To provide for the regulation of property practitioners; to provide for the
continuation of the Estate Agency Affairs Board as the Property Practitioners
Regulatory Authority; to provide for the appointment of the members of the Board
and matters incidental thereto; to provide for the appointment of the Chief
Executive Officer and other staff members of the Authority; to provide for
transformation of the property practitioners sector; to provide for the establish-
ment of the transformation fund and establishment of the research centre on
transformation; to provide for compliance with and enforcement of the provisions
of the Act; to provide for the continuation of the Estate Agents Fidelity Fund as the
Property Practitioners Fidelity Fund; to provide for consumer protection; to
provide for the repeal of the Estate Agency Affairs Act, 1976; and to provide for
matters connected therewith.

PREAMBLE

WHEREAS a healthy property market is a national asset that restores the dignity of all
South Africans through the basic constitutional right to ownership of immovable
property through security of tenure;

AND WHEREAS a property is an asset to enhance economic activity, growth and
development;

AND WHEREAS patterns of property ownership are historically imbalanced;

AND WHEREAS there are distortions within the property market, especially the
secondary property market;

AND WHEREAS transformation of the property market is a necessary intervention that
will benefit the historically disadvantaged individuals;

AND WHEREAS consumers require assistance when conducting property transac-
tions;

AND WHEREAS property practitioners can play an important role in providing such
assistance;

AND WHEREAS it is necessary to ensure that such assistance is rendered in a
professional way;

AND it is necessary to regulate circumstances when such assistance is not rendered in
a professional way,
Mulayotibe u khou ita mbetshelo dza u langula vhashumi vha zwa Ndaka; u ita mbetshelo malugana na u ya phanda ha Zhendedzi ja zwa Ndaka sa Jose Maandaalanga a u Langula Vhashumi vha zwa Ndaka; u ita mbetshelo malugana na u thola miraţo ya Bodo na zwiţiwe zwine zwa vhonala zwo tea; u ita mbetshelo malugana na u thola Muofisi Mulangi na vhaţiwe vhashumi vha tshimiswa tsha Maandaalanga; u ita mbetshelo ya u shandukisa sekithara ya vhashumi vha zwa Ndaka; u ita mbetshelo ya u thomiwa ha tshikwama tsha tshandukiso na u thomiwa ha senthara ya fhodisi o lavhelesa ho kha tsha tshanduko; u ita mbetshelo malugana na u tevhedza na u tevhedzisa mbetshelo dza Mulayo; u ita mbetshelo malugana na u ya phanda ya Tshikwama tshi Thembeaho tsha Mazhendedzii a zwa Ndaka sa tshone Tshikwama tshi Thembeaho tsha Vhashumi vha zwa Ndaka; u ita mbetshelo malugana na u tsireledza vharengi; u ita mbetshelo malugana na u fhelisa Mulayo wa Estate Agency Affairs Act, 1976; na u ita mbetshelo malugana na zwine zwa kwamana na zwenezwi.

MARANGA PHANDA

HU TSHI KHOU LAVHELESWA URI maraga wa zwa ndaka wawhuqdi ndi thundu ya lushaka ine ya vusuludza tshirunzi tsha Vhojhe Vhathu vha Afrika Tshipembe nga kha pfanelo dza ndemesa dza ndayotewa dza u vha muţe wa ndaka i sa endedzei nga kha tsireledzo ya u vha muţe wa ndaka iyo;

NAHONE HU TSHI KHOU LAVHELESWA URI ndaka ni thundu ine ya kwaiqhisana mvelahandza na nyaluwo ya ikonomi na zwo tshiţhene zwa itwa kha ikonomi;

NAHONE HU TSHI KHOU LAVHELESWA URI njila dza u vha muţe wa ndaka zwiţa kale dzvo dzai dzai zwiţhulula;

NAHONE HU TSHI KHOU LAVHELESWA URI hu na zwi songo dzulaho zwawhuqdi kha maraga wa zwa ndaka, zwihuqdi kha makete wa ndaka wa sekondari;

NAHONE HU TSHI KHOU LAVHELESWA URI u kwaiqhisana makete wa zwa ndaka ndi u dzhenelela u thusa zwi toqeleaho u itela uri vhathu vho vha iswaho nga zwiţhulula zwiţa kale vha vhuelwe;

NAHONE HU TSHI KHOU LAVHELESWA URI vhaqengi vha tochela thuso musi hu tshi itwa ţihirantshekisheni dzai thengiso ya ndaka;

NAHONE HU TSHI KHOU LAVHELESWA URI vhashumi vha zwa ndaka vha nga shuma mushumo wa ndemesa kha u fha thusa iyo;

NAHONE HU TSHI KHOU LAVHELESWA URI zwi a toqele a itela u vhona uri iyo thuso i khoe qetshedzwa nga njila ya phrofeshina;

NAHONE zwi a toqele uri hu langulwe nyimele musi iyo thuso i sa khou qetshedzwa Iwa phrofeshina,
BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

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UKHWATHISWE nga Phalamennde ya Riphabuliki ya Afrika Tshipembe, nga ndlila 
etevhelaho:—

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Khethekanyo

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CHAPTER 1

DEFINITIONS, APPLICATION, OBJECTS AND ESTABLISHMENT
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Definitions

1. In this Act, unless the context otherwise indicates—
   “accounting records”—
   (a) means information in written or electronic form concerning the trust accounts
   of the property practitioner as required in terms of this Act, including but not
   limited to, records of all transactions involving trust monies, general and
   subsidiary ledgers and other documents and books used in the administration
   of the trust accounts; and
   (b) in relation to the property practitioner’s business as such, means information
   in written or electronic form concerning the financial affairs of the business as
   required in terms of this Act or any other Act that may be applicable to the
   business of the property practitioner, including but not limited to, records of
   assets, liabilities, income and expenses, general and subsidiary ledgers and
   other documents and books used in the preparation of financial statements of
   the business;
   “audit” has the meaning ascribed to it in the Auditing Profession Act, 2005 (Act
   No. 26 of 2005);
   “auditor” means an individual or firm registered in terms of section 37 or 38 of the
   Auditing Profession Act, 2005 (Act No. 26 of 2005);
   “Authority” means the Property Practitioners Regulatory Authority established in
   terms of section 5;
   “Board” means the Board of Authority contemplated in Chapter 2;
   “candidate property practitioner” means a person who has not yet met all the
   qualification or experience required as prescribed, to practise as a property
   practitioner and who is undergoing training under the supervision of a property
   practitioner, or a program created by the Authority;
   “CEO” means the Chief Executive Officer of the Authority appointed in terms of
   section 17;
   “Chairperson” means the Chairperson of the Board;
   “code of conduct” means the code of conduct prescribed in terms of section 61;
   “consumer” means a consumer as defined in section 1(a) or (c) of the Consumer
   Protection Act, 2008 (Act No. 68 of 2008);
   “conveyancer” means a conveyancer as defined in section 1 of the Attorneys Act,
   1979 (Act No. 53 of 1979);
66. Nyiledzo malugana na vhujifarì ha u ũtuwedza u şetshedza şanziela dzenedzo

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NDIMA YA 1 T
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🏗 Thalutshedzo

1. Kha uno Mulayo, nga nndâ ha musi zwo sumbedzwa nga iïwe ndïila—
“rekhodo dza akhaunthingi”—
(a) zwi ambâ njivhiso yo tou ìnÎalwahe ya ikèkêrihori ko malugana na akhaunthu
dza thirasiti dza mushumi wa zwa ndakâ dzî ìtdâwe u ya nga uno Mulayo,
hu tshi kateîla zwi sa gumîhe kha, rekhodo dza ïhirantsekhiseni dzÔwe dzì
cwamaho maseleni a thirasiti, rekhodo dza ïhirantsekhisheniinyangaredzi dzì
dza khamphani dzo farwaho nga khamphani kuhulwane na mańwe manwalwa
na dzibûgu dzî shumiswaho kha zwa vhulangi ha akhaunthu dzî thirasiti; na
(b) zwi tshi kwama bindu ja mushumi wa zwa ndakâ ngaualo, zwi ambâ
njivhiso yo tou ìnÎalwahe kana ya ikèkêrihori ko ine ya kwama kwisa
maseleni a bindu u ya nga zwi ìtdâwe nga uno Mulayo kana Mulayo musi
na muÎwe wo teahô bindu ja mushumi wa zwa ndakâ, hu tshi kateîla zwi sa
fhelelihî kha, rekhodo dza ìndû, zwikololo, maseleni a dzhenaho na a
shumiswaho, ïhirantsekhisheniinyangaredzi dzì dzamphani dzo fwarwaho
nga khamphani kuhulwane na mańwe manwalwa a zwìtjàtâmennë dzìa bindu;
“îtholo” thalutshedzo ya îpih ilî i dhîiwa i tshi wela kha zwa Mulayo wa Auditing
Profession Act, 2005 (Act No. 26 of 2005);
“mutoli” zwi amba muthu o ìnîsålaho kana fêmê yî ìnîsålaho u ya nga
khethekanyo ya 37 kana 38 ya Mulayo wa Auditing Profession Act, 2005 (Act No.
26 of 2005);
“Maanđalanga” zwi amba Maanđalanga a Ndau lo ya Yhâshùmi vha zwa Ndakâ
o thomihwe hu tshi khou tehdzedza khethekanyo ya 5;
“Bodo” zwi amba Bodo ya Maanđalanga yo bulwaho kha Ndima ya 2;
“mushumi wa zwa ndaká ane a kha di guda” zwi amba muthu a saathu fusha
ţhôđeja dzî fhelelahe dza ndalukâno kana tšenhêmô i ūţeâbô sa zwo
randelwaho, kha zwi kwamaho u shuma sa mushumi wa zwa ndakâ nahe a tshi
kha di guda nga fhasi ha vhulavhelesi ha mushumi wa zwa ndakâ, kana
mbekanyamushumo yo ìtwahe nga Maanđalanga;
“Muofiše-Mulangi” zwi amba Muofiše-Mulangi wa ñshimisiwa tsha Maanđalanga
o thôîwahe hu tshi khou tehdzedza khethekanyo ya 17;
“Mudzulatshidulo” zwi amba Mudzulatshidulo wa Bodo;
“days” means calendar days including Saturdays, Sundays and Public Holidays but excluding the period between 15 December to 15 January of the preceding year;

“Department” means the national Department of Human Settlements;

“Estate Agency Affairs Act” means the Estate Agency Affairs Act, 1976 (Act No. 112 of 1976);

“Estate Agency Affairs Board” means the Estate Agency Affairs Board established by section 2 of the Estate Agency Affairs Act;

“Fund” means the Property Practitioners Fidelity Fund contemplated in section 34;

“Fidelity Fund certificate” means a Fidelity Fund certificate contemplated in section 47(1);

“immediate family member” means a parent, child, brother or sister, or any person married to such a person, or a life partner of such a person;

“inspector” means a person appointed in terms of section 24;

“mandatory disclosure form” means the form referred to in section 67;

“Minister” means the Minister of Human Settlements;

“principal” means a property practitioner who is a director of a company, member of a close corporation, trustee of a trust, partner of a partnership or owner of sole proprietorship that operates as a property practitioner;

“property practitioner”—

(a) means any natural or juristic person who or which for the acquisition of gain on his, her or its own account or in partnership, in any manner holds himself, herself or itself out as a person who or which, directly or indirectly, on the instructions of or on behalf of any other person—

(i) by auction or otherwise sells, purchases, manages or publicly exhibits for sale property or any business undertaking or negotiates in connection therewith or canvasses or undertakes or offers to canvass a seller or purchaser in respect thereof;

(ii) lets or hires or publicly exhibits for hire property or any business undertaking by electronic or any other means or negotiates in connection therewith or canvasses or undertakes or offers to canvass a lessee or lessor in respect thereof;

(iii) collects or receives any monies payable on account of a lease of a property or a business undertaking;

(iv) provides, procures, facilitates, secures or otherwise obtains or markets financing for or in connection with the management, sale or lease of a property or a business undertaking, including a provider of bridging finance and a bond broker, but excluding any person contemplated in the definition of “financial institution” in section 1 of the Financial Services Board Act, 1990 (Act No. 97 of 1990);

(v) in any other way acts or provides services as intermediary or facilitator with the primary purpose to, or to attempt to effect the conclusion of an agreement to sell and purchase, or hire or let, as the case may be, a property or business undertaking, including, if performing the acts mentioned in this subparagraph, a home ownership association, but does not include—

(aa) a person who does not do so in the ordinary course of business;
“mulayo wa vhudiفرق” zwi ambə mulayo wa vhudiفرق wo randelwaho hu tshi khou tevhedzwa khethekanyo ya 61;
“murengi” zwi ambə murengi sa zwa tʃalutshedzwa kha khethekanyo ya I(a) kana (c) ya Mulayo wa Consumer Protection Act, 2008 (Act No. 53 of 1976);
“murlathisi wa ndaka” zwi ambə murathisi u ya nga zwa tʃalutshedzwa kha khethekanyo ya I ya Mulayo wa Attorneys Act, 1979 (Act No.53 of 1979);
“maʤuва” zwi ambə maʤuва a khaʃalenda hu tshi khou katerwa Migivhela, Dzisondaha na Holodeni dza Nnyi na Nnyi fhedzi hu sa katerwi tʃifhifhina tsha vhukati ha dzí 15 Nyendavhusiku u swika dzí 15 Phando dzí rangelabo ńwaha;
“Muhasha” zwi ambə Muhasha wo Lushaka wa zwa Madzulo a Vhathu;
“Mulayo wa zwa Mazhendedzi a Ndaka” zwi ambə Mulayo wa Estate Agency Affairs Act, 1976 (Act No. 112 of 1976);
“Bodo ya zwa Mazhendedzi a Ndaka” zwi ambə Bodo ya zwa Mazhendedzi a Ndaka yo thomiwaho nga khethekanyo ya 2 ya Mulayo wa zwa Mazhendedzi Ndaka;
“Tshikwama” zwi ambə Tshikwama tshi Thembeano tsha Vhashumi vha zwa Ndaka tʃo bulwaho kha khethekanyo ya 34;
“thɔnziela ya Tshikwama i Sumbedzaho u Thembea” zwi ambə ʰtʃɔnziela ya Tshikwama i Sumbedzaho u Thembeano yo bulwaho kha khethekanyo ya 47(1);
“muraʃo maŋa wa tʃinsa nga vhushaka” zwi ambə mubebi, niwa, murlathu kana mukomana / khaladzi, kana muthu munwe na muiwe o malaho/malwaho heneho, kana ʰtʃama ya vhutshili hoʃe ka uyọ muthu;
“mungameli” zwi ambə muthu o tholwaho hu tshi khou tevhedzwa khethekanyo ya 24;
“fomo ya u bvuƙulula ine ya tou kɔmbetshedz” zwi ambə fomo yo bulwaho kha khethekanyo ya 67;
“Mminisɾa” zwi ambə Mminisɾa wa zwa Madzulo a Vhathu;
“Thoho” zwi ambə mushumi wa zwa ndaka ane a vha mulangi wa khamphani, muraʃo wa koperasi ʰthukhu, thirasiti wa thirasiti, ʰthama kha tʃumisano kana munwe wa khamphani ya muthu muthihi sa mushumi wa zwa ndaka;
“mushumi wa zwa ndaka” —
(a) zwi ambə muthu wa vhukuma (mvelo) ane kana tʃisimiswa tʃine tsha shuma tshi tshi khou iteła u wana mbuelo kha akhaunthu yatshoʃaʃaye kana kha tʃumisano ya u tou ʰtʃama, nga njila ʰfhiho na ʰfhiho a ʰdifara, tʃisimiswa tsha ʰdifara sa muthu ene muiwe kana tʃisimiswa tʃone tʃiше zwo livha kana u sa livha, nga kha nduela dza kana ho ʰmelo muthu ʰfhiho na ʰfhiho—
(i) nga okusheni kana nga ʰniwe njila a rengisa, u renga, u langa kana a ʰtʃanela tʃisitshavaŋa nga ha u rengisa ndaka kana bundu niwe na ʰniwe kana u luvhelela malugana na zwenezwi kana u galatsha kana u dzhia kana u ʰfha murengisi kana murengi malugana na zwenezwi;
(ii) a hirisa kana kha tʃisitshavaŋa, a ʰtʃane uri hu na ndaka kana bundu niwe na ʰniwe nga njila ya ʰtʃekeziiri kana njila ʰdzinwe na ʰdzinwe kha, a ita nyambedzano dzi kwamaho zwenezwi kana u galatsha kana u dzhia kana u ʰfha zwi kwamaho u galatsha malugana na murendi na murentisi;
(iii) ane a kuvhanganya kana u ʰtʃanangedza tʃeledi ʰnwe na ʰnwe i badeļwaho kha akhaunthu na ndaka ine ya kuho reniдви kana zwi tshi kwama bundu;
(iv) ʰnsethezi, renga, leludza, wana kana nga ʰniwe njila a wana kana u vhambedza zwa u wana mashelesi kana zwi kwamaho vhulangi, u rengisa kana u reniдви ndaka kana bundu, hu tshi katerwa mupetshedzi wa mashelesi a tʃokolo, na murengisi pa bondo pa bondo, fheki hu sa katerwi muthu munwe na munwe o bulwaho kha ʰtʃalutshedzo ya ipi “tʃisimiswa tsha zwa mashelesi” kha khethekanyo ya I ya Mulayo wo Financial Services Board Act, 1990 (Act No. 97 of 1990);
(v) ane nga njila ʰniwe na ʰniwe a ita kana a ʰnshezi tʃumelo sa mukonanyi kana muleludzi ndiuvo kułuwaŋa i ya, kana u lingedza u khunyeledzi thendelano ya u rengisa na u renga, kana u ʰnwa kana u reniдви, kana u ʰnwa kana u reniдви, sa zwine nyimele ya vha zwone, kha ndaka kana mushumo wa bindu, hu tshi katerwa, ari a tshi khou shuma mishumo yo bulwaho kha pharagirafu ʰthukhu, asosiesheni ya zwa vhaŋe vha dzinndu, fheki hu sa katerwi—
(aa) muthu ane a sa ite zwo raʃolo kha mushumo wa bindu;

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(bb) where the person is a natural person and that person in the ordinary course of business offers a property for sale which belongs to him or her in his or her personal capacity;

(cc) an attorney or candidate attorney as defined in section 1 of the Attorneys Act, 1979 (Act No. 53 of 1979); or

(dd) a sheriff as defined in section 1 of the Sheriffs Act, 1986 (Act No. 90 of 1986), when he or she performs any functions contemplated in paragraph (a) of this definition, irrespective of whether or not he or she has been ordered by a court of law to do so; or

(vi) renders any other service specified by the Minister on the recommendation of the Board from time to time by notice in the Gazette;

(b) includes any person who sells, by auction or otherwise, or markets, promotes or advertises any part, unit or section of, or rights or shares, including time share and fractional ownership, in a property or property development;

(c) includes any person who for remuneration manages a property on behalf of another;

(d) includes a trust in respect of which the trustee, for the acquisition of gain on the account of the trust, directly or indirectly in any manner holds out that it is a business which, on the instruction of or on behalf of any other person, performs any act referred to in paragraph (a);

