



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuisblad by die Poskantoór Geregistreer

Registered at the Post Office as a Newspaper

PRYS (AVB ingesluit) 30c PRICE (GST included)
BUITELANDS 40c ABROAD
POSVRY · POST FREE

VOL. 201]

KAAPSTAD, 12 MAART 1982

CAPE TOWN, 12 MARCH 1982

[No: 8072

KANTOOR VAN DIE EERSTE MINISTER

No. 394.

12 Maart 1982.

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

No. 23 van 1982: Wet op Waardeerders, 1982.

OFFICE OF THE PRIME MINISTER

No. 394.

12 March 1982.

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

No. 23 of 1982: Valuers' Act, 1982.

WET

Om voorsiening te maak vir die instelling van 'n Suid-Afrikaanse Raad vir Waardeerders, vir die registrasie van waardeerders, geassosieerde waardeerders en waardeerders-in-opleiding en vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 22 Februarie 1982.)

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

Woordomskrywing.

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

- (i) „boekjaar” ’n jaar wat op 31 Maart eindig; (iv) 5
- (ii) „eiendomswaardering” die bepaling van die waarde van onroerende goed; (viii)
- (iii) „geassosieerde waardeerder” iemand wat as ’n geassosieerde waardeerder geregistreer is ingevolge ’n bepaling van artikel 14; (i) 10
- (iv) „hierdie Wet” ook ’n kennisgewing of reël kragtens hierdie Wet uitgereik of uitgevaardig; (xii)
- (v) „hof” ’n hof van die provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika wat regsbevoegdheid het; (iii) 15
- (vi) „Minister” die Minister van Gemeenskapsontwikkeling; (vi)
- (vii) „onroerende goed” ook ’n reg ten opsigte van of ’n belang in onroerende goed; (v)
- (viii) „raad” die Suid-Afrikaanse Raad vir Waardeerders by 20 artikel 2 ingestel; (ii)
- (ix) „reël” ’n reël wat kragtens hierdie Wet uitgevaardig en van krag is; (xi)
- (x) „register” die register bedoel in artikel 8 (2); (ix)
- (xi) „registrateur” die persoon wat kragtens artikel 8 (1) 25 (a) as registrateur aangestel is; (x)
- (xii) „voorskryf” by reël kragtens artikel 22 deur die raad uitgevaardig, voorskryf, en het „voorgeskryf” of „voorgeskrewe” ’n ooreenstemmende betekenis; (vii)
- (xiii) „waardeerder” iemand wat as ’n waardeerder geregi- 30 streer is ingevolge ’n bepaling van artikel 13; (xiii)
- (xiv) „waardeerder-in-opleiding” iemand wat as ’n waardeerder-in-opleiding geregistreer is ingevolge artikel 15; (xiv)
- (xv) „waardeerdersinstituut” ’n vereniging van waardeer- 35 ders, geassosieerde waardeerders en waardeerders-in-opleiding gestig met die doel om die belange van die waardeerdersberoep te bevorder en wat kragtens artikel 8 (1) (t) as ’n waardeerdersinstituut erken is. (xv). 40

ACT

To provide for the establishment of a South African Council for Valuers, for the registration of valuers, associated valuers and valuers in training and for matters connected therewith.

(English text signed by the State President.)
(Assented to 22 February 1982.)

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

1. In this Act, unless the context otherwise indicates—

Definitions.

- (i) "associated valuer" means a person registered as an associated valuer in terms of any provision of section 14; (iii)
- (ii) "council" means the South African Council for Valuers established by section 2; (viii)
- (iii) "court" means a court of the provincial or local division of the Supreme Court of South Africa having jurisdiction; (v)
- (iv) "financial year" means a year ending on 31 March; (i)
- (v) "immovable property" includes a right in respect of or an interest in immovable property; (vii)
- (vi) "Minister" means the Minister of Community Development; (vi)
- (vii) "prescribe" means prescribe by rule made by the council under section 22, and "prescribed" shall have a corresponding meaning; (xii)
- (viii) "property valuation" means the evaluation of immovable property; (ii)
- (ix) "register", when used as a noun, means the register referred to in section 8 (2); (x)
- (x) "registrar" means the person appointed as registrar under section 8 (1) (a); (xi)
- (xi) "rule" means a rule made and in force under this Act; (ix)
- (xii) "this Act" includes any notice or rule issued or made under this Act; (iv)
- (xiii) "valuer" means a person registered as a valuer in terms of any provision of section 13; (xiii)
- (xiv) "valuer in training" means a person registered as a valuer in training in terms of section 15; (xiv)
- (xv) "valuers' institute" means any association of valuers, associated valuers and valuers in training established for the purpose of furthering the interests of the valuers' profession and which has been recognized under section 8 (1) (t) as a valuers' institute. (xv)

Wet No. 23, 1982

WET OP WAARDEERDERS, 1982

Instelling van
Suid-Afrikaanse
Raad vir
Waardeerders.

Voorlopige
samestelling van
raad en eerste
vergadering.

2. Daar word hierby 'n regs persoon met die naam die Suid-Afrikaanse Raad vir Waardeerders ingestel.

3. (1) Behoudens die bepalings van artikel 4 bestaan die raad, wanneer dit die eerste maal saamgestel word, uit—

- (a) ses persone deur die Minister behoudens die bepalings van artikel 5 (1) aangestel uit minstens agt persone wie se name vir dié doel voorgelê is deur die Suid-Afrikaanse Instituut van Waardeerders en wat persone moet wees wat ingevolge die bepalings van hierdie Wet as waardeerders geregistreer kan word; en
- (b) een persoon deur die Minister behoudens die bepalings van artikel 5 (1) aangestel uit minstens twee persone wie se name ooreenkomstig die bepalings van paragraaf (a) voorgelê is en wat persone moet wees wat oor deskundige of besondere kennis of ondervinding van eiendomswaardering beskik.

(2) Die voorlegging van name ingevolge subartikel (1) en die daaropvolgende aanstelling van lede van die raad ingevolge daardie subartikel moet op so 'n wyse gedoen word dat elke provinsie deur minstens een van die in subartikel (1) (a) bedoelde lede in die raad verteenwoordig word.

(3) Ten einde die Minister in staat te stel om die aanstellings beoog in paragrawe (a) en (b) van subartikel (1) te doen, moet hy by skriftelike kennisgewing die Suid-Afrikaanse Instituut van Waardeerders versoek om name voor te lê soos beoog in bedoelde paragrawe, en indien daar binne 'n tydperk (van nie minder nie as een-en-twintig dae) in bedoelde kennisgewing bepaal vir die voorlegging van sodanige name geen of onvoldoende name aan die Minister voorgelê word, kan die Minister enige geskikte persoon of persone as lid of as lede van die raad aanstel in plaas van die persoon of persone wat hy sou aangestel het indien bedoelde Instituut nie aldus in gebreke gebly het om name of voldoende name voor te lê nie.

(4) Die Minister moet die name van die persone wat ingevolge hierdie artikel as lede van die raad aangestel is, by kennisgewing in die *Staatskoerant* bekend maak.

(5) Die lede van die raad wat ingevolge hierdie artikel aangestel is, beklee hul amp vir 'n tydperk wat op 'n datum een jaar na die datum van die eerste vergadering van die raad verstryk: Met dien verstande dat indien die Minister met die oog op die behoorlike toepassing van die bepalings van artikel 4 betreffende die samestelling van die raad dit nodig ag, hy die ampstermyn van bedoelde lede van die raad ná bedoelde verstryking kan verleng met 'n tydperk wat, of van tyd tot tyd kan verleng met tydperke wat tesame, nie twee jaar te bowe gaan nie.

(6) Indien 'n lid van die raad wat ingevolge hierdie artikel aangestel is, sterf of voor verstryking van sy ampstermyn sy amp uit hoofde van 'n bepaling van hierdie Wet ontruim, word die vakature gevul deur die aanstelling deur die Minister, behoudens die bepalings van subartikels (1) en (3), van iemand anders as 'n lid van die raad, en elke lid wat aldus aangestel word, beklee sy amp vir die onverstreke gedeelte van die tydperk waarvoor die uitgetrede lid aangestel was.

(7) Die eerste vergadering van die raad word gehou op 'n tyd en plek wat die Minister bepaal, en daaropvolgende vergaderings word gehou op die tye en plekke wat die raad van tyd tot tyd bepaal.

Samestelling van
raad, ampsduur van
lede en vul van
vakatures.

4. (1) Na die verstryking van die ampstermyn van die lede van die raad wat ingevolge artikel 3 aangestel is, bestaan die raad uit die volgende lede, naamlik—

- (a) ses waardeerders deur die Minister behoudens die bepalings van artikel 5 (1) aangestel uit minstens agt waardeerders wie se name vir dié doel voorgelê is deur die Suid-Afrikaanse Instituut van Waardeerders; en
- (b) een geassosieerde waardeerder deur die Minister behoudens die bepalings van artikel 5 (1) aangestel uit

VALUERS' ACT, 1982

Act No. 23, 1982

2. There is hereby established a juristic person to be known as the South African Council for Valuers.

Establishment of South African Council for Valuers.

3. (1) Subject to the provisions of section 4 the council shall, when it is constituted for the first time, consist of—

Provisional constitution of council and first meeting.

- 5 (a) six persons appointed by the Minister, subject to the provisions of section 5 (1), from among at least eight persons whose names have been submitted for that purpose by the South African Institute of Valuers and who shall be persons who may, in terms of the
- 10 provisions of this Act, be registered as valuers;
- (b) one person appointed by the Minister, subject to the provisions of section 5 (1), from among at least two persons whose names have been submitted in accordance with the provisions of paragraph (a) and who
- 15 shall be persons who possess expert or special knowledge or experience of property valuation.

(2) The submission of names in terms of subsection (1) and the subsequent appointment of members of the council in terms of that subsection shall be made in such manner that each

20 province is represented in the council by at least one of the members referred to in subsection (1) (a).

(3) To enable the Minister to make the appointments contemplated in paragraphs (a) and (b) of subsection (1), he shall by notice in writing request the South African Institute of

25 Valuers to submit names as contemplated in the said paragraphs, and if no or insufficient names are submitted to the Minister within a period (of not less than twenty-one days) determined in the said notice for the submission of such names, the Minister may appoint any suitable person or persons as a

30 member or as members of the council in the place of the person or persons he would have appointed if the said Institute had not so failed to submit any or sufficient names.

(4) The names of the persons who have been appointed as members of the council in terms of this section shall be notified

35 in the *Gazette* by the Minister.

(5) The members of the council who have been appointed in terms of this section, shall hold office for a period which expires on a date one year after the date of the first meeting of the council: Provided that if the Minister deems it necessary with a

40 view to the proper application of the provisions of section 4 relating to the constitution of the council, he may after the said expiration extend the period of office of the said members of the council by a period which does not, or may from time to time extend such period by periods which in the aggregate do not,

45 exceed two years.

(6) If a member of the council who has been appointed in terms of this section dies, or by virtue of any provision of this Act vacates his office before the expiration of his period of office, the vacancy shall be filled by the appointment by the

50 Minister, subject to the provisions of subsections (1) and (3), of another person as a member of the council, and every member so appointed shall hold office for the unexpired portion of the period for which the vacating member was appointed.

(7) The first meeting of the council shall be held at a time and

55 place determined by the Minister and subsequent meetings shall be held at the times and places determined by the council from time to time.

4. (1) After the expiration of the period of office of the members of the council appointed in terms of section 3, the

60 council shall consist of the following members, namely—

Constitution of council, tenure of office of members and filling of vacancies.

- (a) six valuers appointed by the Minister, subject to the provisions of section 5 (1), from among at least eight valuers whose names have been submitted for that purpose by the South African Institute of Valuers; and
- 65 (b) one associated valuer appointed by the Minister, subject to the provisions of section 5 (1), from among

minstens twee geassosieerde waardeerders wie se name ooreenkomstig die bepalings van paragraaf (a) voorgelê is.

