

**APPLICATION FOR FIDELITY FUND CERTIFICATE- FIRM REGISTRATION**

**FORM 2**

**PLEASE READ THE FOLLOWING "TERMS AND CONDITIONS" BEFORE COMPLETING THIS FORM**

- Please **USE BLOCK LETTERS** only
- All sections of the form must be fully completed and signed, otherwise it will not be accepted
- This form must be submitted together with a completed Principal/Full Status application form
- Bank letter (stating that a designated trust account has been opened in terms of section 32[1] of Act 112 of 1976), letter indicating appointed auditors, CM29 (Company), certified ID copies must be attached
- Auditors must be registered in terms of section 37(2) of Auditing Profession Act 26 of 2005 and be affiliated with the Independent Regulatory Board for Auditors (IRBA)
- Please confirm firm name(s) availability with EAAB prior to registering.



**ESTATE AGENCY AFFAIRS BOARD  
OF SOUTH AFRICA**

**A. BUSINESS INFORMATION**

<b>Type of Business</b>	<b>Company</b>	<b>Partnership</b>	<b>Sole Proprietorship</b>
<b>Business Name</b>			
<b>Indicate if Firm is</b>	<b>New Firm</b>	<b>Deregistered Firm</b>	<b>Purchased as Going Concern Firm</b>
<b>Business Registration No</b>			
<b>Firm Fin/Year end</b>	<b>Business commencement Date</b>		
<b>FIC Accountable Institution Number (AI number):</b>			

**B. PRINCIPAL/DIRECTORS INFORMATION**

Provide Full Names of Company Directors, partners to Partnership. If partners to a Partnership are companies, please provide company names and full names of all directors of each partnering companies as appearing on CIPC documents (*attach separate sheet if space is inadequate*).

<b>Full Names</b>									
<b>Full Names</b>									
<b>Full Names</b>									

**C. PRINCIPAL PLACE OF BUSINESS/CONTACT INFORMATION**

<b>Firm Physical Address</b>									
<b>Firm Postal Address</b>									
<b>State Province</b>	<b>Eastern Cape</b>	<b>Free State</b>	<b>Gauteng</b>	<b>Kwazulu Natal</b>	<b>Limpopo</b>	<b>Mpumalanga</b>	<b>North West</b>	<b>Northern Cape</b>	<b>Western Cape</b>
<b>Telephone No</b>	( )				<b>Fax No</b>	( )			
<b>E-mail address</b>					<b>Cell No</b>				

**D. TRUST ACCOUNT INFORMATION**

Trust account details opened in terms of section 32(1) of Estate Agency Affairs Act 112 of 1976

<b>Bank Name</b>	<b>Account Number</b>	<b>Branch Name</b>	<b>Branch Code</b>	<b>City/Town</b>

**E. APPOINTED AUDITOR'S INFORMATION**

(Auditors must be registered with Independent Regulatory Board for Auditors (IRBA) in terms of section 37(2) of Auditing Profession Act 26 of 2005)

<b>Auditor's Full Names</b>									
<b>Auditor's Business Address</b>									
<b>Telephone No</b>	( )				<b>Fax No</b>	( )			

**For Office Use Only:**  
 Firm Code: \_\_\_\_\_  
 Reference(PIN): \_\_\_\_\_  
 Compliance Status: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Comment: \_\_\_\_\_

By signing this application, I the applicant confirm, agree and accept that the information supplied herein is true, correct and accurate. Accept and agree to Terms and Conditions and comply with all the requirements set out in the Estate Agency Affairs Act 112 of 1976, together with any other legislation and regulations promulgated thereunder. I herewith agree and confirm that should I open any additional trust account in future, undertake to inform the EAAB accordingly by sending within 14 days from the date of trust account opening a letter from the bank confirming the existence of such a trust account in compliance with the Estate Agency Affairs Act,

\_\_\_\_\_  
**Applicant Signature** \_\_\_\_\_  
**Date**

## **TERMS AND CONDITIONS**

1. As an applicant, by submitting an application form for the issue of a Fidelity Fund Certificate (FFC) you declare that:
  - You agree and comply with all the contents of the Estate Agency Affairs Act 112 of 1976;
  - You will abide with all the registration requirement, and terms and conditions of the EAAB Act, and any other related legislations;
  - You will provide to the EAAB all the required documents necessary for registration.
2. An Estate Agent may not use a name/trade name which is identical or confusingly similar to the name/trade name of an estate agent who has already been issued with a fidelity fund certificate or whose fidelity fund certificate has been suspended, has lapsed or has been withdrawn, in terms of section 27(aB) of Estate Agency Affairs Act.
3. **The following must be ensured when registering an Estate Agency business:**
  - A person must be a registered Principal Estate Agent, as prescribed by the Act;
  - A firm must open a separate trust account with a bank, irrespective of whether the firm will handle trust monies or not;
  - A firm must appoint auditors who are registered with the Independent Regulatory Board for Auditors (IRBA) in terms of section 37(2) of Auditing Profession Act 26 of 2005;
  - Each firm prior to registering with the EAAB is required first to register with FIC in terms of section 43b of the Financial Intelligence Centre Act No 38 of 2001 as the FIC accountable institution.
4. It is the duty of the principal estate agent concerned to ensure that the auditor submits to the Estate Agency Affairs Board the annual auditor's report, on the prescribed form, within four months of the financial year end of the estate agency firm concerned, as prescribed in section 32(4) of the Estate Agency Affairs Act.
5. If the firm is a company or a:
  - every director and alternate director and every member must individually apply for a Fidelity Fund certificate and each such person must pay the prescribed fees;
  - should a member be exempted from the requirements of the EAAB Act a resolution to that effect should be attached.
6. If the firm is a partnership, the partnership itself must apply for a Fidelity Fund Certificate giving full particulars of the business and each partner (whether the partner is active or not), must individually apply for a Fidelity Fund Certificate to be issued to such person individually, and each partner must pay the prescribed fees to the Board.

**Note:** A properly dated & signed partnership agreement must be included in the documents.

7. If the firm is a sole proprietorship, the proprietor must complete the necessary application forms, giving particulars of the business, and pay the prescribed fees.
8. All principal estate agents must keep a proper set of accounting records of all transactions pertaining to the estate agency business, including records of trust monies held by the firm on behalf of other persons.
9. The Estate Agency Affairs Board will issue the Fidelity Fund Certificate to the estate agent concerned and only on the issue of these Fidelity Fund Certificates, may such estate agent commence to practise.
10. Any person practicing as an estate agent without a valid Fidelity Fund Certificate shall not be entitled to any remunerations in terms of section 34(A) of the Estate Agency Affairs Act.
11. Any Fidelity Fund Certificate issued in error shall be withdrawn and immediately recalled.
12. Estate agents who ceases, or wish to cease practicing as such, are required to inform the EAAB in writing within fourteen (14) days.
13. No individual Fidelity Fund Certificate can be issued unless both the firm and the principal application forms have been received in one batch.

### **14. Renewal of Fidelity Fund Certificate**

- The validity of Fidelity Fund Certificate is 01 January of a year until 31 December of the same year;
- Estate Agents are required to renew their Fidelity Fund Certificate by no later than the renewal due date of 31 October of each year;
- Irrespective of receipt of renewal statement by the client, It is and will always be the responsibility of each registered estate agent to ensure that their Fidelity Fund Certificate are renewed on time before the renewal due date of 31 October of each year to be issued with a valid Fidelity Fund Certificate for the following year.