(e) for the purposes of sections 34, 46, 48, 59, 60, 61 and 65 includes—

(i) any director of a company or a member of a close corporation who is a property practitioner as defined in paragraph (a);

(ii) any person who is employed by a property practitioner as envisaged in paragraph (a) and performs on his, her or its behalf any act referred to in subparagraph (i), (ii), (iv), (v) or (vi) of that paragraph;

(iii) any trustee of a trust which is a property practitioner as envisaged in paragraph (d);

(iv) any person who is employed by a property practitioner as envisaged in paragraph (b) and performs on its behalf any act referred to in subparagraph (i), (ii), (iv), (v) or (vi) of paragraph (a); and

(v) any person who is employed by a property practitioner contemplated in paragraph (a) or (b) to manage, supervise or control the day-to-day operations of the business of that property practitioner;

(f) includes any person who is employed by or renders services to an attorney or a professional company as defined in section 1 of the Attorneys Act, 1979, other than an attorney or candidate attorney, and whose duties consist wholly or primarily of the performance of any act referred to in subparagraph (i), (ii), (iii), (iv), (v) or (vi) of paragraph (a), on behalf of such attorney or professional company whose actions will be specifically covered by the Attorneys’ Fidelity Fund and not the Property Practitioners Fidelity Fund;

(g) for the purposes of section 61 and any regulation made under section 70, includes any person who was a property practitioner at the time when he or she was guilty of any act or omission which allegedly constitutes sanctionable conduct referred to in section 62,

but does not include an attorney who, on his own account or as a partner in a firm of attorneys or as a member of a professional company, as defined in section 1 of the Attorneys Act, 1979, or a candidate attorney as defined in that section, who performs any act referred to in paragraph (a), in the course of and in the name of
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(bb) hune muthu a vha uri ndi muthu wa mvelo nahone uyo muthu kha mushumo zawo wo bindu a rengisa ndaka ine ndi yawe o imela ene muge;

(cc) axenndje kana axenndje ane a kha dį tou guda sa zwe zwa tɁuluthshedzwa kha khethekanyo ya 1 ya Mulayo wa Attorneys Act, 1979 (Act No.53 of 1979); kana

(dd) mţiinda wa khothe sa zwe zwa tɁuluthshedzwa kha khethekanyo ya 1 ya Mulayo wa Sheriffs Act, 1986 (Act No. 90 of 1986), musi a tshi shuma mishumo miɁwe na miɁwe yo bulwaho kha phara ya (a) ya tɁuluthshedzo, hu songo sedzwa uri o laelwa nga khothe uri a ri pfalo; kana

(vi) Ɂetshedza tshumelo iɁwe na iɁwe yo tɁaluswaho nga MinisɁta zwo themendelwa nga Bodo misi yoɁthe nga ndiɁivhado kha Gazette;

(b) hu tshi khou katelwa muthu muɁwe na muɁwe ane a rengisa, nga okusheni kana nga iɁwe ndįila, kana u vhambadza, kungedzela tshipidja tshinwe na tshinwe, yuniti kana khethekanyo ya, pfaxelo kana mikovhve, hu tshi khou katelwa u kovhekana tshifhinga tsha u vha vhaŋe vha ndaka kana ndaka ine vhaŋe vhyo ndi vhangzi, kha ndaka kana mveɁedziso ya ndaka;

(c) hu tshi katelwa muthu muɁwe na muɁwe ane musi a tshi khou zwi itela mɦulo o a langa ndaka o imela muɁwe;

(d) hu tshi katelwa thirastiti ane thirasiti a shumahohu mushumo muɁwe na muɁwe wo bulwaho kha pharagirafu ya (a), u itela u wana mbeulo kha akhaunthu ya thirasiti, zwo livha kana u sa livha nga ndįila iɁwe na iɁwe zwa vha uri ndi bindu Ɂine, nga kha ndaela ya kana ho imelwa muthu muɁwe na muɁwe;

(e) u itela ndiɁvo dza khethekanyo dza 34, 46, 48, 59, 60, 61 na 65 hu tshi katelwa—

(i) mulanzi muɁwe na muɁwe wa khamphani kana muraɁo wa koporasi Ɂhuŋkhu ane a shuma sa mushumi wa zwa ndaka u u nga tɁaluluthshedzo i re kha phara ya (a);

(ii) muthu muɁwe na muɁwe o tɁolwaho nga mushumi wa zwa ndaka sa zwo lavhelelwaho kha phara ya (a) nahone ane a shuma o tou imela mushumi wa zwa ndaka, a tshi shuma mushumo wo bulwaho kha phara Ɂhuŋkhu ya (i), (ii), (iv), (v) kana (vi) ya iyo phara;

(iii) thirasiti muɁwe na muɁwe wa thirastiti ane a vha mushumi wa zwa ndaka sa zwo lavhelelwaho kha phara ya (d);

(iv) muthu muɁwe na muɁwe o tɁolwaho nga mushumi wa zwa ndaka sa zwo lavhelelwaho kha phara ya (b) nahone ane a shuma mishumo miɁwe na miɁwe o tou imela sa zwo bulwaho kha phara Ɂhuŋkhu ya (i), (ii), (iv), (v) kana (vi) ya pharagirafu (a); na

(v) muthu muɁwe na muɁwe o tɁolwaho nga mushumi wa zwa ndaka sa zwo bulwaho kha phara ya (a) kana (b) u itela u langa, u lavhelesa kana u langula mashumele a Ɂuvha a bvu nhwa u avho mushumi wa zwa ndaka;

(f) hu tshi katelwa muthu muɁwe na muɁwe o tɁolwaho nga kana ane a Ɂetshedza tshumelo kha axenndje kana khamphani ya phrofeshina Ɂla sa zwo tɁaluluthshedzwaho kha khethekanyo ya 1 ya Mulayo wa Attorneys Act, 1979, nga ndąa ha axenndje kana axenndje ane a kha dį guda, nahone ane mishumo yawe ya katelwa zwothe kana zwihwlanwesu u shuma mushumo ufhio o ufhio wo bulwaho kha phara Ɂhuŋkhu ya (i), (ii), (iii), (iv), (v) kana (vi) dza phara ya (a); ho imelwa uyo axenndje kana khamphani ya phrofeshinaɁa ine mishumo yawo i dį katelwa nga Tshikwama tshi Thembeaho tsha Axenndje nahone hu sị Tshikwama tshi Thembeaho tsha Vhashumi vha zwa Ndaka;

(g) u itela ndiɁvo dza khethekanyo ya 61 na ndangulo iɁwe na iɁwe yo itwaho nga fhasi ha khethekanyo ya 70, hu katelwa muthu muɁwe na muɁwe we a vha e mushumi wa zwa ndaka nga tshifhinga tsha musi a tshi vha na mulando wa u khakhua hune o humbulelwahu uri zwi ita uri a gwevhelwe vhudịfari ho bulwaho kha khethekanyo ya 62, fhedzi zwi sa kateli axenndje kana muraɁo wa khamphani ya phrofeshinaɁa, sa zwe zwa tɁaluluthshedzwa kha khethekanyo ya 1 ya Mulayo wa Attorneys Act, 1979, kana axenndje ane a kha dį guda sa zwo tɁaluluthshedzwa kha yeneyo khethekanyo, ane a shuma mushumo muɁwe na muɁwe wo bulwaho kha phara ya (a), ngomu ha, na nga dzina Ja, na u bva...
and from the premises of such attorney’s or professional company’s practice, provided that such an act may not be performed—

(i) in partnership with any person other than a partner in the practice of that attorney as defined in section 1 of the Attorneys Act, 1979; or

(ii) through the medium of or as a director of a company other than such professional company; and

“advertise” for the purposes of this definition does not include advertising in compliance with the provisions of any other law;

“prescribe” means prescribe by regulation;

“property” means immovable property, and any interest, right or duty associated with it as contemplated in section 2;

“record” means any recorded information regardless of form or medium;

“registration certificate” means a registration certificate as contemplated in section 47(2);

“this Act” includes any regulations made under this Act; and

“trust money” means—

(a) money entrusted to a property practitioner in his or her capacity as a property practitioner;

(b) money collected or received by a property practitioner and payable in respect of or on account of any act referred to in subparagraph (i), (ii), (iii) or (iv) of paragraph (a) of the definition of a “property practitioner”;

(c) any other money, including insurance premiums, collected or received by a property practitioner and payable in respect of any immovable property, business undertaking or contract for the building or erection of any improvements on immovable property.

Application of Act

This Act applies to the marketing, promotion, managing, sale, letting, financing and purchase of immovable property, and to any rights, obligations, interests, duties or powers associated with or relevant to such property.

Objects of Act

The objects of the Act are to—

(a) provide for the regulation of property practitioners;

(b) provide for the establishment of the Authority;

(c) provide for the powers, functions and governance of the Authority;

(d) provide for the protection and promotion of the interests of consumers;

(e) provide for a dispute resolution mechanism in the property market;

(f) provide for the education, training and development of property practitioners and candidate Property Practitioners;

(g) provide for a framework for the licensing of property practitioners;

(h) provide for a just and equitable legal framework for the marketing, managing, financing, letting, renting, sale and purchase of property;

(i) promote meaningful participation of historically disadvantaged individuals and small, micro and medium enterprises in the property market;

(j) provide for the transformation of the property market and the establishment of the Property Sector Transformation Fund;
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kha zwifha nkwanyana kana khamphani ya phrofeshina, na tenda izwo zwa sehyane—
(i) hu tshi khoutshumisani/mthama kha zwa mushumo wa uyo axennje sa zwo
thalutshedzwoho kha khethekanyo ya 1 ya Mulayo wa *Attorneys Act*,
1979; kana
(ii) nga kha tsiriathisi tshe, kana sa mutlangi wa khamphani nga nda ha iyo
khamphani ya phrofeshina, na “u kungedzela” ngauri ndivho dza ino
thalutshedzo a dzi kateli u kungedzela hu u tevhedza mbetshele dza
mulayo; na

“*randela*” zwi amba u randela nga ndangulo;
“*ndaka*” zwi amba ndaka ine ya sa endedzwi, na nyingapfuma, pfanelo kana
muthelo une wacwa kwa nyayo yeno yhundu sa zwo zwa bulwa kha khethekanyo ya 2;
“*rekhodo*” zwi amba rekhodo ifhio na ifhio hu songo sedzwa uri ndi rekhodo ya
lushaka de;

“*thanzela ya u *ňvalisa*” zwi amba thanzela ya u *ňvalisa* sa zwe zwa bulwa kha
khethekanyo ya 47(2);

“*uno Mulayo*” hu katelwa ndangulo dzidzwo ha ngaso ha uno Mulayo; nahone

“*masheleli a tharisiti*” zwi amba—
(a) masheleli ane o farwa nga mushumi wa zwa ndaka saizwi e mushumi wa zwa
ndaka;
(b) masheleli o kuvhanganywaho kana o tanganedzwaho nga mushumi wa zwa
ndaka nahone ane a badelewa u ya nga zwa zwa bulwa kha pharagirafa ifhuku
ya (i), (ii), (iii) kana (iv) ya pharagirafa ya (u) ya *thalutshedzo* ya ifhilo
“mushumi wa zwa ndaka”;
(c) tshelede inye ane inye, hu tshi katalwa mbadle dza nindakakombho, yo
kuvhanganywaho kana yo tanganedzwaho nga mushumi wa zwa ndaka
nahone i badelela mulagana na thundu ifhilo na ifhilo i sa endedzwi, bindu
kana konjiraka ya tshiifha to kana u fhatwa ha zwi kwamoho u kwiwisa ndaka
i sa endedzwi.

Zwine Mulayo wa kwama

2. Zwi kwamwaho nga hoyu Mulayo ndi zwa mbambadzo, vhulangi, thengiso, u
renndisa, u fha masheleli na u renga ndaka i sa endedzwi, na pfanelo dzinye
na dzinwe, zwine zwa vho mbofho, nyingapfuma, mishumo na maandila zwine izwi zwi liphanywa
na yeno yndaka.

Zwipikwa zwa Mulayo

3. Zwipikwa zwa Mulayo ndi u—
(a) ita mbetshele malugana na u langula vhulangi vha zwa ndaka;
(b) ita mbetshele malugana na u thomiwa ha Maandjalanga;
(c) ita mbetshele malugana na maandila, mishumo na vhulhisi ha Maandjalanga;
(d) ita mbetshele malugana na tsireledzo na u tujuwedza madzangalelo a
vharengi;
(e) ita mbetshele malugana na zwi kwamoho njilila ya u tandalula phambano kha
maraga wa zwa ndaka;
(f) ita mbetshele malugana na pfunzo, vhugudisi na mvelaphandza kha vhulangi
va zwa ndaka na vhulangi va zwa ndaka vhane kha kha di guda;
(g) u ita mbetshele malugana na mutheo na u fha lajaisente vhulangi va zwa
ndaka;
(h) ita mbetshele ya mulayo u sa dzhihihia sizi zwi tshi da kha mahungu a u
vhambadza, u langa, u kolodisa masheleli, u hirisa, renndisa, thengiso na u
renge ndaka;
(i) u tujuwedza u dzinelelela hu pfadzaho kha avho vhe vhe kha vhulhulwala
zwiila kai na kha zwi kwamoho vhumbudzii vhutukusa, vhutuku na ha
vhukati kha zwa maraga wa ndaka;
(j) ita mbetshele malugana na kwiwisa zwi kha maraga wa zwa ndaka na u
thomiwa ha Tshikwama tsha Tshanduko ya Sekithara ya zwa Ndaka;
(k) ita mbetshele kha u kwiwisa maraga wa zwa ndaka u itela uri Vhathu vha
Afrika Tshipembe vha cone-vho u vha vhane vha ndaka musi hu n u
dzinelela na u itwa ha mbekeyamushumo dza vhane vhane vha vha
vharengi vha ndaka nga njilila ine ya swikelekele nahone kha maraga wa
sekondari; na
(k) provide for the transformation of the property market that facilitates property ownership to more South Africans through structured interventions and the creation of property consumer ownership programmes in the affordable and secondary market; and

(l) create a mechanism for responding and implementation of directives received from the Minister, from time to time.

Exemption from Act

4. (1) Any person (hereinafter referred to as the applicant) may, subject to the provisions of this section, be exempted from compliance with any specific provision of this Act.

(2) The applicant must, in the prescribed manner and form, submit the application for exemption to the Authority, accompanied by—

(a) an explanation of the reasons for the application; and

(b) any applicable supporting documents.

(3) The Authority may direct the applicant to—

(a) furnish additional information which may be relevant; and

(b) appear in person before the Authority to support his or her application and provide verbal responses to questions raised by the Authority.

(4) (a) Any person may raise an objection to the Authority as prescribed regarding the exemption which has been granted to a person or an entity in terms of this section.

(b) The Authority must consider the objection and determine whether such objection may be sustained.

(5) The Authority must consider and decide on the application, taking into account whether—

(a) the granting of the exemption is likely to impact negatively on the interests of the general public;

(b) the granting of the exemption is likely to impact negatively on competition in the property sector or the property practitioners’ industry;

(c) the granting of the exemption is likely to benefit one section of the property practitioners’ industry to the detriment of another;

(d) appropriate, sufficient and effective regulatory protection of consumers’ rights and interests exists; and

(e) the exemption would not defeat the objects of the Act.

(6) The Authority may—

(a) approve the application, together with a record of the matters contemplated in subsection (7): Provided that the exemption may not exceed three years and may not be applied retrospectively;

(b) decline the application; or

(c) refer the application back to the applicant for further investigation or consideration, as the case may be.

(7) If the Authority approves the application, the Authority must publish the decision on its website, which must include—

(a) the provision of the Act from which exemption is granted;

(b) the person to whom the exemption applies;

(c) the date from which and the date up to when the exemption applies;

(d) any conditions that apply to the exemption;

(e) the reasons for granting the exemption;

(f) a declaration that the granting of an exemption does not create any special rights or legitimate interests which may apply to the category of persons so exempted; and

(g) a declaration that any exemption granted may be amended or withdrawn subject to the provisions of this section.

(8) Any person who is adversely affected by the decision of the Authority may request the Authority to provide written reasons.

(9) (a) Any person may, at any time in writing, request the Minister to review any exemption granted in terms of this section.

(b) The Minister must instruct the person requesting the review to notify the Authority as well as any other person specified by the Minister, for the account of the person requesting that review, and to submit any comments received to the Minister.
Ita njila ya u fhindula na u shumisa zwo laelwaho nga Minista misi yo'thhe.

U vhofohololwa kha u tevhedza Mulayo

(1) Muthu munwe na munwe (afha a tshi khou vhizdza u pfu muhumbeli) a tshi khou tevhedza mbetsheko dza ino khethekanyo, a nga vhofohololwa uri a sa tevhedze yeneyo mbetsheko ya uno Mulayo.

(2) Muhumbeli a tshi khou tevhedza njila na fomo yo teaho u tea u isa khumbelo kha Maandalanga ya uri a tendelwe u sa vhohiwa nga Mulayo, nahone khumbelo i khelekedzwe nga —
   (a) thalutschedzo ya mbuno dza iyo khumbelo; na
   (b) ma'nwalwa ma'nwe na ma'nwe o teaho.

(3) Maandalanga a do vhudza muhumbeli uri a—
   (a) gekedzedi inwe njivhiso ine ya khou to'jeda; nahone
   (b) a djivhonadze phanda ha maandalanga u itela uri a tikedze khumbelo yawe na u fhindula mbudziso nga mulo molo dzine Maandalanga a do vhudzisa.

(4. (a) Muthu muhiwe na muhiwe a nga hamedzana na Maandalanga sa zwo zwa randelwa malugana na u vhofohololwa ho qeshzedzwo muthu kana tshimiswa u ya nga ino khethekanyo.
   (b) Maandalanga a tea u lavhelela khanedzo nahone Maandalanga a lavhesele uro nai iyo khanedzo i a khouhisedzwa naa.

(5) Maandalanga a tea u lavhelela nahone Maandalanga a dzhe tseho malugana na khumbelo, a tshi khou dhziela njha arali—
   (a) u tendela uho u sa tevhedza uno Mulayo zwi tshi do kwama tshitshavha tsho'jhe nga njila i si yavhu'jhi;
   (b) u tendela u sa tevhedza uno Mulayo zwi tshi do kwama mutjatisano nga njila i si yavhu'jhi kha sekitara ya zwa ndaka kana sekitara ya vhashumi uva zwa ndaka;
   (c) u tendela uho u sa tevhedza uno Mulayo zwi tshi do vhudza khethekanyo nthihi fhedzi kha ndjowetshumo ya zwa vhashumi uva zwa ndaka ngeno hu tshi khou huvhala vha'jhi;
   (d) hu na ndangulo ya tsireledzo ya pfanelo dza vharengi uva ndaka ya teaho, yo linganelaho nahone ine ya khou shumiswa; na
   (e) u tendela u sa tevhedza uno Mulayo zwi tshi do thithisa zwipikwa zwa Mulayo.

(6) Maandalanga a a nga—
   (a) tendela iyo khumbelo, khatthihi na rekho ya mafhungo o bulwaho kha khethekanyo tshukhu ya (7): Tenda u tendela ha sa pa'de mi'wana miraru nahone hu sa do shumiswa ho sedzwa zwa murahu;
   (b) hanela iyo khumbelo; kana
   (c) humisela murahu khumbelo kha muhumbelini u itela uri hu itwe tsedzuluso kana u lavhelela, u ya nga zwine nyimera ya vha zwone.