(2) Die bepalings van artikel 3 (2), (3) en (4) is *mutatis mutandis* van toepassing ten opsigte van die aanstelling van die in subartikel (1) bedoelde lede van die raad. 5

(3) Elke ingevolge subartikel (1) aangestelde lid van die raad word vir 'n tydperk van drie jaar aangestel, maar behou na verstryking van die tydperk waarvoor hy aangestel is sy amp vir 'n verdere tydperk van hoogstens drie maande totdat sy opvolger aangestel is. 10

(4) Indien 'n lid van die raad sterf of sy amp ontruim voor die verstryking van die tydperk waarvoor hy ingevolge subartikel (1) aangestel is, kan die Minister, behoudens die bepalings van subartikel (1) en van artikel 5 (1), iemand aanstel om die vakature te vul vir die onverstreke gedeelte van die tydperk waarvoor bedoelde lid aangestel is. 15

(5) Iemand wie se ampstermyn as lid van die raad verstryk het, kan weer aangestel word.

Persone wat onbevoeg is vir lidmaatskap van raad en ontruiming van amp.

5. (1) Niemand word as 'n lid van die raad aangestel nie 20 indien hy—

- (a) nie 'n Suid-Afrikaanse burger is wat permanent in die Republiek woonagtig is nie;
 - (b) 'n ongerehabiliteerde insolvent is;
 - (c) aan 'n misdryf skuldig bevind en ten opsigte daarvan tot gevangenisstraf sonder die keuse van 'n boete gevonnis is;
 - (d) weens onbehoorlike gedrag uit 'n vertrouensamp verwyder is; of
 - (e) ingevolge die bepalings van hierdie Wet deur die raad aan onbehoorlike gedrag skuldig bevind is. 30
- (2) 'n Lid van die raad ontruim sy amp indien hy—
- (a) ingevolge subartikel (1) onbevoeg raak vir aanstelling as 'n lid van die raad;
 - (b) by skriftelike kennisgewing, gerig aan die registrateur, bedank;
 - (c) volgens die reg as 'n geestesongestelde persoon aangehou word;
 - (d) sonder verlof van die raad van meer as twee agtereenvolgende vergaderings van die raad afwesig was; of 40
 - (e) ophou om 'n waardeerder of, na gelang van die geval, 'n geassosieerde waardeerder te wees.

President en vise-president van raad.

6. (1) Die lede van die raad kies op die eerste vergadering van elke nuut saamgestelde raad en daarna wanneer dit nodig word 'n president en 'n vise-president van die raad uit hul midde, en die president en die vise-president beklee hulle amp vir die tydperk wat die raad ten tyde van hul verkiesing bepaal. 45

(2) Die vise-president kan, indien die president afwesig is of om die een of ander rede nie as president kan optree nie, al die werksaamhede van die president verrig. 50

(3) Indien die president sowel as die vise-president van 'n vergadering van die raad afwesig is of nie as voorsitter kan optree nie, moet die aanwesige lede iemand uit hul midde kies om op daardie vergadering voor te sit, en die persoon aldus gekies om voor te sit, kan gedurende daardie vergadering en totdat die president of vise-president sy werksaamhede hervat, al die werksaamhede van die president verrig. 55

Besluite van raad.

7. (1) 'n Besluit van die meerderheid van die lede van die raad wat op 'n vergadering aanwesig is, maak 'n besluit van die raad uit. 60

(2) Geen besluit deur die raad geneem of handeling op gesag van die raad verrig, is bloot vanweë 'n tydelike vakature in die raad of vanweë die feit dat iemand wat nie geregtig is nie om as 'n lid van die raad sitting te neem, as 'n lid sitting geneem het op die tydstip waarop die besluit geneem of die handeling gemagtig is, ongeldig nie indien die besluit geneem of die handeling 65

VALUERS' ACT, 1982

Act No. 23, 1982

at least two associated valuers whose names have been submitted in accordance with the provisions of paragraph (a).

(2) The provisions of section 3 (2), (3) and (4) shall *mutatis mutandis* apply in respect of the appointment of the members of the council referred to in subsection (1).

(3) Every member of the council appointed in terms of subsection (1) shall be appointed for a period of three years, but shall, after the expiration of the period for which he was appointed, continue to hold office for a further period not exceeding three months until his successor has been appointed.

(4) If a member of the council dies or vacates his office before the expiration of the period for which he was appointed in terms of subsection (1), the Minister may, subject to the provisions of subsection (1) and of section 5 (1), appoint a person to fill the vacancy for the unexpired portion of the period for which such member was appointed.

(5) Any person whose period of office as a member of the council has expired, shall be eligible for reappointment.

5. (1) No person shall be appointed as a member of the council if he—

Persons disqualified from membership of council and vacation of office.

- (a) is not a South African citizen permanently resident in the Republic;
- (b) is an unrehabilitated insolvent;
- (c) has been convicted of an offence and in respect thereof sentenced to imprisonment without the option of a fine;
- (d) has because of improper conduct been removed from an office of trust; or
- (e) has in terms of the provisions of this Act been found guilty by the council of improper conduct.

(2) A member of the council shall vacate his office if he—

- (a) becomes disqualified in terms of subsection (1) from being appointed as a member of the council;
- (b) resigns by written notice addressed to the registrar;
- (c) is according to the law detained as a mentally ill person;
- (d) has, without the leave of the council, been absent from more than two consecutive meetings of the council; or
- (e) ceases to be a valuer or, as the case may be, an associated valuer.

6. (1) The members of the council shall at the first meeting of every newly constituted council and thereafter as the occasion arises, out of their number elect a president and a vice-president of the council, and the president and the vice-president shall hold office for such period as the council may determine at the time of their election.

President and vice-president of council.

(2) The vice-president may, if the president is absent or for any reason unable to act as president, perform all the functions of the president.

(3) If both the president and the vice-president are absent from any meeting of the council or unable to preside, the members present shall elect one of their number to preside at that meeting, and the person so elected to preside may, during that meeting and until the president or vice-president resumes his functions, perform all the functions of the president.

7. (1) A decision of the majority of the members of the council present at any meeting shall constitute a decision of the council.

Decisions of council.

(2) No decision taken by the council or act performed under authority of the council shall be invalid by reason only of an interim vacancy on the council, or of the fact that a person who is not entitled to sit as a member of the council sat as a member at the time when the decision was taken or the act was authorized, if the decision was taken or the act was authorized

Wet No. 23, 1982

WET OP WAARDEERDERS, 1982

gemagtig is deur die vereiste meerderheid van die lede van die raad wat toe aanwesig was en geregtig was om as lede sitting te neem.

Algemene
bevoegdhede van
raad.

8. (1) Die raad kan—
- (a) 'n registrateur (wat ook as sekretaris van die raad moet optree) en die ander persone wat die raad vir die verrigting van sy werksaamhede nodig ag, aanstel en besoldig en kan hul werksaamhede bepaal; 5
 - (b) die wyse van byeenroeping van, die prosedure by en die kworum vir vergaderings van die raad of 'n komitee van die raad en die wyse waarop notule van die verrigtinge by sodanige vergaderings gehou moet word, bepaal; 10
 - (c) die fondse van die raad insamel en daarmee handel deur dit of 'n gedeelte daarvan— 15
 - (i) by wyse van deposito by die Nasionale Finansiële korporasie van Suid-Afrika, 'n bankinstelling geregistreer ingevolge die Bankwet, 1965 (Wet No. 23 van 1965), 'n bouvereniging geregistreer ingevolge die Bouverenigingswet, 1965 (Wet No. 20 van 1965), of die Hoofposkantoor te belê; 20
 - (ii) in 'n spaarrekening by so 'n bankinstelling of bouvereniging of by die Hoofposkantoor te plaas;
 - (iii) in 'n lopende rekening by so 'n bankinstelling te plaas; 25
 - (d) die besoldiging en toelaes bepaal wat betaalbaar is uit die fondse van die raad aan lede van die raad of van 'n komitee van die raad;
 - (e) die wyse waarop iemand aansoek moet doen om registrasie as 'n waardeerder, geassosieerde waardeerder of waardeerder-in-opleiding, die gelde wat aan die raad betaalbaar is ten opsigte van so 'n registrasie, die jaargelde wat aan die raad betaalbaar is deur 'n waardeerder, geassosieerde waardeerder of waardeerder-in-opleiding, die gedeelte van sodanige jaargelde wat ten opsigte van 'n deel van 'n jaar betaalbaar is en die datum waarop sodanige jaargelde of gedeelte daarvan betaalbaar word, voorskryf; 30
 - (f) behoudens die bepalings van hierdie Wet, 'n aansoek om registrasie as 'n waardeerder, geassosieerde waardeerder of waardeerder-in-opleiding oorweeg en daaroor besluit; 40
 - (g) besluit oor die vorm van die register en sertifikate wat ingevolge hierdie Wet gehou, bygehou of uitgereik moet word, die hersiening daarvan en die wyse waarop veranderinge daarin of daarop aangebring kan word; 45
 - (h) die stappe doen wat hy raadsaam ag vir die beskerming van lede van die publiek in hul transaksies met waardeerders, geassosieerde waardeerders en waardeerders-in-opleiding, vir die handhawing van die integriteit van, die verhoging van die status van en die verbetering van die standaard van dienste gelewer deur waardeerders, geassosieerde waardeerders en waardeerders-in-opleiding en van die akademiese kwalifikasies van waardeerders; 50
 - (i) navorsing aangaande aangeleenthede wat betrekking het op die waardeerdersberoep aanmoedig en self onderneem en aan enige opvoedkundige inrigting, waardeerdersinstituut of eksaminerende liggaam advies gee of hulp verleen in verband met opvoedkundige fasiliteite vir en die opleiding en onderrig van voornemende waardeerders en geassosieerde waardeerders; 55
 - (j) enige publikasie met betrekking tot die waardeerdersberoep en verwante aangeleenthede finansier, druk, versprei, verkoop, die publikasie daarvan administreer en in die algemeen die stappe doen wat nodig is om dit te publiseer; 60

VALUERS' ACT, 1982

Act No. 23, 1982

by the requisite majority of the members of the council who were present at the time and entitled to sit as members.

8. (1) The council may—

General powers of council.

- 5 (a) appoint and remunerate a registrar (who shall also act as secretary to the council) and such other persons as the council may deem necessary for the performance of its functions, and may determine their functions;
- 10 (b) determine the manner in which meetings of the council or any committee of the council shall be convened, the procedure and quorum at such meetings and the manner in which minutes of such meetings shall be kept;
- 15 (c) collect the funds of the council and deal with them by—
- (i) investing them or any part thereof by means of a deposit with the National Finance Corporation of South Africa, a banking institution registered in terms of the Banks Act, 1965 (Act No. 23 of 1965), a building society registered in terms of the Building Societies Act, 1965 (Act No. 24 of 1965), or the General Post Office;
- 20 (ii) placing them or any part thereof in a savings account with such a banking institution or building society or with the General Post Office;
- 25 (iii) placing them or any part thereof in a current account with such a banking institution;
- (d) determine the remuneration and allowances payable from the funds of the council to members of the council or of a committee of the council;
- 30 (e) prescribe the manner in which any person shall apply for registration as a valuer, associated valuer or valuer in training, the fees which shall be payable to the council in respect of any such registration, the annual fees which shall be payable to the council by a valuer, associated valuer or valuer in training, the portion of such annual fees which shall be payable in respect of any part of a year and the date on which such annual fees or portion thereof shall become due and payable;
- 35 (f) subject to the provisions of this Act, consider and decide upon any application for registration as a valuer, associated valuer or valuer in training;
- 40 (g) decide upon the form of the register and certificates to be kept, maintained or issued under this Act, the reviewing thereof and the manner in which alterations thereto may be effected;
- 45 (h) take any steps which it may consider expedient for the protection of members of the public in their dealings with valuers, associated valuers and valuers in training, for the maintenance of the integrity of, the enhancement of the status of and the improvement of the standards of services rendered by valuers, associated valuers and valuers in training and of the academic qualifications of valuers;
- 50 (i) encourage and itself undertake research into matters relating to the valuers' profession and give advice or render assistance to any educational institution, valuers' institute or examining body in regard to educational facilities for and the training and education of prospective valuers and associated valuers;
- 55 (j) finance, print, circulate, sell and administer the publication of and generally take any steps necessary to publish any publication relating to the valuers' profession and cognate matters;
- 60

