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GOVERNMENT GAZETTE

STAATSKOERANT

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CAPE TOWN, 23 MAY 1980

[No. 7011

KAAPSTAD, 23 MEI 1980

DEPARTMENT OF THE PRIME MINISTER

No. 989.

23 May 1980.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 57 of 1980: Estate Agents Amendment Act, 1980.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 989.

23 Mei 1980.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 57 van 1980: Wysigingswet op Eiendomsagente, 1980.

Wet No. 57, 1980

WYSIGINGSWET OP EIENDOMSAGENTE, 1980

ALGEMENE VERDUIDELIKENDE NOTA:

- I** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordnings aan.
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- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordnings aan.
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WET

Tot wysiging van die bepalings van die Wet op Eiendomsagente, 1976, betreffende woordomskrywings; om voorseening te maak vir die aanwysing van inspekteurs deur die Raad vir Eiendomsagente; die aanstelling van 'n uitvoerende komitee deur die Raad; betreffende die koste van ondersoek deur die Raad; die aanspreeklikheid van die Eiendomsagente-getrouheidsfonds; die uitreiking van getrouheidsfondssertifikate aan persone wat nie sekere standaarde van opleiding of praktiese ondervinding het nie of direkteure van sekere maatskappye is of was; die bevoegdheid van die hof om in sekere omstandighede getrouheidsfondssertifikate in te trek; onbehoorlike gedrag deur sekere direkteure van sekere maatskappye; die strawwe wat vir onbehoorlike gedrag opgelê kan word; die tydperke waarbinne appelle teen sekere besluite van die Raad aangeteken kan word; die terugbetaling van sekere rente aan sekere eiendomsagente; en die ouditering van sekere rekeningkundige aantekeninge; om die pligte en bevoegdhede van inspekteurs te bepaal; betreffende die bedryf van eiendomsagentbesigheid vanaf woonpersele; en die strawwe wat vir sekere misdrywe opgelê kan word; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 5 Mei 1980.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 112 van 1976, soos gewysig deur artikel 1 van Wet 60 van 1978.

1. Artikel 1 van die Wet op Eiendomsagente, 1976 (hieronder die Hoofwet genoem), word hierby gewysig—
 - (a) deur die volgende omskrywing na die omskrywing van „hof” in te voeg:
„inspekteur” iemand wat ingevolge artikel 6 (2) as ’n inspekteur aangewys is;”;
 - (b) deur die omskrywing van „Minister” deur die volgende 10 omskrywing te vervang:
„Minister” die Minister van **[Ekonomiese Sake Handel en Verbruikersake]**;
 - (c) deur die volgende omskrywing na die omskrywing van „Minister” in te voeg:
„ouditeur” iemand wat ingevolge artikel 23 van die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet No. 51 van 1951), as rekenmeester en ouditeur geregistreer is, en as sodanig openbare praktyk beoefen;”;
 - (d) deur die volgende omskrywing na die omskrywing van „Republiek” in te voeg:

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ESTATE AGENTS AMENDMENT ACT, 1980

Act No. 57, 1980

GENERAL EXPLANATORY NOTE:

- []** Words in bold type in square brackets indicate omissions from existing enactments.
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- Words underlined with solid line indicate insertions in existing enactments.
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ACT

To amend the provisions of the Estate Agents Act, 1976, relating to definitions; to provide for the designation of inspectors by the Estate Agents Board; the appointment of an executive committee by the Board; relating to the costs of investigations by the Board; the liability of the Estate Agents Fidelity Fund; the issue of fidelity fund certificates to persons not having certain standards of training or practical experience or who are or were directors of certain companies; the power of the court to withdraw fidelity fund certificates in certain circumstances; improper conduct by certain directors of certain companies; the penalties which may be imposed for improper conduct; the periods within which appeals may be lodged against certain decisions of the Board; the refund of certain interest to certain estate agents; and the auditing of certain accounting records; to determine the duties and powers of inspectors; relating to the carrying on of the business of an estate agent at residential premises; and the penalties which may be imposed for certain offences; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 5 May 1980.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. Section 1 of the Estate Agents Act, 1976 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the insertion after the definition of “annual financial statement” of the following definition:
“‘auditor’ means any person registered in terms of section 23 of the Public Accountants’ and Auditors’ Act, 1951 (Act No. 51 of 1951), as an accountant and auditor, and engaged in public practice as such;”;
- (b) by the insertion after the definition of “estate agent” of the following definition:
“‘executive committee’ means the executive committee appointed in terms of section 8A (1);”;
- (c) by the substitution for the definition of “Minister” of the following definition:

Amendment of
section 1 of
Act 112 of 1976,
as amended by
section 1 of
Act 60 of 1978.