(7) Arali Maandalanga a tendela iyo khumbelo, Maandalanga a tea uri a andzadze iyo tsheo kha webusaithi ya one Maandalanga, nahone iyo nyanjadzo i tea u katela—
   (a) mbetsheko ya Mulayo ine ya khou ita uri hu vhe na u vhofoholola;
   (b) muthu ane a khou vhofohololwa;
   (c) datumu ya uri u vhofohololwa zwi thoma lini zwa guma lini;
   (d) nyimera dzimwe na dzimwe dzine dza khou shumiswa kha uho u vhofoholola;
   (e) mbuno dzine dza khou ita uri hu vhe na uho u vhofohololwa;
   (f) hu bulwe uri u vhofohololwa a hu iti uri hu vhe na pfanelo dza tshipentshela kana dzangalelo jo teaho lini ja nga shumiswa kha khethekanyo ya vhandu vhandu khou vhofohololwa; na
   (g) u bulwa uri u vhofohololwa ho tendelwaho hu nga khwinjifhazdza kana dza dzhiululwa hu tshi khou tevhedzwa mbetsheko ya ino khethekanyo.

(8) Muthu munwe na munwe ane a kwamea nga njila i si yavhu'jhi nga tsheo ya Maandalanga a nga humbela uri Maandalanga a mu fhe mbuno dzoi tou nialwaho.

(9. (a) Muthu munwe na munwe nga tshiifanga tshiwe nga tshiwe nga u tou ndwala a nga humbela Minista uri a t'ole mbofohololo inwe na inwe yo fhiiwaho u ya nga ino khethekanyo.
   (b) Minista u tea u laela muthu ane a khou humbela t'holo yu mbofohololo uri a djivhade Maandalanga na muthu o bulwaho nga Minista, u itela muthu ane a khou humbela t'holo, na u isa mahumbulwa o t'anganedzwha kha Minista.
(10) The Authority may on good grounds amend, suspend or withdraw an exemption.

(11) The Authority must publish the exemption on its website.

Establishment of Property Practitioners Regulatory Authority

5. (1) There is hereby established a juristic person to be known as the Property Practitioners Regulatory Authority.

(2) The Authority is a National Public Entity subject to the Public Finance Management Act, 1999 (Act No. 1 of 1999).

(3) The Authority is governed and acts through a Board known as the Board of the Authority.

(4) The Authority must provide regulatory mechanisms in respect of the financing, marketing, managing, letting, hiring, sale, property consumer education and purchase of property, and may do all that is necessary or expedient to achieve the objects of this Act.

(5) The Authority is accountable to the Minister.

Functions of Authority

6. The functions of the Authority are to—

(a) regulate the conduct of property practitioners in dealing with the consumers;

(b) regulate the conduct of property practitioners in so far as marketing, managing, financing, letting, renting, hiring, sale and purchase of property are concerned;

(c) regulate and ensure that there is compliance with the provisions of the Act;

(d) ensure that the consumers are protected from undesirable and sanctionable practices as set out in section 62 and section 63;

(e) regulate any other conduct which falls within the ambit of the Act in as far as property practitioners and consumers in this market are concerned;

(f) provide for the education, training and development of property practitioners and candidate property practitioners;

(g) educate and inform consumers about their rights as set out in section 69; and

(h) implement measures to ensure that the property sector is transformed as set out in Chapter 4.

CHAPTER 2

BOARD OF AUTHORITY

Composition and appointment of Board

7. (1) The Board consists of—

(a) not less than nine but not more than 12 non-executive members, including the Chairperson, appointed by the Minister; and

(b) the CEO, who serves on the Board by virtue of his or her office.

(2) The total number of the Board members contemplated in subsection (1)(a) must consist of—

(a) a combination of the following skills and competencies:

(i) Sufficient financial expertise;

(ii) relevant legal experience;

(iii) sufficient experience as property practitioners;

(iv) sufficient experience in rural and land reform;

(v) sufficient experience in the promotion and protection of the consumer interests; and
(10) Maandalanga arali hu na mbuno dzavhuçi, a nga khwiniisa, imisa kana u dzhiiulula uho u vhofholola.
(11) Maandalanga a tea u anďadza uho u vhofholola kha webusaiti ya one Maandalanga.

**U thomiwa ha Maandalanga a Ndangulo ya Vhashumi vha zwa Ndaka**

5. (1) Hu khou thomiwa tshiimiswa tshine tsha pfí Maandalanga a Ndangulo ya Vhashumi vha zwa Ndaka.
(3) Maandalanga a vhuswa na u shuma nga kha Bodo ine ya pfí Bodo ya Maandalanga.
(4) Maandalanga a tea u fha ndila dzamuguna na zwa u fha masheleni, u vhambadza, u renndisa, u hirisa, thengiso, u renga ndaka na pfunzo vharengi vha ndaka, na uri Maandalanga a nga ita zwo the zwi tevhedzwe zwi u tshikologi zwi. U thomiwa ha Maandalanga a Ndangulo ya Vhashumi vha zwa Ndaka 5.
(5) Maandalanga a vhiga ngei kha Ministhra.

**Mishumo ya Maandalanga**

6. Mishumo ya Maandalanga ndi u—
   (a) langula vhuçiifari ha vhushumi vha zwa ndaka musi vha tshi shumana na vharengi;
   (b) langula vhuçiifari ha vhushumi vha zwa ndaka zwi tshi kwama mbambadzo, u langa, u fha masheleni, u renndisa, u hirisa, thengiso na zwa u renga ndaka;
   (c) langula na u vhona uri mbetshelo dzapfí Mulayo dzikho tevhedzwe;
   (d) vhona uri vharengi vho tsireledze kha zwitó zwi sa țođei na maitele ane a ita uri u fha ndila dzapo u ya nga ha zwo sumbedzwaho kha khethekanyo ya 62 na khethekanyo ya 63;
   (e) langula vhuçiifari vhunwe na vhunwe vhune ha wela kha thikoupvha tsha Mulayo zwi tshi kwama vhushumi vha zwa ndaka na vharengi kha karaga;
   (f) getshedza pfunzo, vhugudisi na mvelaphandha zwa vhushumi vha zwa ndaka na vhushumi vha zwa ndaka vhane vha nga k didi guda;
   (g) funza na u țivhisa vharengi nga ha pfanelo dzavo dzikho re kha khethekanyo ya 69; na
   (h) shumisa maga u itela u vhona uri sekithara ya zwa ndaka i shanduke nahone i khwiniifiéhe sa zwo sumbedzwaho kha Ndimya ya 4.

**NDIMA YA 2**

**BODO YA MAANĐALANGA**

Mirađo yo vhumbaho Bodo na u tholwa ha iyi mirađo

7. (1) Bodo i na mirađo—
   (a) i si ho fhazi ha mirađo ya țahe fhedzi i sa pađi fumimbili ya mirađo i sa weli kha khoro-thshitumbe, hu tshi khou kateleku Mudzulatshidulo o tholwaho nga Ministhra; na
   (b) Muofisi-Mulangi ane a shuma kha Bodo nga nwambo wa uri ndi ene o faraho ofisi.
(2) Nomboro yôthe yo fholola ya mirađo ya Bodo yo bulwaho kha khethekanyo țhukhu ya (1)(a) i tea u vha na —
   (a) vhałułu vha re na vhukoni ho tànganelanaho kha zwi tevhelaho:
      (i) ndiţho vho linganaho kha zwa masheleni;
      (ii) thisenhemo yo teaho kha zwa mulayo;
      (iii) thisenhemo yo linganaho ya u shuma sa mushumi wa zwa ndeka;
      (iv) thisenhemo yo linganaho kha zwa mbuedzedzo ya mashangohaya na mavu;
      (v) thisenhemo yo linganaho malugana na nyalo unu tsireledzo ya madzangalelo a vharengi; na
(b) at least—

   (i) one member nominated by the Minister of Trade and Industry, in consultation with the Minister; and
   (ii) one member nominated by the Minister of Public Works, in consultation with the Minister.

(3) (a) The Minister must, prior to the appointment of members of the Board as contemplated in subsection (1)(a), or to filling a vacancy, issue an invitation in the Gazette and at least two newspapers circulating nationally in the Republic for the nomination of persons meeting the requirements to serve on the Board.

   (b) A member of the Board contemplated in subsection (1)(a) who is not a public servant or in the full-time employ of the State may be paid out of the funds of the Authority the remuneration and allowances that may be determined generally or in any particular case by the Minister in concurrence with the Minister of Finance.

(4) The Minister must ensure that—

   (a) the appointment of members of the Board is governed by the overriding principle of selection based on merit, determined by an assessment of—

      (i) the objects, functions and operations of the Authority;
      (ii) the competencies collectively required for serving on the Board, including the relevant skills, expertise and experience relating to governing an organ of state, having regard to subsection (2); and
      (iii) the qualifications, skills, expertise and experience of each individual prospective candidate;

   (b) the Board is broadly representative with regard to race, gender and disability; and

   (c) the majority of persons serving on the Board are not public servants contemplated in section 8 of the Public Service Act, 1994 (Proclamation No. 103 of 1994).

(5) When the Chairperson of the Board—

   (a) is absent from a meeting of the Board, the remaining members must nominate one of them to act as Chairperson for that meeting; or

   (b) vacates his or her office, the Minister must within three months appoint a Chairperson in accordance with subsection (3).

(6) A non-executive member of the Board holds office for a period of three years.

(7) A member of the Board who is upon completion of his or her three-year term of office eligible for reappointment, but—

   (a) no member may serve more than two consecutive terms of office; and

   (b) the Minister may not reappoint more than five members of the same Board.

Disqualification from membership of Board

8. The Minister may not appoint a person to the Board—

   (a) who is not a South African citizen or a permanent resident, and who is not ordinarily resident in the Republic;

   (b) who is a member of Parliament, a member of a provincial legislature, a member of Cabinet or a Deputy Minister, a Premier or other member of a provincial executive council, a member of the National House of Traditional Leaders or a Provincial House of Traditional Leaders, or a mayor or other member of a municipal council;

   (c) who or whose spouse, life partner, immediate family member, business partner or associate, holds an office in or is employed by or has any other interest whatsoever, whether direct or indirect, in any company or other entity which supplies goods or renders services to the Authority, unless such an interest is declared for purposes of considering that person’s nomination;
(b) miraöo i si ho fhasi ha—
   (i) muraöo muthihi o nangiwaho nga Minisöa wa zwa Makwevho na Ndjowetshumo; a tshi khou kwamana na Minisöa; na
   (ii) muraöo muthihi o nangiwaho nga Minisöa wa Tshumelo dza Tshitshavha, a tshi khou kwamana na Minisöa.

(3) (a) Minisöa phandöa ha musi hu tshi tholwa miraöo ya Bodo sa zwe zwa bulwa kha khethekanyo ũhukhu ya (1)(a), kana u vala tshikhala, ene Minisöa u ðo ita thambo kha Gazete na kha guranöa dizi si ho fhasi ha mbili dzalushaka kha Riphabulükii khethekanyo ya itela uri hu ngwe wathu vhanganevha fusha ðothêu dza dza uri vha shumelo Bodo.
   (b) Muraöo wa Bodo wo bulwaho kha khethekanyo ũhukhu ya (1)(a) ane a si mushumeli wa mvhuwaho kana a sa khou shumaho kha Mvhuwaho Iwa tshiifhinga tshi fhelelaho a nga badelela na magavhelo ane a nga tiwa nga u tou angaredza kana kyi neyeno hena ta Minisöa a tshi khou tendelana na Minisöa wa zwa Masheleleni.

(4) Minisöa u tea u vhona uri u—
   (a) tholwa ha miraöo ya Bodo zwi tshi khou hvuswa nga ndayo dza u ðanguludza zwo sendeka kha u tea ha mathu onoyo, zwo sendeka-vho kha ũathuvho ya—
      (i) zwiipikwa, mishumo na mashumele zwa Maandöalanga; na
      (ii) vhukoni hvhe ha ðoðea kha u shuma kha Bodo, hu tshi khou katelwa vhukoni, ndjhiho na tshenxhemo malugana na u langa tshiimiswa tsha mvhuwaho, ho lavheleswa khethekanyo ũhukhu ya (2); na
      (iii) ndalukana, vhukoni, na tshenxhemo zwa mathu munwe na muiwe ane a khou lavhelewla;
   (b) Nga vhuphara, Bodo yo ðanganyisa vathu yo sedza u imelwa ha murafho, mibe u vhuholefhali; na
   (c) vhuunzi ha vathu vha shumaho kha Bodo a si vhushumeli vha mvhuwaho sa zwo bulwaho kha khethekanyo ya 8 ya Mulayo wa Public Service Act, 1994 (Proclamation No. 103 of 1994).

(5) Musi Mudzulatshidulo wa Bodo a—
   (a) si ho muðanganonile iwa Bodo, muraöo i re hone i tea u nanga muraöo muthihi uri a vhe ene Mudzulatshidulo wa muðanganolo; kana
   (b) tshishela ofisi, Minisöa u tea u thola Mudzulatshidulo muswa hu saathu u fhela minwedzi miraru u ya nga khethekanyo ũhukhu ya (3).

(6) Muraöo wa Bodo ane a si muraöo wa khorotshitumbe u vha kha ofisi ya Bodo Iwa minwahana miraru.

(7) Muraöo wa Bodo musi o fhedza tshiifhinga tsha minwahana miraru ya u vha kha ofisi u a dovha a tholea, fhedzi—
   (a) a hu na muraöo ane a nga shuma Iwa zwiifhinga zwine zwa ðhira luhlevhi kha ofisi zwi tshi khou tou tevhekana; na
   (b) Minisöa a nga si dovhe a thola miraöo mithihi ine ya ðhira mJunane i tshi bva kha yeneleo Bodo yo fhelelwaho nga tshiifhinga.

U sa tsha fusha ðoðea dza u vha muraöo wa Bodo

8. Minisöa a nga si thole mathu kha Bodo—
   (a) ane a sa vhe Mudzulapalo wa Afrika Tshipembe kana mudzulapalo wa tshothöhe, nhone ane a sa vhe mudzulö fhelezdi kha Riphabulükii; na
   (b) ane a vhe muraöo wa Phalamennde, muraöo wa vhusimamilayo ha vundu, muraöo wa Khabinete kana Muthusa Minisöa, Muphrimia kana munwe muraöo wa khorotshitumbe ya vundu, muraöo wa Nndöu ya Lushaka ya Vhurangaphandöa ha Sialala kana Nndöu ya Vundu ya Vhurangaphandöa ha Sialala, kana meyara kana munwe muraöo wa khorö ya masipala; na
   (c) ane mufarisi kana ane mufarisi wawe, ðhama ya vhutshile hoðhe, muraöo wa tsinsa wa mutö, ðhama kana mushumisani kha zwa vhuhinduzi, o fara ofisi kha kana o tholwa nga kana u na dzangalelo kha, jo livhaho kana ði sorgo livhaho, kha khamphani inwe na iñwe kana tshiñwe tshimiswa tshine tsha rengisela thundu kana u fha tshumelo kha one Maandöalanga, nga nndöu ha musi ðlo dzangalelo jo bvukulwa u itela ndjivho dza uri u ðangwihana u uyo muthu hu lavheleswe;
(d) who is disqualified to act as a director of a company incorporated in terms of the Companies Act, 2008 (Act No. 71 of 2008);
(e) who has been found in any civil or criminal proceedings by a court of law, whether in the Republic or elsewhere, to have acted fraudulently, dishonestly, unprofessionally, dishonourably or in breach of a fiduciary duty, or of any other offence for which such person has been sentenced to direct imprisonment without the option of a fine, other than an offence committed prior to 27 April 1994 demonstrably associated with political objectives;
(f) whose name, or the name of a juristic person of whom the person was a director, member, trustee, partner, shareholder, holder of membership or other beneficial interest has been listed by the National Treasury on its Register for Tender Defaulters established by section 29 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004);
(g) who has been discharged from a position of trust;
(h) whose membership of a board or other accounting authority of a public entity as defined in section 1 of the Public Finance Management Act, 1999 (Act No. 1 of 1999), has been prematurely terminated due to a dishonourable discharge;
(i) who has at any time been found to be in contravention of this Act or the Estate Agency Affairs Act;
(j) who has unsound mind; or
(k) who is an unrehabilitated insolvent.

Powers and duties of Board

9. The functions of the Board are to—
   (a) ensure that the Authority complies with this Act and any other applicable law;
   (b) ensure that the Authority performs its duties efficiently and effectively;
   (c) provide corporate governance for the Authority;
   (d) determine and enforce the broad policy framework within which the Authority must pursue its objects and perform its functions;
   (e) ensure that the Authority exercises its powers in accordance with the principles of transparency and accountability;
   (f) manage the marketing, promotion, sale, lease, financing, purchasing, registration and transfer of property of the Authority;
   (g) advise the Minister on—
      (i) the efficacy of this Act;
      (ii) the state of transformation of the industry;
      (iii) prescribing of regulations;
      (iv) education and training of property practitioners; and
      (v) any other matter on which the Minister requires the advice of the Board;
   (h) maintain the Fund and hold it in trust; and
   (i) perform any other power or duty conferred on the Board by this Act or any other applicable law.

Good governance and code of ethics

10. (1) The Board must—
   (a) approve codes of ethics applicable to all members of the Board and employees of the Authority, respectively; and
   (b) from time to time, review those codes to ensure compliance with all current law, principles of good governance and ethical behaviour.
(2) Nothing in this section prevents the Board from voluntarily adopting any code, protocol or charter not in conflict with any policy, code, protocol, guideline or similar document contemplated in subsection (1) and applicable to its members.
(d) ane o bviswa uri a sa tsaha vha Mulanguli wa khamphani yo katelwaho hu tshi khou tevhedzwa Mulayo wa Companies Act, 2008 (Act No.71 of 2008);
(e) ane o wanwa mulandu kha zwi kwamaho mbilo kana vhugevhenga tsegoni nga khothe ya mulayo, hu nga vha hu kha ša Afrika Tshipembe kana mashangodjavha, uri muthu uyo o ita vhufhura, ha ngo fhulufhedzesa, nga ndlila i si ya phrofeshina, u sa fhulufhedzesa kana u vunja vhudifhinduleli hu u vha mulondoli wa mashelemi/thundu, kana vhutshini vhuiwi na vhuiwi he uyo muthu a vhu ita nahone a gwevhelwa tou dzula širimongoni hu si na u badela ndašiso, nga ndla ha vhutshini he ha itwa phandha ha dzi 21 Lambamai 1994 nahone vhu šumahano na zwa politiši;
(f) ane dzina jawe, kana dzina ša tshiimišwa he muthu uyo a vha e mulanguli, murašo, thirasiši, šama, muframukovhe, a sa vhurašo kana šinwe dzangalelo ši kha muthu uyo wo itwaho nga Gwama ša Lushaka kha Rezhisitšara ya u šwifthwadrwa ha dzina ša muqetshekedi wa tshumelo nga thendara yo thomivhala u ya nga khethekanyo ya 29, ya Mulayo wa Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004);
(g) ane o rułwa mushumo wa u vha thirasiši;
(h) ane vhurašo hawe ha u vha kha Bodo kana kha mainwe maqandila kana vhudifhinduleli kha tshiimišwa tsha tshitshaviša ha zwo šalushetshwaho kha khethekanyo ya 1 ya Mulayo wa Public Finance Management Act, 1999 (Act No. 1 of 1999), vhurašo uho ho feliswa tshifhinga tsha saathu u swika nga šwambo wa u sa fhulufhedzesa;
(i) ane nga tshifhinga tshišwe na tshišwe a wanwa mulandu wa u pfukekanya uno Mulayo kana Mulayo wa Estate Agency Affairs Act, 1976;
(j) ane a zwo ngo dzudzana maluvhini; kana
(k) ane o kundelwa u badela zikololo zwawe lwe a sa tsha vusulušeza.