Wet No. 23, 1982

WET OP WAARDEERDERS, 1982

- (k) met 'n geregistreerde versekeraar soos omskryf in artikel 1 (1) van die Versekeringswet, 1943 (Wet No. 27 van 1943), reëlings tref vir die vrywaring, deur middel van versekering, van waardeerders, geassosieerde waardeerders en waardeerders-in-opleiding teen eise wat voortspruit uit die verrigting van hul werksaamhede as waardeerders, geassosieerde waardeerders of waardeerders-in-opleiding; 5
 - (l) die roerende of onroerende goed wat hy nodig ag vir die doeltreffende uitvoering van sy werksaamhede aanskaf of huur en goed wat aldus aangeskaf is in stand hou, verhuur of verkoop of op 'n ander wyse daarvoor beskik; 10
 - (m) besluit op watter wyse kontrakte namens die raad aangegaan moet word; 15
 - (n) met 'n geregistreerde versekeraar bedoel in paragraaf (k) reël vir die voorsiening, by wyse van versekering, van dekking—
 - (i) vir 'n lid of enige amptenaar van die raad ten opsigte van enige liggaamlike besering, ongeskiktheid of dood wat uitsluitlik en regstreeks die gevolg is van 'n ongeluk wat plaasvind in die loop van die verrigting deur so 'n lid of amptenaar van sy werksaamhede ingevolge hierdie Wet; 20
 - (ii) vir die raad teen enige verlies, skade, risiko of aanspreeklikheid wat hy mag ly of oploop, met inbegrip van dekking ten opsigte van enige verlies of skade die raad deur iemand in sy diens berokken en ten opsigte van alle goed onder die beheer van die raad; 30
 - (o) reëlings tref vir die betaling van pensioen- en ander voordele aan 'n amptenaar van die raad en sy afhanklikes by die beëindiging van die diens van daardie amptenaar; 30
 - (p) van tyd tot tyd geld by wyse van lening opneem ten einde sodanige van sy werksaamhede wat die raad bepaal, doeltreffend te kan verrig; 35
 - (q) met die oog op die bevordering van 'n aangeleentheid betreffende die waardeerdersberoep, geld uitleen teen die sekuriteit wat die raad voldoende ag; 40
 - (r) enige van sy onroerende goed met verband beswaar as sekuriteit vir 'n in paragraaf (p) bedoelde lening;
 - (s) bepaal waar sy hoofkantoor geleë moet wees;
 - (t) (i) die vereistes voorskryf waaraan 'n vereniging van waardeerders, geassosieerde waardeerders en waardeerders-in-opleiding moet voldoen om te kwalifiseer vir erkenning deur die raad as 'n waardeerdersinstituut vir die doeleindes van hierdie Wet, en die omstandighede voorskryf waarin sodanige erkenning, nadat dit toegestaan is, verval; 50
 - (ii) 'n aansoek om sodanige erkenning oorweeg en die aansoek toestaan van enige sodanige vereniging wat aan die voorgeskrewe vereistes voldoen; en
 - (u) oor die algemeen, al die maatreëls tref wat hy nodig ag vir die behoorlike verrigting van sy werksaamhede of ten einde die oogmerke van hierdie Wet te bereik. 55
- (2) Die raad moet, behoudens die bepalinge van hierdie Wet, 'n register van waardeerders, geassosieerde waardeerders en waardeerders-in-opleiding aanlê en byhou en sodanige register moet te alle redelike tye beskikbaar wees vir insae deur enige lid van die publiek teen betaling van die voorgeskrewe gelde. 60

Voorbehoud deur Minister van sekere soorte werk vir waardeerders, geassosieerde waardeerders en waardeerders-in-opleiding.

9. (1) Die Minister kan, na oorlegpleging met die raad, by kennisgewing in die *Staatskoerant* die soorte werk in verband met eiendomswaardering voorskryf wat vir waardeerders, geassosieerde waardeerders of waardeerders-in-opleiding voorbehou word, en kan enige voorbehoud aldus gemaak, op soortgelyke wyse wysig of intrek. 65

VALUERS' ACT, 1982

Act No. 23, 1982

- (k) arrange with a registered insurer as defined in section 1 (1) of the Insurance Act, 1943 (Act No. 27 of 1943), for the indemnification, by means of insurance, of valuers, associated valuers and valuers in training against claims arising from the performance of their functions as valuers, associated valuers or valuers in training;
- (l) acquire or hire such movable or immovable property as it may consider necessary for the effective performance of its functions and maintain, let or sell or in any other manner dispose of property so acquired;
- (m) decide upon the manner in which contracts shall be entered into on behalf of the council;
- (n) arrange with a registered insurer referred to in paragraph (k) for the provision of insurance cover—
- (i) for any member or officer of the council in respect of any bodily injury, disablement or death resulting solely and directly from an accident occurring in the course of the performance by such a member or such an officer of his functions in terms of this Act;
- (ii) for the council against any loss, damage, risk or liability which it may suffer or incur, including cover in respect of any loss or damage caused to the council by any person in its service and in respect of all property under the control of the council;
- (o) arrange for the payment of pension and other benefits to any officer of the council and his dependants on the termination of the service of that officer;
- (p) from time to time raise money by way of loan for the purpose of effectively performing such of its functions as the council may determine;
- (q) with a view to the promotion of any matter relating to the valuers' profession, lend money against such security as the council may deem adequate;
- (r) mortgage any of its immovable property as security for a loan referred to in paragraph (p);
- (s) determine where its head office shall be situated;
- (t) (i) prescribe the requirements with which an association of valuers, associated valuers and valuers in training shall comply in order to qualify for recognition by the council as a valuers' institute for the purposes of this Act, and the circumstances in which such recognition, after having been granted, shall lapse;
- (ii) consider any application for such recognition and grant the application of any such association which complies with the prescribed requirements; and
- (u) generally, take all such measures as it may deem necessary for the proper performance of its functions or to achieve the objects of this Act.

(2) Subject to the provisions of this Act, the council shall draw up and keep up to date a register of valuers, associated valuers and valuers in training, and such register shall at all reasonable times be open to inspection by any member of the public upon payment of the prescribed fees.

9. (1) The Minister may, after consultation with the council, prescribe the kinds of work in connection with property valuation which shall be reserved for valuers, associated valuers or valuers in training, and may in similar manner amend or withdraw any reservation so made.

Reservation by Minister of certain kinds of work for valuers, associated valuers and valuers in training.

Wet No. 23, 1982

WET OP WAARDEERDERS, 1982

(2) Voordat daar ingevolge subartikel (1) voorsiening gemaak word vir die voorbehoud van werk, moet 'n kennisgewing deur die Minister in die *Staatskoerant* gepubliseer word waarin—

- (a) die voorgestelde voorsiening uiteengesit word;
- (b) daar vermeld word dat dit die voorneme is om die 5 betrokke voorsiening te maak met ingang van 'n datum in die kennisgewing vermeld, wat 'n datum nie vroeër as vier weke vanaf die datum van die kennisgewing mag wees nie; en
- (c) belanghebbende persone uitgenooi word om besware 10 teen of vertoë aangaande die voorgestelde voorsiening voor te lê:

Met dien verstande dat indien die Minister daarna op 'n verandering van die soos voormeld gepubliseerde voorsiening besluit as gevolg van besware of vertoë ten opsigte daarvan 15 voorgelê, dit nie nodig is om sodanige verandering te publiseer voordat die voorsiening uiteindelik ingevolge hierdie artikel gemaak word nie.

(3) By die maak van voorsiening ingevolge hierdie artikel, kan werk wat onder bepaalde omstandighede of vir bepaalde 20 doeleindes of deur of vir bepaalde persone of klasse persone of binne of buite bepaalde gebiede of klasse gebiede verrig word, van die bepalings daarvan uitgesluit word.

Fondse van raad en
hou en ouditering
van rekenings.

10. (1) Die fondse van die raad bestaan uit alle gelde wat ingevolge die bepalings van hierdie Wet betaalbaar is, alle geld 25 wat ingevolge bedoelde bepalings deur die raad opgeneem word en die ander bedrae, insluitende voorskotte in subartikel (4) bedoel, wat van tyd tot tyd ingevolge bedoelde bepalings aan die raad betaalbaar word.

(2) Die raad moet volledig en juis rekening laat hou van alle 30 geld wat hy ontvang of uitgee.

(3) Die raad moet elke jaar 'n staat van sy inkomste en uitgawe vir sy jongste voorafgaande boekjaar en 'n balansstaat wat sy geldelike toestand aan die einde van daardie boekjaar aantoon, laat opstel en moet bedoelde staat en balansstaat laat 35 ouditeer deur 'n ouditeur wat die raad aanstel.

- (4) (a) Die Minister kan, met die instemming van die Minister van Finansies, uit geld deur die Parlement bewillig die bedrae aan die raad voorskiet wat hy nodig ag om die raad in staat te stel om sy werksaamhede te verrig. 40
- (b) So 'n voorskot word toegestaan op die voorwaardes en is terugbetaalbaar op die tye wat die Minister met die instemming van die Minister van Finansies bepaal.

Verslae aan
Minister en
verstreking van
inligting aan
waardeerders,
geassosieerde
waardeerders en
waardeerders-in-
opleiding.

11. Die raad lê elke jaar, binne ses maande na afsluiting van sy boekjaar, aan die Minister 'n verslag voor in verband met die 45 raad se werksaamhede gedurende daardie boekjaar, tesame met 'n afskrif van die geouditeerde staat van inkomste en uitgawe en die balansstaat bedoel in artikel 10 (3) ten opsigte van daardie boekjaar sowel as 'n lys van waardeerders, geassosieerde waardeerders en waardeerders-in-opleiding wie se name op die 50 laaste dag van daardie boekjaar in die register verskyn het, en moet aan elke waardeerder, geassosieerde waardeerder en waardeerder-in-opleiding wie se naam aldus in die register verskyn het, 'n afskrif van elk van genoemde stukke stuur.

Komitees van raad.

- 12. (1) (a) Die raad kan komitees instel om hom by die 55 verrigting van sy werksaamhede by te staan en kan daardie lede van die raad en daardie waardeerders, geassosieerde waardeerders en ander persone wat nie lede van die raad is nie en wat hy goedgevind, aanstel om lede van so 'n komitee te wees. 60
- (b) Een van die lede van 'n komitee word deur die raad as voorsitter van die komitee aangewys.

(2) Die raad kan na goeddunke van sy bevoegdheids deleger aan 'n komitee wat aldus ingestel is, maar word nie onthef van 'n bevoegdheid wat hy aldus aan 'n komitee gedelegeer het nie 65 en kan 'n besluit van so 'n komitee wysig of intrek.

VALUERS' ACT, 1982

Act No. 23, 1982

(2) Before any provision is made in terms of subsection (1) for the reservation of work, the Minister shall publish a notice in the *Gazette* in which—

- (a) the proposed provision is set out;
- 5 (b) it is intimated that it is proposed to make the provision in question with effect from a date specified in the notice, which shall be a date not earlier than four weeks as from the date of the notice; and
- 10 (c) interested persons are invited to submit any objections to or representations concerning the proposed provision:

Provided that if the Minister thereafter decides on any alteration in the provision published as aforesaid, as a result of any objections or representations submitted in respect thereof, it shall not be necessary to publish such alteration before finally making the provision in terms of this section.

- (3) In making provision in terms of this section, work performed in specified circumstances or for specified purposes or by or for specified persons or classes of persons or within or outside specified areas or classes of areas, may be excluded from the provisions thereof.

10. (1) The funds of the council shall consist of all fees payable in terms of the provisions of this Act, all money raised by the council in terms of the said provisions and such other amounts, including advances referred to in subsection (4), as may in terms of the said provisions become payable to the council from time to time.

Funds of council and keeping and auditing of accounts.

