any act referred to in subparagraph (i), (ii), (iii) or (iv) of paragraph (a) of the definition of “property practitioner” in section 1, unless at the time of the performance of that act—
   (a) the property practitioner; and
   (b) if the property practitioner is a company, every director of such company or, if such property practitioner is a close corporation, every member referred to in paragraph (b) of the definition of “property practitioner” in section 1, of that corporation,
is in possession of a Fidelity Fund certificate.

(2) A person referred to in paragraph (f) of the definition of “property practitioner” in section 1, and a property practitioner who employs such person, is not entitled to any remuneration or other payment in respect of or arising from the performance by that person of any act referred to in that paragraph, unless at the time of the performance of the act that person is in possession of a registration certificate.
Mulayo wa Vhashumi vha zwa Ndaka, 2019

Mushumo wa mushumi wa zwa ndaka wa u vhulunga dzirekhodo dza akhaunthingi na małwe mańwalwa

55. (1) Naho hu na muwe mulayo ufhiro na ufhiro, mushumi wa zwa ndaka lwa mińwaha mizanu malugana na—
   (a) mańwalwa oţihe a pekanwaho na Maanjalanga; 5
   (b) arali zwo tea, vhudavhizidzani na mutholi wawe kana frantsiša; 10
   (c) thendelano ińwe na ińwe yo itiswaho nga uho u shuma bindu ji kwamahw o vha mushumi wa zwa ndaka;
   (d) thendelano ińwe na ińwe, mushumo, fomo ya u bvakulula hune ha tou kombetschedza kana jinwe jinwalwa ji re na vhushaka ha zwa masheleni, 15
      thengiso, u rengu kana u renta ndaka;
   (e) u kungedzela kana u vhambadza matheriala a kwamahw mushumo wawe wa zwa bindu ja mushumi wa zwa ndaka; na
   (f) jinwalo jinwe na jinwe jo randelwaho nga Minisťa, 20
      u tou bva kha datumu ya jinwalolo kana datumu ine zwa konadzve jinwalwa a tshi vha
      nalo nahone u tea uri musi jo humbelwa nga u tou ŋhvanyana a ĵi fhe Maanjalanga
      khathihi na khophi ya ĵlo jinwalwa yo kwhaŋhisedzwoha nga tshiganjo.

(2) Mańwalwa o bulwaho kha khethekanyo ſhuкуha ya (1) a nga vhulungwa nga njila 25
   ya ijełiŋhiroini arali u pfalo zwi tshi tshishe ngibe Mulayo wa Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002).

(3) Mushumi wa zwa ndaka ane a pfuka khethekanyo ſhuкуha ya (1) u na mulandu wa 30
   u ita uhutshinyi.

(4) Nga njila ha mishumo yo bulwaho kha khethekanyo ya 54, mushumi wa zwa 35
   ndaka zwi tshi kwama mishumo yawe kana mishumo ya khamphani u te a—
   (a) kha aqiresi i re kha Rihphaɓiŋi kha vhulunge rekholo dza zwa akhaunthingi
dzine dza ſhuęja kha u sumbedza nyimele ya mańfungeno—
      (i) a tshelde yo ŋtšelego yo ŋtšanegedzwoha kana yo shumiswaho kana nga
         khamphani, hu tshi kateleza tshelde yo diphosithiwaho kha akhaunthingu ya ſhiraisi yo bulwaho kha khethekanyo ya 54(1) kana yo bindudzwoha kha akhaunthingu ya u vhulungwa mashele siyo ińwe akhaunthingu ine ya vha 40
         na nyingapfuma sa zwo bulwaho kha khethekanyo ya 54(2);
      (ii) oţhe a khamphani kana ake wane a thundu na zwikolodo ; na (iii) oţhe a
         khamphani kana ake a kwamahw ſhirantsikešeni dza mashele siyo tshiimo tsha
tshahe kana khamphani kha zwi kwamahw bindu; na
   (b) a u ita uri rekholo dza akhaunthingi dzo bulwaho kha pharagirafu ya (a) dzi 45
      ſholwe nga mujoli ha saathu fhela mińwedzi ya rathi nga murahu ha ſhuva ĵa
      u fheda ĵa ſhuwa nu muphakeleno wa mushumi wa zwa ndaka, ine iyo
datumu ya u fhedzisela a i nga shandukisiwi ngae, nga kana khamphani hu
      songsa ranga ha tou ſhwalwa thendelo nga Maanjalanga.

Mushumi wa zwa ndaka ha tei u wana muholo kha nyimele dzenedzo dzo teaho u sa wana

56. (1) A hu na ińwe nyimele ine ya ita uri mushumi wa zwa ndaka a wane muholo 50
   kana ińwe mbadelo malugana na kana i bvaŋho kha u shuma mushumo wo bulwaho kha
   pharagirafu ſhukuha ya (i), (ii), (iii) kana (iv) ya pharagirafu ya (a) ya ſhuļutshedzo ya ipfi
   “mushumi wa zwa ndaka” kha khethekanyo ya 1, nga nndja ha musi kha ſhisho tshifhinga
tsha u shuma uyo mushumo—
   (a) mushumi wa zwa ndaka; nahone 55
   (b) arali mushumi wa zwa ndaka hu khamphani, mulanguli muwe nu muwe o
      bulwaho kha pharagirafu ya (b) ya ſhuļutshedzo ya ipfi “mushumi wa zwa
      ndaka” kha khethekanyo ya 1, ya iyo koporasi,
a vha a na ſhaŋziela ya Tšikwama i Sumbedzaho u Thembea.

(2) Muthu o bulwaho kha pharagirafu ya (f) ya ſhuļutshedzo ya ipfi “mushumi wa zwa 60
   ndaka” kha khethekanyo ya 1, nahone mushumi wa zwa ndaka a tholaho uyo muthu, a
   vha a sa tei u wana muholo kana ińwe mbadelo malugana na kana i bvaŋho kha mushumo
   nga uyo muthu kha ſhisho ne tshishwe tshe a ita sa zwo bulwaho kha pharagirafu, nga
   nndja ha musi nga tshifhinga tsha u shuma uyo mushumo uyo muthu o vha a na ſhaŋziela
   ya u ſhwalisa.
(3) A property practitioner, or anyone who performs any functions or exercises any powers normally performed or exercised by a property practitioner, who has received remuneration or other payment contemplated in subsections (1) and (2) must immediately pay that amount to the Fund, and any affected seller, purchaser, lessor or lessee may within three years of that money having been paid to the Fund submit a written claim in respect thereof to the Fund, together with the necessary proof, and the Fund may pay that amount or a portion thereof to that applicant which is equitable in the circumstances.

(4) Any amount paid to the Fund contemplated in subsection (3) which is not claimed within three years irrevocably becomes the property of the Fund.

(5) A conveyancer may not pay any remuneration or other monies to a property practitioner unless that property practitioner has provided the conveyancer with a certified copy of his, her or its Fidelity Fund certificate valid during the period or on the date of the transaction to which such payment relates, and on the date of such payment: Provided that where all relevant conditions have been met, the conveyancer must pay the remuneration and other monies.

(6) Nothing in this section prevents the institution, conducting and conclusion of criminal or any other proceedings in respect of any act contemplated in this section or in sections 36, 44 or 45.

Mandatory indemnity insurance

57. (1) The Minister may, for the purposes of providing redress in respect of the contravention of a code of conduct contemplated in section 61 or sanctionable conduct contemplated in section 62, prescribe indemnity insurance which a property practitioner must take out and maintain.

