



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 752.

18 April 1984

No. 752.

18 April 1984

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

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

No. 51 van 1984: Wysigingswet op Eiendomsagente, 1984.

No. 51 of 1984: Estate Agents Amendment Act, 1984.

Wet No. 51, 1984

WYSIGINGSWET OP EIENDOMSAGENTE, 1984

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die bepalings van die Wet op Eiendomsagente, 1976, betreffende woordskrywings; om die samestelling van die Raad vir Eiendomsagente verder te reël; om die vereiste dat by die bepaling van die besoldiging en toelaes van lede van genoemde raad wat nie heeltyds in diens van die Staat is nie, oorleg met die Minister van Finansies gepleeg moet word, te skrap; om genoemde raad te magtig om self die voorwaardes van aanstelling en die besoldiging van personeel van die raad te bepaal; om vir die aanstelling deur genoemde raad van tugkomitees voorsiening te maak; om vir die verhaal deur die raad van sekere koste op eiendomsagente voorsiening te maak; om die aanwending van gelde in die Eiendomsagente-getrouheidsfonds verder te reël; om die onbevoegdheid met betrekking tot getrouheidsfondssertifikate uit te brei; en om die pligte van eiendomsagente met betrekking tot die ouditering van hul rekeningkundige aantekeninge, die bepalings betreffende onbehoorlike gedrag deur eiendomsagente, sekere appëlle na die Hooggeregshof en sekere aangeleenthede betreffende die trustrekenings van eiendomsagente verder te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 30 Maart 1984.)

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

Wysiging van
artikel 1 van
Wet 112 van 1976,
soos gewysig deur
artikel 1 van
Wet 60 van 1978,
artikel 1 van
Wet 57 van 1980
en artikel 1 van
Wet 53 van 1982.

1. Artikel 1 van die Wet op Eiendomsagente, 1976 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur in die omskrywing van „eiendomsagent” die volgende paragraaf voor die voorbehoudsbepaling by te voeg:

„(e) by die toepassing van artikel 30 (2), (3), (4) en (5) en van regulasies kragtens artikel 33 (1) (h) uitgevaardig, ook enige persoon wat 'n eiendomsagent was op die tydstop waarop hy skuldig was aan die handeling of versuim wat volgens bewering onbehoorlike gedrag bedoel in artikel 30 uitmaak:”;

(b) deur die volgende omskrywing na die omskrywing van „Minister” in te voeg:

„onroerende goed” ook—

- (a) 'n eenheid soos omskryf in artikel 1 van die Wet op Deeltitels, 1971 (Wet No. 66 van 1971), en ook enige voorgestelde eenheid;
- (b) 'n reg om oordrag van onroerende goed te eis;
- (c) 'n onverdeelde aandeel in onroerende goed;
- (d) enige belang in onroerende goed, behalwe 'n reg of belang wat kragtens die Wet op die Registrasie van Myntitels, 1967 (Wet No. 16 van 1967), geregistreer is of vir registrasie geskik is;

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GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the provisions of the Estate Agents Act, 1976, regarding definitions; to further regulate the constitution of the Estate Agents Board; to delete the requirement that in the determination of the remuneration and allowances of members of the said board who are not in the full-time employ of the State, the Minister of Finance is to be consulted with; to authorize the said board itself to determine the conditions of appointment and the remuneration of staff of the board; to provide for the appointment by the said board of disciplinary committees; to provide for the recovery by the board of certain costs from estate agents; to further regulate the application of moneys in the Estate Agents Fidelity Fund; to extend the disqualifications relating to fidelity fund certificates; and to further regulate the duties of estate agents relating to the auditing of their accounting records, the provisions regarding improper conduct by estate agents, certain appeals to the Supreme Court and certain matters regarding the trust accounts of estate agents; and to provide for matters in connection therewith.

(English text signed by the State President.)

(Assented to 30 March 1984.)

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

1. Section 1 of the Estate Agents Act, 1976 (hereinafter referred to as the principal Act), is hereby amended—

5 (a) by the substitution for the definition of “board” of the following definition:

10 “‘board’ means the Estate Agents Board established under section 2, and includes, for the purposes of subsections (2) and (3) of section 30, and section 32 (7) (a) (ii) in so far as it relates to the said subsections, any disciplinary committee of the board acting pursuant to and in accordance with the provisions of section 8B;”;

15 (b) by the addition in the definition of “estate agent” before the proviso of the following paragraph:

20 “(e) for the purposes of section 30 (2), (3), (4) and (5) and of regulations made under section 33 (1) (h), includes any person who was an estate agent at the time when he was guilty of any act or omission which allegedly constitutes improper conduct referred to in section 30;” and

(c) by the insertion after the definition of “fund” of the following definition:

25 “‘immovable property’ includes—

(a) any unit as defined in section 1 of the Sectional Titles Act, 1971 (Act No. 66 of 1971), and any proposed unit;

Amendment of section 1 of Act 112 of 1976, as amended by section 1 of Act 60 of 1978, section 1 of Act 57 of 1980 and section 1 of Act 53 of 1982.