(2) The council shall cause full and correct account to be kept of all money received or expended by it.

30 (3) The council shall cause to be prepared in each year a statement of its income and expenditure during its last preceding financial year and a balance sheet showing its financial position at the end of that financial year, and shall cause such statement and balance sheet to be audited by an auditor appointed by the council.

40 (4) (a) The Minister may, with the concurrence of the Minister of Finance, advance to the council out of money appropriated by Parliament such amounts as he may deem necessary in order to enable the council to carry out its functions.

(b) Any such advance shall be made on such conditions and shall be repayable at such times as the Minister may, with the concurrence of the Minister of Finance, determine.

45 11. The council shall in each year, within six months after the close of its financial year, submit to the Minister a report in regard to its activities during that financial year, together with a copy of the audited statement of income and expenditure and the balance sheet referred to in section 10 (3) in respect of that financial year, as well as a list of valuers, associated valuers and valuers in training whose names appeared in the register on the last day of that financial year, and shall send to every valuer, associated valuer and valuer in training whose name so appeared in the register a copy of each of the said documents.

Reports to Minister and furnishing of information to valuers, associated valuers and valuers in training.

55 12. (1) (a) The council may establish committees to assist it in the performance of its functions and may appoint such of its members and such valuers, associated valuers and other persons who are not members of the council as it may deem fit, to be members of any such committee.

Committees of council.

60 (b) One of the members of a committee shall be designated by the council as chairman of the committee.

(2) The council may delegate to a committee so established such of its powers as it may deem fit, but shall not be divested of any power which it has so delegated to a committee and may amend or withdraw any decision of such a committee.

Wet No. 23, 1982

WET OP WAARDEERDERS, 1982

Registrasie van
waardeerders.

(3) 'n Verwysing in hierdie Wet na die raad of die president van die raad met betrekking tot die uitoefening van 'n bevoegdheid wat die raad aan 'n komitee gedelegeer het, word uitgelê ook as 'n verwysing na daardie komitee of na die voorsitter van daardie komitee, na gelang van die geval. 5

(4) Die bepalings van artikel 7 (2) is *mutatis mutandis* ten opsigte van 'n komitee van die raad van toepassing.

13. (1) Iemand wat begerig is om as 'n waardeerder geregistreer te word, moet 'n skriftelike aansoek om sodanige registrasie op die voorgeskrewe wyse by die raad indien en 10 sodanige aansoek moet vergesel gaan van die voorgeskrewe registrasiegeld en die inligting wat die raad verlang.

(2) Indien die raad na oorweging van so 'n aansoek oortuig is dat die aansoeker—

- (a) minstens een-en-twintig jaar oud is en gewoonlik in die 15 Republiek woonagtig is;
- (b) geslaag het in die voorgeskrewe eksamens of in eksamens wat die raad vir die doeleindes van hierdie paragraaf erken;
- (c) praktiese ondervinding van werk in eiendomswaar- 20 dering opgedoen het wat na die oordeel van die raad van voldoende verskeidenheid en bevredigende aard en standaard is; en
- (d) met inagneming van die bepalings van hierdie Wet, 'n 25 geskikte persoon is om as 'n waardeerder geregistreer te word,

moet die raad, behoudens die bepalings van subartikel (4), die aansoeker as 'n waardeerder registreer en aan hom 'n registrasiesertifikaat in die voorgeskrewe vorm uitreik.

(3) (a) Die raad moet op aansoek van iemand wat— 30

- (i) op die datum van inwerkingtreding van hierdie Wet minstens vyf-en-veertig jaar oud is en gewoonlik in die Republiek woonagtig is; en
- (ii) vir 'n ononderbroke tydperk van minstens vyftien 35 jaar onmiddellik voor die datum van inwerking-treding van hierdie Wet gereeld besig was met die verrigting van werk in eiendomswaardering wat na die oordeel van die raad van voldoende omvang en verskeidenheid en van bevredigende 40 aard en standaard is,

daardie persoon as 'n waardeerder registreer en aan hom 'n registrasiesertifikaat in die voorgeskrewe vorm uitreik: Met dien verstande dat indien iemand wat ingevolge hierdie paragraaf as 'n waardeerder geregi- 45 streer is, versuim om binne 'n tydperk van vyf jaar vanaf die datum van sodanige registrasie, of binne die verdere tydperk, wat twee jaar nie te bowe mag gaan nie, wat die raad in 'n besondere geval toelaat, aan die vereiste bedoel in subartikel (2) (b) te voldoen, sy registrasie as 'n waardeerder verval. 50

(b) 'n Aansoek bedoel in paragraaf (a) moet in die voorgeskrewe vorm wees en moet vergesel gaan van die voorgeskrewe registrasiegeld en die inligting wat die raad verlang.

(c) Niemand word uit hoofde van die bepalings van 55 paragraaf (a) as 'n waardeerder geregistreer nie, tensy hy binne ses maande na die datum van inwerkingtreding van hierdie Wet, of binne die verdere tydperk wat die raad in 'n bepaalde geval toelaat, by die raad aansoek gedoen het om aldus geregistreer te word. 60

(4) (a) Iemand wat nie gewoonlik in die Republiek woonagtig is nie, kan by die raad aansoek doen om tydelik as 'n 65 waardeerder geregistreer te word.

(b) Die aansoek moet in die voorgeskrewe vorm wees en moet vergesel gaan van die voorgeskrewe registra- 65 siegeld en die inligting wat die raad verlang.

(c) Indien die raad na oorweging van so 'n aansoek oortuig is dat die aansoeker—

- (i) minstens een-en-twintig jaar oud is;

VALUERS' ACT, 1982

Act No. 23, 1982

(3) Any reference in this Act to the council, or to the president of the council, in relation to the exercise of any power which the council has delegated to a committee, shall be construed as including a reference to that committee or to the chairman of that committee, as the case may be.

(4) The provisions of section 7 (2) shall apply *mutatis mutandis* in respect of a committee of the council.

13. (1) Any person who desires to be registered as a valuer shall in the prescribed manner lodge with the council an application in writing for such registration, and such application shall be accompanied by the prescribed registration fee and such information as may be required by the council.

Registration of valuers.

(2) If after consideration of any such application the council is satisfied that the applicant—

15 (a) is not less than twenty-one years of age and is ordinarily resident in the Republic;

(b) has passed the prescribed examinations or any examinations recognized by the council for the purposes of this paragraph;

20 (c) has gained practical experience of work in property valuation which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard; and

25 (d) regard being had to the provisions of this Act, is a person suitable for registration as a valuer, the council shall, subject to the provisions of subsection (4), register the applicant as a valuer and issue to him a certificate of registration in the prescribed form.

30 (3) (a) The council shall on the application of any person who—

(i) at the date of commencement of this Act is not less than forty-five years of age and is ordinarily resident in the Republic; and

35 (ii) has, for a continuous period of not less than fifteen years immediately preceding the date of commencement of this Act, been regularly engaged in the performance of work in property valuation which in the opinion of the council is of sufficient scope and variety and of a satisfactory nature and standard,

40 register that person as a valuer and issue to him a certificate of registration in the prescribed form: Provided that if any person registered as a valuer in terms of this paragraph fails to comply, within a period of five years as from the date of such registration or within such further period, which may not exceed two years, as the council may in a particular case allow, with the requirement referred to in subsection (2) (b), his registration as a valuer shall lapse.

50 (b) An application referred to in paragraph (a) shall be in the prescribed form and shall be accompanied by the prescribed registration fee and such information as may be required by the council.

55 (c) No person shall be registered as a valuer by virtue of the provisions of paragraph (a) unless he has within six months after the date of commencement of this Act, or within such further period as the council may in a particular case allow, applied to the council to be so registered.

60 (4) (a) Any person not ordinarily resident in the Republic may apply to the council for temporary registration as a valuer.

65 (b) The application shall be in the prescribed form and shall be accompanied by the prescribed registration fee and such information as may be required by the council.

(c) If after consideration of any such application the council is satisfied that the applicant—

(i) is not less than twenty-one years of age;

Wet No. 23, 1982

WET OP WAARDEERDERS, 1982

- (ii) geslaag het in die voorgeskrewe eksamens of in eksamens wat die raad vir die doeleindes van hierdie subparagraaf erken;
 - (iii) genoegsame praktiese ondervinding in die Republiek opgedoen het van werk in eiendomswaardering wat na die oordeel van die raad van voldoende verskeidenheid en bevredigende aard en standaard is; en
 - (iv) met inagneming van die bepalings van hierdie Wet, 'n geskikte persoon is om tydelik as 'n waardeerder geregistreer te word, kan die raad, behoudens die bepalings van subartikel (5), die aansoeker as 'n waardeerder registreer en aan hom 'n tydelike registrasiesertifikaat in die voorgeskrewe vorm uitreik.
 - (d) 'n Tydelike registrasiesertifikaat is geldig vir die tydperk, wat drie jaar nie te bowe mag gaan nie, wat die raad in elke geval bepaal, maar die betrokke persoon kan te eniger tyd weer kragtens hierdie artikel om tydelike registrasie as 'n waardeerder aansoek doen.
- (5) Die raad registreer nie ingevolge die bepalings van hierdie artikel 'n persoon as 'n waardeerder nie—
- (a) indien daardie persoon te eniger tyd skuldig bevind is weens 'n misdryf waarvan oneerlikheid 'n element is en ten opsigte daarvan tot gevangenisstraf sonder die keuse van 'n boete of tot 'n boete van tweehonderd rand of meer gevonnissen is: Met dien verstande dat indien die raad ten opsigte van 'n persoon wat onderhewig is aan 'n onbevoegdheid bedoel in hierdie paragraaf, oortuig is dat, met inagneming van al die tersaaklike oorwegings, die registrasie van so 'n persoon in belang van billikheid teenoor hom geregverdig is, die raad, op die voorwaardes wat die raad met die instemming van die Minister bepaal, so 'n persoon as 'n waardeerder kan registreer;
 - (b) indien daardie persoon volgens die reg as 'n geestesongestelde persoon aangehou word; of
 - (c) solank die naam van daardie persoon uit die register geskrap is uit hoofde van 'n straf hom kragtens hierdie Wet opgelê.
- (6) Die raad moet die registrasie van 'n persoon as 'n waardeerder intrek indien daardie persoon—
- (a) ingevolge subartikel (5) onbevoeg raak vir registrasie as 'n waardeerder;
 - (b) per abuis as 'n waardeerder geregistreer is of aldus geregistreer is op grond van inligting wat daarna bewys word vals te wees;
 - (c) terwyl hy nie iemand is wat ingevolge subartikel (4) geregistreer is nie, ophou om gewoonlik in die Republiek woonagtig te wees; of
 - (d) versuim om jaargelde of 'n gedeelte daarvan wat kragtens artikel 8 (1) (e) voorgeskryf en deur hom betaalbaar is, te betaal binne sestig dae nadat sodanige gelde of gedeelte daarvan betaalbaar word of binne die verdere tydperk wat die raad, hetsy voor of na die verstryking van bedoelde sestig dae, in 'n besondere geval toelaat.
- (7) Die raad moet op skriftelike versoek van 'n waardeerder sy naam uit die register skrap: Met dien verstande dat waar 'n ondersoek na beweerde onbehoorlike gedrag deur so 'n waardeerder aan die gang is of gehou staan te word, sodanige skraping nie gedoen word alvorens daardie ondersoek afgehandel is nie.
- (8) Behoudens die bepalings van subartikel (5) moet die raad op aansoek by hom iemand wat voorheen ingevolge hierdie artikel as 'n waardeerder geregistreer was en wie se registrasie ingevolge subartikel (6) (d) ingetrek is, as 'n waardeerder registreer indien hy die voorgeskrewe registrasiegeld en enige agterstallige jaargelde of gedeelte daarvan wat kragtens artikel 8