(2) The Minister may, when acting under subsection (1), on reasonable grounds differentiate between—
   (a) categories of property practitioners to whom a regulation applies;
   (b) the minimum insured amounts in respect of which such insurance must be taken out and maintained;
   (c) the extent to which conduct in contravention of a code of conduct and sanctionable conduct qualifies for redress under such insurance; and
   (d) the maximum amounts payable in terms of such insurance.

Limitation on relationships with other property market service providers

58. (1) A property practitioner may not—
   (a) practise in association with any person which or who is prohibited by any law, any professional code of conduct, any code of ethics or protocol, report or charter on corporate governance, from doing so; or
   (b) enter into any arrangement, formally or informally, whereby a consumer is obliged or encouraged to use a particular service provider including an attorney to render any service or ancillary services in respect of any transaction of which that property practitioner was the effective cause.

(2) The Minister may by regulation prohibit any relationship which could harm the interests of consumers.

(3) A person who renders any service in contravention of this section is not entitled to any remuneration, payment or consideration in respect of such services rendered, and if the consumer has paid any remuneration, payment or consideration of the relevant service provider must immediately upon request in writing by any affected party repay any such remuneration, payment or consideration, together with interest.
(3) Mushumi wa zwa ndaka, kana muiniwe na muiniwe ane a shuma mishumo muiniwe na miniwe kana u shumisa maanda maitwe na manwe a shumiswa nga mushumi wa zwa ndaka, ane a tanganedzwa muholo kana mbadelo ifhio na ifhio sa zwo bulwaho kha khethekanyo ńkhu kwa dz (1) na (2) nga u javhanya u tea u badela iyo tshelele ngei kha Tshikwama, nahone murengisi, murengi, murentisi kana murenti a kwameaho ku saathu fhela miinwaha miraru musi iyo tshelele yase badelwa kwa Tshikwama a nga isa mbilo yo tou iwalwaho nga kha Tshikwama, khaathihi na kwathshedzedo kana tsumbo dzisizowe, nahone Tshikwama tshi nga badela iyo tshelele kana tshipiqa tsia iyo tshelele kana uyo ane a khou ita mbilo ine iyo tshelele i lingana na nyimela.

(4) Tshelele inwe na inwe yo badelwaho kwa Tshikwama yo bulwaho kwa khethekanyo ńkhu ya dz (3) ine a vongo vhilwa kha minwaha miraru imbo vha tshelele ya Tshikwama.

(5) Murathisi wa ndaka a nga si badele muholo kana dzinwe tshelele kha mushumi wa zwa ndaka nga nda nga mu paralysisi muholo wa zwa ndaka o fha murathisi wa ndaka khophi yo kwathshedzedwaho yawe ya ḏanja la Tshikwama i Sumbedzaho u Thembea tsine a tsho ngo fhirelwæ nga ithyo ithifhinga kana kha datumu ya ḏirantsekisheni ine iyo mbadelo ya vha na vhushaka nayo, nga nga datumu ya iyo mbadelo: Musi we zwa tewa u tevhedzwa zwo qhe zwo tevhedzwa, murathisi wa ndaka u tea u badela muholo na dzinwe tshelele.

(6) Kha ino khethekanyo a hu na tshine tsha thivhela tshiimiswa kha u ita na u khunyledzwa tseengo i kwamavho vhugevhenga kana dzinwe tseengo malugana na nyito ifhio na ifhio yo bulwaho kha ino khethekanyo kana kha khethekanyo dz 36, 44 kana 45.

Ndindakhombo ya tsireledzo ine ya tou kombetshedza

57. (1) Minisṭa a tshi itela ndinvo dzanda nhululo malugana na u sa tevhedza mudvayo wa vhufifari sa zwo bulwaho kha khethekanyo ya dz 61 kana vhufifari vhau tanganedzwa ho bulwaho kha khethekanyo ya dz 62, ene Minista a nga randela tsireledzo ya ndindakhombo ine mushumi wakwa zwa ndaka a tea u i dzha na iyo ḏjomela.

(2) Minisṭa musi a tshi khou zwi ita nga fhasi ha khethekanyo ńkhu ya dz (1), nahone hu na mbuno dzinwe dzinda pindza a nga fhanganyisa vhukati ha—

(a) khethekanyo dzanda vhushumi vha zwa ndaka vhane vha kwamiwa nga ndangulo;
(b) mashele a ndindakhombo a fhasisa malugana na ndindakhombo ine ya tea u dzha na iyo ḏjomela;
(c) vhulhu vhune vhufifari vhu fukwa mulayo wa vhufifari a vhu tanganedzwa ha fusha ḏo dzanda thandululo nga fhasi ha iyo ndindakhombo;
(d) mashele a nṭhese ase a badelwa u nga iyi ndindakhombo.

Phungudzelo ya vhushaka na vhanwe vhagezhedzatshumelo dzandana nga maraga nga ndaka

58. (1) Mushumi wa zwa ndaka a nga si—

(a) shumisan na muthu ane o iledzwa nga mulayo, nga mulayo wa vhufifari wa phofeshina, mulayo wa vhufifari kana wa maitele a zwifhwa, u vhiga kana u tshata ya zwo vhuvhuisi ha koporasi, kha u ita zwenezwino; kana

(b) inte nzwudzanyo, nga ndila ya foma kana i si ya fomala, hune murengi a kombetshedzwa kana u ḏo dzanda u shumisa mufetsizwe u vhulhu onoyo hu tshi katelwa ahenxe akha u getshedza tshumelo kana tshumelo ya tshuma malugana na ḏirantsekisheni ine uyoyu mushumi wa zwa ndaka ha vha ene o zwi shumalo.

(2) Nga ndangulo, Minisṭa a nga iledzwa vhushaka vhune ha nga vhaizwa madzangalelo a vharenge.

(a) Muvalu muiniwe na muiniwe ane a getshedza tshumelo a tshi khou fukwa ino khethekanyo ha nga tea u vana muholo, mbadelo kana ha tei u vana malamba malugana na idzo tshumelo dzongetshedzvaho, ahone arali murengi o badela muholo, mbadelo kana malamba, mufetsizwezatszumelo u teaho nga u tou javhanya musi hu na khumbelo yo tou iwalwaho nga ane a kwamea u tea u humisa uyohu mholo, mbadelo, khaathihi na nzwalelo dzina hone.
(4) A person who, within one month of being requested to do so, fails to repay any such remuneration payment or consideration together with interest is guilty of an offence.

**Insolvency or liquidation of property practitioner**

59. (1) A property practitioner who—

(a) commits an act of insolvency;

(b) is insolvent; or

(c) is placed under liquidation, whether provisional or final,

is immediately disqualified to be a holder of a Fidelity Fund certificate and must within a period of 30 days—

(i) inform the Authority in writing of any matter contemplated in paragraphs (a), (b) or (c);

(ii) refrain from using and displaying that Fidelity Fund certificate;

(iii) inform his, her or its auditor and the bank holding his, her or its trust account in writing about the disqualification;

(iv) cease to perform the functions of a property practitioner;

(v) inform his, her or its clients, employees or employers or any other affected person in writing of that disqualification;

(vi) hand over the administration of his, her or its trust account, together with all relevant information and records, to the Authority; and

(vii) cause any outstanding matters in consultation with any affected person to be taken over by another property practitioner.

(2) A person who fails to comply with subsection (1) commits an offence.