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- (e) 'n aandeel in 'n private maatskappy bedoel in die Maatskappywet, 1973 (Wet No. 61 van 1973), waarvan die bates geheel en al of hoofsaaklik uit onroerende goed bestaan;
- (f) 'n aandeel in 'n aandeelblokmaatskappy soos omskryf in artikel 1 van die Wet op die Beheer van Aandeelblokke, 1980 (Wet No. 59 van 1980), en ook enige voorgestelde aandeel;
- (g) 'n tydsdelingbelang soos omskryf in artikel 1 van die Wet op die Beheer van Eien-
domstydsdeling, 1983 (Wet No. 75 van 1983),
en ook enige voorgestelde tydsdelingbelang;";
en
- (c) deur die omskrywing van „raad” deur die volgende omskrywing te vervang:
„„raad” die Raad vir Eiendomsagente ingestel kragtens artikel 2, en ook, by die toepassing van subartikels (2) en (3) van artikel 30, en artikel 32 (7) (a) (ii) vir sover dit op genoemde subartikels betrekking het, 'n tugkomitee van die raad handelende uit hoofde van en ooreenkomstig die bepalings van artikel 8B;”
- Wysiging van artikel 3 van Wet 112 van 1976.
2. Artikel 3 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:
„(1) Die raad bestaan uit minstens nege en hoogstens **[elf]** veertien lede wat ingevolge subartikel (2) deur die Minister aangestel word.”
- Vervanging van artikel 5 van Wet 112 van 1976.
3. Artikel 5 van die Hoofwet word hierby deur die volgende artikel vervang:
„Besoldiging en toelaes van lede van raad.
5. Aan 'n lid van die raad wat nie heeltyds in diens van die Staat is nie, word uit die fondse van die raad die besoldiging en toelaes betaal wat die Minister **[, in oorleg met die Minister van Finansies,]** in die algemeen of in 'n besondere geval van tyd tot tyd bepaal.”
- Wysiging van artikel 6 van Wet 112 van 1976, soos vervang deur artikel 2 van Wet 57 van 1980.
4. Artikel 6 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:
„(1) Die werk verbonde aan die verrigting van sy werksaamhede deur die raad word onder sy opdrag en beheer verrig deur persone deur die raad aangestel op die voorwaardes en teen die besoldiging wat die **[Minister in oorleg met die Minister van Finansies goedkeur]** raad bepaal.”
- Invoeging van artikel 8B in Wet 112 van 1976.
5. Die volgende artikel word hierby na artikel 8A van die Hoofwet ingevoeg:
„Tugkomitees.
8B. (1) Die raad kan van tyd tot tyd die aantal tugkomitees wat hy dienstig ag, wat elkeen uit minstens drie lede moet bestaan, uit sy geledere aanstel.
(2) 'n Tugkomitee kan enige bevoegdheid of werksaamheid wat deur subartikels (2) en (3) van artikel 30 aan die raad verleen of opgedra word, uitoefen of verrig.
(3) Die bepalings van artikel 4 (5) en (6) is, behoudens subartikel (5) van hierdie artikel, *mutatis mutandis* ten opsigte van 'n tugkomitee van toepassing.
(4) Die raad kan, behoudens die bepalings van hierdie artikel, die samestelling van enige tugkomitee verander voordat die komitee met 'n ondersoek beoog in artikel 30 (2) begin.
(5) Indien 'n vakature in 'n tugkomitee ontstaan nadat die komitee met 'n ondersoek begin het, kan met die ondersoek voor minstens twee lede van die komitee voortgegaan word, maar indien slegs twee