VALUERS' ACT, 1982

Act No. 23, 1982

- (ii) has passed the prescribed examinations or any examinations recognized by the council for the purposes of this subparagraph;
- 5 (iii) has gained sufficient practical experience in the Republic of work in property valuation which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard; and
- (iv) regard being had to the provisions of this Act, is a person suitable for temporary registration as a valuer,
- 10 the council may, subject to the provisions of subsection (5), register the applicant as a valuer and issue to him a certificate of temporary registration in the prescribed form.
- 15 (d) A certificate of temporary registration shall be valid for such period, which may not exceed three years, as the council may in each case determine, but the person concerned may at any time again apply under this section for temporary registration as a valuer.
- 20 (5) The council shall not register any person as a valuer in terms of the provisions of this section—
- (a) if such person has at any time been convicted of an offence involving an element of dishonesty and sentenced in respect thereof to imprisonment without the option of a fine or to a fine of two hundred rand or more: Provided that if the council is satisfied, in respect of any person who is subject to a disqualification referred to in this paragraph, that, regard being had to all the relevant considerations, the registration of such a person is justified in the interests of fairness towards him, the council may, on such conditions as the council may determine with the concurrence of the Minister, register such a person as a valuer;
- 25 (b) if such person is according to the law detained as a mentally ill person;
- 30 (c) for as long as the name of that person stands removed from the register by virtue of any punishment imposed upon him under this Act.
- (6) The council shall withdraw the registration as a valuer of any person if that person—
- 40 (a) becomes disqualified in terms of subsection (5) for registration as a valuer;
- (b) has erroneously been registered as a valuer or has been so registered on information subsequently proved to be false;
- 45 (c) not being a person registered in terms of subsection (4), ceases to be ordinarily resident in the Republic; or
- (d) fails to pay any annual fee or portion thereof, prescribed under section 8 (1) (e) and payable by him,
- 50 within sixty days after such fee or portion thereof becomes due or within such further period as the council may, either before or after termination of the said sixty days, in any particular case allow.
- (7) The council shall at the written request of any valuer remove his name from the register: Provided that where an investigation into alleged improper conduct by such a valuer is in progress or to be held, such removal shall not be made until that investigation has been concluded.
- 55 (8) Subject to the provisions of subsection (5), the council shall on application to it register as a valuer any person who was previously registered as a valuer in terms of this section and whose registration has been withdrawn in terms of subsection (6) (d), if he has paid the prescribed registration fee and any arrear annual fee or portion thereof prescribed under section 8 (1) (e),
- 60

Wet No. 23, 1982

WET OP WAARDEERDERS, 1982

Registrasie van
geassosieerde
waardeerders.

(1) (e) voorgeskryf is, tesame met uitgawe deur die raad aangegaan in verband met die verhaal van agterstallige gelde, betaal het en die voorgeskrewe woonkwalifikasies besit.

(9) Iemand wat as 'n waardeerder geregistreer is, kan homself as 'n waardeerder beskryf en is geregtig om sy status aan te dui of bekend te maak deur vir alle doeleindes van die betiteling „Waardeerder” agter sy naam gebruik te maak. 5

14. (1) Iemand wat begerig is om as 'n geassosieerde waardeerder geregistreer te word, moet 'n skriftelike aansoek om sodanige registrasie op die voorgeskrewe wyse by die raad indien, en sodanige aansoek moet vergesel gaan van die voorgeskrewe registrasiegeld en die inligting wat die raad verlang. 10

(2) Indien die raad na oorweging van so 'n aansoek oortuig is dat die aansoeker— 15

(a) minstens een-en-twintig jaar oud is en gewoonlik in die Republiek woonagtig is;

(b) geslaag het in die voorgeskrewe eksamens of in eksamens wat die raad vir die doeleindes van hierdie paragraaf erken, en praktiese ondervinding van werk in eiendomswaardering opgedoen het wat na die oordeel van die raad voldoende is vir die doeleindes van die registrasie van die aansoeker as 'n geassosieerde waardeerder; en 20

(c) met inagneming van die bepalings van hierdie Wet, 'n 25 geskikte persoon is om as 'n geassosieerde waardeerder geregistreer te word,

moet die raad, behoudens die bepalings van subartikel (7), die aansoeker as 'n geassosieerde waardeerder registreer en aan hom 'n registrasiesertifikaat in die voorgeskrewe vorm uitreik 30 waarop die beperkings en voorwaardes, as daar is, wat uit hoofde van die bepalings van subartikel (4) ten opsigte van hom van toepassing is, aangeteken is.

(3) (a) Die raad moet op aansoek van iemand wat—

(i) op die datum van inwerkingtreding van hierdie 35 Wet minstens vyf-en-dertig jaar oud is en gewoonlik in die Republiek woonagtig is; en

(ii) vir 'n ononderbroke tydperk van minstens vyf jaar onmiddellik voor die datum van inwerkingtreding van hierdie Wet gereeld besig was met die verrigting van werk in eiendomswaardering wat na die oordeel van die raad van voldoende omvang en verskeidenheid en van bevredigende aard en standaard is, 40

daardie persoon as 'n geassosieerde waardeerder registreer en aan hom 'n registrasiesertifikaat in die voorgeskrewe vorm uitreik waarop die beperkings en voorwaardes, as daar is, wat uit hoofde van die bepalings van subartikel (4) ten opsigte van hom van toepassing is, aangeteken is. 50

(b) 'n Aansoek bedoel in paragraaf (a) moet in die voorgeskrewe vorm wees en moet vergesel gaan van die voorgeskrewe registrasiegeld en die inligting wat die raad verlang.

(c) Niemand word uit hoofde van die bepalings van paragraaf (a) as 'n geassosieerde waardeerder geregistreer nie, tensy hy binne ses maande na die datum van inwerkingtreding van hierdie Wet, of binne die verdere tydperk wat die raad in 'n bepaalde geval toelaat, by die raad aansoek gedoen het om aldus geregistreer te word. 60

(4) 'n Geassosieerde waardeerder verrig werk in eiendomswaardering onderworpe aan die beperkings of voorwaardes, as daar is, wat die raad in elke geval bepaal.

(5) Die raad kan uit eie beweging of op aansoek van 'n geassosieerde waardeerder 'n beperking of voorwaarde wat ingevolge die bepalings van subartikel (4) ten opsigte van daardie geassosieerde waardeerder van toepassing is, intrek, wysig of deur 'n ander beperking of voorwaarde vervang. 65

VALUERS' ACT, 1982

Act No. 23, 1982

together with any expenses incurred by the council in connection with the recovery of any arrear fees, and possesses the prescribed residential qualifications.

- (9) A person who is registered as a valuer may describe himself as a valuer and shall be entitled to indicate his status or to make it known by using for all purposes the title "Valuer" after his name.

14. (1) Any person who desires to be registered as an associated valuer shall in the prescribed manner lodge with the council an application in writing for such registration, and such application shall be accompanied by the prescribed registration fee and such information as may be required by the council.

Registration of associated valuers.

(2) If after consideration of any such application the council is satisfied that the applicant—

- 15 (a) is not less than twenty-one years of age and is ordinarily resident in the Republic;
- (b) has passed the prescribed examinations or any examinations recognized by the council for the purposes of this paragraph, and has gained such practical experience of work in property valuation as in the opinion of the council is sufficient for the purposes of the registration of the applicant as an associated valuer; and
- 20 (c) regard being had to the provisions of this Act, is a person suitable for registration as an associated valuer, the council shall, subject to the provisions of subsection (7), register the applicant as an associated valuer and issue to him a certificate of registration in the prescribed form on which the restrictions and conditions, if any, applicable to him by virtue of the provisions of subsection (4), shall have been endorsed.

30 (3) (a) The council shall on the application of any person who—

- (i) at the date of commencement of this Act is not less than thirty-five years of age and is ordinarily resident in the Republic; and
- 35 (ii) has, for a continuous period of not less than five years immediately preceding the date of commencement of this Act, been regularly engaged in the performance of work in property valuation which in the opinion of the council is of sufficient scope and variety and of a satisfactory nature and standard,

40 register that person as an associated valuer and issue to him a certificate of registration in the prescribed form on which the restrictions and conditions, if any, applicable to him by virtue of the provisions of subsection (4), shall have been endorsed.

45 (b) An application referred to in paragraph (a) shall be in the prescribed form and shall be accompanied by the prescribed registration fee and such information as may be required by the council.

50 (c) No person shall be registered as an associated valuer by virtue of the provisions of paragraph (a) unless he has within six months after the date of commencement of this Act, or within such further period as the council may in a particular case allow, applied to the council to be so registered.

55 (4) An associated valuer shall perform work in property valuation subject to such restrictions or conditions, if any, as the council may in each case determine.

60 (5) The council may of its own accord or on the application of an associated valuer cancel or vary any restriction or condition applicable in terms of the provisions of subsection (4) in respect of that associated valuer, or substitute any other restriction or condition for such first-mentioned restriction or condition.

65

- (6) (a) Iemand wat nie gewoonlik in die Republiek woonagtig is nie, kan by die raad aansoek doen om tydelik as 'n geassosieerde waardeerder geregistreer te word.
- (b) Die aansoek moet in die voorgeskrewe vorm wees en moet vergesel gaan van die voorgeskrewe registrasiegeld en die inligting wat die raad verlang.
- (c) Indien die raad na oorweging van so 'n aansoek oortuig is dat die aansoeker—
- (i) minstens een-en-twintig jaar oud is;
 - (ii) geslaag het in die voorgeskrewe eksamens of in 10 eksamens wat die raad vir die doeleindes van hierdie subparagraaf erken, en praktiese onder-vinding van werk in eiendomswaardering in die Republiek opgedoen het wat na die oordeel van die raad voldoende is vir die doeleindes van die 15 registrasie van die aansoeker as 'n geassosieerde waardeerder; en
 - (iii) met inagneming van die bepalings van hierdie Wet, 'n geskikte persoon is om tydelik as 'n geassosieerde waardeerder geregistreer te word, 20 kan die raad, behoudens die bepalings van subartikel (7), die aansoeker as 'n geassosieerde waardeerder registreer en aan hom 'n tydelike registrasiesertifikaat in die voorgeskrewe vorm uitreik waarop die beperkings en voorwaardes, as daar is, wat uit hoofde van die 25 bepalings van subartikel (4) ten opsigte van hom van toepassing is, aangeteken is.
- (d) Die bepalings van artikel 13 (4) (d) is *mutatis mutandis* van toepassing ten opsigte van 'n tydelike registrasiesertifikaat wat ingevolge die bepalings van paragraaf 30 (c) uitgereik is en ten opsigte van 'n persoon wat ingevolge laasgenoemde bepalings as 'n geassosieerde waardeerder geregistreer is.
- (7) Die bepalings van artikel 13 (5), (6), (7) en (8) is *mutatis mutandis* van toepassing ten opsigte van die registrasie en die 35 intrekking van die registrasie van 'n persoon as 'n geassosieerde waardeerder ingevolge hierdie artikel, en ten opsigte van die skraping van sy naam uit die register, na gelang van die geval.
- (8) Iemand wat as 'n geassosieerde waardeerder geregistreer is, moet homself as sodanig beskryf in alle waardasieverslae deur 40 hom opgestel en in alle ander stukke deur hom voortgebring en wat in verband staan met sy werk as geassosieerde waardeerder, en is geregtig om sy status aan te dui of bekend te maak deur vir alle doeleindes van die betiteling „Geassosieerde Waardeerder” 45 agter sy naam gebruik te maak.

Registrasie van
waardeerders-in-
opleiding.

15. (1) Iemand wat nie aan die in artikel 13 (2) (b) of (c) bedoelde vereistes vir registrasie as 'n waardeerder voldoen nie maar wat begerig is om as 'n waardeerder-in-opleiding ge-registreer te word, moet 'n skriftelike aansoek om sodanige registrasie op die voorgeskrewe wyse by die raad indien, en 50 sodanige aansoek moet vergesel gaan van die voorgeskrewe registrasiegeld en die inligting wat die raad verlang.