(3) The Authority must wind down the trust account of a property practitioner contemplated in subsection (1) and effect payment of any trust monies in accordance with the rights of affected consumers and other persons.

(4) In the event of insolvency or liquidation of a property practitioner, trust monies in the trust account of that property practitioner do not form part of the insolvent estate.

**CHAPTER 9**

**CONDUCT OF PROPERTY PRACTITIONERS**

**Application of Chapter 9 and Chapter 10**

60. The provisions of this Chapter and Chapter 10 apply with the necessary changes to any person who performs any function or renders any service contemplated in the definition of “property practitioner” in section (1), irrespective of whether or not that person is registered with or licensed by the Authority, and in this Chapter and Chapter 10, any reference to a “property practitioner” includes any such person.

**Code of conduct for property practitioners**

61. (1) The Minister must, after consultation with the Authority, prescribe a code of conduct which every property practitioner must comply with.

(2) The chief information officers of respectively the Authority and the Department, as the case may be, must on their respective websites publish the code of conduct current at the time.

(3) A property practitioner must on request from a consumer provide him or her with a copy of the code of conduct.
(4) Muthu ane zwenezwi hu saathu fhela ñwedzi muthihi musi khumbelo yo itwa uri a humise zwe a badelwa, ene a kundelwa u humisa muholo, mbadelo khathiihi na nzwalelo u na mulandu wa u tshinya.

U sa tsha vha na tshelede ya u badela zwikolodo kana u rengiswa ha thundu ya mushumi wa zwa ndaka

59. (1) Mushumi wa zwa ndaka ane—

(a) a ita nyito i kwamaho zwa u kundelwa u badela zwikolodo;

(b) a sa tsha kona u badela zwikolodo nga vhanga ja uri o wa; kana

(c) o vhewa fhasi ha u dzhielwa zwine a vha nazwo nga vhanga ja u kundelwa u badela zwikolodo, hu nga vha lwa tshifthinganyana kana lwa tshothe, nga u tshinvana u mbo di bvisi ngaauri ha tsha fusha ñthoja dza u vha mupe wa ñhanziela ya Tshikwama i Sumbedzaho u Thembea nahone hu saathu fhela tshifthinga tsha maqVuva a 30 u tea u—

(i) dívhisa Maandâlanga nga u tou ñwala tshinwe na tshinwe tsho bulwaho kha pharagirafu dza (a), (b) kana (c);

(ii) litšha u shumisa na u ñana ñhanziela ya Tshikwama i Sumbedzaho u Thembea;

(iii) dívhisa muñoli wawe na bannga ine ya vha na dziakhauthu dza thirasiti nga u tou ñwala nga uho u sa tsha fusha ñthoja;

(iv) litšha u shuma mishumo ya mushumi wa zwa ndaka;

(v) dívhisa khasitâma dzawe, vhashumi vhawe na vhatho vhawe kana muniwe na muñwe ane a kwame a kwame a no baneza na zwi ñwe nga u tou ñwala nga uho u sa tsha fusha ñthoja;

(vi) u getshedza ndaulo yawe ya akhauntu dza thirasiti, khathiihi na ndívhiso yothe na dzirekhodo, ngei kha Maandâlanga; na

(vii) ita uri mafhungo mañwe na mañwe o salelaho a shuñwe nga muñwe mushumi wa zwa ndaka nahone malugana na izwi muñwe a kwame a kho te u u vhudzwa.

(2) Muthu muñwe na muñwe ane a kundelwa u tevhedza khethekanyo ñthukhu ya (1) u khou ita vhuthini.

(3) Maandâlanga a tea u fêlisë akhauntu dza thirasiti ya mushumi wa zwa ndaka o bulwaho kha khethekanyo ñthukhu ya (1) nahone mbadelo ya tshelede ya thirasiti a ñte u ya nga ñfâmolo dzâ khâtajama dzì kwame a kho te u vha ñthu vha kwame a kho te.

(4) Arali nyimele ya u sa tsha kona u badela zwikolodo yo swikisa kha uri hu rengiswa ndaka ya mushumi wa zwa ndaka, tshelede ñzi re kha akhauntu dza thirasiti ya uyo mushumi wa zwa ndaka a ñzi vhumbi tshîpiqa tsha ndaka iyo ine ya khou tewa u rengiswa ya mushumi wa zwa ndaka.

NDIMA YA 9

VHUÐIFARI HA MUSHUMI WA ZWA NDAKA

U shumiswa ha Ndima ya 9 na Ndima ya 10

60. Mbetselo dzâ Ndima ya 9 na Ndima ya 10 dëli shumiswa dzì na tshanduko dzì teaho kha muthu muñwe na muñwe na muñwe ane a shuma mushumo kana u getshedza tshumelo yo bulwaho kha ñthaluñshedzo ya ipi “mushumi wa zwa ndaka” kha khethekanyo ya (1), hu songo sedzwâ uri uyo muthu o nGWALISA kana hâ nGWALISA Kana u ñHWA Jaisente Kana hâ ngo ñHWA nga Maandâlanga, nahone kha ino Ndima na kha Ndima ya 10, hune hâ bulwa “mushumi wa zwa ndaka” kha katelwa uyo muthu muñwe na muñwe.

Mulayo wa vhudifari ha vhumishi vha zwa ndaka

61. (1) Minisët nga murahu ha nu kwamana na Maandâlanga, a nga randela mulayo wa vhudifari une wa tea u tevhedza nga mushumi wa zwa ndaka muñwe wa muñwe une wa vha hone nga tshenetsho tshifthinga.

(2) Vhaofisiri vha zwa ndi vhuðifiso vhahulwane vha Maandâlanga na vha Muhsho, zwi tshi ya nga hune zwithu zwa vha, vha tea u anqadzâ mulayo wa vhudifari kha webusaithi dzavho.

(3) Mushumi wa zwa ndaka musi hu na khumbelo i bâho kha murengi u tea u mu fha khophi ya mulayo wa vhudifari.
(4) The Board must annually advise the Minister on the efficacy of the code of conduct current at the time.

(5) The Minister may, after consultation with the Authority, prescribe norms and standards in respect of advertising and marketing by property practitioners.

Sanctionable conduct

62. (1) A property practitioner is guilty of sanctionable conduct if he or she or it—

(a) in the same transaction acts as a property practitioner on behalf of two or more persons whose interests are not in all material respects identical in respect of that transaction, and receives remuneration from all parties concerned in respect of such transaction, unless all affected persons in writing agree thereto;

(b) fails in respect of any act performed by him or her or it as a property practitioner to give a full and proper explanation in writing, within 30 days of being called upon by the Authority in writing to do so, to any person having a material interest in the performance of such act;

(c) fails to pay any money due to the Authority or in respect of the Fund within one month after such monies become due;

(d) fails to furnish in writing within a period determined by the Authority any information that the Authority has requested in writing and reasonably requires in order to properly exercise its powers under this Act;

(e) fails to comply with or contravenes any provision of the code of conduct;

(f) in his or her capacity as a director of a company, or member contemplated in paragraph (b) of the definition of "property practitioner" in section (1), of a close corporation, or trustee of a trust, which is a property practitioner and which failed to comply with section 50 or 51, did not take all reasonable steps to prevent such failure;

(g) carries on an undesirable practice prohibited under section 63;

(h) commits an offence involving an element of dishonesty;

(i) fails to inform the Authority within 14 days of a change in his, her or its contact details;

(j) differentiates distinguishes or excludes consumers directly or indirectly on the basis of their race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth or commit a criminal offence while performing a function of a property practitioner; or

(k) fails to comply with or contravenes any provision of this Act.