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- (b) any right to claim transfer of immovable property;
- (c) any undivided share in immovable property;
- (d) any interest in immovable property, other than a right or interest registered or capable of being registered under the Mining Titles Registration Act, 1967 (Act No. 16 of 1967);
- (e) any share in a private company referred to in the Companies Act, 1973 (Act No. 61 of 1973), the whole or the major portion of whose assets consists of immovable property;
- (f) any share in a share block company as defined in section 1 of the Share Blocks Control Act, 1980 (Act No. 59 of 1980), and any proposed share;
- (g) any time-sharing interest as defined in section 1 of the Property Time-Sharing Control Act, 1983 (Act No. 75 of 1983), and any proposed time-sharing interest.”
2. Section 3 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:
 “(1) The board shall consist of not fewer than nine and not more than **[eleven] fourteen** members appointed under subsection (2) by the Minister.”.
3. The following section is hereby substituted for section 5 of the principal Act:
- 5.** Any member of the board who is not in the full-time employ of the State, shall be paid out of the funds of the board such remuneration and allowances as may be determined from time to time generally or in any particular case by the Minister **[in consultation with the Minister of Finance]**.”.
4. Section 6 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:
 “(1) The work incidental to the carrying out of its functions by the board shall be performed under its directions and control by persons appointed by the board on such conditions and at such remuneration as the **[Minister may in consultation with the Minister of Finance approve] board** may determine.”.
5. The following section is hereby inserted in the principal Act after section 8A:
- 8B.** (1) The board may from time to time appoint such number of disciplinary committees as it deems fit, each consisting of at least three members, from amongst its members.
 (2) A disciplinary committee may exercise or perform any power or function which is granted or entrusted to the board by subsections (2) and (3) of section 30.
 (3) The provisions of section 4 (5) and (6) shall, subject to subsection (5) of this section, apply *mutatis mutandis* in respect of a disciplinary committee.
 (4) The board may, subject to the provisions of this section, alter the constitution of any disciplinary committee before the committee has commenced with an investigation contemplated in section 30 (2).
 (5) If a vacancy occurs on a disciplinary committee after the committee has commenced with an investigation, the investigation may be proceeded with before at least two members of the committee, but if
- Amendment of section 3 of Act 112 of 1976.
- Substitution of section 5 of Act 112 of 1976.
- Amendment of section 6 of Act 112 of 1976, as substituted by section 2 of Act 57 of 1980.
- Insertion of section 8B in Act 112 of 1976.

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dienende lede oorbly, kan hulle 'n beslissing bedoel in artikel 30 (3) slegs by eenparige besluit neem.

(6) Iemand wat hom veronreg voel deur 'n besluit wat 'n tugkomitee by die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede kragtens artikel 30 geneem het, kan binne een maand nadat die tugkomitee—

(a) hom skriftelik van daardie besluit in kennis gestel het en teen betaling van die voorgeskrewe gelde die tugkomitee skriftelik versoek om sy redes vir daardie besluit skriftelik aan hom te verstrek;

(b) sy redes vir daardie besluit ooreenkomstig paragraaf (a) aan hom verstrek het en na kennisgewing aan die tugkomitee, na die raad teen daardie besluit appelleer, en daarop kan die raad—

(i) bedoelde appèl van die hand wys;

(ii) indien hy van oordeel is dat die tugkomitee nie ooreenkomstig die betrokke bepalings van hierdie Wet gehandel het nie, 'n bevel gee wat teenoorgesteld is aan die besluit van die tugkomitee of wat die besluit van die tugkomitee wysig;

(iii) die saak vir verdere oorweging na die tugkomitee terugverwys; of

(iv) enige straf deur die tugkomitee opgelê, na goedgekeurde wysig.

Wysiging van artikel 9 van Wet 112 van 1976, soos gewysig deur artikel 4 van Wet 57 van 1980.

6. Artikel 9 van die Hoofwet word hierby gewysig deur in subartikel (2) paragraaf (b) van die voorbehoudsbepaling deur die volgende paragraaf te vervang:

„(b) indien die raad [, indien hy]—

(i) na 'n ondersoek bevind het dat 'n eiendomsagent in gebreke gebly het om enige verpligting na te kom wat hom ingevolge hierdie Wet opgelê is [, die koste van daardie ondersoek vir sover dit op daardie verpligting betrekking het, op daardie eiendomsagent kan verhaal.]; of

(ii) 'n verpligting opgeloop het om prokureur-en-kliënt-koste te betaal ten opsigte van enige verrigtinge wat hy ingevolge hierdie Wet ingestel het vir die verhaal op 'n eiendomsagent van enige bedrag wat deur hom aan die raad of die fonds betaalbaar is,

die raad die koste van daardie ondersoek vir sover dit op daardie verpligting betrekking het, of die getakseerde bedrag van daardie prokureur-en-kliënt-koste, na gelang van die geval, op die betrokke eiendomsagent kan verhaal.”.