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„uitvoerende komitee“ die uitvoerende komitee wat ingevolge artikel 8A (1) aangestel is;”.

Vervanging van artikel 6 van Wet 112 van 1976.

2. Artikel 6 van die Hoofwet word hierby deur die volgende artikel vervang:

„Personnel van raad en aanwysing van inspektors.

6. (1) Die werk verbonde aan die verrigting van sy werkzaamhede deur die raad word onder sy opdrag en beheer verrig deur persone deur die raad aangestel op die voorwaardes en teen die besoldiging wat die Minister in oorleg met die Minister van Finansies goedkeur.

(2) Die raad kan persone wat ingevolge subartikel (1) aangestel is en enige ander persone wat hy geskik ag, aanwys om onderworpe aan sy beheer die werkzaamhede van inspektors kragtens hierdie Wet te verrig.”.

Invoeging van artikel 8A in Wet 112 van 1976.

3. Die volgende artikel word hierby in die Hoofwet na artikel 8 ingevoeg:

„Uitvoerende komitee.

8A. (1) Die raad kan drie of meer as drie van sy lede as 'n uitvoerende komitee van die raad aangestel wat, behoudens die bepalings van subartikel (2) en die voorskrifte van die raad, bevoeg is om gedurende die tydperke tussen vergaderings van die raad al die bevoegdhede en werkzaamhede van die raad uit te oefen of te verrig.

(2) Behalwe vir sover die raad anders gelas, is die uitvoerende komitee nie bevoeg om 'n besluit van die raad tersyde te stel of te wysig nie.

(3) Enige handeling verrig of besluit geneem deur die uitvoerende komitee is van krag behalwe vir sover dit deur die raad by sy eersvolgende vergadering gewysig of tersyde gestel word.”.

Wysiging van artikel 9 van Wet 112 van 1976.

4. Artikel 9 van die Hoofwet word hierby gewysig deur die voorbehoudsbepaling by subartikel (2) deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande dat—

(a) geld of ander goed wat aan die raad geskenk of bemaak word, ooreenkomsdig die voorwaardes van die betrokke skenking of bemaking aangewend moet word;

(b) die raad, indien hy na 'n ondersoek bevind het dat 'n eiendomsagent in gebreke gebly het om enige verpligting na te kom wat hom ingevolge hierdie Wet opgele is, die koste van daardie ondersoek vir sover dit op daardie verpligting betrekking het, op daardie eiendomsagent kan verhaal.”.

Wysiging van artikel 18 van Wet 112 van 1976, soos gewysig deur artikel 2 van Wet 60 van 1978.

5. Artikel 18 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Behoudens die bepalings van hierdie Hoofstuk word die fonds gehou en aangewend om persone te vergoed wat geldelike verliese ly weens—

(a) die diefstal, na die inwerkingtreding van hierdie Wet, deur 'n eiendomsagent—

[(a)] (i) van geld of ander goedere wat deur of namens sodanige persone aan hom in sy hoedanigheid van eiendomsagent toevertrou is;

[(b)] (ii) van gelde wat hy ingevorder of ontvang het en wat betaalbaar is uit hoofde van 'n koopkontrak, met inbegrip van 'n ooreenkoms of intermediêre transaksie soos omskryf in artikel 1 van die Wet op die Verkoop van Grond op Afbetaling, 1971 (Wet No. 72 van 1971);

[(c)] (iii) van enige ander gelde, met inbegrip van versekeringspremies, wat hy ingevorder of

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ESTATE AGENTS AMENDMENT ACT, 1980

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"Minister" means the Minister of **Economic** Commerce and Consumer Affairs;".

2. The following section is hereby substituted for section 6 of the principal Act:

Substitution of
section 6 of
Act 112 of 1976.

