

(1 April 1993 – to date)

## ESTATE AGENCY AFFAIRS ACT 112 OF 1976

*Government Notice 1240 in Government Gazette 5221, dated 23 July 1976. Commencement date: 1 August 1977 [Proc. R. 110, Gazette No. 5580, dated 1 June 1977]*

## EXEMPTION OF CATEGORY OF ESTATE AGENTS

*Government Notice R1469 in Government Gazette 12554, dated 29 June 1990. Commencement date: 1 January 1991.*

*Government Notice R1963 in Government Gazette 15200, dated 15 October 1993. Commencement date: 1 April 1993.*

The Minister of Trade and Industry and Tourism has, after consultation with the Estate Agents Board and in terms of section 33(2) of the Estate Agents Act, 1976 (Act No. 112 of 1976), promulgated the regulations set out in the Schedule hereto.

## SCHEDULE

1. In these regulations any expression to which a meaning has been assigned in the Act shall have that meaning, and unless the context otherwise indicates –

**"prescribed standard of training"** means the standard of training prescribed by the regulations contained in Government Notice No. R. 1409 of 1 July 1983;

**"principal estate agent"** means any person referred to in paragraph (a) or paragraph (c)(i) of the definition [*sic*] of "estate agent" in section 1 of the Act;

2. Subject to the provisions of regulation 3, any person who in terms of section 16(1) or (2) of the Act intends to apply to the board for the issue to him of a fidelity fund certificate and has not complied with the prescribed standard of training, is exempted from complying with the said prescribed standard of training for a period of one year from the date on which such person has first applied to the board for the issue to him of a fidelity fund certificate.

*(Regulation 2 amended by GNR 1963 of 1993)*

3.
  - (a) No person exempted from the prescribed standard of training in terms of regulation 2 may perform any act as an estate agent –

- (i) unless such person disclosed in all printed matter relating to his activities as an estate agent, excluding advertisements in the press, and in a manner determined by the board, that he has not complied with the prescribed standard of training;
  - (ii) otherwise than under the active supervision and control of a principal estate agent.
- (b) No person exempted from the prescribed standard of training in terms of regulation 2 may –
- (i) in any way, directly or indirectly, hold himself out as someone who or advertises that he has complied with the prescribed standard of training;
  - (ii) in any manner act as a principal estate agent; or
  - (iii) in his capacity as an estate agent complete or draft any documentation relating to any transaction negotiated by him in his capacity as an estate agent, save in the presence of an estate agent who has complied with the prescribed standard of training and who certifies on the documentation in question that the said documentation has been completed in his presence.
- (c) .....

*(Regulation 3(c) deleted by GNR 1963 of 1993)*

4. This notice comes into operation on 1 January 1991.