



S. 559

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

REGULASIEKOERANT No. 2662

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GOEWERMENTSKENNISGEWING

DEPARTEMENT VAN HANDEL

No. R. 1779

31 Augustus 1978

RAAD VIR EIENDOMSAGENTE

UITREIKING VAN GETROUHEIDSFONDS- SERTIFIKATE

Die Minister van Ekonomiese Sake het, na oorleg met die Raad vir Eiendomsagente, kragtens artikel 33 van die Wet op Eiendomsagente, 1976 (Wet 112 van 1976), die regulasies in die Bylae hierby uitgevaardig.

BYLAE

1. In hierdie Bylae, tensy uit die samehang anders blyk, beteken, die regulasies die regulasies afgekondig by Goewermentskennisgewing R. 989 van 1 Junie 1977.

2. Regulasie 2 van die regulasies word hierby deur die volgende regulasie vervang:

"2. Elke eiendomsagent moet vir die 1979-kalenderjaar en daarna jaarliks 'n heffing van R35 aan die Raad betaal en moet vir die 1979-kalenderjaar en daarna jaarliks 'n bydrae aan die fonds betaal van—

2.1 R100 indien hy 'n eiendomsagent is ingevolge artikel 1 (iii) (a) of artikel 1 (iii) (c) (i) van die Wet;

2.2 R75 indien hy 'n eiendomsagent is ingevolge artikel 1 (iii) (c) (ii) van die Wet."

3. Regulasie 3 van die regulasies word hierby gewysig deur subregulasies 1 en 2 deur die volgende subregulasies te vervang:

"3.1 Elke eiendomsagent aan wie reeds 'n getrouheidsfondssertifikaat uitgereik is vir 'n betrokke jaar moet nie later nie as 31 Oktober van daardie jaar op die vorm uiteengesit in Bylae A1 of A2 hiervan, na gelang van die geval, aansoek doen om die uitreiking aan hom van 'n getrouheidsfondssertifikaat met betrekking tot die daaropvolgende kalenderjaar.

3.2 Iemand wat voornemens is om in die loop van 'n kalenderjaar as 'n eiendomsagent te begin optree, moet op die vorm uiteengesit in Bylae A1 of A2 hiervan, na gelang van die geval, aansoek doen om die uitreiking aan hom van 'n getrouheidsfondssertifikaat met betrekking tot die oorblywende gedeelte van daardie jaar."

GOVERNMENT NOTICE

DEPARTMENT OF COMMERCE

No. R. 1779

31 August 1978

ESTATE AGENTS BOARD

ISSUE OF FIDELITY FUND CERTIFICATES

The Minister of Economic Affairs has, after consultation with the Estate Agents Board, in terms of section 33 of the Estate Agents Act, 1976 (Act 112 of 1976), issued the regulations in the Schedule hereto.

SCHEDULE

1. In this Schedule, unless the context otherwise indicates, the regulations mean the regulations promulgated by Government Notice R. 989 of 1 June 1977.

2. Substitute hereby for regulation 2 of the regulations the following regulation:

"2. Every estate agent shall for the 1979 calendar year and thereafter annually pay to the Board a levy of R35 and shall for the 1979 calendar year and thereafter annually pay to the fund a contribution of—

2.1 R100 if he is an estate agent by virtue of section 1 (vi) (a) or section 1 (vi) (c) (i) of the Act;

2.2 R75 if he is an estate agent by virtue of section 1 (vi) (c) (ii) of the Act."

3. Regulation 3 of the regulations is hereby amended by the substitution for subregulations 1 and 2 of the following subregulations:

"3.1 Every estate agent to whom a fidelity fund certificate has already been issued for a certain year shall not later than 31 October of that year apply on the form set out in Schedule A1 or A2 hereto, as the case may be, for the issue to him of a fidelity fund certificate in respect of the succeeding calendar year.

3.2 Any person who intends to commence operating as an estate agent in the course of any calendar year shall apply on the form set out in Schedule A1 or A2 hereto, as the case may be, for the issue to him of a fidelity fund certificate in respect of the remainder of that year."