- 5 "Staff of board and designation of inspectors." 6. (1) The work incidental to the carrying out of its functions by the board shall be performed under its directions and control by persons appointed by the board on such conditions and at such remuneration as the Minister may in consultation with the Minister of Finance approve.
- (2) The board may designate persons appointed in terms of subsection (1) and any other persons whom he may deem fit, to perform the functions of inspectors under this Act subject to its control.".

15 3. The following section is hereby inserted in the principal Act after section 8:

Insertion of
section 8A in
Act 112 of 1976.

- "Executive committee." 8A. (1) The board may appoint three or more than three of its members as an executive committee of the board which, subject to the provisions of subsection (2) and the directions of the board, shall have the power to exercise all the powers and perform all the functions of the board during the periods between meetings of the board.
- (2) Except in so far as the board may direct otherwise, the executive committee shall not have the power to set aside or amend any decision of the board.
- (3) Any act performed or decision taken by the executive committee shall be of force and effect except in so far as it is set aside or amended by the board at its next ensuing meeting.".

4. Section 9 of the principal Act is hereby amended by the substitution for the proviso to subsection (2) of the following proviso:

Amendment of
section 9 of
Act 112 of 1976.

- 35 "Provided that—
(a) any moneys or other property donated or bequeathed to the board shall be utilized in accordance with the conditions of such donation or bequest;
(b) the board, if after an investigation it has found that an estate agent failed to comply with any duty imposed upon him in terms of this Act, may recover from such estate agent the costs of such investigation in so far as it relates to such duty.".

5. Section 18 of the principal Act is hereby amended—
45 (a) by the substitution for subsection (1) of the following subsection:

Amendment of
section 18 of
Act 112 of 1976,
as amended by
section 2 of
Act 60 of 1978.

- "(1) Subject to the provisions of this Chapter, the fund shall be held and applied to reimburse persons who suffer pecuniary loss by reason of—
50 (a) theft, committed after the commencement of this Act, by an estate agent—
[(a)] (i) of any money or other property entrusted by or on behalf of such persons to him in his capacity as an estate agent;
55 [(b)] (ii) of any moneys collected or received by him and payable on account of a contract of purchase and sale, including any agreement or intermediate transaction as defined in section 1 of the Sale of Land on Instalments Act, 1971 (Act No. 72 of 1971);
[(c)] (iii) of any other moneys, including insurance premiums, collected or received by him and

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- ontvang het en wat betaalbaar is ten opsigte van onroerende goed, 'n belang in onroerende goed of 'n besigheidsonderneming;
- (b) die versum van 'n eiendomsagent om aan die bepalings van artikel 32 (1) te voldoen.";
- (b) deur die woorde wat paragraaf (b) van subartikel (3) voorafgaan deur die volgende woorde te vervang:
„Niemand het 'n eis teen die raad weens enige diefstal of versum bedoel in subartikel (1) nie tensy—
- (a) die eiser binne drie maande nadat hy van die diefstal of versum te wete gekom het of deur die uitoefening van redelike sorg van die diefstal of versum te wete moes gekom het, die raad skriftelik van daardie eis in kennis gestel het.”.

Wysiging van artikel 19 van Wet 112 van 1976.

6. Artikel 19 van die Hoofwet word hierby gewysig deur in subartikel (1) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

„Die raad kan te eniger tyd na die pleging van 'n diefstal of 'n versum om aan die bepalings van artikel 32 (1) te voldoen ten opsigte waarvan 'n eis teen hom met betrekking tot die fonds ontstaan het, daardie eis ontvang en kan, behoudens die bepalings van artikel 18, daardie eis vereffen.”.

Wysiging van artikel 27 van Wet 112 van 1976, soos vervang deur artikel 3 van Wet 60 van 1978.