Maanda na mishumo ya Bodo

9. Mishumo ya Bodo ndi u—
   (a) vhona uri Maandžalanga a khou tevhedza uno Mulayo na mišwe milayo yošthe yo teaho;
   (b) vhona uri Maandžalanga a khou shuma mishimo yao zwavhuši;
   (c) getshekeda vhuvhushi kha one Maandžalanga;
   (d) bhelaša na u tevhedzisa mutheo wa mbekanyamaitele ine Maandžalanga a tea u swifthwadza la zwinjisa za mišwe milayo yao;
   (e) vhona uri Maandžalanga a khou shumisa maanda nga ndlila i re kagala nahone nga ndlila ya vhudifhinduleli;
   (f) langa mbambadzo, u kungedzela, thengiso, thendelano ya u rennda, u lambenda mashelele, u renge, u šwalisa na u rathisa ndaka ya Maandžalanga;
   (g) eletshedza Miništa kha—
      (i) u shuma zwavhuši ha uno Mulayo;
      (ii) nyimele ya u khwinisa ndjowetshumo;
      (iii) u randela ndangulo;
      (iv) pfunu za nhugudisi kha avho vhashumi vha Maandžalanga; na
      (v) mafhungo mainwe na mainwe ane Miništa a Šoša ngeletshedza i bvaho kha Bodo;
   (h) tikedza Tshikvama na uri tshi vhe kha thirasiši; na
      (i) shuma mushumu mušwe na mušwe kana mushumo we wa hweswa Bodo u ya nga uno mulayo kana mišwe milayo yošthe yo teaho.

Kuvhusele kwavhuši na mulayo wa vhudifari

10. (1) Bodo i tea u—
   (a) tendela milayo ya vhudifari yo teaho kha mirašo yošthe ya Bodo na vhushumi vha Maandžalanga; na
   (b) Šola šyo milayo ya vhudifari misi yošthe u itela u vhona uri i khou anana na milayo yošthe, ndayo dza kuvhusele kwavhuši na mikhwa yavhuši.

   (2) Kha šo khethekanyo a hu na tshi thivhelaho Bodo kha u vha na mulayo mušwe na mušwe, kutiele kana tshata i sa hanezedzaniho na mbekanyamaitele, mulayo, kutiele, tsembandila kana šiwelwa sa zwo ambišwo kha khethekanyo Šukhu ya (1) nahone Šo fandelaho mirašo ya yone Bodo.
Conflict of interest of members of Board

11. (1) A member of the Board must, upon appointment, submit a declaration to the Minister, made under oath or by affirmation, to the effect that he or she is not disqualified from appointment as contemplated in section 8.

(2) A member of the Board or of a committee of the Board, as the case may be, must immediately when he or she becomes aware of any conflict of interest, in writing, inform the Chairperson of the Board or the chairperson of a Board committee, as the case may be, of such conflict, and the relevant chairperson must immediately excuse that member from participating and voting in any part of a meeting or proceedings where the matter that has caused such a conflict is considered.

(3) The Chairperson of the Board or of a committee of the Board must, immediately when he or she becomes aware of any conflict of interest, in writing, inform the Board or the Board committee of such conflict, and the Chairperson must recuse himself or herself from participating and voting in any part of a meeting or proceedings where the matter that has caused such a conflict is considered.

Termination of membership of Board

12. (1) The Minister may, after having afforded a member of the Board a reasonable opportunity to make submissions in writing, terminate that member’s membership of the Board if that member has—

(a) failed to immediately declare any conflict of interest as contemplated in section 11;

(b) repeatedly and knowingly disregarded or contravened any code of ethics contemplated in section 10 or any other applicable law; or

(c) failed to attend three consecutive meetings of the Board or a Board committee without the permission of the Chairperson or of the Board or the Chairperson of the relevant Board committee.

(2) The Minister must, when terminating the membership of a member of the Board, in writing, inform both the Board and that member of the reasons for that termination.

(3) If a member of the Board at any time during his or her term of office becomes disqualified to be a Board member on any of the grounds contemplated in section 8, that member—

(a) must immediately in writing inform the Minister and the Chairperson of the Board of that disqualification, and once the Minister has been so informed he or she must forthwith in writing remove that member from the Board; and

(b) may not attend a Board meeting or a Board committee meeting from the time he or she has so become disqualified until he or she is removed by the Minister.

(4) A member of the Board may resign by giving one month’s notice in writing to the Minister.

(5) The termination of membership of the Board or resignation from the Board does not in any way prevent or influence the institution or continuance of proceedings against the person whose membership of the Board was terminated or who resigned from the Board, as the case may be.

Meetings of Board

13. (1) The Board must meet at least once in every three months.

(2) The Chairperson or Board must forthwith call a special meeting of the Board, if requested in writing to do so by at least three members of the Board.

(3) A majority of members of the Board constitute a quorum for a meeting of the Board.

(4) The Chairperson has a casting vote only.
Mulayo wa Vhashumi vha zwa Ndaka, 2019

Khudâno ya madzangalelo kha mirâdo ya Bodo

11. (1) Muraâdo wa Bodo musi a tshi tou tholiwa u tea u bvu-kululela Minisâta, nahone izwo zwo itwa nga u tou ana kana u tou khwâjhiseda nga njîla ine zwa do ita uri zwa sa sie a sa tsha fusha thôdea dza u tholiwa sa zwe zwa bulwa kha khethekanyo ya 8.

(2) Muraâdo wa Bodo kana komiti ya Bodo, u ya nga hune nyimele ya vha zwone, nga u tâvñhanya musi a tshi to u divha uri hu na khudâno ya madzangalelo, nga u tou ñwâla u tea u vhudza Mudzulatshidulò wa komiti ya Bodo, u ya nga hune nyimele ya vha zwone, a mu vhudze nga ha iyo khudâno, na uri nga u tou tâvñhanya, mudzulatshidulò o teaho u tea u imisa uyo muraâdo kha u dzhenelela na u voutha kha mujângâno uffhío na uffhío kana zwiñwe na zwiñwe zwine zwa khou itwa zwa vhi tshi kwa swa zwenezwô zve zwa vhangâno uri hu vhe na khudâno ya madzangalelo.

(3) Mudzulatshidulò wa Bodo kana komiti ya Bodo nga u tâvñhanya zwenezwì a tshi tou thoma u divha nga ha khudâno ya madzangalelo nahone nga u tou ñwâla, u tea u divhâda Bodo kana komiti ya Bodo nga ha iyo khudâno, nahone Mudzulatshidulò u tea u divbisa kha u dzhenelela na u voutha kha mujângâno kana zwiñwe na zwiñwe zwine zwa khou itwa zwo vhangâno uri hu vhe na khudâno ya madzangalelo.

Ufhelisa vhuradô ha u vha muraâdo wa Bodo

12. (1) Nga murahu ha musi muraâdo wa Bodo o fhiwa tshikhala tsha u ñetshedza jikumedzwa nga u tou ñwâla, Minisâta a nga fhelisa vhuradô ha uyo muraâdo wa u vha kha Bodo arali uyo muraâdo wa Bodo o—

(a) kundelwa u dîbukulula nga u tâvñhanya malugana na khudâno ya madzangalelo sa zwo bulwaho kha khethekanyo ya 11;

(b) pfuka kana a songo thônifha milayo ya vhudiñfari lunzhi nga khole sa zwe zwa bulwa kha khethekanyo ya 10 kana kha mulayo munwe na munwe wo tehô; kana

(c) kundelwa u vha hone kha miñjângano miraru i tshi tou tevhekana ya Bodo kana komiti ya Bodo ngengo a songo fhiwa thendelo nga Mudzulatshidulò kana Bodo kana Mudzulatshidulò wa komiti ya Bodo yo tehô.

(2) Musi Minisâta a tshi fhelisa vhuradô ha muraâdo ha u vha kha Bodo, nga u tou ñwâla ene Minisâta u tea u divhisa Bodo na muraâdo uyo nga ha mbuno dza uri ndi ngani a tshi khou fhelisa vhuradô ha muraâdo wa Bodo.

(3) Arali muradô wa Bodo nga tshifhinga tshiñwe na tshiñwe musi a tshi khou shuma kha ofisi a mbo sa tsha fusha thôdea dza u vha muraâdo wa Bodo zwo vhangâno nga mbuno dzo bulwaho kha khethekanyo ya 8, uyo muraâdo—

(a) nga u tâvñhanya nahone nga u tou ñwâla u tea u divhisa Minisâta na Mudzulatshidulò wa Bodo nga uho u sa tsha fusha thôdea hawe, na uri zwenezwì musi Minisâta o divhiswa nga ha izwi, nga u tou ñwâla, ene Minisâta u tea u namba a divisa uyo muraâdo wa Bodo; nahone

(b) a nga si tsha dzhenêla mujângâno wa Bodo kana mujângâno wa komiti ya Bodo misi yoñthe musi o vha ane a sa tsha fusha thôdea u swika a tshi bviswa nga Minisâta.

(4) Muraâdo wa Bodo a nga dûrula musumho nga u tou fha ñdivhâdo ya ñwediñ mutíhi o tou zwi ñwalela Minisâta.

(5) U fhelisa vhuradô kha Bodo kana u rula musumho a zwi thîhêli kana a zwi ñtûwêdeni thîshîmiswa kana u ya phandê na u sengisa muthu ane vhuradô hawe kha Bodo ho fhelisa kana u rula musumho wa Bodo, u ya nga nyimele.

Miñjângano ya Bodo

13. (1) Bodo i tea u ñângana lu si ho fhasi ha luthíhi kha miñwedzi miraru miñwe na miñwe.

(2) Mudzulatshidulò u kana Bodo i tea u ramba mujângâno wa thîpêntsìela wa Bodo, arali zwo hubelwêla nga u tou ñwâla uri zwi ñpi ñfalo nga muraâdo i si ho fhasi ha miraru yo salaho ya Bodo.

(3) Vhunzhì ha muraâdo ya Bodo ndi yone ine ya vhumba khoramu ya mujângâno wa Bodo.

(4) Arali u voutha ha wa thîi, Mudzulatshidulò voutha yaye u ifha thîshigwâda thîshine a funa uri hu kone u dzhiñwe tshêo.
(5) Any minutes of a meeting, or a decision, signed by the Chairperson of the meeting, or by the chairperson of the next meeting of the Board, as the case may be, is evidence of the proceedings of that meeting or adoption of that decision, as the case may be.

(6) A meeting of the Board may be conducted by electronic communication and individual Board members may participate in a meeting by electronic communication, if the Board so approves, but the electronic communication facility employed must enable all persons participating in that meeting to communicate concurrently with each other without an intermediary and to participate effectively in the meeting.

(7) The Board must, in addition to this section, adopt a charter setting out its rules of operation in line with applicable good corporate governance codes.

(8) The Board determines its own procedures at meetings of the Board.

Committees of Board

14. (1) The Board may appoint committees to assist it in efficiently and effectively performing its functions and exercising its powers.

(2) The Chairperson of the Board may not serve on any of the Board’s committees.

(3) The Board must determine the experience and qualifications of the members of the committees as well as the composition, period of service, rules and procedures of those committees.

(4) The Board remains responsible and accountable for anything done by its committees.

Dissolution of Board

15. (1) Subject to the provisions of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), the Minister may dissolve the Board if—

(a) the Board collectively disregards or contravenes any document contemplated in section 10 or any applicable law; or

(b) the Auditor-General has for two successive years qualified his or her audit report or noted matters of emphasis or has declined to express an opinion on the accounts, financial statements and financial management of the Authority.

(2) Upon dissolution of the Board, the Minister must appoint an administrator to take over the functions of the Board and to do anything which the Board might otherwise be empowered or required to do by or under this Act, subject to such conditions as the Minister may determine.

(3) The appointment contemplated in subsection (2) may not exceed a period of 12 months.

CHAPTER 3

APPOINTMENT OF CEO AND STAFF OF AUTHORITY

Appointment of CEO

16. (1) The Board must, with the approval of the Minister, appoint a suitably qualified and experienced person as CEO for a period not exceeding five years.

(2) The CEO is accountable to the Board and is responsible and accountable for the day-to-day management and operations of the Authority.

(3) The Board must, prior to the appointment of the CEO, satisfy itself that the person whom it intends to appoint has a suitable combination of qualifications, skills and experience to lead and manage the Authority.

(4) The appointment of the CEO is subject to the conclusion of a written performance contract entered into between the CEO and the Board within three months of the appointment of the CEO.

(5) The CEO and any company in which he or she is a director may not trade with the Authority within 12 months after the termination of his or her employment by or resignation from the Authority.

(6) A CEO may be re-appointed after the expiration of his or her term of office for one additional term of five years.
(5) Maambiwa maîwe na maîwe a mutângano, kana tsheo, zwo sainwaho nga Mudzulatshidulo wa mutângano, kana nga mudzulatshidulo wa mutângano u tevelâhô wa Bodo, u ya nga nyimele, ndi hone vhutânzâ he zwe zwa itwa kha uyo mutângano kana tsheo ye ya tendelanwa, zwi tshi ya nga nyimele.

(6) Mutângano wa Bodo u nga farwa hu tshi khou shumiswa vhudavhidzani ha ilekhihiromini ha uri muthu ane a vha muraqo wa Bodo a nga dzenhela mutângano wa Bodo a khou shumisa vhudavhidzani ha ilekhihiromini, arali zwo tendiwa nga Bodo, fhedzi vhudavhidzani ha ilekhihiromini vhune ha khou shumiswa vhu teu u ita uri vhuâtho vhoâtho vha kone u dzenhela mutângano nga khatihi hu si na muiwâ ve vhukati nhone u dzenhela uho hu konadzee zwavhvâtho.

(7) Nga nthâ ha ino khethekanyo, Bodo i teu u vha na tsâthâ ine ya khou sumbedza ndayo dza kushumele dzine dza elana na milayo ya machvusâle avhuâthi.

(8) Bodo ndi yone ine ya ta maitele ayo a mitângano ya Bodo.

Komiti dza Bodo

14. (1) Bodo i nga thola dzikomiti u itela u thusa kha mashumele avhuâthi a mishumo na u shumisa maanânda.

(2) Mudzulatshidulo wa Bodo a nga shuma kha komiti înwê na înwê ya Bodo.

(3) Bodo i teu u ta tsânzhemo na ndalukano dza mirâdo ya dzikomiti khathihi na machevumele adzo, vhulapfu ha tshifhinga tsha u shuma kha dzikomiti, ndayo na maitele a idzo komiti.

(4) Bodo ndi yone ine i re na vhuhushiindulëli ha tshiâniwe na tshiâniwe tsine itwa nga komiti.

Ufhaladza Bodo

15. (1) Hu tshi khou tevhedzwa mbetshelo dza Mulayo wa Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), Minisâsta a nga fhaladza Bodo—

(a) arali Bodo yoâtho nga guâtse i songo tevhekana a musi yo pfuka âthodânea nhone a re na tshenzhemo ane a dho shuma sa Muofisi Mulangi lwa Minisâsta a ya 10 kana mulayo muâniwe na muâniwe wo fanelaho; kana

(b) Mujoli-Muangaredzi lwa miwâwa miwihilo i tshi tou tevhekana a vha a khou bvisa muvîrho wa urî zwa maseheleni a zwi tshimbili zwavhvâtho nhone hu na zwine zwa khou ombedzelwa kana o hana u amba mubhumulo malugana na dzïkhauntho, zwïtâqamenne nde kulaugene kwa maseheleni a Maandânga.

(2) Musi hu tshi tou fhaladzwa Bodo, Minisâsta u teu u thola mulangi ane a dho shuma mishumo ya Bodo na u ita tshiâniwe na tshiâniwe, a tshi khou tevhedza idzo nyimele dzine Minisâsta a ta.

(3) U tholiwa ho bulwaho kha khethekanyo ãthukhu ya (2), a hu paçi niwwedzi ya 12.

UITHOLWA HA MUOFISI MULANGI NA VHASHUMI VHA MAANQALANGA

U tholwa ha Muofisi Mulangi

16. (1) Bodo musi Minisâsta o zwi tendela, i teu u thola muthu o teâho ane a fusha ãthodêa nhone a re na tsânzhemo ane a dho shuma sa Muofisi Mulangi lwa miwâwa i sa paçi miânu.

(2) Muofisi Mulangi u vhiga kha Bodo nhone u na vhuhushiindulëli kha mushumo wa vhulangi dâvha na dâvha na machevumele a Maanqalanga.

(3) Bodo musi hu saathu u tholwa Muofisi Mulangi i teu u thoma ya fushea uri muthu ane ya khou ãtoâ u thola u na ndalukano, vhukoni na tsânzhemo zwa vhurangaphanqanda na u langa Maanqalanga.

(4) U tholwa ha Muofisi Mulangi hu tevhedza u khunyaaledzwa ha konjirakâ ya tou ãnwalwaho ya machevumele vhukati ha Bodo na Muofisi Mulangi hu saathu u fhele miwwedzi mirari musi ho tholwa Muofisi Mulangi.

(5) Muofisi Mulangi na khamphani înwê na înwê ine a vha mulangi wayo a i tei u ita zwâ makwevho na Maanqalanga hu saathu u fhele miwwedzi ya 12 nga murahu a musi ho fhele mushumo wa Muofisi Mulangi nga, kana nga u tou rula mushumo.

(6) Muofisi Mulangi a nga tholwa hafhu nga murahu ha u fhele ha tshifhinga tshaâwe tsha u shuma kha ofisi nañhonâ a nga tholwa hafhu lwa miwwe miwâwa miânu.
(7) The CEO may resign by giving three months’ notice in writing to the Board, unless the parties agree on a shorter period.

(8) Upon resignation or removal of the CEO, the Board must immediately appoint a new CEO or another suitable person as acting CEO on the terms and conditions determined by the Board, until a new CEO is appointed.

(9) If the Board has not appointed a new CEO within six months after the position of the CEO became vacant, the Board must within 14 days after the expiry of that six-month period report to the Minister the reasons why it has not done so.

(10) The termination of the CEO’s employment contract or the CEO’s resignation does not in any way prevent or influence the institution or continuance of legal or disciplinary proceedings against him or her.

Staff of Authority

17. (1) The CEO must appoint suitably qualified persons to assist the CEO to efficiently and effectively perform his or her functions under this Act, in accordance with an employment policy approved by the Board.