(2) Subsequent ratification or correction of any conduct contemplated in subsection (1) does not constitute a defence.

(3) If a property practitioner is found guilty of sanctionable conduct, the Authority may after the application of sections 3 and 5 of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000)—

(a) withdraw the Fidelity Fund certificate of that property practitioner;

(b) impose on that property practitioner a fine not exceeding the maximum amount determined by the Minister of Justice and Correctional Services for the purposes of section 29(1)(a) of the Magistrates’ Courts Act, 1944 (Act No. 32 of 1944); or

(c) reprimand such property practitioner and note his, her or its transgression on its website,

provided that the Authority may suspend payment of a fine or any portion thereof or the withdrawal of any Fidelity Fund certificate for a period not exceeding three years and on the further conditions that the Authority may determine.
(4) Bodo nga ñwaha nga ñwaha i tea u cletshezda Minisṭa nga ha kushumele kwa mulayo wa vuḥufirari une wa vha hone nga tshenetsho tshitshinga.

(5) Minisṭa nga murahu ha u kwamana na Maŋqalanga, a nga randela ndayo na zwitandandi malugana na u kungedzela na u vhambadza zwi ñwaho nga vhushumi vha zwa ndaka.

Vuḥufirari vhune ha ita uri hu itwe ndaṭiso

62. (1) Mushumi wa zwa ndaka u na mulandu wa vuḥufirari vhune ha ita uri fhiwe ndaṭiso arali a kana a khamphani ya—

(a) nga ñhirantsekisheni nhīhi a shuma sa mushumi wa zwa ndaka vhuimoni ha vhathu vhavhili kana vhañzhi vhane mazizangalelo a sa fane malugana na iyo ñhirantsekisheni, nahone a ŋanganedza na muholo u bva kha avho vhane va kwamea kha iyo ñhirantsekisheni, nga nnqâ ha musi vhathu vhoqhē vhane va kwamea nga ñhirantsekisheni vha tendelana nahone zwo tou ñwalo;

(b) kundelwa malugana na mushumo u shunwaho ngae kana ngayo sa mushumi wa zwa ndaka malugana na u fha ñhalutshedzo yo ñalaho nga u tou ñwala, hu saathu u fhele maqûvha a 30 o /yo vhidzwa nga Maŋqalanga uri a / i ri pfalo, kha muthu ufhiho na ufhiho a re na dzangalelo Ja u ita zwenezwu

(c) kundelwa u badela tshelere ine ya tea u badelwa kha Maŋqalanga kana kha Tšikhwama hu saathu fhele ñwedzi muthíhi nga murahu ha musi tshelere na tshi tea u badelwa;

(d) kundelwa a/y a kundelwa u ñea ñjîvhisî Maŋqalanga hu saathu fhele tshitshinga tsho ñiwaho nga one Maŋqalanga saizwâ Maŋqalanga o hambela iyo ñjîvhisî nga u tou ñwala nahone na tshi khou ñodelwa u ñi Maŋqalanga u xone u shumisa ndama nga ñhâsi ha uno Mulayo;

(e) kundelwa u anana na kana u pfukekanya mbetsheko inwe na inwe ya mulayo wa vuḥufirari;

(f) saizwî nga vhuimvo/vuḥufihinduleli sa mulanguli wa khamphani, kana murâdo o bulwaho kha pharagirafu ya (b) ya ñhalutshedzo ya iphi “mushumi wa zwa ndaka” kha khethekanyo ya (1), ya koperasi ŋhukhu, kana thirasiti wâ thiîrasisiti, ane a vha mushumi wa zwa ndaka na kundelwa u anana na khethekanyo ya 50 kana 51, a songo tevhelaho maga ŋhukhu u kundelwa;

(g) shumaho zwo iledzwaho nga ñhâsi ha khethekanyo ya 63;

(h) ita vhutshinyi vhu kwamaho zwa u sa fhulufhedzea;

(i) kundelwa u vhuda Maŋqalanga hu saathu u fhele maqûvha a 14 uri zwidodombedzwa zwa vhukwamani zwo shandukikswa;

(j) fhâmbanyisa kana u khetghelula khasijama nga ndîla yo lifho hana i songo lifho zwo sendeka kha murafho, mbeu, vhuimana, tshîhima shama mbîngano, vhuvo ha murafho, murhala, kuitele kwa vhuðekani, vhuqale, vhuholëfhalî, vhuverelî, luvalo, lutendo, mvelele, luambo na mbebo kana u ita vhutshinyi ha vhugevhenga zwenezwu musi mushumo wa mushumi wa zwa ndaka u tshi khou shunîwa; kana

(k) kundelwa u tevhedza kana u pfukekanya mbetsheko inwe na inwe ya uno Mulayo.

(2) U khakhululâ kana ndulamiso i tevhelaho ya vuḥufirari vhune u vhune ho bulwaho kha khethekanyo ŋhukhu ya (1) a i sumbedzî u ñiîmelela.

(3) Arali mushumi wa zwa ndaka o wamwa mulandu wa vuḥufirari vhune ha ita uri a laqîswe, Maŋqalanga nga murahu ha u shumisa khethekanyo dza 3 na 5 dza Mulayo wa Promotion of Adminstrative Justice Act, 2000 (Act No. 3 of 2000), a nga—

(a) dźhilula ñhanziela ya Tšikhwama i Sumbedzâho u Thembea ya uyo mushumi wa zwa ndaka;

(b) hwesa ndaṭiso kha uyo mushumi wa zwa ndaka ine ya sa fhiwe ndaṭiso ya nthësa yo ñiwaho nga Minisṭa wa zwa Vhulamukanyi na Tshumelo dzâ Ndulamiso u tshi itelwa nîvho dza khethekanyo ya 29(1)/(a) ya Mulayo wa Magistrates’ Courts Act, 1944; kana—

(c) kaidza uyo mushumi wa zwa ndaka nahone uvho vhukhaki vhun sumbedzwe na kha webusaithi,
tenda Maŋqalanga a imisâ mbadelo ya ndaṭiso kana tshipiða tsha iyo ndaṭiso kana u dźhilulâ ha ñhanziela ya Tšikhwama i Sumbedzâho u Thembea Iwa tshitshinga tshi sa pàdi minwâha miraru nahone nga u shumisa mulayo ine Maŋqalanga one aqe a ño tou vhona.
(4) The acquittal or conviction of a property practitioner by any court of law upon any criminal charge is not a bar to proceedings against him or her or it under this Act on a charge of sanctionable conduct, despite the facts set forth in the charge of sanctionable conduct constituting, if proved, the offence set forth in the criminal charge on which he, she or it was so acquitted or convicted or any other offence on which he, she or it might have been convicted at his, her or its trial on that criminal charge.

Undesirable practices

63. (1) Subject to subsection (2), the Minister may, after consultation with the Board, by notice in the Gazette, declare a particular business practice in the property market to be undesirable and consequently prohibited.

(2) When deciding whether or not a declaration contemplated in subsection (1) should be made, the Minister and the Board must consider—

(a) the right of every citizen to freely choose their trade, occupation or profession;

(b) that the practice concerned, directly or indirectly, has or is likely to have the effect of—

(i) damaging the relations between property practitioners, or any specific property practitioner, on the one hand, and any specific consumer, category of consumers or the general public on the other hand;

(ii) unreasonably prejudicing any consumer or category of consumers;

(iii) deceiving any consumer or category of consumers; or

(iv) unfairly affecting any consumer or category of consumers; and

(c) that if the practice is allowed to continue, one or more of the objects of this Act as contemplated in section 2 will or is likely to be defeated.