7. Artikel 27 van die Hoofwet word hierby gewysig deur die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

„n Getrouheidsfondssertifikaat word nie uitgereik nie aan—
(a) 'n eiendomsagent wat of, indien so 'n eiendomsagent 'n maatskappy is, 'n maatskappy waarvan 'n direkteur—
[(a)] (i) te eniger tyd weens onbehoorlike gedrag uit 'n vertrouensposisie ontslaan is;
[(b)] (ii) te eniger tyd skuldig bevind is weens 'n misdryf waarvan oneerlikheid 'n element is;
[(c)] (iii) 'n ongerehabiliteerde insolvent is;
[(d)] (iv) geestelik versteurd is; [of]
[(e)] (v) ooreenkomsdig artikel 30 (3) (a) mee gehandel is;
 (vi) nie aan die voorgeskrewe standaard van opleiding voldoen nie;
 (vii) nie die voorgeskrewe praktiese ondervinding het nie;
(b) 'n eiendomsagent wat 'n direkteur is van 'n maatskappy—
 (i) waarvan die getrouheidsfondssertifikaat ingevolge artikel 28 of 30 deur die raad ingetrek is; of
 (ii) wat ingevolge artikel 32 (6) verbied is om op enige wyse op sy trust- of spaar- of ander rentegewende rekening bedoel in artikel 32 (2) (a) te werk,
 of 'n eiendomsagent wat onmiddellik voor of op die datum waarop sodanige getrouheidsfondssertifikaat aldus ingetrek is of maatskappy aldus verbied is, 'n direkteur van daardie maatskappy was.”.

Wysiging van artikel 28 van Wet 112 van 1976.

8. Artikel 28 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

„(3) Indien daar goeie gronde is, kan die hof op aansoek van die raad of 'n ander bevoegde persoon 'n getrouheidsfondssertifikaat wat aan iemand uitgereik is, intrek, en daarop moet so iemand of iemand wat in besit van of onder wie se beheer daardie sertifikaat is, dit onverwyld aan die raad terugbesorg.”.

Wysiging van artikel 30 van Wet 112 van 1976.

9. Artikel 30 van die Hoofwet word hierby gewysig—
(a) deur die volgende paragraaf na paragraaf (g) van subartikel (1) in te voeg:

9. Section 30 of the principal Act is hereby amended—
Amendment of
the following paragraph:
(a) by the insertion after paragraph (g) of subsection (1) of section 30 of

8. Section 28 of the principal Act is hereby amended by the Amendment of addition of the following subsection:

Section 28 of
Act 112 of 1976

“(3) The court may, on good cause and upon application by the board or any other competent person, withdraw any faculty fund certificate issued to any person, and thereupon such person or any other person having such certificate in his possession or under his control shall forthwith return it to the board.”

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(3) (a);

(vi) does not comply with the prescribed standard of training;

(vii) does not have the prescribed practical experience;

(b) any estate agent who is a director of a company—

(i) of which the head of which was withdrawn by the board in terms of section 28 or 30;

(ii) which was prohibited in terms of section 32 (6)

from operating in any way on its trust, savings or other interest-bearing account referred to in section 32 (2) (a),

or any estate agent who immediately before or on the date on which such head of which was so prohibited, was so withdrawn or such company was so prohibited, was a director of such company;

<p>7. Section 27 of the principal Act is hereby amended by the substitution for the words preceding the proviso of the following words:</p> <p>„No fidelity fund certificate shall be issued to —</p> <p>(a) any estate agent who or, if such estate agent is a member of 1978, any company of which any director —</p> <p>(b) has at any time by reason of impropper conduct been dismissed from a position of trust;</p> <p>(c) has at any time been convicted of an offence involving an element of dishonesty;</p> <p>(d) is of unsound mind; or</p> <p>(e) has been dealt with in accordance with section 30</p>	<p>25 substitution of the following words: Section 27 of Act 112 of 1976. Section 3 of Act 60 of 1978.</p> <p>30 (a) any company of which any director —</p> <p>(b) has at any time by reason of impropper conduct been dismissed from a position of trust;</p> <p>(c) has at any time been convicted of an offence involving an element of dishonesty;</p> <p>(d) is of unsound mind; or</p> <p>(e) has been dealt with in accordance with section 30</p>
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6. Section 19 of the principal Act is hereby amended by the Amendment of substitution in subsection (1) for the words preceding the proviso of the following words:

„The board may, at any time after the commission of any theft, or any failure to comply with the provisions of section 32 (1), in respect of which a claim relating to the fund arose, receive such claim and may, subject to the provisions of section 18, settle such claim; .

