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GOVERNMENT NOTICE

GOEWERMENSKENNISGEWING

DEPARTMENT OF TRADE AND INDUSTRY

DEPARTEMENT VAN HANDEL EN NYWERHEID

No. R. 1156 29 August 1997

No. R. 1156 29 Augustus 1997

ESTATE AGENTS ACT, 1976

WET OP EIENDOMSAGENTE, 1976

ISSUE OF FIDELITY FUND AND REGISTRATION CERTIFICATES

UITREIKING VAN GETROUHEIDSFONDS- EN REGISTRASIE-SERTIFIKATE

The Minister of Trade and Industry has, after consultation with the Estate Agents Board, in terms of section 33 of the Estate Agents Act, 1976 (Act No. 112 of 1976), amended Government Notice No. R. 1798 of 29 August 1986, as amended by Government Notices Nos. R. 1699 of 26 August 1988, R. 1526 of 14 July 1989, R. 2572 of 30 November 1990 and R. 1506 of 31 August 1994 as set out in the Schedule.

Die Minister van Handel en Nywerheid het, na oorleg met die Raad vir Eiendomsagente, kragtens artikel 33 van die Wet op Eiendomsagente, 1976 (Wet No. 112 van 1976), Goewermentskennisgewing No. R. 1798 van 29 Augustus 1986, soos gewysig deur Goewermentskennisgewings Nos. R. 1699 van 26 Augustus 1988, R. 1526 van 14 Julie 1989, R. 2572 van 30 November 1990 en R. 1506 van 31 Augustus 1994 gewysig soos in die Bylae uiteengesit.

A. ERWIN

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Minister of Trade and Industry

Minister van Handel en Nywerheid

SCHEDULE**1. By the substitution for -****(a) regulation 2 of the following regulation:**

"2. Every estate agent excluding an " estate agent" referred to in paragraph (cA) of the definition of " estate agent" in section 1 of this Act shall -

(a) for the calender year 1998 and annually thereafter pay to the board a levy of -

(i) R150 if he or she is an estate agent by virtue of paragraph (a) of the definition of "estate agent" or paragraph (c)(i) of the definition of "estate agent"; or

(ii) R88 if he or she is an estate agent by virtue of paragraph (c)(ii) of the definition of " estate agent"; and

(b) for the calender year 1998 and any subsequent year in respect of which he or she applies for the issue to him or her of a fidelity fund certificate, pay to the fund a contribution of -

(i) R275 if he or she is an estate agent by virtue of paragraph (a) of the definition of "estate agent" or paragraph (c)(i) of the definition of "estate agent"; or

(ii) R110 if he or she is an estate agent by virtue of paragraph (c)(ii) of the definition of "estate agent":

provided that no such contribution will be payable if the estate agent concerned can show that a valid fidelity fund certificate was issued to him or her in respect of any one of the immediately preceding three calender years.";

(b) regulation 3 of the following regulation:

" 3. An estate agent referred to in paragraph (cA) of the definition of "estate agent" in section 1 of this Act shall pay annually to the board a levy of R88.";

(c) regulation 6 of the following regulation:

" 6. An application by any person who applies in terms of regulation 4(2) for the issue to him or her of a fidelity fund certificate or a

registration certificate for a certain year shall, if such application is in respect of a period commencing before 1 July of that year, be accompanied by the full amount of the levy and, if applicable, the contribution referred to in regulation 2 or the full amount of the levy referred to in regulation 3, as the case may be: Provided that -

- (1) if application is made on or after 1 July 1997, in respect of the remainder of 1997, such estate agent shall -

(a) pay to the board a levy of -

- (i) R67,50 if he or she is an estate agent by virtue of paragraph (a) of the definition of "estate agent" or paragraph (c)(i) of the definition of "estate agent"; or

- (ii) R40 if he or she is an estate agent by virtue of paragraph (c)(ii) of the definition of "estate agent"; or

- (iii) one half of the levy referred to in regulation 3 if he or she is an estate agent by virtue of paragraph (cA) of the definition of "estate agent" in section 1 of this Act; and

(b) pay to the fund a contribution of -

- (i) R250 if he or she is an estate agent by virtue of paragraph (a) of the definition of "estate agent" or paragraph (c)(i) of the definition of "estate agent"; or

- (ii) R100 if he or she is an estate agent by virtue of paragraph (c)(ii) of the definition of "estate agent";

provided that no such contribution will be payable if the estate agent concerned can show that a valid fidelity fund certificate was issued to him or her in respect of any one of the immediately preceding three calendar years."