(3) The Authority may issue a compliance notice contemplated in section 26 directing a property practitioner who, on or after the date of the publication of a notice contemplated in subsection (2) carries on a business practice in contravention of that notice, to rectify to the satisfaction of the Authority anything which was caused by or arose out of the carrying on of the business practice concerned, or otherwise deal with the matter as authorised by this Act or any other applicable law.

Supervision of candidate property practitioners

64. (1) A candidate property practitioner may not draft or complete any document or clause in a document—

(a) conferring any mandate on any property practitioner to perform any act referred to in paragraph (a), (c) or (d) of the definition of “property practitioner” in section 1; or

(b) relating to the sale or lease of property.

(2) A person who contravenes subsection (1) and a property practitioner who allows an act contemplated in subsection (1) to be performed or who is responsible for the acts or omissions of the person is liable to a fine not exceeding R500,000 for each act he or she is found guilty of.

(3) In any proceedings in respect of sanctionable conduct, it is no defence that the principal property practitioner was not aware of the acts or omissions of the property practitioner or the candidate property practitioner.

(4) A principal property practitioner who conducts business from more than one business premises must supervise and control the property practitioners and candidate property practitioners in his, her or its employ, despite the fact that those property practitioners conduct their business in branch or other offices.
Maitele a sa ṭoje 63.

(1) Hu tshi khou tevhedzwa khethekanyo ṭhukhu ya (2), Minisṭa nga murahu ha u kwamana na Bodo, nga kha ndīvhadzo kha Gazete, an g adīvhadza zwidodombedzwa zwa maitele a vhubbududzi kha zwa maraga wa ndaka ane maitele ayo ha ṭojei nahone o iledzwaho.

(2) Musi hu tshi dzhiiwa tsheo malugana na u dīvhadza ndīvhadzo yo bulwaho kha khethekanyo ṭhukhu ya (1) Minisṭa na Bodo u tea u lavhelesa—

(a) pfanelo ya mudzulapo ya u nanga kha zwi kwamaho makwevho, mushumo kana phrofesheni;

(b) uri kuitele ku kwameaho, nga ndīla yo livhahohu kha nga vha na masiandoitwa kha—

(i) u huvhadza vhushaka vhukati ha vhashumi vha zwa ndaka, kana mushumo wa zwa ndaka onoyo, kha sia ja u thoma, na murengi munwe na munwe, khethekanyo ya vharengi kana tsishavha nga u angaredza kha jīnwe sia;

(ii) nga ndīla i sa pfadzi zwi vho ita shishilala kha murengi muñe na muñe kana khethekanyo ya vharengi;

(iii) u fhura murengi kana khethekanyo ya vharengi; kana

(iv) nga ndīla i sa pfadzi zwi vho dī kwama murengi muñe na muñe kana khethekanyo ya vharengi; na

(c) uri arali kuitele ku tshi tendelwa u ya phandra, tshipikwa tshithihi tsha kana zwinzhi zwa Mulayo uno sa zwo bulwaho kha khethekanyo ya 2 tshi nga kana zwi nga kwamea lu si lwavhudī.

(3) Maandīalanga a nga nītshedza ndīvhadzo ya u tevhedzwa sa zwo bulwaho kha khethekanyo ya 26 u itela u laela mushumi wa zwa ndaka ane, nga kana nga murahu ha datumu ya u anqadza ndīvhadzo yo bulwaho kha khethekanyo ṭhukhu ya (2) ane uyo mushumi wa zwa ndaka u khou tsimhimbiza bindi ji pfukekanya iyo ndīvhadzo, u itela u lulumisa zwi zwi zvokwisa kha u fusha Maanqalanga kha shishimwe na tsimiwe tsimo tīshwaho nga u tsimhimbiza bindi ilo ji kwameaho, kana nga inwe ndīla ha tou shumaniwa na fhungo sa zwe zwa tendelwa ngo uno Mulayo kana mulayo mune no muñe wo teaho.

U lavhelesa mushumi wa zwa ndaka ane a kha ḋi tou guda 64.

(1) Mushumi wa zwa ndaka ane a kha ḋi tou guda a nga si vetavete kana u ṭadza Jinivalwa kana khethekanyo kha Jinivalwa—

(a) ji fhaho musshumo kha musshumi wa zwa ndaka uri a shune musshumo wo bulwaho kha pharagirafu ya (a), (c) kana (d) ya ṭhalutshedzo ya ipfi “mushumi wa zwa ndaka” kha khethekanyo ya 1; kana

(b) ji kwamaho thengiso kana u rennda ndaka.

(2) Muthu ane a pfukekanya khethekanyo ṭhukhu ya (1) na mushumi wa zwa ndaka ane a tendela kuitele kwo bulwaho kha khethekanyo ṭhukhu ya (1), ha ngo fanelwa nga mbadelo, muholo, malamba kana tshinyalelo malugana na kana nga thanga ja mbuno ya Jinivalwa jo bulwaho kha khethekanyo ṭhukhu iyo kana u ita ṭhirantsekisheni kana thendelano kha ijo Jinivalwa.

(3) Kha tsingo inwe na inwe malugana na vhuddifari vhume ha ita uri hu vhe na ndajiso, mushumi wa zwa ndaka a nga si kone u dīmelela nga mbuno ya uri ene o vha a sa dīvhi nga ha zwi itwaho kana zwi khakhwiwaho nga mushumi wa zwa ndaka ane a kha ḋi tou guda.

(4) Mushumi wa zwa ndaka muleulwane ane a khou ita bindu kha mabindu kha zwihafo zwinzhi u tea u lavhelesa na u langa vhashumi vha zwa ndaka na vhashumi vha zwa ndaka vhane vha kha ḋi tou guda vhe a vha thola, naho avho vhashumi vha zwa ndaka vha tshi khou shuma kha mabindu uye ngei kha matavhi kana kha ḋzinwe ofisi.
Franchising

65. (1) A franchisee property practitioner may not carry on business under the name of a franchise unless a franchisee property practitioner is the holder of a Fidelity Fund certificate.

(2) A franchisee property practitioner must disclose clearly and unambiguously in all his, her or its written communication, advertising and marketing materials that he, she or it operates in terms of a franchise agreement, as well as the name of the franchisor.

(3) The Authority may withdraw the Fidelity Fund certificate of a franchisee property practitioner who carries on business in contravention of subsection (1) or (2).

Prohibition on conduct to influence issue of certain certificates

66. (1) A property practitioner may not in any way offer or receive financial or other incentive to, or otherwise influence, a person who at the request of a seller or lessor issues a certificate required by law, based on his or her expert opinion, in respect of—

(a) the condition or defects of electrical wiring;
(b) the presence of vermin;
(c) the presence of water or damp; or
(d) any other relevant matter or condition which may be provided for in any law.

(2) A property practitioner who contravenes subsection (1) or a person who accepts any such incentive is guilty of an offence.

CHAPTER 10

CONSUMER PROTECTION

Mandatory disclosure form

67. (1) A property practitioner must—

(a) not accept a mandate unless the seller or lessor of the property has provided him or her with a fully completed and signed mandatory disclosure in the prescribed form; and

(b) provide a copy of the completed mandatory disclosure form to a prospective purchaser or lessee who intends to make an offer for the purchase or lease of a property.