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(b) the failure of an estate agent to comply with the provisos of section 32 (1);
imperial in respect of immovable property, any
payable in respect of immovable property or any business
undertaking;

(b) by the substitution for the words preceding paragraph
(b) of subsection (3) of the following words:
“No person shall have any claim against the board
in respect of a theft or failure referred to in
subssection (1) unless—

(a) the claimant has, within three months after he
became aware of such theft or failure or by the
exercise of reasonable care should have
become aware of such theft or failure or by the
notice in writing to the board of such claim;”

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,,(gA) as direkteur van 'n maatskappy wat 'n eiendomsagent is en in gebreke gebly het om aan die vereistes van artikel 29 of 32 te voldoen, nie alle redelike stappe gedoen het om sodanige gebrek te voorkom nie;”;

(b) deur paragraaf (b) van subartikel (3) deur die volgende paragraaf te vervang:

,,(b) daardie eiendomsagent 'n boete oplê wat **[vyf-honderd]** duisend rand nie te bowe gaan nie en aan die raad betaalbaar is; **[of]**”.

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Wysiging van artikel 31 van Wet 112 van 1976, soos gewysig deur artikel 4 van Wet 60 van 1978.

10. Artikel 31 van die Hoofwet word hierby gewysig deur die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

,,iemand wat veronreg voel deur 'n besluit wat die raad by die uitoefening van sy bevoegdhede kragtens artikel 16, 27, 15 28 of 30 geneem het, kan **[binne 'n tydperk van]** te eniger tyd nadat hy van daardie besluit bewus geword het maar nie later nie as een maand nadat die raad—”.

Wysiging van artikel 32 van Wet 112 van 1976, soos gewysig deur artikel 5 van Wet 60 van 1978.

11. Artikel 32 van die Hoofwet word hierby gewysig—

(a) deur die volgende paragraaf by subartikel (2) by te voeg: 20

,,(d) Die raad kan 'n voorgeskrewe gedeelte van die rente wat ingevolge paragraaf (c) deur 'n eiendomsagent aan die fonds betaal is, in die voorgeskrewe omstandighede aan daardie eiendomsagent terugbetaal.”;

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(b) deur paragraaf (b) van subartikel (3) deur die volgende paragraaf te vervang:

,,(b) sy boeke en aantekeninge wat op 'n rekening bedoel in paragraaf (a) betrekking het by tussenpose van hoogstens **[drie maande]** een maand 30 afsluit, en minstens een keer jaarliks deur die ouditeur bedoel in artikel 29 (b) laat ouditeer.”.

Invoeging van artikel 32A in Wet 112 van 1976.

12. Die volgende artikel word hierby in die Hoofwet na artikel 32 ingevoeg:

,,Bevoegd-hede van inspek-teurs.

32A. (1) 'n Inspekteur aan wie die raad skriftelik 35 inspeksiebevoegdhede verleen het, kan ondersoek instel om te bepaal of die bepalings van hierdie Wet nagekom is of word en kan vir daardie doel te alle redelike tye en sonder voorafgaande kennisgewing—

(a) 'n plek betree of binnegaan ten opsigte waarvan 40 hy rede het om te glo dat—

(i) iemand daar 'n handeling as eiendomsagent verrig;

(ii) dit in verband staan met 'n handeling wat deur 'n eiendomsagent verrig word;

(iii) daar boeke, aantekeninge of stukke is waarop die bepalings van hierdie Wet van toepassing is;

(b) 'n eiendomsagent of die bestuurder, werknemer of agent van 'n eiendomsagent gelas om aan 50 hom—

(i) die getrouheidsfondssertifikaat van daardie eiendomsagent te toon;

(ii) enige boek, aanteking of ander stuk in die besit of onder die beheer van daardie eiendomsagent, bestuurder, werknemer of agent te toon;

(iii) op die plek en wyse wat hy aandui, die inligting te verstrek wat hy ten opsigte van sodanige getrouheidsfondssertifikaat, boek, 60 aanteking of ander stuk verlang;

(c) enige sodanige getrouheidsfondssertifikaat, boek, aanteking of ander stuk inspekteer of uittreksels daaruit of afskrifte daarvan maak;