(2) Indien die raad na oorweging van so 'n aansoek oortuig is dat die aansoeker—

- (a) by 'n deur die raad goedgekeurde opleidingsinrigting 55 ingeskryf is vir 'n kursus wat die aflegging van die eksamens bedoel in artikel 13 (2) (b) behels; en
- (b) met inagneming van die bepalings van hierdie Wet, 'n geskikte persoon is om as 'n waardeerder of geasso-sieerde waardeerder geregistreer te word, 60 kan die raad, behoudens die bepalings van subartikel (4), die aansoeker as 'n waardeerder-in-opleiding registreer en aan hom 'n registrasiesertifikaat in die voorgeskrewe vorm uitreik waarop die beperkings en voorwaardes wat uit hoofde van die bepalings van subartikel (3) ten opsigte van hom van toepassing is, 65 aangeteken is.

(3) 'n Waardeerder-in-opleiding verrig werk in eiendoms-waardering onderworpe aan die beperkings en voorwaardes betreffende die soort diens wat hy mag lewer en betreffende

VALUERS' ACT, 1982

Act No. 23, 1982

- (6) (a) Any person not ordinarily resident in the Republic may apply to the council for temporary registration as an associated valuer.
- 5 (b) The application shall be in the prescribed form and shall be accompanied by the prescribed registration fee and such information as may be required by the council.
- (c) If after consideration of any such application the council is satisfied that the applicant—
- 10 (i) is not less than twenty-one years of age;
- (ii) has passed the prescribed examinations or any examinations recognized by the council for the purposes of this subparagraph, and has gained such practical experience of work in property valuation in the Republic as is in the opinion of the council sufficient for the purposes of the registration of the applicant as an associated valuer; and
- 15 (iii) regard being had to the provisions of this Act, is a person suitable for temporary registration as an associated valuer,
- 20 the council may, subject to the provisions of subsection (7), register the applicant as an associated valuer and issue to him a certificate of temporary registration in the prescribed form on which the restrictions and conditions, if any, applicable to him by virtue of the provisions of subsection (4), shall have been endorsed.
- 25 (d) The provisions of section 13 (4) (d) shall *mutatis mutandis* apply in respect of a certificate of temporary registration issued in terms of the provisions of paragraph (c) and in respect of a person registered in terms of the last-mentioned provisions as an associated valuer.
- 30 (7) The provisions of section 13 (5), (6), (7) and (8) shall *mutatis mutandis* apply in respect of the registration and the withdrawal of the registration of any person as an associated valuer in terms of this section, and in respect of the removal of his name from the register, as the case may be.
- (8) A person registered as an associated valuer shall describe
- 40 himself as such in all valuation reports prepared by him and in all other documents produced by him and which relate to his work as an associated valuer, and shall be entitled to indicate his status or to make it known by using for all purposes the title "Associated Valuer" after his name.
- 45 15. (1) Any person who does not comply with the requirements referred to in section 13 (2) (b) or (c) for registration as a valuer but who desires to be registered as a valuer in training, shall in the prescribed manner lodge with the council an application in writing for such registration, and such application
- 50 shall be accompanied by the prescribed registration fee and such information as may be required by the council.
- (2) If after consideration of any such application the council is satisfied that the applicant—
- 55 (a) is enrolled, at an educational institution approved by the council, for a course which includes sitting for the examinations referred to in section 13 (2) (b); and
- (b) regard being had to the provisions of this Act, is a person suitable for registration as a valuer or an associated valuer,
- 60 the council may, subject to the provisions of subsection (4), register the applicant as a valuer in training and issue to him a certificate of registration in the prescribed form on which the restrictions and conditions applicable to him by virtue of the provisions of subsection (3), shall have been endorsed.
- 65 (3) A valuer in training shall perform work in property valuation subject to such restrictions and conditions relating to the type of services he may render and relating to supervision

Registration of
valuers in training.

Wet No. 23, 1982

WET OP WAARDEERDERS, 1982

toesig en beheer deur 'n waardeerder, wat die raad in elke geval bepaal.

(4) Die bepalings van artikel 13 (5), (6) (a), (b) en (d), (7) en (8) is *mutatis mutandis* van toepassing ten opsigte van die registrasie en die intrekking van die registrasie van 'n persoon as 'n waardeerder-in-opleiding ingevolge hierdie artikel, en ten opsigte van die skraping van sy naam uit die register, na gelang van die geval. 5

(5) Iemand wat as 'n waardeerder-in-opleiding geregistreer is, moet homself as sodanig beskryf in alle waardasieverslae deur hom opgestel en in alle ander stukke deur hom voortgebring en wat in verband staan met sy werk as waardeerder-in-opleiding, en is geregtig om sy status aan te dui of bekend te maak deur vir alle doeleindes van die betiteling „Waardeerder-in-opleiding” agter sy naam gebruik te maak. 15

Terugbesorging van
registrasiesertifikaat.

16. (1) Iemand wie se registrasie as 'n waardeerder, geassosieerde waardeerder of waardeerder-in-opleiding kragtens die bepalings van hierdie Wet ingetrek is of wie se naam kragtens genoemde bepalings uit die register geskrap is, moet sy registrasiesertifikaat aan die registrateur terugbesorg binne dertig dae vanaf die datum waarop hy deur die registrateur, by skriftelike kennisgewing deur die pos gestuur, gelas word om dit te doen. 20

(2) Iemand wat versuim om te voldoen aan 'n lasgewing kragtens subartikel (1), is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens dertig dae.

Verbod op
verrigting van
sekere handelinge
deur
ongeregistreerde
persone.

17. (1) Behoudens die bepalings van artikel 9 (3) is iemand wat nie ingevolge 'n bepaling van hierdie Wet as 'n waardeerder, geassosieerde waardeerder of waardeerder-in-opleiding geregistreer is nie en wat—

(a) teen vergoeding enige soort werk doen wat ingevolge artikel 9 (1) vir waardeerders, geassosieerde waardeerders of waardeerders-in-opleiding voorbehou is; of 35

(b) voorgee dat hy 'n waardeerder, geassosieerde waardeerder of waardeerder-in-opleiding is of op enige wyse hoegenaamd homself as sodanig voordoen of laat voordoen, of gebruik maak van die naam van waardeerder, geassosieerde waardeerder of waardeerder-in-opleiding of van enige naam, titel, beskrywing of teken wat aandui, of daarop gemik is om persone te laat aflei, dat hy ingevolge hierdie Wet as 'n waardeerder, geassosieerde waardeerder of waardeerder-in-opleiding geregistreer is, 40

aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

(2) Subartikel (1) (a) tree in werking op die datum ses maande na 'n datum wat die Minister na oorlegpleging met die raad by 50 kennisgewing in die *Staatskoerant* bepaal: Met dien verstande dat waar die Minister dit goedvind hy bedoelde tydperk van ses maande òf in die algemeen by kennisgewing in die *Staatskoerant* òf ten opsigte van 'n bepaalde persoon deur 'n sertifikaat in opdrag van die Minister deur die registrateur uitgereik, vir die 55 verdere tydperk en op die voorwaardes wat die Minister op aanbeveling van die raad dienstig ag, kan verleng.

Onbehoorlike
gedrag.

18. 'n Waardeerder, geassosieerde waardeerder of waardeerder-in-opleiding is skuldig aan onbehoorlike gedrag indien hy—

(a) in verband met 'n aangeleentheid wat die onderwerp 60 van 'n geskil of regsgeding uitmaak of mag uitmaak, werk van 'n soort wat kragtens artikel 9 (1) vir waardeerders, geassosieerde waardeerders of waardeerders-in-opleiding voorbehou is, verrig onderworpe aan die voorwaarde dat sy vergoeding vir daardie werk 65 bepaal word na gelang van die uitslag van die geskil of regsgeding;

VALUERS' ACT, 1982

Act No. 23, 1982

and control by a valuer, as the council may in each case determine.

(4) The provisions of section 13 (5), (6) (a), (b) and (d), (7) and (8) shall *mutatis mutandis* apply in respect of the registration and the withdrawal of the registration of any person as a valuer in training in terms of this section, and in respect of the removal of his name from the register, as the case may be.

(5) A person registered as a valuer in training shall describe himself as such in all valuation reports prepared by him and in all other documents produced by him and which relate to his work as a valuer in training, and shall be entitled to indicate his status or to make it known by using for all purposes the title "Valuer in training" after his name.

16. (1) Any person whose registration as a valuer, associated valuer or valuer in training has been withdrawn under the provisions of this Act or whose name has under the said provisions been removed from the register, shall return his certificate of registration to the registrar within thirty days from the date upon which he is directed by the registrar by notice in writing transmitted by post to do so.

Return of
registration
certificate.

(2) Any person who fails to comply with any direction given under subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand or, in default of payment, to imprisonment for a period not exceeding thirty days.

17. (1) Any person not registered as a valuer, associated valuer or valuer in training in terms of any provision of this Act who—

Prohibition of
performance of
certain acts by
unregistered
persons.

(a) for reward performs any kind of work reserved for valuers, associated valuers or valuers in training in terms of section 9 (1); or

(b) pretends to be, or by any means whatsoever holds himself out or allows himself to be held out as, a valuer, an associated valuer or a valuer in training, or uses the name of valuer, associated valuer or valuer in training or any name, title, description or symbol indicating, or calculated to lead persons to infer, that he is registered as a valuer, an associated valuer or a valuer in training in terms of this Act,

shall, subject to the provisions of section 9 (3), be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or, in default of payment, to imprisonment for a period not exceeding six months.

(2) Subsection (1) (a) shall come into operation on a date six months after a date fixed by the Minister, after consultation with the council, by notice in the *Gazette*: Provided that the Minister may, if he deems fit, extend the said period of six months, either generally by notice in the *Gazette* or in respect of a specific person by a certificate issued by the registrar on the instructions of the Minister, for such further period and on such conditions as the Minister may, on the recommendation of the council, deem expedient.

18. A valuer, an associated valuer or a valuer in training shall be guilty of improper conduct if he—

Improper conduct.

(a) in connection with any matter which forms or may form the subject of a dispute or litigation, performs work of a kind reserved under section 9 (1) for valuers, associated valuers or valuers in training, subject to the condition that his remuneration for such work be determined in accordance with the outcome of the dispute or litigation;

Wet No. 23, 1982

WET OP WAARDEERDERS, 1982

- (b) werk van 'n soort wat kragtens artikel 9 (1) vir waardeerders, geassosieerde waardeerders of waardeerders-in-opleiding voorbehou is, verrig gedurende 'n tydperk waartydens hy kragtens hierdie Wet geskors is; 5
- (c) in die geval van—
 - (i) 'n geassosieerde waardeerder, 'n beperking of voorwaarde wat uit hoofde van die bepalings van artikel 14 (4) ten opsigte van hom van toepassing is, oortree of versuim om daaraan te voldoen; 10
 - (ii) 'n waardeerder-in-opleiding, 'n beperking of voorwaarde wat uit hoofde van die bepalings van artikel 15 (3) ten opsigte van hom van toepassing is, oortree of versuim om daaraan te voldoen;
- (d) 'n vereiste vervat in 'n kragtens artikel 22 (1) (c) 15 uitgevaardigde reël oortree of versuim om daaraan te voldoen; of
- (e) hom skuldig maak aan gedrag bepaal in 'n kragtens artikel 22 (1) (d) uitgevaardigde reël.

Dissiplinêre
bevoegdhede van
raad.

19. (1) Die raad is bevoeg om ondersoek in te stel na gevalle 20 van onbehoorlike gedrag waaraan iemand wat ingevolge hierdie Wet as 'n waardeerder, geassosieerde waardeerder of waardeerder-in-opleiding geregistreer is, hom na bewering skuldig gemaak het terwyl hy aldus geregistreer was en om ten opsigte daarvan, indien bewese bevind, een van die volgende strawwe 25 op te lê, naamlik—

- (a) 'n waarskuwing of 'n berisping of 'n berisping en 'n waarskuwing;
- (b) 'n boete van hoogstens vyfhonderd rand;
- (c) skorsing van die betrokke persoon as waardeerder, 30 geassosieerde waardeerder of waardeerder-in-opleiding, na gelang van die geval, vir 'n tydperk van hoogstens een jaar; of
- (d) intrekking van die registrasie van die betrokke persoon as waardeerder, geassosieerde waardeerder of waar- 35 deerder-in-opleiding, na gelang van die geval, en die skraping van sy naam uit die register:

Met dien verstande dat in die geval van beweerde onbehoorlike gedrag wat die onderwerp van straf- of sivilregtelike verrigtinge in 'n geregshof uitmaak of ten opsigte waarvan die raad rede het 40 om te vermoed dat dit waarskynlik so 'n onderwerp sal uitmaak, die raad die ondersoek kan uitstel totdat sodanige verrigtinge afgehandel is.