(2) The completed mandatory disclosure form signed by all relevant parties must be attached to any agreement for the sale or lease of a property, and forms an integral part of that agreement, but if such a disclosure form was not completed, signed or attached, the agreement must be interpreted as if no defects or deficiencies of the property were disclosed to the purchaser.

(3) A property practitioner who fails to comply with subsection (1) may be held liable by an affected consumer.

(4) Nothing in this section prevents the Authority from taking action against a property practitioner or imposing an appropriate sanction.

(5) Nothing in this section prevents a consumer, for his or her own account, from undertaking a property inspection to confirm the state of the property before finalising the transaction.

Agreements

68. (1) An agreement to sell and purchase or to let and hire property, or the mandatory disclosure form contemplated in section 67, must be drafted by the developer or seller, as the case may be, for his, her or its own account.

(2) The Authority must publish from time to time an updated version of guideline agreements on its website.
U ita furantshaisi

65. (1) Mushumi wa zwa ndaka ane o tou renga furantshaisi a nga si shume zwa bindu nga fhasi ha dzina ja furantshaisi nga ndˆa ha musi mushumi wa zwa ndaka ane a khou shuma sa furantshaisi hu ene muqe wa ˆhanziela ya Tshikwama i Sumbedzaho u Thembea.

(2) Mushumi wa zwa ndaka ane o renga furantshaisi u tea u bula zwi khagala nahone zwi si ni nyambahunzhi kha vhudavhidzani ho ˆthe ho tou nˆawalo, kha khungedzelo na matheri ˆla a mbambadzo uri u khou furantshaisa u ya nga thendelano, na dzina ja vhage vha furantshaisi ji bulwe-vo.

(3) Maand ˆalanga a nga dˇhuluula ˆhanziela ya Tshikwama i Sumbedzaho u Thembea ya mushumi wa zwa ndaka ane o tou renga furantshaisi ane uyo mushumi wa zwa ndaka u khou ita vhubindudzi a tshi khou pfukekanya khethekanyo ˆthukhu dza (1) kana (2).

Nyiledzo malugana na vhudˆifari ha u ˆtuˇtuwedza u ˆnetshedza ˆhanziela dzenedzo

66. (1) Mushumi wa zwa ndaka ha tei u fha kana u ˆtanganedza masheleni kana dziiwe mbadelo kha, kana u ˆtuˇtuwedza, muthu ane ho humbela murengisi kana murenndisi a ˆnetshedza ˆhanziela ine ya ˆtodˆwa nga mulayo, zwo sendeka kha ndˇivho yaye, malugana na—

(a) nyimele na u khakhea kha kuvayarelwe kwa muˇdagani;
(b) u vha hune ha zwikhhokhomono;
(c) u vha hune ha maˇdi na mbvudˇu; kana
(d) tˇshiˇniwe na tˇshiˇniwe tshi teaho kana nyimele ine ya nga vha na mbetshelo kha mulayo miuwe na muˇwe.

(2) Mushumi wa zwa ndaka ane a pfukekanya khethekanyo ˆthukhu ya (1) kana muthu ane a ˆtanganedza mbadelo ifhio na ifhio u na mulandu wa u ita vhutshinyi.

NDIMA YA 10

TSIRELEDZO YA VHARENGI

Fomo ine ya tou kombetshedza ya u bvukulula

67. (1) Mushumi wa zwa ndaka ya tea u—

(a) sa ˆtanganedza mushumo nga ndˇa ha musi murengisi kana murenndisi wa ndaka o mu fha fomo yo teaho yo ˆdˇdziwaho nahone yo sainiwo ya u bvukulula ine ya tou vhoˇfha; na

(b) fha khophi yo ˆdˇdziwaho ya u bvukulula ine ya tou vhoˇfha i tshi fhiwa murengi kana murenndi ane a khou ˆtˇoda u renga kana u rennda ndaka.

(2) Fomo ya u bvukulula yo ˆdˇdziwaho ine ya tou kombetshedza yo sainiwo nga vha kwameaho vhoˇfha i tea u nambedzwa kha thendelano ya thengiso kana ya u rennda ndaka, nahone fomo dzˇi na ndeme kha iyo thendelano, fhdˇzi arali iyo fomo ya u bvukulula i songo ˆdˇdziwa, sainiwo kana u nambedzwa, thendelano i tˇshiˇniwa i tea u dzˇiˇniwa i tshi khou ambˇa uru a hu na vhutˇudˇeˇtˇudˇe na zwo khakheaho kha ndaka.

(3) Mushumi wa zwa ndaka ane a kundelwa u anana na khethekanyo ˆthukhu ya (1) a nga dˇdziwa a na vhudˇihindulileli malugana na khaˇsiyo ya kwameaho.

(4) Kha ino khethekanyo a hu na tˇshinˇe tˇsha thˇihˇe Maandˇalanga kha u dzˇhˇia lˇgˇha kha uyo mushumi wa zwa ndaka kana u tou ita ndˇatˇiso yo teaho.

(5) Kha ino khethekanyo a hu na tˇshinˇe tˇsha thˇihˇe mulungu, a tshi khou shumisa vhudˇihindulileli hawhe ha u ita uri ndaka i ingamelwe u itela u kwaiˇthiˇsˇedza tˇshˇiˇmo tˇsha ndaka ˇphˇando ha musi ˝hirantˇsekˇisheni i tshi khunyeledzwa.

Thendelano

68. (1) Thendelano ya u rengisa na u renga kana u renndisa kana u hirisa, kana fomo ya u bvukulula ine ya tou vhoˇfha yo bulwaho kha khethekanyo ya 67, i tea u talatadzwa nga mubveledzisi kana murengisi u ya nga nyimele ya zwithu.

(2) Maandˇalanga a tea u anˇjˇadza tˇs˚amberˇjala yo kwˇinˇisˇwaho kha webusaiˇthi misi yoˇthe.
Consumer education and information

69. (1) The Authority must from time to time conduct campaigns to educate and inform the general public of their rights in respect of property transactions and property practitioners of their functions, duties and obligations.
(2) A property practitioner owes a buyer and a seller a duty of care.

CHAPTER 11

GENERAL

Regulations

70. (1) The Minister may, subject to subsection (2), make regulations regarding any matter that may or must be prescribed in terms of this Act or any incidental matter of a procedural or administrative nature that the Minister considers necessary to prescribe in order to achieve the objects of this Act.
(2) Before making any regulation the Minister must—
(a) consult the Board; and
(b) publish the proposed regulations for public comment and allow at least 30 days for submission of such comment.

Penalties

71. A person convicted of an offence in terms of this Act is liable to a fine or to imprisonment for a period not exceeding 10 years

Delegation of powers

72. (1) The Minister may, subject to subsections (2) and (3), delegate any power or duty assigned to him or her in terms of this Act, excluding the power to make regulations contemplated in section 70, to the Director-General or to any other senior official in the Department.
(2) A delegation in terms of subsection (1)—
(a) is subject to any limitations, conditions and directions the Minister may impose;
(b) must be in writing;
(c) may include the power to sub-delegate; and
(d) does not divest the Minister of the responsibility concerning the exercise of the power or the performance of the duty.
(3) The Minister may confirm, vary or revoke any decision taken in consequence of a delegation or sub-delegation in terms of a provision of this Act or the Estate Agency Affairs Act.
(4) A quarterly report must be submitted to the Minister in respect of any power or duty delegated in terms of subsection (1).