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- “(gA) in his capacity as a director of a company which is an estate agent and which failed to comply with the requirements of section 29 or 32, did not take all reasonable steps to prevent such failure;”;
- 5 (b) by the substitution for paragraph (b) of subsection (3) of the following paragraph:
- “(b) impose on such estate agent a fine not exceeding **five hundred** one thousand rand and which is payable to the board;”.
- 10 10. Section 31 of the principal Act is hereby amended by the substitution for the words preceding paragraph (a) of the following words:
- “Any person who feels aggrieved by any decision taken by the board in the exercise of its powers under section 16, 27, 28 or 30 may within a period of at any time after he became aware of such decision but not later than one month after the board—”.
- 15 11. Section 32 of the principal Act is hereby amended—
- (a) by the addition to subsection (2) of the following paragraph:
- “(d) The board may in the prescribed circumstances refund to an estate agent a prescribed portion of the interest paid by such estate agent to the fund in terms of paragraph (c).”;
- 20 25 (b) by the substitution for paragraph (b) of subsection (3) of the following paragraph:
- “(b) balance his books and records relating to any account referred to in paragraph (a) at intervals of not more than three months one month, and cause them to be audited at least once annually by the auditor referred to in section 29 (b).”.
- 30 35 12. The following section is hereby inserted in the principal Act after section 32:
- “Powers of inspectors.
- 32A.** (1) Any inspector furnished with inspection authority in writing by the board may conduct an investigation to determine whether the provisions of this Act are being or have been complied with and, for that purpose without giving prior notice, may at all reasonable times—
- 40 (a) enter any place in respect of which he has reason to believe that—
- (i) any person there is performing an act as an estate agent;
 - (ii) it is connected with an act performed by an estate agent;
 - (iii) there are books, records or documents to which the provisions of this Act are applicable;
- 45 (b) order any estate agent or the manager, employee or agent of any estate agent—
- (i) to produce to him the fidelity fund certificate of that estate agent;
 - (ii) to produce to him any book, record or other document in the possession or under the control of that estate agent, manager, employee or agent;
 - (iii) to furnish him, at such place and in such manner as he may specify, with such information in respect of that fidelity fund certificate, book, record or other document as he may desire;
- 50 (c) examine or make extracts from or copies of any such fidelity fund certificate, book, record or other document;
- 55 60

Amendment of section 31 of Act 112 of 1976, as amended by section 4 of Act 60 of 1978.

Amendment of section 32 of Act 112 of 1976, as amended by section 5 of Act 60 of 1978.

Insertion of section 32A in Act 112 of 1976.

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- (d) enige sodanige getrouheidsfondssertifikaat, boek, aantekening of ander stuk waarop 'n vervolging of 'n aanklag weens onbehoorlike gedrag ingevolge hierdie Wet betrekking het, in beslag neem en in bewaring hou: Met dien verstande dat die persoon uit wie se besit of bewaring 'n getrouheidsfondssertifikaat, boek, aantekening of ander stuk geneem is, op sy versoek toegelaat word om, onder toesig van die betrokke inspekteur en op eie koste, afskrifte daarvan of uittreksels daaruit te maak. 5
- (2) Niemand mag—
- (a) in gebreke bly om op aanvraag enigiets in sy besit of onder sy beheer of op sy perseel wat betrekking kan hê op 'n inspeksie, tot die 15 beskikking van 'n inspekteur te stel nie;
- (b) 'n inspekteur by die uitoefening van sy bevoegdhede kragtens hierdie artikel hinder of dwarsboom nie; 20
- (c) valslik voorgee dat hy 'n inspekteur is nie.
- (3) 'n Inspekteur moet 'n kwitansie gee aan die eienaar of persoon in beheer van enigiets wat kragtens hierdie artikel in beslag geneem en in bewaring gehou is. 25
- (4) 'n Inspekteur wat 'n bevoegdheid ingevolge hierdie artikel uitoefen, moet op versoek van iemand wat deur die uitoefening van daardie bevoegdheid geraak word, die skriftelike inspeksiebevoegdhede toon wat ooreenkomsdig subartikel (1) aan hom verleen is.''. 30

Wysiging van artikel 33 van Wet 112 van 1976, soos gewysig deur artikel 6 van Wet 60 van 1978.