4. Regulasie 5 van die regulasies word hierby deur die volgende regulasie vervang:

"5. 'n Aansoek deur iemand wat ingevolge regulasie 3.2 om die uitreiking aan hom van 'n getrouheidsfondssertifikaat vir 'n besonderde jaar aansoek doen, moet, indien sodanige aansoek gedoen word voor of op 30 Junie van daardie jaar, vergesel wees van die volle bedrag van die heffing en bydrae bedoel in regulasie 2, en indien sodanige aansoek gedoen word na 30 Junie van daardie jaar, moet dit vergesel wees van die helfte van die bedrag van sodanige heffing en bydrae."

5. Bylae A by die regulasies word hierby deur die volgende Bylaes vervang:

4. Substitute hereby for regulation 5 of the regulations the following regulation:

"5. An application by any person who applies in terms of regulation 3.2 for the issue to him of a fidelity fund certificate for a certain year shall, if such application is made on or before 30 June of that year, be accompanied by the full amount of the levy and contribution referred to in regulation 2, and if such application is made after 30 June of that year, it shall be accompanied by one half of the amount of such levy and contribution."

5. Substitute hereby for Schedule A to the regulations the following Schedules:

BYLAE A1

(Moet slegs ten opsigte van 'n maatskappy, 'n vennootskap of 'n eenmansaak ingevul word)

Die Raad vir Eiendomsagente
Sewende Verdieping, Markwellgebou
Marketstraat 158, Johannesburg, 2001
Posbus 8793, Johannesburg, 2000
Telefoon: 23-8153/4/5/6/7

AANSOEK KRAGTENS WET 112 VAN 1976 OM DIE UITREIKING VAN 'N GETROUHEIDSFONDSSERTIFIKAAT VIR DIE JAAR EINDIGENDE 31 DESEMBER 19.....

Let wel.—(a) Vul asseblief in blokletters of tikskrif in.

(b) Maak asseblief 'n kruisie in die toepaslike blokkie waar dit voorsien is.

Is hierdie aansoek ten opsigte van—

☐ 'n maatskappy of ☐ 'n vennootskap of ☐ 'n eenmansaak

1. (a) Naam van maatskappy, vennootskap of eenmansaak.....
- (b) Indien die maatskappy, vennootskap of eenmansaak 'n handelsnaam het, verstrek die naam hier, asb.....
2. (a) Is die aansoeker as 'n maatskappy met beperkte aanspreeklikheid geregistreer in die Maatskappye-kantoor? ☐ Ja ☐ Nee
- (b) Verstrek die maatskappy se registrasienommer.....
3. Volledige straatadres waar besigheid gedryf word..... Poskode.....
4. (a) Posbus No. (as daar is)..... (b) Dorp of stad.....
- (c) Telefoon No..... (d) Poskode.....
- (e) Datum van einde van boekjaar van besigheid.....
5. Volle name van alle direkteure (en alternatiewe direkteure), of van alle vennote of van alleeneienaar, na gelang van die geval (heg 'n bylae aan indien nodig):
- (i)
- (ii)
- (iii)
- (iv)
- (v)

Let wel.—Indien daar aan enige van die persone hierbo genoem, reeds 'n Getrouheidsfondssertifikaat op naam van 'n ander maatskappy, vennootskap of eenmansaak uitgereik is, meld asseblief die naam van daardie maatskappy, vennootskap of eenmansaak langs die naam/name van sodanige persoon/persone.

6. (a) Datum sedert wanneer die maatskappy, vennootskap of eenmansaak as eiendomsagent optree of sal optree.....19.....
- (b) Is 'n Getrouheidsfondssertifikaat vir die voorafgaande jaar bekom? ☐ Ja ☐ Nee

Opmerking.—Daar word voorgestel dat indien die antwoord op enige van vrae 7, 8, 9 of 10 "Ja" is, u 'n Beëdigde Verklaring by hierdie vorm aanheg waarin u volle besonderhede van die gebeurtenis verstrek, asook die redes waarom u meen dat dit in die belang van geregtigheid sou wees dat die Raad vir Eiendomsagente 'n Getrouheidsfondssertifikaat aan die aansoeker uitreik.