Wysiging van artikel 18 van Wet 112 van 1976, soos gewysig deur artikel 2 van Wet 60 van 1978 en artikel 5 van Wet 57 van 1980.

7. Artikel 18 van die Hoofwet word hierby gewysig deur subparagraaf (ii) van paragraaf (a) van subartikel (1) deur die volgende subparagraaf te vervang:

„(ii) van gelde wat hy ingevorder of ontvang het en wat betaalbaar is ten opsigte of uit hoofde van 'n koopkontrak ten opsigte van onroerende goed [, met inbegrip van 'n ooreenkoms of intermediaire transaksie soos omskryf in artikel 1 van die Wet op die Verkoop van Grond op Afbetaling, 1971 (Wet No. 72 van 1971)] of 'n kontrak of vervreemdingsakte soos omskryf in artikel 1 (1) van die Wet op Vervreemding van Grond, 1981 (Wet No. 68 van 1981);”.

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

8. Artikel 27 van die Hoofwet word hierby gewysig deur die volgende paragraaf na paragraaf (a) in te voeg:

„(aA) 'n eiendomsagent wat—

(i) ten opsigte van sy boekjaar wat verstryk voor die datum waarop om 'n getrouheidsfondssertifikaat

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only two serving members remain, they may take any decision referred to in section 30 (3) only by unanimous vote.

5 (6) Any person who feels aggrieved by any decision taken by a disciplinary committee in the exercise of its powers and the performance of its functions under section 30, may within one month after the disciplinary committee—

10 (a) has informed him in writing of such decision and upon payment of the prescribed fees request the disciplinary committee in writing to furnish him in writing with its reasons for such decision;

15 (b) has in accordance with paragraph (a) furnished him with its reasons for such decision and after notice to the disciplinary committee, appeal in writing to the board against such decision, and the board may thereupon—

(i) dismiss the said appeal;

20 (ii) if it is of the opinion that the disciplinary committee has not acted in accordance with the relevant provisions of this Act, give an order opposite to the decision of the disciplinary committee or amending the decision of the disciplinary committee;

25 (iii) refer the matter back to the disciplinary committee for further consideration; or

(iv) vary any penalty imposed by the disciplinary committee as it may deem fit.”

6. Section 9 of the principal Act is hereby amended by the substitution in subsection (2) for paragraph (b) of the proviso of the following paragraph:

Amendment of section 9 of Act 112 of 1976, as amended by section 4 of Act 57 of 1980.

“(b) if the board [, if]—

35 (i) after an investigation [it] has found that an estate agent failed to comply with any duty imposed upon him in terms of this Act [, may recover from such estate agent the costs of such investigation in so far as it relates to such duty.]; or

40 (ii) has incurred any liability to pay attorney and client costs in respect of any proceedings instituted by it in terms of this Act for the recovery from an estate agent of any amount which is payable by him to the board or the fund,

45 the board may recover the costs of such investigation in so far as it relates to such duty, or the taxed amount of such attorney and client costs, as the case may be, from the estate agent concerned.”

7. Section 18 of the principal Act is hereby amended by the substitution for subparagraph (ii) of paragraph (a) of subsection (1) of the following subparagraph:

Amendment of section 18 of Act 112 of 1976, as amended by section 2 of Act 60 of 1978 and section 5 of Act 57 of 1980.

50 “(ii) of any moneys collected or received by him and payable in respect or on account of a contract of purchase and sale in respect of immovable property [, including any agreement or intermediate transaction as defined in section 1 of the Sale of Land on Instalments Act, 1971 (Act No. 72 of 1971)] or any contract or deed of alienation as defined in section 1 (1) of the Alienation of Land Act, 1981 (Act No. 68 of 1981);”

8. Section 27 of the principal Act is hereby amended by the insertion after paragraph (a) of the following paragraph:

Amendment of section 27 of Act 112 of 1976, as substituted by section 3 of Act 60 of 1978

60 “(aA) any estate agent who—

(i) has failed in respect of his financial year which has expired before the date on which application for a

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en gewysig deur
artikel 7 van
Wet 57 van 1980
en artikel 4 van
Wet 53 van 1982.

Wysiging van
artikel 29 van
Wet 112 van 1976.

Wysiging van
artikel 30 van
Wet 112 van 1976,
soos gewysig deur
artikel 9 van
Wet 57 van 1980.