Legal proceedings against Authority

73. (1) Any legal proceedings against the Authority must be instituted in accordance with the Institution of Legal Proceedings Against Certain Organs of State Act, 2002 (Act No. 40 of 2002).
(2) The Authority is, for the purposes of subsection (1), deemed to be an organ of state contemplated in paragraph (c) of the definition thereof in section 1 of the said Act.
Ndvhiso na pfunzo zwa vharengi

69. (1) Maanqalanga misi yothe a tea u ita mafulu a u funza vhatnu na u vhudza tshithshavha nga u angaredza nga ha pfanelo dza tshone tshithshavha malugana na thirantseksheni dza zwa ndaka na nga ha vhashumi vha zwa ndaka ho sedzeswa mishumo ya vhashumi vha zwa ndaka, vhudihihinduleli ha vhashumi vha zwa ndaka na zwi vhofhaho avha vhashumi vha zwa ndaka.
(2) Mushumi wa zwa ndaka u tea u fara murengi na murengisi zwavhuqi.

NDIMA YA 11
NYANGAREDZO

Ndangulo

70. (1) Minisša a tshi khou tevhedza khethekanyo ũhuku ya (2), a nga ita ndangulo malugana na tshinwe na tshinwe tsha nga, kana tshine tsha tea u randelwa u ya nga uno Mulayo kana tshinwe na tshinwe tsho teaho ho sedzwa kuitele kana ndaulo ine Minisša a vhona yo tea uri hu vhe na u randela u itela u swikelela zwipikwa zwa uno Mulayo.
(2) Phanda ha musi Minisša a tshi ita ndangulo u tea u—
   (a) kwama Bodo; na
   (b) andadza ndangulo dzo dzininginywaho u itela uri tshithshavha tshi bve mihumbulo na u fha tshithshavha maqavha a 30 uri vhatnu vha kone u ĵisa ĵiyo mihumbulo yavho.

Ndaďiso

71. Muthu o wanwaho mulandu wa vhutshinyi u ya nga uno Mulayo u tea u ĵiwa ndaďiso kana a tou ya ĵironngoni lwa tshifhinga tshi sa pad ĵiyo mihwaha ya 10.

Uhwesa maanďa nga Minisša

72. (1) Minisša a tshi khou tevhedza khethekanyo ũhuku dza (2) na (3), a nga hwesa maanďa na mushumo wawe a tshi khou tevhedza uno Mulayo, hu sa katelwi maanďa a u ita ndangulo dzo bulwaho kha khethekanyo ya 70, a nga hwesa Mulanguli-Muangaredzi kana muofisiri muwi na muwi muhulwane kha Muhasho.
(2) Zwa vhurumelwa u ya nga khethekanyo ya (1)—
   (a) zwi tevhedza phungudzelo, milayo na ndaela dza Minisša;
   (b) zwi itwa nga u tou ĵwałwa;
   (c) zwi nga katela maanďa a uri murumelwa na ene a rumele muwiwe; nahone
   (d) a zwi dzhi vhudihihinduleli ha Minisša malugana na u shumisa maanďa kana u shuma mushumo wawe ene Minisša.
(3) Minisša a nga khwaťisedza, shandukisa kana u shandula tsheo yo dzhiwaho nga vhurumelwa kana yo dzhiwaho nga o rumelwaho nga murumelwa u ya nga mbetshele ya uno Mulayo kana Mulayo wa zwa Mazhendedzi a Ndaka.
(4) Muvhigo wa kotara u tea u iswa kha Minisša malugana na maanďa kana mushumo wo itwaho nga vhurumelwa hu tshi khou tevhedza khethekanyo ũhuku ya (1).

Tsengo ya mulayo malugana na Maanqalanga

73. (1) Tsengo ĵiwe na ĵiwe ine ya kwama Maanqalanga i tea u itwa hu tshi khou tevhedza Mulayo wa Institution of Legal Proceedings Against Certain Organs of State, 2002 (Act No.40 of 2002).
(2) Maanqalanga a tshi khou itela ndivho dza khethekanyo ũhuku ya (1), a dzhiwaho a tsimiswa tsha muvhuso sa zwo bulwaho kha pharagirafu ya (c) ya ĵiłutshezdzo re kha khethekanyo ya 1 ya Mulayo wo bulwaho.
82

Use of name of Authority

74. (1) Unless authorised in writing by the Authority to do so, no person other than the Board or authorised employees of the Authority may in any way—
   (a) use the name of the Authority;
   (b) represent or make use of descriptions, logos, designs or advertising material used or owned by the Authority, or anything which a reasonable person will interpret to refer to the Authority except as provided for in this Act; or
   (c) use a description signifying or implying some connection between that person and the Authority, except as provided for in this Act.

(2) Any person who contravenes subsection (1) is guilty of an offence.

Transitional provisions

75. (1) Upon the commencement of this Act—
   (a) the juristic person known as the Estate Agency Affairs Board established by section 2 of the Estate Agency Affairs Act, and any committee of the Estate Agency Affairs Board appointed in terms of that Act, is hereby disestablished;
   (b) the members of the Estate Agents Affairs Board in office immediately before this Act takes effect, become members of the Property Practitioners Board, and must be regarded as having been appointed to the Property Practitioners Board in terms of section 7;
   (c) the members contemplated in paragraph (b) hold office for the unexpired period for which such members have been appointed as members of the Estate Agents Affairs Board, as at the date of such members’ assumption of office in the Property Practitioners Board in terms of paragraph (b);
   (d) every person employed permanently by the Estate Agency Affairs Board immediately prior to the commencement of this Act is regarded as having been appointed in terms of section 17;
   (e) the remuneration and other terms and conditions of service of any person contemplated in paragraph (d) may not be less favourable than the remuneration, terms and conditions applicable to that person immediately before the commencement of this Act and he or she remains entitled to all rights, benefits and privileges to which he or she was entitled immediately before that date, including—
      (i) employer contribution to a pension fund;
      (ii) employer contribution to a medical aid scheme;
      (iii) employee contributions in connection with membership of a pension fund or medical aid scheme;
      (iv) accrued pensionable service;
      (v) accrued leave benefits; and
      (vi) retirement at a specific age;
   (f) every person contemplated in paragraph (d) remains subject to any decisions, proceedings, rulings and directions applicable to that person immediately before the commencement of this Act; and
   (g) any proceedings against a person which were instituted in terms of or under the Estate Agency Affairs Act, immediately before the commencement of this Act, must be disposed of as if that Act had not been repealed.

(2) For the purposes of the Income Tax, 1962 (Act No. 58 of 1962), no change of employer is regarded as having taken place when a person is appointed by the Authority in terms of section 17.

(3) Upon the commencement of this Act—
   (a) all movable, immovable and intellectual property of the Estate Agency Affairs Board, including all financial, administrative and other records of the Estate Agency Affairs Board and all documents in the possession of the Estate Agency Affairs Board, is transferred to the Authority, which then acquires such property;
U shumisa dzina ja Maandalanga

74. (1) Nga ndja ha musi zwo tendiwa nahnne zwo tou ñwalwa nga Maandalanga u píalo, a hu na muthu nga ndja ha Bodo kana vhushumi vho tendelwaho vhane vha shuma kha Maandalanga vhane vha nga—

(a) shumisa dzina Ja Maandalanga;
(b) imela kana u shumisa nyolo, zwigañhalu, nyolo kana matheria ja mbambadzo a shumiswaho kana zwa Maandalanga, kana tshiñwe na tshiñwe tshiñwe muthu a nga ñalutshedza uri tshi amba Maandalanga nga ndja ha mbetselo kha Mulayo uno; kana
(c) shumisa nyolo dízi sumbedzaho na u ambha vhutumani vhu re hone vhukati ha uyo muthu na Maandalanga, nga ndja ha mbetselo kha uno Mulayo.