(2) The CEO must ensure that all employees of the Authority are adequately qualified and trained for their respective positions.

(3) The code of ethics for employees of the Authority contemplated in section 10(1) applies to all employees of the Authority to the extent indicated in the code.

Conflict of interest of employees

18. (1) An employee of the Authority must, on appointment, submit to the CEO a statement in writing in which that person declares whether or not he or she has any direct or indirect interest, financially or otherwise, which—

(a) may constitute a conflict of interest in respect of his or her functions as a member of staff of the Authority; or

(b) could reasonably be expected to compromise the Authority in the performance of its functions.

(2) If an employee of the Authority acquires an interest contemplated in subsection (1), he or she must immediately in writing declare that fact to the CEO.

(3) An employee of the Authority may not be present at, or take part in, the discussion of or the taking of a decision on any matter before the Authority in which that member has an interest contemplated in subsection (1).

(4) An employee of the Authority may not use his or her position or privileges, or confidential information obtained as a member of staff of the Authority, for personal gain or to improperly benefit another person.

(5) The Authority must institute disciplinary proceedings against any employee of the Authority who fails or refuses to comply with or contravenes subsection (1), (2), (3) or (4) in accordance with applicable employment and labour law.

(6) The Authority must keep a register of the interests of members of staff disclosed in terms of subsections (1) and (2), and must update that register every three months.

Delegation

19. (1) The CEO may, in writing, delegate any of his or her functions or powers to any of the staff members of the Authority subject to any qualifications he or she may determine.

(2) The delegation of any function or power under subsection (1) does not preclude the CEO from exercising such function or power.
(7) Muofisi Mulangi a nga rula mushumo nga u tou ita njivhazdo ya miñwedzi miraru nahone o tou ſwalela Bodo, nga ndja ha musi Bodo na Muofisi Mulangi vho tendelana kha tshifhinga tsipipufhi.

(8) Musi Muofisi Mulangi o rula mushumo kana o pandelwa, Bodo i tea u thola Muofisi Mulangi muswa nga u ſavhanya kana muwiwe muthu o teaho ane a do tou farela Muofisi Mulangi lu tshi khou tevhedzwa milayo yo tiwaho nga Bodo u swika lu tshi tholwa Muofisi Mulangi muswa.

(9) Arali Bodo i songo thola Muofisi Mulangi muswa kha miñwedzi ya rathi nga murahu ha musi poso ya Muofisi Mulangi yo vha na tsikhala, Bodo musi bu saathu u faction ha tshelinyo a 14 nga murahu ha u fela ha iyo miñwedzi ya rathi i tea u vhigela Minista mbuno dza uri ndi ngani hu songo tholwa Muofisi Mulangi muswa.

(10) U fheliswa ha konjiraka ya u tholwa ha Muofisi Mulangi kana u rula mushumo nga Muofisi Mulangi a zwi thhivel kana a zwi ſtţuwedzidza u tevhelwa ha mulayo malugana na uyo Muofisi Mulangi a sa tsha shumaho kha Maanďalanga.

Vhashumi vha maanďalanga

17. (1) Muofisi Mulangi u tea u thola vha nthathu vho teaho uri vha thuse Muofisi Mulangi u itela uri ene Muofisi Mulangi a kone u shuma zvawuhihi mishumo yaye nga hũsi ha uno Mulayo, lu tshi khou tevhedzwa mbeke kana ya zwa mishumo na mathelele yo ḕanganedzwaho nga Bodo.

(2) Muofisi Mulangi u tea u vhona uri vhashumi vhótho vha Maanďalanga vha khou fusha Ḧohe na nhaone vho gudiswa ho sezdwa idzo poso dzavho.

(3) Mulayo wo vhudi yapira wa vhashumi vha tshimiswa tsha Maanďalanga wo ambiwoha kha khethekanyo ya 10(1) u katele vhashumi vhótho vha tshimiswa tsha Maanďalanga u ya nga hênhêhô he zwa sumbedziswa zwone kha mulayo wo vhudi yapira.

Khudano dzadzangalelo ya vhashumi

18. (1) Mushumi wa tshimiswa tsha Maanďalanga musi a tshi tou tholwa u tea u isa tshiţaţamende hâ Muofisi Mulangi tsho tou ſwala tshine khatho mishumo u tea u bula madzangalelo o livhaho kana a zwa lvhaho, a zwa mashelel ene arali e hone kana nga išwe ndilã, ane—

(a) a nga ita ſwela u vhe u na khudano ya madzangalelo malugana na mishumo yaye sa zwi e mishumo wa tshimiswa tsha Maanďalanga; kana

(b) a khou lafyelwelwa uri u nga kwama nga ndilã i sii yavhuhi tshimiswa tsha Maanďalanga kha u shuma mishumo.

(2) Arali mushumi wa tshimiswa tsha Maanďalanga a mbo vha na khudano ya madzangalelo sa zwo ambwaho kha khethekanyo ſhukuhi ya (1), u tea u ſwalela Muofisi Munangi nga u tou ſavhanya u itela u bula ijo dzangalelo.

(3) Mushumi wa tshimiswa tsha Maanďalanga a nga si kone u vha hono kana a nga si kone u dzhenelêla kha zwa u rera madzhielo a teheo kha fhungo ſiınıwe na ſiınıwe ja tshimiswa tsha Maanďalanga hune uyo mishumo a vha na khudano ya dzangalelo kha zwenewo zwine zwa khoerwerwa sa zwe zwa ambwaho kha khethekanyo ſhukuhi ya (1).

(4) Mushumi wa tshimiswa tsha Maanďalanga a nga si shumise fhukwehe kana zwo khethekaho/privileged, kana mafhungo a tshidzumbwe a a a wana sa mishumi wa tshimiswa tsha Maanďalanga, a vho zwi itela u vhuelwe ene mupe kana a ita uri munwe muthu a vhuelwe nga ndilã i sengo teaho.

(5) Maanďalanga a tea u ita ſwela u vhe u na maga a usenga uri u kaidzwwe mishumo wa tshimiswa tsha Maanďalanga a kundelwaho kana a hanaho u anana na kana a pfukaho khethekanyo ſhukuhi dza (1), (2), (3) kana (4) u ya nga mulayo wa zwa mishumo wo teaho.

(6) Tshimiswa tsha Maanďalanga tshi tea u ſwalela madzangalelo a vhashumi u bulwaho u ya nga khethekanyo dzwe (1), nahone redzhisitara i tea u dzula i sengo salela murahu kha miñwedzi miraru miwene na miwene.

Vhumulwelwa

19. (1) Nga u tou ſwala, Muofisi Mulangi, a nga hwesa mishumo yaye na maanđa aye mishumi munwe na munwe wa tshimiswa tsha Maanďalanga hu tshi khou tevhedzwa ndalukano dzine ene mupe Muofisi Mulangi a tou dzwe

(2) U hwsesa ha mishumo na maanđa nga hũsi ha khethekanyo ſhukuhi ya (1), a zwi thhivel kana Muofisi Mulangi u shuma iyo mishumo na u shumisa maanđa.
(3) The CEO remains responsible and accountable for all acts and omissions in terms of or under such a delegation.

(4) The CEO may in writing revoke any delegation under subsection (1).

(5) The CEO must maintain a register of all delegations under subsection (1).

CHAPTER 4

TRANSFORMATION OF PROPERTY SECTOR

Property sector transformation

20. (1) The Property Sector Transformation Charter Code as amended from time to time applies to all property practitioners.

(2) When procuring property related goods and services, all organs of state must utilise the services of property practitioners who comply with the broad-based black economic empowerment and employment equity legislation and policies.

(3) The Authority must from time to time—
   (a) implement and assess measures to progressively promote an inclusive and integrated property sector;
   (b) implement appropriate measures and assess the state of transformation within the property sector;
   (c) create such mechanisms for the continuous monitoring and evaluation of the sector performance on the transformation imperatives and granting of incentives as may be prescribed; and
   (d) introduce measures to be implemented, which may include incubation and capacity building programmes to redress the imbalances of the past.

Property Sector Transformation Fund

21. (1) The Authority must, within six months of its establishment, open a Property Sector Transformation Fund into which grants contemplated in section 38 are paid.

(2) The Minister may prescribe measures to promote economic transformation by facilitating the accessibility of finance for property ownership, property development and investment in order to enable meaningful participation of historically disadvantaged individuals including women, youth and people with disabilities.

(3) The Authority must utilise the Property Sector Transformation Fund in such a manner as may be prescribed, which may include the following transformation and empowerment programmes:
   (a) Principalisation Programme, to promote Black owned firms and principals.
   (b) Regularisation Programme, to promote and encourage participation of the historically disadvantaged due to non-compliance.
   (c) Consumer Awareness Programme, to promote awareness of property transactions and business undertaking.
   (d) Work Readiness Programme, to promote and enhance participation of the historically disadvantaged in the property sector.

(4) The Authority must in consultation with the services SETA develop special dispensation for the training and development of the historically disadvantaged which must include recognition of prior learning.
(3) Muofisi Mulangi ndi ene ane a dzula a na vhudzifhindulele kha zwoţhe zwo itwaho na zwi songo itwaho nga uvho vhurumelwa.

(4) Muofisi Mulangi nga u tou ñwala u tea u dzhiulula maandja kha vhurumelwa u ya nga khethekanyo ũthukhu ya (1).

(5) Muofisi Mulangi u tea u vhulunga redzhisita ya vhurumelwa nga fhasi ha khethekanyo ũthukhu ya (1).

NDIMA YA 4

TSHANDUKO YA SEKITHARA YA ZWA NDAKA

Tshanduko ya sekithara ya zwa ndaka

20. (1) Mulayo wa Tshata ya Tshanduko ya Sekithara ya zwa Ndaka une wa khwiniswa misi yoţhe u khou kwama kana u katela vhashumi vhoţhe vha zwa ndaka.

(2) Musi hu tshi khou itwa zwa u renga tshumelo na thundu zwi tshi khoy kwama ndaka, zwimiswa zwoţe zwa muvhuso zwi tea u shumisa tshumelo ya vhashumi vha zwi ndaka vhane vha anana na broad-based black economic empowerment na mbeikanayamaitele na mulayosiwina wa zwi ualingana mushumoni.

(3) Misi yoţhe maandjalanga a tea u—
(a) shumisa na u lavhelesa maga u itela u ũtuwuzedza uri hu vhe na sekithara ya zwi ndaka yo ĩangANELana ho nahone ine ya katela muniwe na muniwe;
(b) shumisa maga o teaho na u lavhelesa nyimele ya tshanduko kha sekithara ya zwi ndaka;
(c) ita ndjila dzenedzo dzine dza ita uri hu vhe na u dzulela u lavhelesa na u ṣhaţhuvhiwa ha kushumele kwa sekithara kha zwa tshanduko ine ya tou kombetsheda na u fha malambo u ya nga zwine zwi nga vho zwi randelwa; na
(d) thoma maga ane ane a tea u tevhedzwa, ane ane nga katela u gudisa na mbeikanayamusho dza u alusa vhukoni izwi zwi tshi khou itela u lulamisa zwi kwamaho u sa lingana ha vhathu zwilja kale.

Tshikwama tsha Tshanduko ya Sekithara ya zwa Ndaka

21. (1) Maandjalanga hu saathu u fhela miwzedzi ya rathi o sikiwa, a tea u vula Tshikwama tsha Tshanduko ya Sekithara ya zwa Ndaka tshine khatsho magavhelo o bulwaho a ĩo kona u badelwa.

(2) Minisâta a nga randela maga a u alusa tshanduko ya ikonomi nga u leludza u swikelelwana ha mashelelano ane ane konisa vhathu u renga ndaka, u bindulisa na u bvelledzi ndaka u itela vhe vha vha vho khethululwa zwilja kale na vhine vha vho khowne vho khowne vha vho khowne zwi kwamaho u sa lingana ha vhathu zwilja kale.

(3) Maandjalanga a tea u shumisa Tshikwama tsha Tshanduko ya Sekithara ya zwi ndaka nga ndjila yo randelwaho, zwine izwi zwi nga katela mbeikanayamusho dza u maandjahadza na tshanduko dzii tevhelaho:
(a) Mbeikanayamushumo dzine dza alusa vhurangaphandza ha vharema na feme dzine vhane vhandzo ndi vharema.
(b) Mbeikanayamushumo dzine dza ndangulo, u itela u alusa na u ũtuwuzedza u dzhenelana ha avho vhe vha vho khethululwa zwilja kale, zwi itiswa nga u sa tevhedzwa milayo na mbeikanayamaitele.
(c) Mbeikanayamushumo dzine dza ita uri xhařengi vhe vha vho nqivho, izwi zwi tshi khou itela u uri vha xqive nga ha ńhirantskešišeni dzina ndaka na thendelana kha zwi kwamaho bindu.
(d) Mbeikanayamushumo dzine dza ita uri xmatho a kone mッシュumono, u itela u ũtuwuzedza u khwařhisana u dzhenelana ha avho vhe vha vha vho khethululwa zwilja kâli kha sekithara ya zwi ndaka.

(4) Maandjalanga a tea uri a tshi khou kwamana na tshumelo dza vha Maandjalanga a Sekithara ya Vhugudisi na Pfunjzo (SETA) a bvelledzi sisîteme ya tshiphentselela ya u itela vhugudisi na u bvelledziwa vhathu vhe vha vha vho khethululwa zwilja kale ine iyi sisîteme ya tshiphentselela i tea u dzhielana ndi nqivho ye vhathu vha kona u i wana hu si nga u tou gudela tshikoloni.
Property Sector Research Centre

22. (1) The Property Sector Research Centre is hereby established.
(2) The Property Sector Research Centre must conduct market research in partnership with the National Research Foundation and institutions of higher learning.
(3) The Property Sector Research Centre must—
   (a) be aimed at increasing the national scientific research and innovation capability through the development of human capacity and stimulating the generation of new knowledge in the property sector;
   (b) be the central repository of expert knowledge on pre-determined areas of the transformation of the property sector in South Africa; and
   (c) support the realisation of South Africa’s transformation into knowledge-based economy in which the generation of knowledge translates into socio-economic benefits.
(4) The property sector research agenda must prioritise the following:
   (a) Identification of barriers to entry and meaningful participation in the property sector by historically disadvantaged individuals;
   (b) Demographic distribution of skills that determine resilience in the property sector;
   (c) An inclusive, accessible and transformatory curriculum development and enhancement in the technical and vocational education and training and higher education sectors in South Africa;
   (d) Systematic patterns of discriminatory behaviour in the property development and management value-chain;
   (e) Efficacy of compliance, monitoring and enforcement mechanisms to advance the transformation of the property sector;
   (f) The rural-urban dynamic in property sector growth and transformation; and
   (g) The contribution of the property sector in urban spatial transformation and economy.
(5) The Property Sector Research Centre must annually promote consumer awareness and education, which must include:
   (a) The education of consumers on their rights and responsibilities in respect of property ownership and development;
   (b) All the empowerment programmes of the Authority; and
   (c) Consumer protection and lodging of claims

Exemptions in respect of accounting records and trust accounts

23. (1) A property practitioner whose turnover is below R2,5 million must cause his, her or its accounting records to be subjected to an independent review by a registered accountant subject to the provisions of section 54(1) to (7), applied with the necessary changes.
(2) The Minister may by notice in the Gazette—
   (a) determine the circumstances under which certain property practitioners may be exempted from keeping trust accounts; and
   (b) determine a different dispensation for the review of accounting records for those property practitioners.

CHAPTER 5

COMPLIANCE AND ENFORCEMENT

Appointment of inspectors

24. (1) The CEO—
   (a) must appoint any suitably qualified person as an inspector; and
Senthara ya ṭhojišiso ya Sekithara ya zwa Ndaka

22. (1) Afha hu khou thomiwa Senthara ya ṭhojišiso ya Sekithara ya zwa Ndaka. 
(2) Senthara ya ṭhojišiso ya Sekithara ya zwa Ndaka i tea u—
   (a) engedza ṭhojišiso ya lushaka ya sainthifiki na vhukoni ha u thoma zwithu zwiswa na kha mveledziso ya vhukoni ha vhathu na u ṭuṱuvedza u sikwa ha ndįivho ntswa kha sekithara ya zwa ndaka;
   (b) tea u vha yone ʉlu ʉhulwane ja ndįivho ya vhadjivi malugana na masia a dzululo o ʋiwa u itela u shanduko kha sekithara ya zwa ndaka nga shango ja Afrika Tshipembe; na
   (c) tikedza uri shanduko Afrika Tshipembe i vhonale i ya vhukuma kha ikononi yo sendekeho kha ndįivho ine u sikwa a ha ndįivho zwa vha zwi tshi khou ambu mbuelo kha zwa ikononi omathlishi;
(3) Senthara ya ṭhojišiso ya Sekithara ya zwa Ndaka i tea u—
   (a) engedza ṭhojišiso ya lushaka ya sainthifiki na vhukoni ha u thoma zwithu zwiswa na kha mveledziso ya vhukoni ha vhathu na u ṭuṱuvedza u sikwa ha ndįivho ntswa kha sekithara ya zwa ndaka;
   (b) tea u vha yone ʉlu ʉhulwane ja ndįivho ya vhadjivi malugana na masia a dzululo o ʋiwa u itela u shanduko kha sekithara ya zwa ndaka nga shango ja Afrika Tshipembe; na
   (c) tikedza uri shanduko Afrika Tshipembe i vhonale i ya vhukuma kha ikononi yo sendekeho kha ndįivho ine u sikwa a ha ndįivho zwa vha zwi tshi khou ambu mbuelo kha zwa ikononi omathlishi.
(4) Adzhenda ya ṭhojišiso ya sekithara ya zwa ndaka i tea u dzhivelesa nʈha zwi tevhelaho:
   (a) U kona u ɗivha zwi thivhelaho u dzhenza na u dzhenela lwo fhelelaho kha sekithara ya zwa ndaka nga avho vhe vha vha vho khethululwa zвиla kale;
   (b) Phaŋadazono ya ndįivho na vhukoni kha mirafho u itela u lavhelesa kʰwiŋiŋhɔdɔo kha sekithara ya zwa ndaka;
   (c) U kona u katela vhathu vhʊ́ŋe, u swikelela ha vhʊ́ŋe na u khwathisa na mveledziso ya kʰarikhuλuŋum o shandukahɔ kha sekithara dza vhugudisi na pfuŋzo ya nʈha na pfuŋzo ya mишiumo ya zwa ndaka nga sendekaho kha ndįivho ine u sikwa a ha ndįivho zwa vha zwi tshi khou ambu mbuelo kha zwa ikononi omathlishi ja Afrika Tshipembe;
   (d) Sisiŋeme ya zwiitso zwa mikhwa ya štishaluŋu kha mveledziso ya ndaka na ndaulo ya zwi kwamaho mveledziso ya ndaka;
   (e) Kushumele kwa ndįiŋa dza anana, u lavhelesa na u tevhedzisa milayo na mbekanyamaitele u itela u kʰwiŋiŋiša tshanduko kha sekithara ya zwa ndaka;
   (f) u shanduka-shanduka kha zwi kwamaho mashangohaya u ya kha vhupo ha dzidoro hoboni kha nyaluuo na tshanduko ya sekithara ya zwa ndaka; na
   (g) u shela mulenzhe na sekithara ya zwa ndaka kha ikononi na tshanduko ya vhupho ha dzidoro hoboni;
(5) Senthara ya ṭhojišiso ya Sekithara ya zwa Ndaka nga n|wxawa muĩwe na muĩwe i tea u ṭuṱuvedza zwi kwamaho pfuŋzo na ndįivho ya vharenge, zwine zwa katela:
   (a) Pfuŋzo ya vharenge ine ya kwama pfanelo dzavho na vhadjifhunduleli havho malugana na u vha muge wa ndaka na u bveledzisa ndaka;
   (b) Mbekanyamushumo dzọtʃe dza u maandalanga dzana Maandalanga; na
   (c) Tsireledzo ya vharenge na u vhiga zwi kwamaho mbilo.
U vhofholola malugana na rekhodo dza akhaunthangi na akhaunthu dza thirasiti

23. (1) Mushumi wa zwa ndaka ane tshelede ye a shuma nga ŋwa he vha fhasi ha mįįlioni dza R2.5 u tea u ita uri rekhodo dzawe dza akhaunthangi dзи lavehleses kana u tɔlwa nga muakahuanthenthe o ŋwališa ho u vha vho khethululwa zviła kale; nahone
(2) Nga ndįivhdazo kha Gazete Ministra a nga—
   (a) lavehleses nyimele dzine nga fhasi hadzo vhenevho vhashumi vha zwi ndaka vha nga vhofhololwa kana u tendelwa uri vha sa vhe na akhaunthu akhaunthu dza thirasiti; na
   (b) u lavehleses sisitewe yo fhambanaho u itela u tɔla rekhodo dza akhaunthu akhaunthu dza avho vhashumi vha zwi ndaka.