7. Is die applikant of enige direkteur of vennoot of die alleeneienaar van die maatskappy, vennootskap of eenmansaak te eniger tyd weens onbehoorlike gedrag uit 'n verrouensposisie ontslaan? ☐ Ja ☐ Nee
8. Is die applikant of enige direkteur of vennoot of die alleeneienaar van die maatskappy, vennootskap of eenmansaak te eniger tyd skuldig bevind weens 'n misdryf waarvan oneerlikheid 'n element was? ☐ Ja ☐ Nee
9. Is die maatskappy, vennootskap of eenmansaak in likwidasie of onder geregtelike bestuur? ☐ Ja ☐ Nee
10. Is die Getrouheidsfondssertifikaat van die aansoeker of enige direkteur of vennoot of die alleeneienaar van die maatskappy, vennootskap of eenmansaak al ooit deur die Raad vir Eiendomsagente ingetrek? ☐ Ja ☐ Nee

11. Het die maatskappy, vennootskap of eenmansaak enige personeel in diens? (bv. tiksters, klerke, boekhouders, onderhandelaars, bodes, verkoopsmanne, ens.) ☐ Ja ☐ Nee

Opmerking.—Geen Getrouheidsfondssertifikaat mag uitgereik word aan 'n maatskappy, vennootskap of alleeneienaar nie tensy die maatskappy, vennootskap of alleeneienaar voldoen het aan die vereistes van artikel 26 (b) van die Wet.

12. Indien die antwoord op vraag 11 "Ja" is, het die maatskappy/vennootskap/eenmansaak Getrouheidsversekering gereël ingevolge artikel 26 (b) van die Wet op Eiendomsagente? ☐ Ja ☐ Nee Indien "Ja", verstrek asseblief die volgende besonderhede:

Naam van versekeraars.....
Versekeringsbedrag..... Polis No..... Hernuwingsdatum van polis.....

13. Naam van die tak van die bank waar trustrekening(s) gehou word (vir iedere tak van die maatskappy/vennootskap/eenmansaak, waar toepaslik) (heg 'n bylae aan indien nodig):

(i) Naam van bank.....
(ii) Tak..... Rekeningnommer(s).....

14. (i) Verstrek die rekeningnommer(s) van alle spaar- of ander rentegewende rekening(s) wat deur die aansoeker geopen is en die naam/name van die instelling(s) waar dit geopen is.

Naam van instelling(s)	Tak	Rekeningnommer(s)
.....		
.....		
.....		

- (ii) Bedrag aan rente aan die Getrouheidsfonds vir die jaar geëindig 28 Februarie laaslede betaal: R.....

Opmerking:

(i) Die rente moet *gereeld en stiptelik* deur die aansoeker aan die fonds betaal word, maar in elk geval nie later nie as die laaste dag van Mei in elke jaar.

(ii) Geen Getrouheidsfondssertifikaat mag aan 'n maatskappy, vennootskap of 'n eenmansaak uitgereik word nie tensy die maatskappy, vennootskap of eenmansaak 'n trustrekening by 'n bank (nie 'n bougenootskap nie) kragtens artikel 32 (1) van die Wet geopen het.

Opmerking.—Geen Getrouheidsfondssertifikaat mag aan 'n maatskappy/vennootskap/eenmansaak uitgereik word nie tensy 'n ouditeur benoem is.

15. Naam en adres van die ouditeur van die maatskappy, vennootskap of eenmansaak:

(i) Naam.....
(ii) Posbus No. (as daar is)..... Straatadres.....
Dorp..... Poskode..... Telefoonnommer.....

Ek,, synde behoorlik daartoe gemagtig, doen hiermee aansoek namens die bovermelde maatskappy/vennootskap/eenmansaak en verklaar dat die antwoorde hierbo gegee in alle opsigte waar en korrek is.

Datum.....19..... Geteken te.....

Handtekening van aansoeker

Geteken en beëdig/bevestig in my teenwoordigheid.....dié.....dag van.....19.....
deur die deponent wat erken dat hy/sy die inhoud van hierdie Beëdigde Verklaring/Bevestiging verstaan.

Ampstitel.....
Kommissaris van Ede

Outoriteit.....

VIR KANTOOR GEBRUIK

Betaling ontvang?..... Vorm in orde?.....
Indien nie, stappe gedoen.....
Getrouheidsfondssertifikaat uitgereik.....19.....
Sertifikaatnommer..... Goedgekeur deur.....