(2) Wanneer 'n straf wat kragtens subartikel (1) opgelê is uit 'n boete bestaan, kan die bedrag daarvan deur die raad op die 45 betrokke persoon verhaal word, en moet 'n bedrag aldus verhaal in die fondse van die raad gestort word.

(3) Die vryspreking of die skuldigbevinding van 'n waardeerder, geassosieerde waardeerder of waardeerder-in-opleiding deur 'n geregshof op 'n kriminele aanklag, belet nie dat stappe 50 kragtens hierdie Wet op 'n aanklag van onbehoorlike gedrag teen hom ingestel word nie, selfs al sou die feite uiteengesit in die aanklag van onbehoorlike gedrag, as hulle bewys sou word, die misdryf uitmaak wat uiteengesit is in die kriminele aanklag waarop hy aldus vrygespreek of skuldig bevind is of 'n ander 55 misdryf waaraan hy by sy verhoor op bedoelde kriminele aanklag skuldig bevind kon gewees het.

(4) As die onbehoorlike gedrag waarvan die waardeerder, geassosieerde waardeerder of waardeerder-in-opleiding aangekla word, neerkom op 'n misdryf waaraan hy deur 'n geregshof 60 skuldig bevind is, is 'n gesertifiseerde afskrif van die notule van sy verhoor en skuldigbevinding deur daardie hof, nadat sodanige waardeerder, geassosieerde waardeerder of waardeerder-in-opleiding geïdentifiseer is as die persoon wat in die notule genoem word, voldoende bewys dat hy sodanige misdryf begaan 65 het, tensy die skuldigbevinding deur 'n hoër hof tersyde gestel is: Met dien verstande dat die aangeklaagde waardeerder, geassosieerde waardeerder of waardeerder-in-opleiding die reg

VALUERS' ACT, 1982

Act No. 23, 1982

- (b) performs work of a kind reserved under section 9 (1) for valuers, associated valuers or valuers in training during any period in respect of which he has been suspended under this Act;
- 5 (c) in the case of—
 - (i) an associated valuer, contravenes or fails to comply with any restriction or condition applicable in respect of him by virtue of the provisions of section 14 (4);
 - 10 (ii) a valuer in training, contravenes or fails to comply with any restriction or condition applicable in respect of him by virtue of the provisions of section 15 (3);
- (d) contravenes or fails to comply with any requirement contained in a rule made under section 22 (1) (c); or
- 15 (e) becomes guilty of conduct determined in a rule made under section 22 (1) (d).

19. (1) The council shall have power to inquire into cases of improper conduct of which a person who is registered in terms of this Act as a valuer, associated valuer or valuer in training is alleged to have been guilty while so registered, and to impose in respect thereof, if found proved, one of the following penalties, namely—

Disciplinary powers of council.

- (a) a caution or a reprimand or a reprimand and a caution;
- 25 (b) a fine not exceeding five hundred rand;
- (c) suspension of the person concerned as a valuer, associated valuer or valuer in training, as the case may be, for a period not exceeding one year; or
- 30 (d) withdrawal of the registration of the person concerned as a valuer, associated valuer or valuer in training, as the case may be, and the removal of his name from the register:

Provided that in the case of alleged improper conduct which forms or which the council has reason to believe is likely to form the subject of criminal or civil proceedings in a court of law, the council may postpone the inquiry until such proceedings have been determined.

(2) Whenever any penalty imposed under subsection (1) consists of a fine, the amount thereof shall be recoverable by the council from the person concerned, and any amount so recovered shall be paid into the funds of the council.

(3) The acquittal or the conviction of a valuer, associated valuer or valuer in training by a court of law upon a criminal charge shall not be a bar to proceedings against him under this Act on a charge of improper conduct, even if the facts set forth in the charge of improper conduct would, if proved, constitute the offence set forth in the criminal charge on which he was so acquitted or convicted or any other offence of which he might have been convicted at his trial on the said criminal charge.

(4) If the improper conduct with which the valuer, associated valuer or valuer in training is charged amounts to an offence of which he has been convicted by a court of law, a certified copy of the record of his trial and conviction by that court shall, upon the identification of such valuer, associated valuer or valuer in training as the person referred to in the record, be sufficient proof of the commission by him of such offence, unless the conviction has been set aside by a superior court: Provided that it shall be competent for the valuer, associated valuer or valuer

Wet No. 23, 1982

WET OP WAARDEERDERS, 1982

het om getuienis aan te voer dat hy in werklikheid verkeerdlik skuldig bevind is.

Ondersoek deur raad.

20. (1) Die raad kan, vir die doeleindes van 'n ondersoek kragtens artikel 19—

- (a) iemand wat na sy oordeel in staat is om inligting van wesenlike belang te verstrek omtrent die onderwerp wat ondersoek word, of wat vermoed word 'n boek, stuk of saak wat betrekking het op die onderwerp wat ondersoek word in sy besit of bewaring of onder sy beheer te hê, dagvaar om op 'n tyd en plek in die dagvaarding vermeld voor die raad te verskyn om ondervra te word of om daardie boek, stuk of saak voor te lê, en kan 'n boek, stuk of saak wat aldus voorgelê is vir ondersoek behou;
- (b) 'n by die ondersoek aanwesige persoon wat kragtens paragraaf (a) gedagvaar is of kon gewees het, oproep en by monde van die president van die raad hom 'n eed oplê of van hom 'n bevestiging aanneem, en hom ondervra en hom aansê om 'n boek, stuk of saak in sy besit of bewaring of onder sy beheer voor te lê;
- (c) iemand aanstel om die raad by bedoelde ondersoek te adviseer oor aangeleenthede betreffende die reg, prosedure of bewyslewering, om getuienis te lei en om getuies onder kruisverhoor te neem.

(2) 'n Dagvaarding van iemand om voor die raad te verskyn of om 'n boek, stuk of saak voor te lê, moet sover moontlik in die vorm wees soos voorgeskryf in die reëls uitgevaardig kragtens artikel 25 van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), moet deur die president van die raad of 'n deur die raad daartoe gemagtigde persoon onderteken word, en word op dieselfde wyse bestel as 'n dagvaarding in 'n strafgeding deur 'n landdroshof uitgereik.

(3) Indien iemand wat behoorlik kragtens hierdie artikel gedagvaar is, sonder genoegsame rede in gebreke bly om op die in die dagvaarding bepaalde tyd en plek te verskyn, of om aanwesig te bly totdat die president van die raad hom van verdere bywoning onthef, of indien iemand wat kragtens subartikel (1) (b) opgeroep is, weier om as getuie beëdig te word of 'n bevestiging te doen, of sonder genoegsame rede versuim om volledig en bevredigend na sy beste kennis en geloof te antwoord op alle vrae wettig aan hom gestel oor die onderwerp wat ondersoek word, of om 'n boek, stuk of saak in sy besit of bewaring of onder sy beheer voor te lê wat hy aangesê is om voor te lê, is hy aan 'n misdryf skuldig: Met dien verstande dat in verband met die ondervraging van so 'n persoon of die voorlegging van so 'n boek, stuk of saak, die regsbepalings met betrekking tot privilegie, soos van toepassing op 'n getuie wat gedagvaar is om voor 'n geregshof getuienis af te lê, of 'n boek, stuk of saak voor te lê, van toepassing is.

(4) 'n Getuie wat, nadat hy behoorlik beëdig is of 'n bevestiging gedoen het, 'n valse antwoord gee op 'n vraag wat wettig aan hom gestel is of 'n valse verklaring doen oor 'n aangeleentheid, wetende dat daardie antwoord of verklaring vals is, is aan 'n misdryf skuldig.

(5) Iemand wat die president of 'n lid of amptenaar van die raad opsetlik hinder by die uitoefening van 'n bevoegdheid deur of ingevolge hierdie artikel aan hom verleen, is aan 'n misdryf skuldig.

(6) Daar moet aan iemand wie se gedrag deur die raad ondersoek word, kennis gegee word van die klag wat teen hom ingebring is, en so iemand is geregtig om persoonlik by die ondersoek te verskyn of deur 'n advokaat van die Hoog-geregshof van Suid-Afrika of iemand wat behoorlik toegelaat is om in die Republiek as prokureur te praktiseer, en wat behoorlik deur hom daartoe gemagtig is, verteenwoordig word, en om getuienis te lewer, om getuies namens homself op te roep en te ondervra en om ander getuies onder kruisverhoor te neem.

(7) Die raad moet 'n oorkonde van die verrigtinge tydens 'n ondersoek hou of laat hou.

VALUERS' ACT, 1982

Act No. 23, 1982

in training charged to adduce evidence that he was in fact wrongly convicted.

20. (1) For the purpose of any inquiry under section 19, the council may— Inquiry by council.

- 5 (a) summon any person who in its opinion may be able to give material information concerning the subject of the inquiry or who is believed to have in his possession or custody or under his control any book, document or thing which has any bearing on the subject of the
10 inquiry, to appear before it at a time and place specified in the summons, to be interrogated or to produce that book, document or thing, and may retain for examination any book, document or thing so produced;
- 15 (b) call and by its president administer an oath to, or accept an affirmation from, any person present at the inquiry who was or could have been summoned under paragraph (a) and interrogate him and require him to produce any book, document or thing in his possession or custody or under his control;
- 20 (c) appoint any person to advise the council at such inquiry on matters pertaining to law, procedure or evidence, to lead evidence and to cross-examine witnesses.

25 (2) A summons for the attendance before the council of any person or for the production of any book, document or thing, shall as far as possible be in the form prescribed in the rules made under section 25 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), shall be signed by the president of the council
30 or by a person authorized thereto by the council, and shall be served in the same manner as a summons in a criminal case issued by a magistrates' court.

(3) If any person who has been duly summoned under this section fails, without sufficient cause, to attend at the time and
35 place specified in the summons, or to remain in attendance until excused from further attendance by the president of the council, or if any person called upon under subsection (1) (b) refuses to be sworn or to make an affirmation as a witness or fails without sufficient cause to answer fully and satisfactorily to the best of
40 his knowledge and belief all questions lawfully put to him concerning the subject of the inquiry or to produce any book, document or thing in his possession or custody or under his control which he has been required to produce, he shall be guilty of an offence: Provided that in connection with the interrogation
45 of any such person or the production of any such book, document or thing, the law relating to privilege, as applicable to a witness subpoenaed to give evidence or to produce any book, document or thing before a court of law, shall apply.

(4) Any witness who, having been duly sworn or having made
50 an affirmation, gives a false answer to any question lawfully put to him or makes a false statement on any matter, knowing such answer or statement to be false, shall be guilty of an offence.

(5) Any person who wilfully hinders the president or any member or official of the council in the exercise of any power
55 conferred upon him by or under this section, shall be guilty of an offence.

(6) A person whose conduct is being inquired into by the council shall be notified of the complaint made against him and shall be entitled to appear by himself at the inquiry or to be
60 represented by an advocate of the Supreme Court of South Africa or a person duly admitted to practise as an attorney in the Republic, and duly authorized thereto by him, and to produce evidence, to call and examine witnesses on his behalf and to cross-examine other witnesses.

65 (7) The council shall keep or cause to be kept a record of the proceedings at an inquiry.

Wet No. 23, 1982

WET OP WAARDEERDERS, 1982

(8) Iemand wat weens 'n misdryf ingevolge hierdie artikel veroordeel word, is strafbaar met 'n boete van hoogstens vyfhonderd rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

Skorsing in hul werksaamhede van waardeerders, geassosieerde waardeerders en waardeerders-in-opleiding wat geestesongesteld geraak het.