NDIMA YA 5
UTEVHEDZA MULAYO NA U TEVHEDZISA MULAYO

U thola vhaingameli

24. (1) Muofisi Mulangi—
   (a) u tea u thola muthu muĩwe na muĩwe o teaho nahone ane a fusha ṭhojiša uri a vhe ene muingameli; nahone

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(b) must issue each inspector with a certificate in the prescribed form stating that the person has been appointed as an inspector in terms of this Act and with the inspector’s identification card.

(2) When the inspector performs his or her functions in terms of this section, the inspector must—

(a) be in possession of a certificate of appointment or an inspector’s identification card issued to that inspector in terms of subsection (1)(b);

(b) immediately show that certificate or inspector’s identification card to any person who—

(i) is affected by the inspector’s actions in terms of this Act; or

(ii) requests to see the certificate or inspector’s identification card; and

(c) have the powers of a peace officer as defined in section 1 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), and may exercise the powers conferred on a peace officer by law.

Powers of inspectors to enter, inspect, search and seize

25. (1) An inspector may, at any reasonable time and without prior notice, conduct an inspection to determine whether the provisions of this Act are being or have been complied with, and for that purpose, may without a search warrant—

(a) enter and inspect any business premises, except a private residence, of a property practitioner;

(b) require the property practitioner, manager, employee or an agent of the property practitioner to—

(i) produce to him or her the fidelity fund certificate of that property practitioner;

(ii) produce to him or her any book, record or other document related to the inspection and in the possession or under the control of that property practitioner, manager, employee or agent; or

(iii) furnish him or her with such information in respect of the fidelity fund certificate, book, record or other document at such a place and in such manner as the inspector may determine; and

(c) examine or make extracts from, or copies of, any such fidelity fund certificate, book, record or other document.

(2) Where a property practitioner conducts his or her business at his or her private residence, the inspector must notify the property practitioner in advance and in writing before conducting the inspection in terms of subsection (1), and set out the details of the inspection.

(3) An inspector may, on authority of a search warrant—

(a) enter and search any premises and any person on those premises if there are reasonable grounds for believing that there is an article or record therein that has a bearing on the inspection;

(b) examine any such article or record that is in those premises;

(c) request any person on the premises to unlock or otherwise provide unhindered access to any safe, storage facility or other receptacle on the premises, or to point out any other person on the premises who can do so;

(d) request information about any article, document or record that has a bearing on the inspection;

(e) take extracts from, or make copies of, any book, computer, document or record that is on or in the premises and that has a bearing on the inspection;

(f) use any computer system on the premises that has a bearing on the inspection, or require assistance of any person on the premises to use that computer system, to—

(i) search any data contained in or available on that computer system; or

(ii) reproduce any record from that data;
Mulayo wa Vhashumi vha zwa Ndaka, 2019

Nom 22 ya 2019

(b) u tea u fha muingameli muine na muine țhanziela nga ndîla yo randelwaho, hu bulwé-vho uri muthu o tholelwa uri a vhe muingameli hu tshi khou tevhedzwa uno Mulayo nahone hu vhe na khadi ya vhue ya muingameli uyo.

(2) Musí muingameli a tshi khou shuma mishumo yawe u ya nga ino khethekanyo, muingameli u tea—

(a) u vha a na țhanziela ya uri o tholwa kana a na khadi ya vhue ya muingameli u ya nga khethekanyo țhuku ya (1)(b);
(b) u sumbedza țhanziela kana khadi yaye ya vhue kha muthu muine na muine ane—
   (i) a kwamea nga zwine muingameli a ita u ya nga uno Mulayo; kana
   (ii) a humbela u vhona țhanziela kana khadi ya vhue ya muingameli; na
(c) maandâ a muofisiri wa Mulalo sa zwo țalutshedzawo kha khethekanyo ya 1 ya Mulayo wa Criminal Procedure Act, 1977 (Act No.51 of 1977), na uri a nga shimisa maandâ o hweswaho muofisiri wa zwa Mulalo nga mulayo.

Maandâ a vhaingameli a u dzhena, u ingamela, u țoțulusa na u dzhia

25. (1) Muingameli nga tshifhinga tshińwe na tshińwe tshi pfadzaho nahone a songo ranga u ḏivhazda a nga ingamela u itela u lahelesa uri naa mbetshelo dza uno Mulayo dzí khou tevhedzwa kana dzó tevhedzwa, nahone hu songo vhuya ha vha na khwâŋisédzo ya u țoțulusa—
   (a) a nga dzhena a ingamela kha zwińa zwa bindu, nga ndînâni ha hayani hune ha dzulwa hone, ha mushumi wa zwa ndaka;
   (b) țoța mushumi wa zwa ndaka, mulanguli, mushumi kana razhendedzi wa mushumi wa zwa ndaka a tshi nda—
      (i) sumbedza muingameli țhanziela ya tshikwama i sumbedzaho u thembea ya uyo mushumi wa zwa ndaka;
      (ii) sumbedza muingameli bugu, rekhodo iwine na inwe, kana mańwe manwalwa ane uyo mushumi wa zwa ndaka, mulanguli, mushumi kana razhendedzi a vha nako kana a re ḏashi ha ndango yaye nahone a re na vhushaka na nyangamelo; kana
      (iii) fha muingameli iyo njeńivhisu malugana na țhanziela ya tshikwama i sumbedzaho u thembea, bugu, rekhodo kana mańwe manwalwa a re afho ḏethu nahone nga ndîla ine muingameli a ḏo ta; na
   (c) țhańvhuva kana u dzhia zwi bsvahe henehfo, kana khophi dzâ, țhanziela ya tshikwama i thembea, bugu, rekhodo kana mańwe manwalwa.

(2) Hune mushumi wa zwa ndaka a vha a khou ita vhubindudzi hawe hayani hawe ha phurâivethe, muingameli u tea u ḏivhazda mushumi wa zwa ndaka hu tshe na tshifhinga nahone nga u tou ðivala phanda ha musi hu tshi ingamela u ya nga khethekanyo țhuku ya (1), nahone hu sumbedzwe zwidodombedzawo malugana na u ingamela.

(3) Muingameli a tshi khou shumisa maandă a u țoțulusa a nga—
   (a) dzhena a ita tseĎululso kha zwińa zwińwe na zwińwe na kha muthu muine na munwe kha izwo zwińa arańi hu na mbuńo dzí pfadzaho dzá u tenda uri hu na atikili kana rekhodo henehfo ine ya vha na zwińe zwa tea u ingamela;
   (b) țhańvhuva iwine na inwe ya atikili kana rekhodo ine ya vha henehfo zwińațho; 35
   (c) humbele muthu muine na munwe kha izwo zwińațho uri a khulule kana uri a sa khakisse u skeyelelewa ha sefo, tshotedzhi kana rekhodo i re afho zwińațho, kana uri a sumbe muthu muine na munwe a re afho zwińațho ane a nga kona u pfalo;
   (d) humbele njeńivhisu nga ha atikili, liňâwla kana rekhodo ine ya vha na zwińe zwa khou țoĎa uri zwi ingamelwe;
   (e) dzhia zwi re kha țyo rekhodo, kana khophi ya, bugu ifhi o ifhi, khomphiyutha, liňâwla kana rekhodo ine ya kana i re ngomu zwińațho nahone ine ya vha na zwińe zwa khou țoĎela u ingamelwa;
   (f) shumisa sisiteše ya khomphiyutha iwine na inwe kha zwińațho zwińe zwa vha na zwińe zwa khou tea u ingamela, kana a tou țoĎa thuco kha muthu ufhi o ufhi henehfo zwińațho uri a shumise sisiteše ya khomphiyutha, u itela u—
      (i) ita tseĎululso ya data i re kha kana i re hone kha sisiteše ya khomphiyutha; kana
      (ii) u bveledzulula rekhodo iwine na inwe i bvaho kha data;
(g) seize any output from that computer for examination and copying;
(h) attach and if necessary remove from the premises for examination and safekeeping anything that has a bearing on the inspection; and
(i) seize and retain any such fidelity fund certificate, book, record or other document that may afford evidence of sanctionable conduct under this Act:
   Provided that the person from whom the fidelity fund certificate, book, record or other document was taken shall, at his or her request and at his or her expense, be allowed to make copies thereof or extracts therefrom, under the supervision of the inspector concerned.

(4) The search warrant contemplated in subsection (3) may only be issued by a judge or a magistrate if it appears from the information given by the inspector under oath or affirmation that—
   (a) there are reasonable grounds for suspecting that a contravention of the Act has occurred or is occurring;
   (b) a search of the premises is likely to yield information pertaining to the alleged contravention; and
   (c) the search is reasonably necessary for the purposes of enforcing the Act.

(5) The search warrant must identify the premises that may be entered and searched and specify the parameters within which the inspector may perform an entry, search or seizure.

(6) The search warrant is valid only until—
   (a) the warrant is executed;
   (b) the warrant is cancelled by the person who issued it or, in that person’s absence, by a person with similar authority;
   (c) the purpose of issuing it has lapsed; or
   (d) the expiry of one month after the date it was issued, whichever occurs first.

(7) The warrant may be executed only during the hours of 08h00 and 17h00 of a day other than a Saturday, Sunday or public holiday, unless the judge or the magistrate who issued it authorises that it may be executed at any other time that is reasonable in the circumstances.

(8) Immediately before commencing with the execution of a search warrant, the inspector executing that warrant must—
   (a) if the owner or person in control of the premises to be searched is present—
      (i) provide identification to that person and explain to that person the authority by which the warrant is being executed; and
      (ii) hand exact copies of the warrant and of this section to that person or to the person named in it; or
   (b) if no person is present, affix an exact copy of the search warrant at the entrance to the premises in a prominent and visible place.

(9) The inspector authorised to conduct search entry and search in terms of a search warrant issued in terms of subsection (3), may be accompanied and assisted by one or more police officers.

(10) The inspector and any police officer accompanying the inspector must, when entering and searching any premises in terms of a search warrant, conduct that entry and search with strict regard to decency and every person’s right to dignity, freedom, security and privacy.

(11) During any search, only a female inspector or police officer may search a female person and only a male inspector or police officer may search a male person.
(g) dzhia tshithu tshiňwe na tshińwe tshine tsha khou bva kha khomphiyutha uri tshi ṣhaŋbuvińwe na u kopıvi;
(h) nambatedza nahone arali zwi tshi ṭọdea ha to bvisiwa afho zwiňhańoni hu tshi khou itelwa uri zwe zwa bvisiwa zwi ṣhaŋbuvińwe na u vhulanga tshińwe na tshińwe tshine tsha vha na zwine zwa tea u ingamelisiwa; na
(i) dzhia na u fara tshithu tshińwe na tshińwe u tou fana na ṣhanzilla ya tshiķkwaına i sumbedzaho u thembe, bugu, rekhoko kana mańwe mainwalwa ane a ṭa uri hu waniwe vhutanzi malugana na vhutanzi vhune ha ita uri hu itwe ndańiso u ya nga uno Mulayo: Tenda uyo muthu ane ṣhanzilla ya tshiķkwaına i sumbedzaho u thembe, bugu, rekhoko kana mańwe mainwalwa zwa vha zwo džiiwa khae a tea uri musi o tou humbela nahone hu tshi khou shuma mashelehe aše ene muńe a tea u tendoro u ita dzikhopi kana u wana zwi re heńehe ngomu kha jińwalwa a nga fha si hu vhulavhelesi ha muingameli a kwameahe.
(4) Khwańhiśedzo ya tsedzuluso yo bulwaho ka khethekanyo šhukhu ya (3) i nga ꙗetshedzwa fheńzi nga muhańulini kana madzhisitiraña arali ndįvhisio yo ṣetshedzwaho nga muingameli nga fha si ha muano kana khwańhiśedzo uri—
(a) hu na mbuno dźi pfalaho malugana na u humbulele uri Mulayo u khou pfukiwa kana wo pfukiwa;
(b) u ita tsedzuluso afho zwiňhańoni zwi na tshikhala tsha u nga swikisa kha u wana ndįvhisio malugana na khumubulele ine ya vha hone; nahone
(c) u ita tsedzuluso zwi tea u itwa u itela ndįvhisio dzapo u Mulayo u teńvedzwe.
(5) Khwańhiśedzo ya u ita tsedzuluso i tea u bula dzina ja zwińhańo zwine zwa khou tea u nga dzhenwa khazwo musi hu tshi tseduńswa nahone hu taluswe na mikan o ine muingameli a ḡo shuma vhukati hayo musi a tshi dzhena, a sedzulusa kana a dzhia.
(6) Khwańhiśedzo ya u sedzulusa i vha ine ya khou shuma u swikela—
(a) mushumo wayo u tshi itwa;
(b) musi zwenezwo i tshi tou fheliswa nga muthu we a i ṣetshedza kana, ya fheliswa uyọ muthu a siho, nga muńwe muthu ane a vha na manđalanga ane a fana na onoyo we a i ṣetshedza;
(c) ndįvho ya uri i ṣetshedzwe i tshi fhel; kana
(d) u fhela hayo ha ṣwedzı muthu nga murahu ha datumu ye ya ṣetshedzwag ngayo, hu tshi shumiswa tshine tsha swika u thoma.
(7) Khwańhiśedzo ya u sedzulusa i nga shumiwa ṣhedzı vhukati ha zwińhinga zwa 08h00 na 17h00 kha ṣuvha nga ndęa na Migivhela, Swondaha kana holodeni ya nnyi na nnyi, nga ndęa ha musi muhańulini kana madzhisitiraña we a i ṣetshedza o tenda uri i nga shumiswa tshińwe tshinge tsha na tshińwe tshine tsha pfadza u ya nga nyimele.
(8) Nga u tou ṭavhanyo phanđa ha u thoma u shumiwa ha khwańhiśedzo ya u ita tsedzuluso, muingameli ane a khou shumisa khwańhiśedzo a nga—
(a) arali muńe wa zwińhańo kana muthu ane a khou langula zwińhańo zwine zwa khou ya u sedzulusa a hone—
(i) muingameli u tea u dićįvhadza kha uyọ muthu nahone a ṭalutshedze kha uyọ muthu manđalanga ane khwańhiśedzo ya khou itelwa; na
(ii) muingameli u tea u fha khophi dza khwańhiśedzo na ino khethekanyo kha uyọ muthu kana kha muthu o bulwaho khayo; kana
(b) arali hu si na muthu, khophi i tou nambatedza ya iyọ khwańhiśedzo ya u sedzulusa henefho muńanγoni wa zwińhańo khvufhethu hune ha vha khagala nahone hune ya ḡo vhonala.
(9) Muingameli o fhiwaho mańdą a u ita tsedzuluso o tou dzhena fhethu afho nahone a sedzulusa u ya nga khwańhiśedzo yo ṣetshedzwaho u ya nga khethekanyo šhukhu ya (3), a nga fhelkedzwa na u thuswa nga pholisa jińhini kana mapholis.
(10) Muingameli na pholisa jińwe na tinwe jine ja khou fhelkedzwa muingameli musi vha tshi dzhena u sedzulusa zwińhano zwińwe na zwińwe u ya nga khwańhiśedzo ya u sedzulusa vha tea u dzhena vha sedzulusa vho ſiyimisela nahone vha na mkhwaka vha tshi dovha hafhu vha ſhonińha na pfanela ya tshileme tsha muthu, mbofoho, tsireledzo na tshidzumbe.
(11) Musi hu tshi khou sedzulusa, muingameli wa tshifumakadzini kana pholisa ja tshifumakadzini ṭhedzı ndi vhone vhane vha nga sedzulusa nga u phupuleńdu-zhuphulęndəz muthu wa tshifumakadzini nahone ane a ḡo phupuleńdu-zhuphulęndəz wa tshinnani hu tshi ḡo itwa nga muingameli kana pholisa wa tshinnani-vho.
An inspector who removes anything from premises being searched must—
(a) issue a written receipt for it to the owner of or person in control of the premises in sufficient detail to identify each specific thing so removed; and
(b) return it as soon as practicable after achieving the purpose for which it was removed to the person from whose control it was taken, unless it is to be used as evidence in any subsequent proceedings, in which case the inspector must forthwith in writing inform the person from whose control it was taken of that fact.

During a search conducted under a search warrant, a person may refuse to permit the removal of an article, document or record on the grounds that it contains privileged or protected information, but that person may not cause such article, document or record to be amended, altered or destroyed until the inspector has been afforded a reasonable time to act under subsection (14).

If the owner or person in control of an article or document refuses to give the article, document or record to the inspector conducting the search, that inspector may in writing request the registrar or sheriff of the High Court that has jurisdiction to attach and remove the article, document or record for safe custody until a court determines whether or not the information is privileged or protected.

A police officer who is assisting the inspector in terms of this section may use as much force as is necessary, including breaking a door or window of the premises, or the breaking of any lock which prevents the search of any safe, storage facility or other receptacle on the premises, to overcome resistance by any person to the entry and search.

Before using force, a police officer must audibly demand admission or access and must announce the purpose of entry, unless it is reasonable to believe that doing so may induce someone to destroy, dispose of or conceal an article, document or record that forms part of the search or is otherwise relevant to the search.

A person who submits any information to an inspector or makes any statement to him or her may indicate to the inspector that he or she claims confidentiality in respect of any information or statement so provided, and the inspector must deal with such information in accordance with the relevant law.

Compliance notices

The Minister must, from time to time, determine—
(a) contraventions of the Act that are of a minor nature; and
(b) contraventions of the Act that are of a substantial nature.

The Minister must publish the determinations referred to in subsection (1) by notice in the Gazette and the Authority must publish the determinations on its website and via any other medium it deems fit.