BYLAE A2

[Ingevol te word deur 'n individuele aansoeker (natuurlike persoon)]

Die Raad vir Eiendomsagente
Sewende Verdieping, Markwellgebou
Marketstraat 158, Johannesburg, 2001
Posbus 8793, Johannesburg, 2000
Telefoon 23-8153/4/5/6/7

AANSOEK KRAGTENS WET 112 VAN 1976 OM DIE UITREIKING VAN 'N GETROUHEIDSFONDSSERTIFIKAAT VIR DIE JAAR EINDIGENDE 31 DESEMBER 19.....

Let wel.—(a) Vul asseblief in blokletters of tikskrif in.

(b) Maak asseblief 'n kruisie in die toepaslike blokkie waar dit voorsien is.

- Van.....
- Voorname/Voorname.....
- (a) Geboortedatum..... (b) Identiteitsnommer.....
- (i) Is u 'n Suid-Afrikaanse burger? ☐ Ja ☐ Nee
(ii) Indien nie, meld burgerskap.....
- (a) U woonadres..... Poskode.....
(b) Telefoon No.: Besigheid..... Tuis.....
- Besonderhede van maatskappy, vennootskap of eenmansaak met wie u as eiendomsagent geassosieer is:
(a) Naam.....
(b) Posbus No. (as daar is)..... Straatadres.....
Dorp..... Poskode..... Telefoon No.....

7. Is u:

'n direkteur?

Ja

Nee

'n vennoot?

Ja

Nee

'n alleeneienaar?

Ja

Nee

of 'n werknemer*?

Ja

Nee

* Soos omskryf in artikel 1 (iii) (c) (ii) van die Wet op Eiendomsagente.

8. Sedert wanneer is u as eiendomsagent bedrywig of wanneer sal u as eiendomsagent begin optree?.....

9. Het u vir die vorige jaar 'n Getrouheidsfondssertifikaat bekom: ☐ Ja ☐ Nee10. Was u verlede jaar by dieselfde maatskappy, vennootskap of eenmansaak werksaam? ☐ Ja ☐ Nee

Opmerking.—Indien die antwoord op enige van vrae 11, 12, 13 of 14 "Ja" is, word u aangeraai om 'n *Beëdigde Verklaring* by hierdie vorm aan te heg waarin volle besonderhede van die gebeurtenis en die redes waarom u dink dat dit in die belang van geregtigheid sou wees dat die Raad vir Eiendomsagente 'n Getrouheidsfondssertifikaat aan u behoort uit te reik.

11. Is u te eniger tyd weens onbehoorlike gedrag ontslaan uit 'n vertrouensposisie? ☐ Ja ☐ Nee12. Is u te eniger tyd skuldig bevind weens 'n misdryf waarvan oneerlikheid 'n element was? ☐ Ja ☐ Nee13. Is u 'n insolvent wat nog nie gerehabiliteer is nie? ☐ Ja ☐ Nee14. Is die Getrouheidsfondssertifikaat van u of enige direkteur van 'n maatskappy waarvan u direkteur was of is, of enige vennoot met wie u in vennootskap was of is, al ooit deur die Raad vir Eiendomsagente ingetrek? ☐ Ja ☐ Nee

Ek, die bogenoemde, verklaar dat die antwoorde hierbo deur my verskaf in alle opsigte waar en korrek is.

Datum.....19..... Geteken te.....

Handtekening van aansoeker

Geteken en beëdig/bevestig voor my, te..... die..... dag van.....19.....
deur die deponent wat erken dat hy/sy die inhoud van hierdie Beëdigde Verklaring/Bevestiging verstaan.

Ampstitel.....

Kommissaris van Ede

Outoriteit.....

VIR KANTOOR GEBRUIK

Betaling ontvang?..... Vorm in orde?..... Indien nie, stappe gedoen.....
Getrouheidsfondssertifikaat uitgereik.....19.....
Sertifikaatnommer..... Goedgekeur deur.....

SCHEDULE A1

(To be completed only in respect of a company, partnership or sole proprietorship)

The Estate Agents Board
Seventh Floor, Markwell Buildings
158 Market Street, Johannesburg, 2001
P.O. Box 8793, Johannesburg, 2000
Telephone: 23-8153/4/5/6/7

APPLICATION IN TERMS OF ACT 112 OF 1976 FOR THE ISSUE OF A FIDELITY FUND CERTIFICATE FOR THE YEAR
ENDING 31 DECEMBER 19.....