- (2) If application is made on or after 1 July 1998 and on or after 1 July of every subsequent year, for the remainder of 1998, or the remainder of every subsequent year, as the case may be, such estate agent shall -

(a) pay to the board a levy of -

- (i) R75 if he or she is an estate agent by virtue of paragraph (a) of the definition of "estate agent" or paragraph (c)(i) of the definition of "estate agent"; or
- (ii) R44 if he or she is an estate agent by virtue of paragraph (c)(ii) of the definition of "estate agent"; or
- (iii) one half of the levy referred to in regulation 3 if he or she is an estate agent by virtue of paragraph (cA) of the definition of "estate agent" in section 1 of this Act; and

(b) pay to the fund a contribution of -

- (i) R275 if he or she is an estate agent by virtue of paragraph (a) of the definition of "estate agent" or paragraph (c)(i) of the definition of "estate agent"; or
- (ii) R110 if he or she is an estate agent by virtue of paragraph (c)(ii) of the definition of "estate agent";

provided that no such contribution will be payable if the estate agent concerned can show that a valid fidelity fund certificate was issued to him or her in respect of any one of the immediately preceding three calendar years."

(d) regulation 13 of the following regulation:

" 13. A written request to the board to furnish the reasons for refusing to issue a fidelity fund certificate or a registration certificate to the person making such request shall be accompanied by an amount of R100."

2. The amounts payable under regulation 2(a), 3, 6 and 13 include Value Added Tax.

BYLAE**1. Deur die vervanging van -****(a) regulasie 2 met die volgende regulasie:**

" 2. Elke eiendomsagent, uitgesonderd 'n eiendomsagent bedoel in paragraaf (cA) van die omskrywing van "eiendomsagent" in artikel 1 van hierdie Wet moet -

(a) vir die kalenderjaar 1998 en jaarliks daarna aan die raad 'n heffing betaal van -

(i) R150 indien hy of sy 'n eiendomsagent is ingevolge paragraaf (a) van die woordomskrywing van "eiendomsagent" of paragraaf (c)(i) van die woordomskrywing van "eiendomsagent"; of

(ii) R88 indien hy of sy 'n eiendomsagent is ingevolge paragraaf (c)(ii) van die woordomskrywing van "eiendomsagent"; en

(b) vir die kalenderjaar 1998 en enige daaropvolgende jaar waarvoor hy of sy aansoek doen vir die uitreiking van 'n getrouheidsfondssertifikaat aan hom of haar, 'n bydrae tot die fonds betaal van -

(i) R275 indien hy of sy 'n eiendomsagent is ingevolge paragraaf (a) van die woordomskrywing van "eiendomsagent" of paragraaf (c)(i) van die woordomskrywing van "eiendomsagent"; of

(ii) R110 indien hy of sy 'n eiendomsagent is ingevolge paragraaf (c)(ii) van die woordomskrywing van "eiendomsagent":

met dien verstande dat geen sodanige bydrae betaalbaar sal wees nie indien die betrokke eiendomsagent bewys kan lewer dat 'n geldige getrouheidsfondssertifikaat ten opsigte van enige een van die onmiddelik voorafgaande drie kalenderjare aan hom of haar uitgereik is.";

(b) regulasie 3 met die volgende regulasie:

die omskrywing van "eiendomsagent" in artikel 1 van hierdie Wet moet jaarliks 'n heffing van R88 aan die raad betaal.";

(c) regulasie 6 met die volgende regulasie:

“ 6. 'n Aansoek deur enige persoon wat ingevolge regulasie 4 (2) om die uitreiking aan hom of haar van 'n getrouheidsfondssertifikaat of registrasiesertifikaat vir 'n besondere jaar aansoek doen, moet, indien sodanige aansoek betrekking het op 'n tydperk wat 'n aanvang neem voor 1 Julie van daardie jaar, vergesel wees van die volle bedrag van die heffing en bydrae bedoel in regulasie 2 of die volle heffing bedoel in regulasie 3, na gelang van die geval: Met dien verstande dat -

(1) indien aansoek gedoen word op of na 1 Julie 1997, ten opsigte van die restant van 1997, moet sodanige eiendomsagent -

(a) aan die raad 'n heffing betaal van -

(i) R67,50 indien hy of sy 'n eiendomsagent is ingevolge paragraaf (a) van die woordoms krywing van “eiendomsagent” of paragraaf (c)(i) van die woordoms krywing van “eiendomsagent”; of

(ii) R40 indien hy of sy 'n eiendomsagent is ingevolge paragraaf (c)(ii) van die woordoms krywing van “eiendomsagent”; of

(iii) een helfte van die heffing waarna in regulasie 3 verwys word indien hy of sy 'n eiendomsagent is ingevolge paragraaf (cA) van die woordoms krywing van “eiendomsagent” in artikel 1 van hierdie Wet; en

(b) 'n bydrae tot die fonds betaal van -

(i) R250 indien hy of sy 'n eiendomsagent is ingevolge paragraaf (a) van die woordoms krywing van “eiendomsagent” of paragraaf (c)(i) van die woordoms krywing van “eiendomsagent”; of

(ii) R100 indien hy of sy 'n eiendomsagent is ingevolge paragraaf (c)(ii) van die woordoms krywing van “eiendomsagent” :

met dien verstande dat geen sodanige bydrae betaalbaar sal wees nie indien die betrokke eiendomsagent bewys kan lewer dat 'n geldige getrouheidsfondssertifikaat ten opsigte van enige een van die onmiddellik voorafgaande drie kalenderjare aan hom of haar uitgereik is.”.

- (2) Indien aansoek gedoen word op of na 1 Julie 1998 en op of na 1 Julie van elke daaropvolgende jaar, vir die restant van 1998 of die restant van elke daaropvolgende jaar, na gelang van die geval, moet sodanige eiendomsagent -

(a) aan die raad 'n heffing betaal van -

- (i) R75 indien hy of sy 'n eiendomsagent is ingevolge paragraaf (a) van die woordoms krywing van "eiendomsagent" of paragraaf (c)(i) van die woordoms krywing van "eiendomsagent"; of
- (ii) R44 indien hy of sy 'n eiendomsagent is ingevolge paragraaf (c)(ii) van die woordoms krywing van "eiendomsagent; of
- (iii) een helfte van die heffing waarna in regulasie 3 verwys word indien hy of sy 'n eiendomsagent is ingevolge paragraaf (cA) van die woordoms krywing van "eiendomsagent" in artikel 1 van hierdie Wet; en

(b) 'n bydrae tot die fonds betaal van -

- (i) R275 indien hy of sy 'n eiendomsagent is ingevolge paragraaf (a) van die woordoms krywing van "eiendomsagent" of paragraaf (c)(i) van die woordoms krywing van "eiendomsagent"; of
- (ii) R110 indien hy of sy 'n eiendomsagent is ingevolge paragraaf (c)(ii) van die woordoms krywing van "eiendomsagent" :

met dien verstande dat geen sodanige bydrae betaalbaar sal wees nie indien die betrokke eiendomsagent bewys kan lewer dat 'n geldige getrouheidsfondssertifikaat ten opsigte van enige een van die onmiddellik voorafgaande drie kalenderjare aan hom of haar uitgereik is."

(d) regulasie 13 met die volgende regulasie:

"13. 'n Skriftelike versoek aan die raad om die redes te verstrek waarom die raad geweier het om 'n getrouheidsfondssertifikaat uit te reik aan die persoon wat daardie versoek rig, moet vergesel gaan van 'n bedrag van R100."

2. Die bedrae betaalbaar ingevolge regulasie 2(a), 3, 6 en 13 sluit Belasting op Toegevoegde Waarde in.

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