The Minister must, by notice in the Gazette, prescribe the maximum fines in respect of each type of contravention which the Authority may determine for the purposes of subsection (5); Provided that such a maximum fine may not for a particular year exceed the amount prescribed in respect of one year of imprisonment in accordance with the Adjustment of Fines Act, 1991 (Act No. 101 of 1991), at any particular moment in time.

The Authority may, where an inspection or investigation by an inspector indicates a contravention of this Act which is of a minor nature as determined under subsection (1), issue a compliance notice in the prescribed format to the person so allegedly contravening this Act, calling on that person to comply with this Act within a period specified in the compliance notice, which period must be reasonable in the circumstances.

The Authority may, in the compliance notice, determine a fine to be paid by the person concerned if such person, in writing, on the compliance notice acknowledges his, her or its failure to comply with this Act as stated in the compliance notice.
(12) Muingameli ane a dzhia tshithu tshiwe na tshiwe aho zifihatsi zine zima zwa khou sedzuluwa u tea u —

(a) getshedza ratsihi yo tou nwalwaho kha uyo muge wa zifihatsa kana muthu ane a khou langa zifihatsa ho dodomedzwa zwidodomedzwa zwa u talusa tshithu tshiwe na tshiwe tsho dzhiiwaho; na

(b) u himisa isho tshe tsha dzhiyiwa musi ho no thoma ha swikelelwa ndivho ye tsha dzhieliwa yone tshi himiswelo kha uyo muthu we a dzhiiwla, nga nda ha musi tshi tshi kha di yo ya u shumiswa sa vhuhanzi kha khothe/tsengo ine ya khou ya u itwa, nbone arali zwo ralo muinglemeli u dzo tea u nwalela uyo we a dzhieliwa a mu vhudza mbuno dzl teaoho.

(13) Musi hu tshi khou sedzuluwa hu tshi khou shumiswa khowhishedo ya u sedzuluwa, muthu a nga hana u fha thendelo ya u dzhiyiwa ha atikili, jiniwalwa kana rekhodo a tshi khou hana o dishedeka kha mbuno dza uru u maufungo o faresdzwaho heneho ane a si a mnyi na mnyi kana maufungo o tsireshedzwo, fhedzii uyo muthu a nga si ite uru atikili iyo, jiniwalwa ilo kana rekhodo iyo i khwiniwe, shandukiswe kana kherukanywa u swikela muinglemeli a tshi wana tshifhinga tshi pfadzaho tsha u shumisa khethekanyo tshukhu ya (14).

(14) Arali muge we kana muthu ane a khou langa iyi atikili kana ilo jiniwalwa a hana u fha muinglemeli atikili, jiniwalwa kana rekhodo u a ite tsedzululoso, uyo muinglemeli nga u tou nwala a nga humbela redzhisira kana mundjina wa Khothe Kuluwane a re na maandjalanga kha kha mukano u ambatazedze na u dzhiya atikili, jiniwalwa kana rekhodo u iswe kha vhufhethu ho tsireshedzwo u swika khothe tshi lavhelesa u re maufungo ayo ndi o khethehao nana ndi o tsireshedzwo.

(15) Pholisa jine ka khou thusa muinglemeli u ya nga iyi khethekanyo jine nga shumisa khombetsshedzo u ya nga afho hune u kombetshedza ha aho, hu tshi khou katelela u kwaswa vothi kana fasitete afho zifihatsi, kana ya kwashwa joko ine ya khou thivhela u sedzuluwa sefoni, shitoredzhi kana tshifaredzi heneho zifihatsi, u itela u kunda uhvo vhukondi vhune ha khou itwa nga muthu.

(16) Phandha ha u shumisa khombetsshedzo, pholisa jine ka tea u ambata zwi tshi tou pfala uri ji khou joa u dzhena na uri pholisa jine ka tea u dzhieliwa ndivho ya u dzhena, nga mndja ha musi hu na lutendo lu pfahlako u ri at a zwenexwo zwa u humbela u dzhena zwi nga ita uri muthu ane a sa joa u vula a nga vho tshinyadza, laja kana u dzumba atikili, jiniwalwa kana rekhodo ine ya khou ita uri uhe vhe na tsedzululoso kana yone ine ya khou joa.

(17) Musi ane a fha muinglemeli ndi jinjivo hini na hini kana ambi a ita tshitaatamendene a nga sumbedza kha uyo mungameli u re khou joa u mhupela redzhise u re na maandjalanga kha thambo u swika hune u yone ine ya khou joa.

Ndjivhando malunaga na u tevhedza Mulayo

26. (1) Minishta misi yothe u tea u lavhelesa u —

(a) pfukwa ha uno Mulayo hune ha vha hu songo tou kalula; na

(b) pfukwa ha uno Mulayo ho kalulaho.

(2) Minishta u tea u anjandza zwo tiwaho zine zwo bulwa kha khethekanyo tshukhu ya (1) nga ndjivhando kha Gazette nahone Maandalanga a tea u anjandza zwo tiwaho kha webusaithi na kha khasho yvo fanelelako.


(4) Maandalanga afho hune nyingamelo kana tsedzululoso nga muinglemeli ya sumbedza u pfukwa ha uno Mulayo hune u pfuka uho a hongo hulesa sa zwo tiwaho nga fhasi ha khethekanyo tshukhu ya (1), a nga getschedza ndjivhando malunaga na u tevhedza nga ndjila yo randelwaho kha uyo muthu ane a khou humbulelwa uri u khou pfuka uno Mulayo, uyo muthu u vhudzelelwa uri a tevhedze uno Mulayo hu saathu u fhele tshifhinika tsho bulwaho kha ndjivhando ya uri a tevhedze Mulayo, tshine itsho tshifhino ndi tshifhinika tshine uza fadza ho sedzwa nyimele.

(5) Maandalanga a tshi khou tevhedza ndjivhando, a dzo tshi khalo tsha ndaio ine ya tea u badelela nga muthu a kwamealo ari uyo muthu nga u tou nwala a tsi khou fhindula iyo ndjivhando, a tangadzira u re kundelwa u tevhedze uno Mulayo sa zwe zwo bulwa kha ndjivhando malunaga na u tevhedza Mulayo.
(6) The fine contemplated in subsection (5) must be paid to the Authority within a period specified in the compliance notice.

(7) Any fine paid in consequence of a compliance notice accrues to the Fund, and the person named in that notice may not be prosecuted for having committed such contravention.

(8) Any contravention of a minor nature may not be taken into consideration when considering any application by or other proceedings against the person concerned.

Fine as compensation

27. (1) The Authority may, whenever a fine has been imposed on a property practitioner under this Act and taking into account any amounts paid under the mandatory indemnity insurance contemplated in section 57, if any, order that any portion of the fine be applied towards the payment of compensation to any person who suffered a pecuniary loss as a result of the conduct of that property practitioner.

(2) The Authority may, on receipt of a fine imposed on a property practitioner, make the payment contemplated in subsection (1), but no such payment may be made until all appeals in respect of the imposition of the fine have lapsed or have been finalised or abandoned.

(3) This section does not preclude any person from referring any dispute against a property practitioner or other person to the Authority, but if an award is made by an Authority in favour of a person who has received payment from the Authority as contemplated in subsection (2), the Authority must take that payment into account.

Lodging of complaints

28. (1) Any person may, in the prescribed form, lodge a complaint with the Authority against a property practitioner in respect of financing, marketing, management, letting, hiring, sale or purchase of property.

(2) The Authority must, in writing, within seven days acknowledge receipt thereof and inform the complainant of the case number assigned to the complaint.

(3) After receiving the complaint, the Authority may require the complainant to submit further information or documentation in relation to the complaint.

Mediation

29. (1) An Authority may—

(a) if it believes that a complaint may be resolved through mediation; or

(b) on application by the person concerned,

refer the complaint for mediation, as prescribed.

(2) Within seven days of referral to mediation, the Authority must appoint a suitably qualified person as a mediator.

(3) The mediator must within seven days of appointment—

(a) give notice of the mediation as prescribed to all parties concerned; and

(b) set the matter down for mediation within 30 days.

(4) (a) The mediator assists the parties to resolve the dispute.

(b) If the parties come to an agreement which resolves the matter or mediation has failed, the mediator must—

(i) issue a certificate stating the outcome of the mediation; and

(ii) serve a copy of that certificate on each party to the dispute.

(5) The Authority must keep the records of all mediation proceedings, including the agreements where applicable, as prescribed.

(6) Notwithstanding the provisions of subsection (1), property practitioners may consent to refer an inter-property practitioners’ dispute for mediation by the Authority, and the Authority may provide such mediation service on a cost recovery basis.
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(6) Ndaţišo yo bulwaho kha khethekanyo ũthukhu ya (5) i tea u badelwa Maandelangana hu saathu u ‡fela tshiñhinga tšho bulwaho kha nqivhazdo ya malugana na uho u pfuka Mulayo.

(7) Ndaţišo iñwe na iñwe ine ya badelwa zwo õtiswa nga nqivhazdo ya malugana na u pfuka Mulayo i kuvhangana ngei kha Tshikwama, nahone muthu o bulwaho kha iyo nqivhazdo a nga si tshutshišiwe uho u pfuka Mulayo.

(8) U pfuka Mulayo huniwe na huniwe hu songo hulesaho hu nga si dzihlelelelethu nga musi hu tshi khou lavheleswa khumbelo iñwe na iñwe nga kana dziñwe nyito sa tsengo malugana na muthu a kwameaho.

Ndaţišo sa mbadelo

27. (1) Maandelangana, tšiñhinga tšiñwe na tšiñwe musi ho hweswa ndaţišo kha mushumi wa zwa ndaka nga fhasi ha uno Mulayo nahone hu tshi dzihlela lelethu nga maseheleni maiñwe na maiñwe o badelwaho nga fhasi ha ndindakhombo yo bulwaho kha khethekanyo ya 57, arali i hone, Maandelangana a ‡fha ndaela u ri tšiñhinga tšiñwe na tšiñwe tsha ndaţišo tshi shume kha mbadelo ya ndišiso kha muthu muñwe na muñwe o huvhazdwaho nga u xeñelwa zwo õtiswa nga vhudišari ha mushumi wa zwa ndaka.

(2) Maandelangana a tshi tou õtanganedza ndaţišo ye ya hweswa kha mushumi wa zwa ndaka, a ‡o mbo ‡ji ita mbadelo yo bulwaho kha khethekanyo ũthukhu ya (1), fhedzi a hu na mbadelo ine ya ‡o itwa u swikela khañtululo dzọqẽt dzì tshi ranga dza ‡fela dzine dzìa kwama ndaţišo yo itwaho kana khañtululo dzo litšwa.

(3) Ino khethekanyo a i tšiñheli muthu uñfiho na uñfiho kha u isa phambano kha Maandelangana ine phambano iyo i kwama mushumi wa zwa ndaka kana muthu, arali nyavhelo yo itwa nga Maandelangana zwi tshi thusa muthu ane o õtanganedza mbadelo i bvaño kha Maandelangana sa zwo zwa bulwa kha khethekanyo ũthukhu ya (2), Maandelangana a tea u dzihlela iyo mbadelo lelethu.

U vhiga mbilaelo

28. (1) Muthu muñwe na muñwe kha fomo yo randelwaho a nga vhiga mbilaelo ngei nga khela mañwaho nga fhasi ha ko Maandelangana a tshi khou hwelela mushumi wa zwa ndaka malugana na zwi kwamabho masheleleni, ‡za maraga, ndaño, u renndisa, u hirisia, ‡tengisio kana u renndisa ndaka.

(2) Maandelangana nga u tou ñwa, hu saathu ‡fela mañvhuva a sumbe a tea u ambu uri o õtanganedza mbilaelo nahone a vhudze muñweleli nga ha nomboro ya mulandu wo vulwaho nga muñweleli.

(3) Nga murahu ha u õtanganedza mbilaelo, Maandelangana a nga òtanga muñweleli a tshi ðisa vhutañzi vhunwe kana ‡iñwalwa ‡ji re na vhushaka na mbilaelo.

Vhukonanyi

29. (1) Maandelangana—

(a) arali a tshi khou tenda uri mbilaelo i nga tundulule nga u tou konanya; kana

(b) musi muñweleli a kwameaho o tou ita khumbelo,

anga isa mbilaelo kha zwa vhukonanyi, u ya nga he zwa randelwa.

(2) Hu saathu ‡fela mañvhuva a sumbe musi ho iswa mbilaelo kha zwa vhukonanyi, Maandelangana a tea u thola muthu ane a fusha õthoqe auri a vhe ene vhukonanyi.

(3) Mukonanyi hu saathu ‡fela mañvhuva a sumbe o ñtho wa u tea u—

(a) ‡fha ndivhazdo vhothoe vha kwameaho nga ha uho u konanya sa zwo zwa randelwa; na

(b) ‡tša uñfiho ‡ji dzulelewe hu saathu ‡fela mañvhuva a 30.

(4) (a) Mukonanyi u thusa vha kwameaho uri vha tundulule phambano.

(b) Arali vha kwameaho vha konu u tendelana kha zwine zwo tundulule phambano kana vhukonanyi ha kundelwa, mukonanyi u tea u—

(i) getshedza ‡ñthanzia ‡fisi lele ze khou buletshezda mvelelo dzìa vhukonanyi; na

(ii) ‡fha khophi ya ‡ñthanzia muñwe na muñwe vha vha kwameaho nga phambano.

(5) Maandelangana a tea u vhulunga rekhoodo dzìa zwo zwa itea kha vhukonanyi, hu tshi katelwa thendelana heñheno hune zwa konadzea, u ya nga he zwa randelwa.

(6) Naho hu na mbetshelo dzìa khethekanyo ũthukhu ya (1), vhushumi vha zwa ndaka vha nga tenda u isa phambano vhuakati ha vhushumi vha zwa ndaka kha zwa vhukonanyi nga Maandelangana, nahone Maandelangana a nga getshedza iyo tshumelo ya vhukonanyi nga ndìla ine ya tea u badelwa.

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(7) If a matter is not resolved as contemplated in this section, the matter must be adjudicated in accordance with section 30.

Adjudication

30. (1) If—

(a) a person on whom a compliance notice has been served in accordance with section 26—

(i) fails to comply with this Act as demanded in the compliance notice;

(ii) fails to timeously comply with the compliance notice; or

(iii) fails to timeously pay the fine determined by the Authority; or

(b) mediation has been attempted in accordance with section 29 but has failed;

(c) the serious nature of the complaint and the contravention in question warrants, the Authority must cause a notice of adjudication to be served on the person concerned as prescribed.

(2) The Authority must appoint an independent legally qualified person as an adjudicator to conduct an adjudication of a complaint in terms of this section, who for purposes of this section is referred to as the “adjudicator”.

(3) The Authority may upon application from the adjudicator on good grounds appoint independent assessors to assist him or her.

(4) Within 14 days of the appointment of the adjudicator, the adjudicator must—

(a) give notice of the adjudication as prescribed to all parties concerned; and

(b) set the matter down for hearing within 60 days.

(5) The adjudication must be held expeditiously, subject to upholding the rules of natural justice and in accordance with prescribed procedure.

(6) (a) The adjudicator must upon conclusion of the adjudication make a determination as to whether the complaint is upheld or not.

(b) If the complaint is upheld, the adjudicator must make an order which in the circumstances is appropriate, and such an order has the status of an order of a magistrate’s court and must be executed accordingly.

(7) The order contemplated in subsection (6) may include—

(a) a fine which may not exceed the amount determined by the Minister of Justice for the purposes of section 29(1)(a) of the Magistrates’ Courts Act, 1944 (Act No. 32 of 1944);

(b) if appropriate in the circumstances, an order that the Authority pays not more than 80 percent of the fine as a compensation award to the complainant; and

(c) any other appropriate order under the circumstances.

(8) The adjudicator must upon finalisation of the adjudication process provide written reasons for any of his or her determinations or orders.

(9) The Authority must keep the records of all hearings, including the order made and written reasons provided by the adjudicator, as prescribed.

(10) Notwithstanding the provisions of subsection (2), property practitioners may consent to refer an inter-property practitioners’ dispute for adjudication by the Authority, and the Authority may provide such service on a cost recovery basis.

(11) Subject to the provisions of subsection (7)(b), any fine paid pursuant to an order made by the adjudicator accrues to the Fund.

Adjudication Appeal Committee

31. (1) Any person who is aggrieved by the decision of the adjudicator in terms of section 28 may appeal against such decision to the Adjudication Appeal Committee in the prescribed format.
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(7) Arali phambano i songo tanduluwa sa zwe zwa bulwa kha ino khethekanyo, phambano i tea u hatulwa u ya nga khethekanyo ya 30.

Khątulo

30. (1) Arali—

(a) muthu ane njivhazdo ya uri hu vhe na zwine a tea u zwi tevhedzela o i fhiwa hu tshi khou tevhedzela khethekanyo ya 26—

(i) a kundelwa u tevhedzela uno Mulayo naho njivhazdo ya u tevhedzela yo vha i kombetshedzaho;

(ii) a kundelwa u tevhedzela njivhazdo ya u tevhedzisa nga tshiifhinga; kana

(iii) a kundelwa u badela ndatiso nga tshiifhinga yo tiwaho nga Maandzalanga; kana

(b) vhukonanyi ho lingedzwa u ya nga khethekanyo ya 29 fhedzi ha kundelwa;

(c) vhuhulu ha vhuvha ha mbilaelo na u pfuka zwo teaho hu kwameho zwa vha zwi tshi khwatishedza,

Maandzalanga a tea u ita uri njivhazdo ya vhuhatuli i getshedzwe muthu ane a kwameu u ya nga he zwa randelwa.

(2) Maandzalanga a tea u thola muthu ane a vha na ndalukano dza mulayo uri hu vhe ene muhatuli ane a do tshimbidiza zwa u hatula kha iyo mbilaelo hu tshi khou tevhedzwa ino khethekanyo, ane hu tshi khou itelwa ndivho dza ino khethekanyo muthu uyo u vhidzwa u phi ndi “muhatuli”.

(3) Maandzalanga musi hu na khumbelo ine ya bva kha muhatuli nhone hu na mbuno dzavhudi, Maandzalanga a nga thola mulavhelesi o chiimisaho ane a do thusa ene muhatuli.

(4) Hu saathu fhela madzuvha a 14 ho tholwa muhatuli, muhatuli u tea u—

(a) fha njivhazdo vhathu vhqhe vha kwameho nga ha u hatula u ya nga he zwa randelwa; nhone

(b) ita uri fhungo i thetsheleswe hu saathu fhela madzuvha a 60.

(5) U hatula hu tea u itwa nga u tshinyanya, hu tshi khou tevhedzwa ndayo na vhulamukanyi ha mvelo na u ya nga kuitele kwo randelwaho.

(6) (a) Muhatuli musi hu tshi tou fhela zwa vhuhatuli u tea u lavhelesa uri mbilaelo yo dzingindela kana a yo ngo dzingindela naa.

(b) Arali mbilaelo yo dzingindela, muhatuli u tea u ita ndaela ine yo tea idzo nyimele, nhone iyo ndaela i na xhulwhe vhunu ha tou fana na ndaela ine ya itwa nga mazhisijara wa khothe nhone i tea u tevhedzwa nga ndila yone.