N.B.—(a) Please complete in block letters or typing.
(b) Please cross appropriate blocks for answer where provided.

Is this application in respect of—

☐ a company

or

☐ a partnership

or

☐ a sole proprietorship

1. (a) Name of company, partnership or sole proprietorship.....

(b) If the company, partnership or sole proprietorship has a trade name please state such name here.....

2. (a) Is the applicant a company registered as a limited liability company with the Companies Office? ☐ Yes ☐ No

(b) State company's registration number.....

3. Street address (in full) at which business is conducted..... Postal code.....

4. (a) P.O. Box No. (if any)..... (b) Town or city.....

(c) Telephone Number..... (d) Postal code.....

(e) Date of end of financial year of business.....

5. Full names of all directors (and alternate directors), or of all partners or of sole proprietor, as the case may be: (attach schedule if necessary)
- (i)
- (ii)
- (iii)
- (iv)
- (v)

N.B.—If any of the persons named above have been issued with a Fidelity Fund Certificate *in the name of another* company, partnership or sole proprietorship, please state name of such company, partnership or sole proprietorship next to the name(s) of such person(s).

6. (a) Date since which the company, partnership or sole proprietorship has been or will be operating as an estate agent.....19.....

(b) State whether a Fidelity Fund Certificate was obtained for the preceding year. ☐ Yes ☐ No

N.B.—If the answer to any of questions 7, 8, 9 or 10 is "Yes" it is suggested that you attach to this application form an *Affidavit* giving full particulars of the event and the reasons why you consider that it would be in the interest of justice that the Estate Agents Board should issue a Fidelity Fund Certificate to the applicant.

7. Has the applicant or any director or partner or sole proprietor of the company, partnership or sole proprietorship at any time by reason of improper conduct been dismissed from a position of trust? ☐ Yes ☐ No

8. Has the applicant or any director or partner or sole proprietor of the company, partnership or sole proprietorship at any time been convicted of an offence involving an element of dishonesty? ☐ Yes ☐ No

9. Is the company, partnership or sole proprietorship in liquidation or under judicial management? ☐ Yes ☐ No

10. Has the applicant or any director or partner or sole proprietor of the company, partnership or sole proprietorship at any time had his fidelity fund certificate withdrawn by the Estate Agents Board? ☐ Yes ☐ No

11. Does the company, partnership or sole proprietorship employ any staff? (e.g. typists, clerks, bookkeepers, negotiators, messengers, salesmen, etc.) ☐ Yes ☐ No

N.B.—No Fidelity Fund Certificate may be issued to any company, partnership or sole proprietor unless section 26 (b) of the Act has been complied with by the company, partnership or sole proprietor.

12. If the answer to question 11 is "Yes", has the company/partnership/sole proprietorship arranged Fidelity Fund Insurance in terms of section 26 (b) of the Estate Agents Act? ☐ Yes ☐ No If "Yes", please give details as follows:

Name of insurers.....
Amount of insurance..... Policy No..... Renewal date.....

13. Name of Branch of Bank where trust account(s) is/are kept: (for every branch of company/partnership/sole proprietorship, where applicable) (attach schedule if necessary)

(i) Name of bank.....
(ii) Branch..... Account Number(s).....

14. (i) Give name(s) of institution(s) and account number(s) of all savings or other interest-bearing account(s) opened by the applicant.

Name of institution(s)	Branch	Account Number(s)
.....		
.....		
.....		

- (ii) Amount of interest paid to the Fidelity Fund for the year ended 28 February last. R.....

N.B.:

- (i) The interest is to be paid by the applicant to the fund *promptly and regularly* but in any event not later than 31 May in each year.
(ii) No Fidelity Fund Certificate may be issued to a company, partnership or sole proprietorship unless the company, partnership or sole proprietorship has a trust account with a bank (not a building society) in terms of section 32 (1) of the Act.

N.B.—No Fidelity Fund Certificate may be issued to a company/partnership/sole proprietorship unless an auditor has been appointed.

15. Name and address of the auditor of the company, partnership or sole proprietorship:

(i) Name.....
(ii) P.O. Box No. (if any)..... Street address.....
Town..... Postal code..... Telephone No.....