13. Artikel 33 van die Hoofwet word hierby gewysig—

- (a) deur die volgende paragraaf na paragraaf (g) van subartikel (1) in te voeg:
„(gA) betreffende die standaard van opleiding en praktiese ondervinding van eiendomsagente.”; 35
- (b) deur die volgende paragrawe na paragraaf (i) van subartikel (1) in te voeg:
„(iA) wat die tye voorskryf waarop rekeningkundige aantekeninge ooreenkomsdig artikels 29 (b) en 32 (3) gevouditeer moet word; 40
(iB) waarby die gedeelte van die rente wat en die omstandighede waarin daardie gedeelte ingevolge artikel 32 (2) (d) aan die betrokke eiendomsagent terugbetaal kan word, voorgeskryf word;”;
- (c) deur die volgende paragraaf na paragraaf (k) van 45 subartikel (1) in te voeg:
„(kA) wat die voorwaardes voorskryf waarop iemand as eiendomsagent sy besigheid vanaf 'n woonperseel kan bedryf;”.

Vervanging van artikel 34 van Wet 112 van 1976.

14. Artikel 34 van die Hoofwet word hierby deur die volgende 50 artikel vervang:

- „Misdrywe en strawwe. 34. Iemand wat 'n bepaling van hierdie Wet of 'n bevel of 'n versoek daarkragtens uitgereik of gerig, oortree of versuum of daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens **[tweeduisend] vyfduisend** rand of met gevangenisstraf vir 'n tydperk van hoogstens **[twee] vyf** jaar, of met sowel daardie boete as daardie gevangenisstraf.”. 55

Kort titel.

15. Hierdie Wet heet die Wysigingswet op Eiendomsagente, 60 1980, en artikel 12 tree in werking op 'n datum wat deur die Staatspresident by proklamasie in die Staatskoerant bepaal word.

ESTATE AGENTS AMENDMENT ACT, 1980

Act No. 57, 1980

- 5 (d) seize and retain any such fidelity fund certificate, book, record or other document to which any prosecution or charge of improper conduct under this Act may relate: Provided that the person from whose possession or custody any fidelity fund certificate, book, record or other document was taken, at his request shall be allowed to make, at his own expense and under the supervision of the inspector concerned, copies thereof or extracts therefrom.
- 10 (2) No person shall—
 (a) fail on demand to put at the disposal of any inspector anything in his possession or under his control or on his premises which may relate to any inspection;
 (b) hinder or obstruct any inspector in the exercise of his powers under this section;
 (c) falsely hold himself out to be an inspector.
- 15 (3) Any inspector shall issue a receipt to the owner or person in control of anything seized and retained under this section.
- 20 (4) Any inspector who exercises any power in terms of this section shall, at the request of any person affected by the exercise of that power, produce the inspection authority in writing furnished to him in accordance with subsection (1)."
- 25

- 30 13. Section 33 of the principal Act is hereby amended—
 (a) by the insertion after paragraph (g) of subsection (1) of the following paragraph:
 "(gA) relating to the standard of training and practical experience of estate agents;";
- 35 (b) by the insertion after paragraph (i) of subsection (1) of the following paragraphs:
 "(iA) prescribing the times at which accounting records are to be audited in accordance with sections 29 (b) and 32 (3);
 (iB) prescribing the portion of the interest which, and the circumstances in which such portion, may be refunded to the estate agent concerned in terms of section 32 (3) (d);";
- 40 (c) by the insertion after paragraph (k) of subsection (1) of the following paragraph:
 "(kA) prescribing the conditions on which any person may carry on his business as an estate agent from any residential premises;".

Amendment of
section 33 of
Act 112 of 1976,
as amended by
section 6 of
Act 60 of 1978.

- 45 14. The following section is hereby substituted for section 34 of the principal Act:

Substitution of
section 34 of
Act 112 of 1976.

- 50 "Offences and penalties.
 34. Any person who contravenes or fails to comply with any provision of this Act or any order or request issued or addressed thereunder, shall be guilty of an offence and liable on conviction to a fine not exceeding **two** five thousand rand or to imprisonment for a period not exceeding **two** five years, or to both such fine and such imprisonment."

- 55 15. This Act shall be called the Estate Agents Amendment Act, Short title.
 1980, and section 12 shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