Wysiging van
artikel 31 van
Wet 112 van 1976,
soos gewysig deur
artikel 4 van
Wet 60 van 1978
en artikel 10 van
Wet 57 van 1980.

Wysiging van
artikel 32 van
Wet 112 van 1976,
soos gewysig deur
artikel 5 van
Wet 60 van 1978
en artikel 11 van
Wet 57 van 1980.

aansoek gedoen word, versuim het om aan 'n bepaling van artikel 29 (b) of artikel 32 (3) (b) te voldoen; of

(ii) te eniger tyd skuldig was aan 'n handeling of versuim ten opsigte waarvan iemand uit hoofde van die bepaling van artikel 18 uit die fonds vergoed moes word, tensy die eiendomsagent die betrokke bedrag ten volle aan die raad terugbetaal het, of die raad van oordeel is dat bevredigende reëlings vir die vereffening deur hom van so 'n bedrag getref is en die raad die reëlings bekragtig het;".

9. Artikel 29 van die Hoofwet word hierby gewysig deur paragraaf (b) deur die volgende paragraaf te vervang:

„(b) die rekeningkundige aantekeninge bedoel in paragraaf (a) deur 'n ouditeur laat ouditeer binne vier maande na die einddatum van die boekjaar van die eiendomsagent, welke einddatum na die inwerkingtreding van artikel 9 van die Wysigingswet op Eiendomsagent, 1984, nie deur hom sonder die vooraf verkreeë skriftelike goedkeuring van die raad verander mag word nie.”.

10. Artikel 30 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:

„(c) in gebreke bly om gelde wat deur hom aan die raad of ten opsigte van die fonds verskuldig is, te betaal binne **[drie maande] een maand** nadat daardie gelde betaalbaar word;”; en

(b) deur paragraaf (g) van subartikel (1) deur die volgende paragraaf te vervang:

„(g) in gebreke bly om aan **[die vereistes] 'n bepaling** van artikel 16 (1), (2) of (4), 29 of 32 te voldoen, of 'n bepaling van artikel 26 of 32A (2) (a) of (b) oortree;”.

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

„Iemand wat hom veronreg voel deur 'n besluit wat die raad by die uitoefening van sy bevoegdhede kragtens artikel 8B (6), 16, 27, 28 of 30 geneem het, kan te eniger tyd nadat hy van daardie besluit bewus geword het maar nie later nie as een maand nadat die raad—”.

12. Artikel 32 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (c) van subartikel (2) deur die volgende paragraaf te vervang:

„(c) Rente op gelde wat in 'n trustrekening bedoel in subartikel (1) gestort is, en op gelde wat ingevolge paragraaf (a) belê is, word, behoudens die uitdruklike bepalinge van die betrokke lasgewing, wat op skrif moet wees, deur die betrokke eiendomsagent aan die fonds betaal.”.

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

„(b) sy boeke en aantekeninge wat op 'n rekening bedoel in paragraaf (a) betrekking het by tussenpose van hoogstens een maand afsluit, en **[minstens een keer]** jaarliks deur die ouditeur bedoel in artikel 29 (b) laat ouditeer binne vier maande na die einddatum van die boekjaar van die betrokke eiendomsagent.”;

(c) deur subartikel (4) deur die volgende subartikel te vervang:

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(3) fidelity fund certificate is made, to comply with any provision of section 29 (b) or section 32 (3) (b); or
 5 (ii) has at any time been guilty of any act or omission in respect of which any person had to be compensated pursuant to the provisions of section 18 from the fund, unless the estate agent has repaid the relevant amount in full to the board, or the board is of the opinion that satisfactory arrangements for the settlement of such amount have been made
 10 and has confirmed such arrangements;”.

and amended by
 section 7 of
 Act 57 of 1980
 and section 4 of
 Act 53 of 1982.

9. Section 29 of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph: Amendment of section 29 of Act 112 of 1976.

15 “(b) cause the accounting records referred to in paragraph (a) to be audited by an auditor within four months after the final date of the financial year of the estate agent, which final date shall after the commencement of section 9 of the Estate Agents Amendment Act, 1984, not be altered by him without the prior written approval of the board.”.

20 10. Section 30 of the principal Act is hereby amended— Amendment of section 30 of Act 112 of 1976, as amended by section 9 of Act 57 of 1980.

(a) by the substitution for paragraph (c) of subsection (1) of the following paragraph:
 “(c) fails to pay any moneys due by him to the board or in respect of the fund within **[three months] one month** after such moneys become due;” and
 25 (b) by the substitution for paragraph (g) of subsection (1) of the following paragraph:
 “(g) fails to comply with **[the requirements]** any provision of section 16 (1), (2) or (4), 29 or 32, or contravenes any provision of section 26 or 32A (2) (a) or (b);”.