(2) Muthu munwe na muñwe ane a pfuekanya khethekanyo ya (1) u na mulandu wa vhutshinyi.

Nzudzanyo dza tshanduko

75. (1) Musi uyu Mulayo u tshi tou thoma u shuma—

(a) tshiñmiswa tshiñwe tsha ñlwiwa nga dzina Ja Bodo ya zwa Ndaka tsho thomíwaho nga khethekanyo ya 2 ya Mulayo wa zwa Mazhendedzi a Ndaka, na komiti inwe na inwe ya Bodo ya zwa Mazhendedzi a Ndaka yo tholwaho u tshi khou tevhedza wonoyo Mulayo, i khou ñheliswa;
(b) miraño ya Bodo ya zwa Mazhendedzi a Ndaka i re kha ofisi nga khethekanyo ya 2 ya Mulayo wa zwa Mapfundo a Ndaka, na komiti inwe na inwe ya Bodo ya zwa Mapfundo a Ndaka, u bva kha iyo datumu ye miraño ya thoma ya nga khou kha ofisi nga khethekanyo ya 2 ya Mulayo ya zwa Mapfundo a Ndaka ya nga khethekanyo ya 7;
(c) miraño yo bulwaho nga pharagirafu ya (b) i nga khou ofisi nga khethekanyo ya 2 ya Mulayo ya zwa Mapfundo a Ndaka ya nga khethekanyo ya 7;
(d) muthu munwe na munwe a phakanyo ya (b) ya Bodo ya zwa Mapfundo a Ndaka i re kha ofisi ya Bodo ya zwa Mapfundo a Ndaka ya nga khethekanyo ya 7;
(e) muthu munwe na munwe a phakanyo ya (b) ya Bodo ya zwa Mapfundo a Ndaka ya nga khethekanyo ya 7;
(f) muthu munwe na munwe a phakanyo ya (b) ya Bodo ya zwa Mapfundo a Ndaka ya nga khethekanyo ya 7;

(2) U itela ndivho dza Mulayo wa Income Tax, 1962 (Act No. 58 of 1962), a zwi džíiwi ho vha na u shanduka ha mutholi musi muthu a tshi tholwa nga Maandalanga u nga khethekanyo ya 17.

(3) Musi hu tshi thoma u shuma uno Mulayo—

(a) ndaka yoñhe ine ya endzedze, sa endzedze i na ndaka i kwañhoro ndivho Bodo ya zwa Mazhendedzi a Ndaka, hu tshi kheteka mashele, phakanyo dza ndalo na dzĩiwhe phakanyo dza Bodo ya zwa Mazhendedzi a Ndaka na matiñhalwa otho ane Bodo ya zwa Mazhendedzi a Ndaka ya vha nao, a namba a vha a Maandalanga, saizwi hu Maandalanga ane a tea u wana iyo thundu;
(b) the rights, duties, liabilities and obligations relating to the Estate Agency Affairs Board are transferred to the Authority;

(c) the Estate Agency Affairs Board is substituted by the Authority as a litigant in all pending litigation or proceedings; and

(d) all valid and binding agreements entered into by the Estate Agency Affairs Board shall be binding on the Authority as if the Authority had been the contracting party.

(4) All funds of the Estate Agents Fidelity Fund immediately before the commencement of this Act are upon commencement of this Act transferred to the Fund, and a claim for compensation instituted against the Estate Agents Fidelity Fund before commencement of this Act must be paid from the Fund if such claim is successful.

(5) Any claim with regards to the theft of trust money by a property practitioner committed before the commencement of this Act or the failure of a property practitioner to comply with section 35(1) or (2)(e) of the Estate Agency Affairs Act, in respect of which no proceedings were instituted before the commencement of this Act, must within two years of the commencement of this Act be instituted, and then finalised in accordance with the Estate Agency Affairs Act as if that Act had not been repealed.

(6) All regulations made in terms of the Estate Agency Affairs Act remain in full force and effect as if they had been made in terms of or under this Act.

Repeal

76. The Estate Agents Affairs Act, 1976 (Act No. 112 of 1976), is hereby repealed.

Short title and commencement

77. This Act is called the Property Practitioners Act, 2019, and comes into operation on a date fixed by the President by proclamation in the Gazette.
Mulayo wa Vhashumi vha zwa Ndaka, 2019

85

(b) pfanelo, mishumo, zwikolodo na khombetshedzo zwi kwamaaho Bodo ya zwa Mazhendedzi a Ndaka zwi mbo vha zwa Maand$alanga;

c) Bodo ya zwa Mazhendedzi a Ndaka i khou namba ya imelwa nga Maand$alanga sa yone i dziaho vhujifhindleli kha zwo$he zwi kwamaaho u suwa na khothe zwine a zwi athu u khunyeledzwa; na

d) thendelano dz$he dze re hone na dzine dza vhofha dze Bodo ya zwa Mazhendedzi a Ndaka ya dzhena khadzo dze dz$ho vhofha Maand$alanga zwa tou dzhiwa hu Maand$alanga o dzhenaho kha idzo thendelano.

(4) Mashele$enoi o$he a Tshikwama tshi Thembeaho tsha zwa Mazhendedzi a Ndaka e a vha e hone phand$ha ha u thoma u shuma ha uno Mulayo musi uno Mulayo u tshi tou thoma u shuma a khou namba a rathiselwa kha Tshikwama, nahone mbilo dza u badelwa dzo itwaho kha Tshikwama tshi Thembeaho tsha Mazhendedzi a zwa Ndaka phand$ha ha musi hu tshi thoma u shuma uno Mulayo dze tea u badelwa dze tshi bva kha Tshikwama arali iyo mbilo yo tshimbila zwavhu$hi.

(5) Mbilo in$he na in$he malugana na vhuvhava ha tshelede ho itwaho nga mushumi wa zwa ndaka ho itwaho phand$ha ha u thoma u shuma uno Mulayo kana mushumi wa zwa ndaka a kundelwa u tevhedza khethekanyo ya 35(1) kana 35(2)(e) ya Mulayo wa zwa Mazhendedzi a Ndaka, malugana na uri a hu na tsengo dze dza itwa phand$ha ha u thoma u shuma uno Mulayo, hu saathu u fhe$la mini$wa mivhili ho thoma u shuma uno Mulayo dze tea u itwa, nahone dza khunyeledzwa u ya nga Mulayo wa zwa Mazhendedzi a Ndaka, u tou fana na musi Mulayo u songo vhuya wa fhe$liswa.

(6) Ndangulo dz$he dzo itwaho u ya nga Mulayo wa zwa Mazhendedzi a Ndaka, dze dzula dze tshi khou shumiswa nahone dze tshi khou shumiswa u tou fana na musi dze tshi nga dzo itwa nga fhasi ha uno Mulayo kana hu tshi khou tevhedzwa uno Mulayo.

Pheliso


Dzina jipfufhi na u thoma u shumisa Mulayo

77. Dzina jipfufhi ja Mulayo uno ndi Mulayo wa Vhashumi vha zwa Ndaka, 2019, nahone uno Mulayo u dzo thoma u shuma nga datumu yo dzudzanywa$ho nga Phresidennde nga mulevho kha Gazete.