I,, being duly authorised to make application on behalf of the above-named company/partnership/sole proprietorship, hereby declare that the answers given above are true and correct in all respects.

Date.....19..... Signed at.....

.....
Signature of applicant

Signed and sworn to/declare before me, at, the day of.....19....., by the deponent who acknowledges that he/she knows and understands the contents of this Affidavit/Declaration.

Designation.....
.....
Commissioner of Oaths

Authority.....

FOR OFFICE USE

Payment received? Form in order?
 If not, action taken
 Fidelity Fund Certificate issued 19.....
 Certificate number Approved by

SCHEDULE A2

[To be completed by an individual applicant (natural person)]

The Estate Agents Board
 Seventh Floor, Markwell Buildings
 158 Market Street, Johannesburg, 2001
 P.O. Box 8793, Johannesburg, 2000
 Telephone: 23-8153/4/5/6/7

APPLICATION IN TERMS OF ACT 112 OF 1976 FOR THE ISSUE OF A FIDELITY FUND CERTIFICATE FOR THE YEAR
 ENDING 31 DECEMBER 19.....

N.B.—(a) Please complete in block letters or typing.
 (b) Please cross appropriate blocks for answer where provided.

1. Surname.....
 2. First name(s).....
 3. (a) Date of birth.....
 (b) Identity number.....
 4. (i) Are you a South African citizen? ☐ Yes ☐ No
 (ii) If not, state citizenship.....
 5. (a) Your home address..... Postal code.....
 (b) Telephone number: Business..... Home.....
 6. Particulars of company, partnership or sole proprietorship with which you are associated as an estate agent
 (a) Name.....
 (b) P.O. Box No. (if any)..... Street address.....
 Town..... Postal code..... Telephone No.....
 7. Are you:

a director? ☐ Yes ☐ No	partner? ☐ Yes ☐ No	sole proprietor? ☐ Yes ☐ No	or employee*? ☐ Yes ☐ No
---	--	--	---

* As defined in section 1 (vi) (c) (ii) of the Estate Agents Act.
 8. State date since which you have been, or will be, operating as an estate agent.....
 9. State whether a Fidelity Fund Certificate was obtained for the preceding year: ☐ Yes ☐ No
 10. Were you with the same company, partnership or sole proprietorship last year? ☐ Yes ☐ No
- N.B.—If the answer to any of questions 11, 12, 13 or 14 is "Yes" it is suggested that you attach this to application form *an Affidavit* giving full particulars of the event and the reasons why you consider that it would be in the interests of justice that the Estate Agents Board should issue a Fidelity Fund Certificate to you.
11. Have you at any time by reason of improper conduct been dismissed from a position of trust? ☐ Yes ☐ No
 12. Have you at any time been convicted of an offence involving an element of dishonesty? ☐ Yes ☐ No
 13. Are you an insolvent who has not yet been rehabilitated? ☐ Yes ☐ No
 14. Have you, or any director of a company of which you were or are a director, or any partner with whom you were or are in partnership, ever had a Fidelity Fund Certificate withdrawn by the Estate Agents Board? ☐ Yes ☐ No

I, the above-named, declare that the answers given by me above are true and correct in all respects.

Date.....19..... Signed at.....

Signature of applicant

Signed and sworn to/declared before me, at....., the..... day of.....19....., by the deponent who acknowledges that he/she knows and understands the contents of this Affidavit/Declaration.

Designation.....

Commissioner of Oaths

Authority.....

FOR OFFICE USE

Payment received?..... Form in order?.....
If not, action taken.....
Fidelity Fund Certificate issued..... 19.....
Certificate number..... Approved by.....

Om 'n

Bevredigende Telefoondiens

te verseker:

- Lees die nuttige wenke en aanwysings wat op die bladsye in verband met spesiale dienste en oor ander inligting in u telefoongids voorkom.
- Maak u gesprekke so kort moontlik.
- Wees seker dat u die regte nommer het voordat u 'n oproep maak.
- Beantwoord u telefoon onmiddellik en praat duidelik.

To ensure a

Satisfactory Telephone Service

- Read the special services and other information pages of your directory for useful hints and directions.
- Avoid long conversations.
- Be sure of the number you want before making a call.
- Answer your telephone promptly and speak distinctly.

INHOUD

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