11. Section 31 of the principal Act is hereby amended by the substitution for the words preceding paragraph (a) of the following words: Amendment of section 31 of Act 112 of 1976, as amended by section 4 of Act 60 of 1978 and section 10 of Act 57 of 1980.

35 “Any person who feels aggrieved by any decision taken by the board in the exercise of its powers under section **8B** (6), 16, 27, 28 or 30 may at any time after he became aware of such decision but not later than one month after the board—”.

40 12. Section 32 of the principal Act is hereby amended— Amendment of section 32 of Act 112 of 1976, as amended by section 5 of Act 60 of 1978 and section 11 of Act 57 of 1980.

(a) by the substitution for paragraph (c) of subsection (2) of the following paragraph:
 “(c) Interest on moneys deposited in a trust account referred to in subsection (1), and on moneys invested in terms of paragraph (a), shall, subject to the express terms of the mandate in question, which shall be in writing, be paid to the fund by the estate agent concerned.”;
 45 (b) by the substitution for paragraph (b) of subsection (3) of the following paragraph:
 “(b) balance his books and records relating to any account referred to in paragraph (a) at intervals of not more than one month, and cause them to be audited **[at least once annually]** by the auditor referred to in section 29 (b), within four months after the final date of the financial year of the estate agent concerned.”;
 50 (c) by the substitution for subsection (4) of the following subsection:
 55

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WYSIGINGSWET OP EIENDOMSAGENTE, 1984

Kort titel.

13. Hierdie Wet heet die Wysigingswet op Eiendomsagente, 1984.

- „(4) 'n Ouditeur wat 'n oudit beoog in subartikel (3) (b) gedoen het, moet **[so gou doenlik]** onverwyld nadat hy daardie oudit voltooi het, 'n verslag oor sy bevin- 5 dings op die voorgeskrewe vorm aan die raad, en 'n afskrif daarvan aan die betrokke eiendomsagent, deur- stuur.”; en
- (d) deur subartikel (5) deur die volgende subartikel te ver- vang:
- „(5) Ondanks die bepalings van subartikel (3) kan die raad, indien daar goeie gronde is, te eniger tyd 'n 10 eiendomsagent by skriftelike kennisgewing aansê om binne 'n tydperk in daardie kennisgewing vermeld, maar minstens dertig dae, 'n geouditeerde staat waarin die stand van sake **[van sy trust- of spaar- of ander 15 rentegewende rekening bedoel in subartikel (2) (a)] ten opsigte van die aangeleenthede bedoel in artikel 29 (a) volledig uiteengesit word, aan die raad voor te lê.”.**

ESTATE AGENTS AMENDMENT ACT, 1984

Act No. 51, 1984

5 “(4) Any auditor who does an audit contemplated in
subsection (3) (b), shall **[as soon as may be practicable]**
forthwith after completing such audit, transmit a report
in the prescribed form in regard to his findings to the
board, and a copy thereof to the relevant estate
agent.”; and

(d) by the substitution for subsection (5) of the following
subsection:

10 “(5) Notwithstanding the provisions of subsection
(3), the board may, on good cause, at any time order
any estate agent by notice in writing to submit to the
board within a period stated in such notice, but not less
than thirty days, an audited statement fully setting out
15 the state of affairs **[of his trust, savings or other inter-
est-bearing account referred to in subsection (2) (a)]** in
respect of the matters referred to in section 29 (a).”.

13. This Act shall be called the Estate Agents Amendment Short title.
Act, 1984.

Act No. 51, 1984

ESTATE AGENTS AMENDMENT ACT, 1984

(4) Any auditor who does an audit contemplated in subsection (3) (b) shall, as soon as may be practicable, forthwith after completing such audit, transmit a report in the prescribed form to his findings to the board, and a copy thereof to the relevant estate agent, and

(5) by the substitution for subsection (3) of the following subsection:

(3) Notwithstanding the provisions of subsection (2) the board may, on good cause, at any time order any estate agent by notice in writing to submit to the board within a period stated in such notice, but not less than thirty days, an audited statement fully setting out the state of affairs for his trust, savings or other interest-bearing account referred to in subsection (2) (a) in respect of the matters referred to in section 29 (a)."

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13. This Act shall be called the Estate Agents Amendment Act, 1984.

Act, 1984