21. (1) Wanneer dit uit beëdigde inligting vir die raad blyk dat 'n waardeerder, geassosieerde waardeerder of waardeerder-in-opleiding in so 'n mate geestesongesteld geraak het dat dit in stryd met die openbare belang sou wees om hom toe te laat om aan te hou om werk in eiendomswaardering te verrig, kan die raad na goëddunke ten opsigte van sodanige waardeerder, geassosieerde waardeerder of waardeerder-in-opleiding 'n ondersoek instel *mutatis mutandis* ooreenkomstig die bepalings van artikel 20.

(2) Indien die raad bevind dat sodanige waardeerder, geassosieerde waardeerder of waardeerder-in-opleiding aldus geestesongesteld geraak het, kan die raad vir 'n vasgestelde tydperk sy skorsing in sy werksaamhede as waardeerder, geassosieerde waardeerder of waardeerder-in-opleiding, na gelang van die geval, beveel.

(3) Die raad kan die geldingstydperk van 'n bevel kragtens hierdie artikel uitgereik, verleng vir 'n tydperk deur die raad bepaal, of so 'n bevel intrek.

Reëls.

22. (1) Die raad kan reëls wat nie met hierdie Wet onbestaanbaar is nie by kennisgewing in die *Staatskoerant* uitvaardig—

- (a) betreffende aangeleenthede wat ingevolge hierdie Wet deur die raad voorgeskryf moet of kan word;
- (b) betreffende die aanlê, byhou, bewaring en publikasie van die register;
- (c) wat die vereistes voorskryf waaraan waardeerders, geassosieerde waardeerders en waardeerders-in-opleiding by die verrigting van werk in eiendomswaardering moet voldoen;
- (d) waarby gedrag (benewens gedrag in artikel 18 bedoel) bepaal word wat onbehoorlike gedrag vir 'n waardeerder, geassosieerde waardeerder of waardeerder-in-opleiding uitmaak;
- (e) wat die metode bepaal waarvolgens klagtes van onbehoorlike gedrag waaraan 'n waardeerder, geassosieerde waardeerder of waardeerder-in-opleiding hom na bewering skuldig gemaak het, ondersoek moet word;
- (f) wat die vorm en inhoud van en ander toepaslike vereistes in verband met waardasieverslae voorskryf; en
- (g) betreffende, in die algemeen, alle aangeleenthede wat hy nodig of raadsaam ag om voor te skryf ten einde die oogmerke en doeleindes van hierdie Wet beter te verwesenlik.

(2) Die raad kan, met die goedkeuring van die Minister, by reëls uitgevaardig ooreenkomstig die bepalings van subartikel (1), die tarief voorskryf van gelde waarop 'n waardeerder, geassosieerde waardeerder of waardeerder-in-opleiding, na gelang van die geval, ten opsigte van dienste in daardie hoedanigheid deur hom gelewer, geregtig is by ontstentenis 'n ooreenkoms tussen so 'n waardeerder, geassosieerde waardeerder of waardeerder-in-opleiding en 'n bepaalde kliënt ingevolge waarvan hy ten opsigte van sodanige dienste geregtig is op gelde volgens 'n ander tarief.

Prosedure en bewyslewing.

23. (1) Die register dien as *prima facie*-bewys van alle aangeleenthede wat ingevolge hierdie Wet daarin aangeteken moet of kan word.

(2) 'n Sertifikaat wat deur die registrateur onderteken heet te wees ten effekte dat 'n inskrywing wel in die register gedoen is of nie gedoen is nie of dat enigiets anders wat volgens hierdie Wet gedoen mag word, wel gedoen is of nie gedoen is nie, is *prima facie*-bewys van die aangeleenthede in daardie sertifikaat vermeld.

VALUERS' ACT, 1982

Act No. 23, 1982

(8) Any person convicted of an offence under this section, shall be liable to a fine not exceeding five hundred rand or, in default of payment, to imprisonment for a period not exceeding three months.

5 21. (1) Whenever it appears to the council from information on oath that any valuer, associated valuer or valuer in training has become mentally ill to such an extent that it would be contrary to public interest to allow him to continue to perform work in property valuation, the council may in its discretion hold an inquiry *mutatis mutandis* in accordance with the provisions of section 20 in respect of such valuer, associated valuer or valuer in training.

Suspension from their activities of valuers, associated valuers and valuers in training who have become mentally ill.

(2) If the council finds that such valuer, associated valuer or valuer in training has so become mentally ill, the council may order, for a specified period, his suspension from his activities as a valuer, an associated valuer or a valuer in training, as the case may be.

(3) The council may extend for any period determined by it the period of operation of, or withdraw, any order made under this section.

22. (1) The council may by notice in the *Gazette* make rules, Rules. not inconsistent with this Act—

- (a) as to any matters which in terms of this Act are required or permitted to be prescribed by the council;
- 25 (b) as to the drawing up, keeping up to date, custody and publication of the register;
- (c) prescribing the requirements with which valuers, associated valuers and valuers in training shall comply in the performance of work in property valuation;
- 30 (d) determining conduct (in addition to conduct referred to in section 18) which shall constitute improper conduct for any valuer, associated valuer or valuer in training;
- (e) determining the method according to which complaints of improper conduct of which any valuer, associated valuer or valuer in training is alleged to be guilty, shall be inquired into;
- 35 (f) prescribing the form and contents of, and the other applicable requirements in connection with, valuation reports; and
- 40 (g) as to, generally, all matters which it considers it necessary or expedient to prescribe in order better to achieve the objects and purposes of this Act.

(2) The council may, with the approval of the Minister, by rules made in accordance with the provisions of subsection (1), prescribe the tariff of fees to which a valuer, an associated valuer or a valuer in training shall be entitled for services rendered by him in that capacity, in the absence of an agreement between such valuer, associated valuer or valuer in training and a particular client in terms of which he shall be entitled in respect of such services to fees according to any other tariff.

23. (1) The register shall serve as *prima facie* evidence of all matters which, in terms of this Act, are required or permitted to be noted therein.

Procedure and evidence.

55 (2) A certificate purporting to be signed by the registrar to the effect that an entry has or has not been made in the register or that any other thing authorized by this Act to be done, has or has not been done, shall be *prima facie* evidence of the matters specified in that certificate.

Wet No. 23, 1982

WET OP WAARDEERDERS, 1982

(3) 'n Afskrif van 'n inskrywing in die register of van 'n dokument deur die registrateur bewaar of 'n uittreksel uit die register of uit so 'n dokument wat deur die registrateur gesertifiseer heet te wees, word sonder verdere bewys of voorlegging van die oorspronklike in alle howe as getuienis toegelaat. 5

Regstelling van foute.

24. Waar enigiets wat ooreenkomstig die bepalinge van hierdie Wet op of voor 'n vermelde dag of op 'n vermelde tydstop of gedurende 'n vermelde tydperk gedoen of uitgevoer moet word, nie aldus gedoen of uitgevoer is nie, kan die Minister, indien hy oortuig is dat die versuim te wyte was aan 'n fout of vergissing, magtiging verleen dat so iets gedoen of uitgevoer kan word op of voor 'n ander dag of op 'n ander tydstop of gedurende 'n ander tydperk wat hy aandui, en enigiets aldus gedoen of uitgevoer, is van volle krag en word geag wettig gedoen of uitgevoer te gewees het ooreenkomstig die bepalinge van hierdie Wet. 10 15

Appel teen sekere besluite van raad.

25. (1) Iemand wat hom veronreg voel deur 'n weiering van die raad om hom as 'n waardeerder, geassosieerde waardeerder of waardeerder-in-opleiding, na gelang van die geval, ingevolge die toepaslike bepalinge van hierdie Wet te registreer, of deur 'n bevinding deur die raad gedoen by die uitoefening van die raadsbevoegdheid kragtens artikel 19 of 21, kan te eniger tyd nadat hy van daardie weiering of bevinding bewus geword het, maar nie later nie as—

- (a) dertig dae nadat die raad hom skriftelik van daardie weiering of bevinding in kennis gestel het, en teen betaling van die voorgeskrewe gelde, die raad skriftelik versoek om sy redes vir daardie weiering of bevinding skriftelik aan hom te verstrek; 25
- (b) negentig dae nadat die raad sy redes vir daardie weiering of bevinding ooreenkomstig paragraaf (a) aan hom verstrek het en na kennisgewing aan die raad, teen daardie weiering of bevinding na die hof appelleer, en daarop kan die hof—
 - (i) bedoelde appel van die hand wys; 35
 - (ii) indien hy van oordeel is dat die raad nie ooreenkomstig die betrokke bepaling van hierdie Wet gehandel het nie, 'n bevel gee wat teenoorgesteld is aan die weiering of bevinding van die raad of wat die beslissing van die raad wysig; 40
 - (iii) die saak vir verdere oorweging na die raad terugverwys; of
 - (iv) die ander bevel gee, met inbegrip van 'n bevel aangaande koste, wat hy dienstig ag.

(2) Die hof waarna kragtens subartikel (1) geappelleer kan word, is die hof wat regsbevoegdheid het in die gebied waar die hoofkantoor van die raad geleë is, en die reëls wat van toepassing is ten opsigte van die aantekening en voortsetting van 'n appel teen die beslissing van 'n landdroshof in 'n siviele geding is, behoudens die bepalinge van subartikel (1) betreffende die tydperk waarbinne 'n appel bedoel in daardie subartikel aangeteken moet word, *mutatis mutandis* van toepassing ten opsigte van die aantekening en voortsetting van 'n appel bedoel in subartikel (1). 50

Kort titel en inwerkingtreding.

26. Hierdie Wet heet die Wet op Waardeerders, 1982, en tree in werking, behoudens die bepalinge van artikel 17 (2), op 'n datum wat die Staatspresident by proklamasie in die Staatskoerant bepaal. 55

VALUERS' ACT, 1982

Act No. 23, 1982

(3) A copy of an entry in the register or of a document in the custody of the registrar, or an extract from the register or from any such document, purporting to be certified by the registrar, shall be admitted in evidence in all courts without further proof or production of the original.

24. Whenever anything which according to the provisions of this Act is required to be done or performed on or before a specified day or at a specified time or during a specified period, has not been so done or performed, the Minister may, if he is satisfied that such failure was due to error or oversight, authorize such thing to be done or performed on or before some other day or at some other time or during some other period, as he may direct, and anything so done or performed shall be of full force and effect and shall be deemed to have been lawfully done or performed in accordance with the provisions of this Act.

Rectification of errors.

25. (1) Any person who feels aggrieved by a refusal by the council to register him as a valuer, an associated valuer or a valuer in training, as the case may be, in terms of the applicable provisions of this Act, or by a finding made by the council in the exercise of the council's powers under section 19 or 21, may at any time after he became aware of that refusal or finding, but not later than—

Appeal against certain decisions of council.

(a) thirty days after the council has informed him in writing of that refusal or finding, and upon payment of the prescribed fees, request the council in writing to furnish him in writing with its reasons for that refusal or finding;

(b) ninety days after the council has in accordance with paragraph (a) furnished him with its reasons for that refusal or finding and after notice to the council, appeal to the court against such refusal or finding, and the court may thereupon—

(i) dismiss the said appeal;

(ii) if it is of the opinion that the council has not acted in accordance with the relevant provision of this Act, give an order contrary to the refusal or finding of the council or amending the decision of the council;

(iii) remit the matter to the council for further consideration; or

(iv) give such other order, including any order as to costs, as it may deem fit.

(2) An appeal under subsection (1) lies to the court having jurisdiction in the area where the head office of the council is situated, and the rules applicable in respect of the noting and prosecution of an appeal against the finding of a magistrate's court in a civil suit shall, subject to the provisions of subsection (1) relating to the period within which an appeal referred to in that subsection shall be noted, *mutatis mutandis* be applicable in respect of the noting and prosecution of an appeal referred to in subsection (1).

26. This Act shall be called the Valuers' Act, 1982, and shall, subject to the provisions of section 17 (2), come into operation on a date fixed by the State President by proclamation in the Gazette.

Short title and commencement.