(7) Ndaela yo bulwaho kha khethekanyo thukhu ya (6) i nga katela—

(a) mulifho uno wa sa padze mutengo wo tiwaho nga Minista wa zwa Vhulamukanyi ndivho dzi dza u itela khethekanyo ya 29(1)(a) ya Mulayo wo Magistrates’ Court Act, 1944 (Act No. 32 of 1944);

(b) arali zwo tea nyimele, ndaela ya uri Maandzalanga a badela phesenthe i sa padzi 80 ya mulifho sa ndiliso kha muweleli; na

(c) ndaela inwe na inwe yo teaho nyimele.

(8) Muhatuli musi hu tshi tou fhela zwa u hatula u tea u fha mbuno dzvo tou iwalwaho malugana na tsheo dzawe kana ndaela dze a ita.

(9) Maandzalanga a tea u vhulunga rekhoodo nga ha u thetsheleswa hoqhe ha mbilaelo, hu tshi katelwa ndaela yo itwaho na mbuno dzvo tou iwalwaho dze dzvo getshedzwa nga muhatuli, sa zwi zwa randelwaho.

(10) Naho hu na mbetshelo dza khethekanyo thukhu ya (2), mushumi wa zwa ndaka a nga tenda hu tshi iswa mbilaelo vhukati ha vhushumi vha zwa ndaka u itela uri mbilaelo i hatulwe nga Maandzalanga, nhone Maandzalanga a nga getshedza iyo thumelo hu si nga mahala.

(11) Hu tshi khou tevhedzwa mbetshelo dza khethekanyo thukhu ya (7)(b), mulifho munwe na munwe u badelwaho nga mmurahi ha ndaela yo itwaho nga muhatuli kana kuvhanganywa kha Tshikwama.

Komoti ya Aphiļi ya Vhuhatuli

31. (1) Muthu muñe na muñe o khakhelwaho nga tsheo ya khātulo u ya nga khethekanyo ya 28 a nga ita aphiļi ya u hanedza iyo tsheo. Aphiļi i itwa negi kha Komiti ya Aphiļi ya Vhuhatuli nga ndila yo randelwaho.
(2) The Authority must, within 14 days of the date on which it received the notice of appeal in terms of subsection (1), establish an Adjudication Appeal Committee consisting of three independent suitably qualified persons to hear the appeal.

(3) Within 14 days of the appointment of the Adjudication Appeal Committee, the Adjudication Appeal Committee must—
   (a) give notice of the appeal as prescribed to all parties concerned; and
   (b) set the matter down for hearing within 60 days.

(4) The appeal must be held expeditiously, subject to upholding the rules of natural justice and in accordance with prescribed procedure.

(5) (a) The Adjudication Appeal Committee must upon conclusion of the appeal make a determination as to whether the complaint is upheld or not.

(b) If the complaint is upheld, the Adjudication Appeal Committee must make an order which in the circumstances is appropriate, and such an order has the status of an order of a magistrate’s court and must be executed accordingly.

(6) The Adjudication Appeal Committee must upon finalisation of the appeal process provide written reasons for any of its determinations or orders.

(7) The Authority must keep the records of all appeals, including the order made and written reasons provided by the Adjudication Appeal Committee, as prescribed.

CHAPTER 6

FINANCES

32. (1) The funds of the Authority consist of—
   (a) monies appropriated by Parliament;
   (b) fees paid to the Authority by property practitioners;
   (c) all monies derived from any investments in terms of section 33(2); and
   (d) all other monies which may accrue to the Authority from any other source.

(2) The Authority must utilise its funds to defray the expenses incurred by it in the performance of its functions and the exercise of its powers, but—
   (a) any monies or other property donated or bequeathed to the Authority must be utilised in accordance with the conditions of such donation or bequest; and
   (b) if the Authority—
      (i) after an inspection or investigation has found that a property practitioner failed to comply with any duty imposed upon him or her in terms of this Act;
      (ii) has incurred any liability to pay costs in respect of any proceedings instituted by it in terms of this Act for the recovery from a property practitioner of any amount which is payable by him, her or it to the Authority or the Fund; or
      (iii) has incurred any liability to pay audit fees in respect of an audit done on the instructions of the Authority in a case where an audit contemplated in section 54 has not been done,
      the Authority may recover the costs of such inspection or investigation in so far as it relates to such duty or the taxed amount of such costs on an attorney and client scale or the amount of such audit fees, as the case may be, from the property practitioner concerned.

(3) The Minister must by notice in the Gazette, prior to the commencement of the Act and thereafter annually prior to the beginning of a financial year of the Authority, after consultation with the Board, determine the fees payable in terms of or under this Act.
(2) Maandalanga hu saathu fhela maquthwa a 14 u bva kha datumu ya musi o tanganedza ndivhazdo ya aphiili u ya nga khethekanyo threshuku ya (1), a tea u thoma Komiti ya Aphiili ya Vhuhafuli ine ya vha na vhathu vhararuru vhane vha fusha threshoka nahone vho tou dimisahwe uri vha thetshelese aphiili.

(3) Hu saathu fhela maquthwa a 14 ho tholwa Komiti ya Aphiili ya Vhuhafuli, Komiti ya Aphiili ya Vhuhafuli i tea u—

(a) fha ndivhazdo vhoqhe vha kwamea hoga ha aphiili sa zve zwa randelwa; na
(b) ita uri fhunzo ji thetshelesehe hu saathu fhela maquthwa a 60.

(4) Aphiili i tea u itwa nga u tshvanya, hu tshi khou tevhzedzwa ndaya dza vhulamukanyi ha mvelo nahone hu tshi khou tevhzedzwa-vho na kuikute kwo randelwaho.

(5) (a) Komiti ya Aphiili ya Vhuhafuli musi hu tshi tou fhela aphiili i tea u mbo ita tsheo ya uri nna mbilaelo yo dzingindela kana a yo ngo dzingindela.

(b) Arali mbilaelo yo dzingindela, Komiti ya Aphiili ya Vhuhafuli i tea u ita ndela yo teaho nyimele, nahone iyo ndela i na vhuno ha ndela ine ya tou fana na ya mazhishitara yango khothe nahone i tea u tevhzedzwa zwavhuji.

(6) Komiti ya Aphiili ya Vhuhafuli musi hu tshi tsi tou fhela aphiili i tea u mbo qetschedzha mbuno dzo tou iwalwa malugana an tsheo ye ya dzhia na ndela ye ya itwa.

(7) Maandalanga a tea u vhulunga rekhodo dza aphiili dzoqhe, hu tshi khou katelwa ndela yo itwa na mbuno dzo iwalwaho zwo qetschedzwango Komiti ya Aphiili ya Vhuhafuli, sa zve zwa randelwa.

**NDIMA YA 6**

**MASHELENI**

**Masheleli a Maandalanga**

32. (1) Masheleli a Maandalanga hu katelwa—

(a) tshelede ine ya avhiwa i tshe bva Phalamenndeni;

(b) tshelede ine ya badelwa Maandalanga nga vhashumi vha vha ndaka;

(c) tshelede yoqhe ine ya bva kha u bindudza u ya nga khethekanyo ya 33(2); na

(d) tshelede yoqhe ine ya nga kuvhanganywa kha Maandalanga i tshe bva kha tshiko tshinwe na tshinwe.

(2) Maandalanga a tea u shumisa masheleli ao kha u badela zwo itwa ho nga Maandalanga zwi kwamaho mushumo wa Maandalanga na u shumisa maanda, fhedzi—

(a) masheleli manwe na manwe kana ndaka zwo lambdazhwo kana zwo fhwaho Maandalanga zwi tea u shumiswa u ya nga milayo ya uho u lambdazhwo kana u newa sa ifa; nahone

(b) arali Maandalanga—

(i) nga murahuro ha u ingamela kana tsedzululo Ha Maandalanga a vha o wana uri mushumi wa zwa ndaka o kundelwa u tevhzedzwa mushumo wawe kana o kundelwa u tevhzedzwa uno Mulayo;

(ii) o ita uri hu vhe na tshikolodo ndivho i yai u badela tshinwe na tshinwe tsho itwa ho tshi khou tevhzedzwa uno Mulayo u itela u wana masheleli ane mushumi wa zwi ndaka a khou koloda kana Maandalanga a tea u badela kha one ange kana Tshikwama; kana

(iii) o ita uri hu vhe na tshikolodo u itela u badela masheleli a tholo malugana na tholo yo itwa zwo itiswa nga ndela dza one Maandalanga kha nyimele hune tholo yo bulwaho kha khethekanyo ya 54 ya vha i saathu u itwa, Maandalanga a nga wana murahuro iyo tshelede ya uho u ingamela kana tsedzululo saizwi zwi na vhushaka na uyo mushumi kana tshelede yo tumbulwaho ya ay masheleli kha axennde na mutengo wa khasitama kana masheleli a iyo tholo, u ya nga nyimele ya zwithu, u bva kha mushumi wa zwi ndaka a kwameaaho.

(3) Nga ndivhazdo kha Gazete, phandha ha u thoma u shuma ha uno Mulayo na nga murahuro ha honे nga iwaha nga iwaha phandha ha mathomo a iwaha wa muvhalelo wa Maandalanga, nga murahuro ha u kwamana na Bodo, Minista u ta masheleli a badelwaho u ya nga uno Mulayo.
Financial year and deposits

33. (1) The financial year of the Authority is the period from 1 April in any year to 31 March in the following year, but the first financial year of the Authority begins on the date that this Act comes into operation, and ends on 31 March following that date.

(2) The Authority may invest or deposit money of the Authority that is not immediately required for contingencies or to meet current expenditures on a call or short-term fixed deposit account with any bank approved by the National Treasury.

CHAPTER 7

PROPERTY PRACTITIONERS FIDELITY FUND

Property Practitioners Fidelity Fund

34. (1) The Fund established by section 12 of the Estate Agents Affairs Act, 1976, known immediately before the commencement of this Act as the Estate Agents Fidelity Fund, continues to operate as if it were established in terms of this Act, under the name Property Practitioners Fidelity Fund.

(2) The following must be paid into the Fund:

(a) all monies paid as fees in accordance with this Act to or on account of the Fund;
(b) income derived from the investment of monies in the Fund in terms of section 33(2);
(c) all monies recovered by or on behalf of the Fund in the exercise of any right of action conferred by this Act;
(d) all monies received on behalf of the Fund from any insurance company;
(e) interest paid to the Fund; and
(f) any other monies accruing to the Fund from any other source.

Primary purpose of Fund

35. (1) Subject to the provisions of this Chapter, the Fund must be maintained and applied to reimburse persons who suffer pecuniary loss by reason of—

(a) theft of trust money committed by a property practitioner who was in possession of a Fidelity Fund certificate at the time of the theft; or
(b) the failure by a property practitioner to comply with section 54(1) or (3).

(2) No person has any claim against the Authority as contemplated in subsection (1) unless the claimant has—

(a) within three years after the circumstances giving rise to a claim came into being, given notice to the Authority of such claim as contemplated in section 37; or
(b) within the three-year period contemplated in paragraph (a) after a written request was sent to him or her by the Authority, furnished to the Authority such proof as it may reasonably require.

Control and management of Fund

36. (1) Subject to subsections (2) and (3), the Authority is responsible for the management and administration of the Fund.

(2) The Authority may, with the approval of the Minister, outsource the management and administration of the Fund to any portfolio management company or a financial institution in terms of the Financial Services Board Act, 1990, on the terms and conditions approved by the Minister, subject to subsection (3).
Nhwa wa mvuhalelano na dzidiphosithi

33. (1) Nhwa wa mvuhalelano wa Maandalgana ndi dzi 1 dza Lambamai kha nhwa muwne na munwe u swika dzi 31 dza Thafamuhwe dza nhwa u tevhelaho, fhedzi nhwa wa mvuhalelano wa u thoma wa Maandalgana u thoma nga ḍụṿạḥạ j̣ịnẹ uno Mulayo wa thoma u shuma, nahone wa fhela nga ḍzị 31 dza Thafamuhwe dza nhwa u tevhelaho ịj̣ọ ḍụṿạḥạ.

(2) Maandalgana a nga bindudza kana u diphositha tshelede ya Maandalgana kha ine a todi u shumiswa nga u ṭaṿḥạṇya kana ine a i todi u shumiswa zwenze wo kana kha akhauthu ya diphosithi ya u bindudza ya tshifhinga tshipfufhi kha bannga ịṇịwẹ na ịṇịwẹ yo ṇawịṣạhọ na Ṃụḥạṣhọ wa G̣ẉạṃạ ja Ṃụṿḥụsọ.

NDIMA YA 7

TSHIKWAMA TSHI THEMBEAHO TSHA VHASHUMI VHA ZWA NDAKA

Tshikwama tshi Thembeaho tsha Vhashumi vha zwa Ndaka

34. (1) Tshikwama tso tho miwaho u ya nga khethekanyo ya 12 ya Mulayo wa Estate Agents Affairs Act, 1976, tshi dyvheaho hu saathu u thoma u shuma uno Mulayi sa tshone Tshikwama tshi Thembeaho tsha Mazhendedzi a zwa Ndaka, tshi ya phaṇq̣ạ na u shuma u tou nga tso tho miwwa nga uno Mulayo, nga ﬀhasi ha dzina jine ja p̣ị Tshikwama tshi Thembeaho tsha Vhashumi vha zwa Ndaka.

(2) Masheleli a tevhelaho a tea u badelwa kha Tshikwama:

(a) Tshelede yọṭḥẹ yo badẹḷẉạḥo sa ṃḅạḍẹḷo u ya u ng̣ạ uno Mulayo kha kana kha akhauthu ya Tshikwama;

(b) tshelede yo dzhenaho i tshi bva kha tshelede dẓa ịṇịwe u bindudza kha Tshikwama u nga khethekanyo ya 33(2);

(c) tshelede yọṭḥẹ vhuịsẉạho nga kana ho imelwa Tshikwama hu tshi khou shumiswa p̣ Fernandez ịṇịwe u họ ẉeṣẉạho nga uno Mulayo;

(d) tshelede yọṭḥẹ yo ṭaṇg̣ạnedzụẉạho ho imelwa Tshikwama i tshi bva kha khamphani ya ndindakhombo;

(e) nzwoalelo dzo badẹḷẉạho kha Tshikwama; na

(f) tshelede ịṇịwe na ịṇịwe yo kuṿhanganyẹẉạho kha Tshikwama i tshi bva kha zwịḳo zwịṇwe na zwịṇwe.

Nḍịvọ khulwane ya Tshikwama

35. (1) Hu tshi khou tevhedzwa mbetshelo dza ino Ṇ diạ, Tshikwama tshi tea u tikẹḍzwa na u shumiswa kha u badela vhathu vhe vha vhaisạlo zwo ịṭswa nga u xelelwa nga masheleli nga vha ng̣ạ ja;a—

(a) u tswịẉạ ha tshelede ya tshikwama zwo ịṭẉa nga mushumi wa zwa ndaka ane o ṿḥa a na f̣haṇẓịela ya Tshikwama i Sumbedzaho u Thembea nga tshifhinga tsha u tswiwa; kana

(b) u kundẹḷẉa nga mushumi wa zwa ndaka malugana na u anana na khethekanyo ya 54(1) kana (3).

(2) A hu na muthu a re na mbilo if̣ḥịo na if̣ḥịo kha Maandalgana sa zwe bulwa kha khethekanyo ḳḥụku ya (1) nga nḍạ ha mụṣị muịṭạmbịlo o—

(a) ita nḍịṿḥịṣọ kha Maandalgana nga ha ịỵo mbilo sa zwo bulwa kha khethekanyo ya 37; nahone hu saathu fhela mịṇẉạḥạ miraṛu nga murahu ha nyimele yo itịṣạho uri hu itwe mbilo iyo; kana

(b) geṭsḥẹḍza Maandalgana tsumbo ine ya khou ṭọḍwa, hu saathu fhela mịṇẉạḥạ miraṛu yo bulwa kha phara ya (a) nga murahu ha u rumelwa ha khumbelo khae yo tou íwalwaho nga Maandalgana.

Kulangele kwa Tshikwama

36. (1) Hu tshi khou tevhedzwa khethekanyo ḳḥụku dza (2) na (3), Maandalgana a na vhudịfihnduleli kha kulangele kwa Tshikwama.

(2) Maandalgana musi hu na thendelo ya Minisṭạ, a nga ita uri tshumelo ya kulangele kwa Tshikwama i shunwe nga khamphani ya u langle photothịfoliọ kana tshimiswa tsha masheleli u ya nga Mulayo wa Financial Services Board Act, 1990, ho sedzwa milayo yo tendelwaho nga Ministha, hu tshi khou tevhedzwa khethekanyo ḳḥụku ya (3).
(3) Each member of the Board, or if the management and administration of the Fund has been outsourced to any portfolio management company or institution as contemplated in subsection (2), that portfolio management company or institution, owes a fiduciary duty and a duty of care and skill to the Fund, and any such portfolio management company or financial institution may be held liable in accordance with the principles relating to breach of a fiduciary duty, for any loss, damages or costs sustained by the Fund as a consequence of any breach by such portfolio management company or financial institution of such a duty.

Claims from Fund

37. (1) A claim for compensation from the Fund must be lodged with the Authority in the prescribed manner.

(2) A person is not entitled to claim against the Authority in respect of theft of trust money by a property practitioner unless such a person has, before lodging a claim with the Authority, laid a criminal charge against that property practitioner.

(3) The Authority must hold an inquiry in the prescribed manner into any claim lodged with the Authority in respect of the Fund.

Payments from Fund

38. (1) Subject to the provisions of this Act, the following must, whenever required, be paid out of the Fund:

(a) the amount of all claims, including costs, allowed or established against the Fund as provided for in this Chapter;

(b) in the discretion of the Board, any contribution in respect of any expense incurred by any claimant in establishing a claim;

(c) all legal, accounting and other expenses incurred in investigating and defending claims made against the Fund or otherwise incurred in relation to the Fund;

(d) all premiums payable in respect of contracts of insurance entered into by the Authority in terms of section 40;

(e) the expenses incurred in the management, control and administration of the Fund by the Authority, or if the management and administration of the Fund has been outsourced to a portfolio management company or financial institution as contemplated in section 36(2), by that institution, as the case may be, in accordance with the terms and conditions approved by the Minister;

(f) grants as contemplated in section 39; and

(g) any other monies which may be paid out of the Fund in accordance with this Act.

(2) The Minister may, in consultation with the Board, by notice in the Gazette limit the amount which may be paid from the Fund in respect of any category of claims.

(3) Any monies in the Fund not immediately required for the purposes of the Fund must, on the terms and conditions approved by the Minister, be invested with or in an institution approved by the National Treasury.

Authorisation of grants

39. (1) Subject to the terms and conditions that it may determine, the Board may authorise grants from the Fund—

(a) with regard to—

(i) research in fields of activity relevant to the business of property practitioners;

(ii) the maintenance and promotion of the standard of conduct of property practitioners;
(3) Muraŋo muŋwe wa muŋwe wa Bodo, kana arali ndaulo ya Tshikwama yo iswaho u shunwa nga khamphani ya ndaulo ya phothoñölo kha khamphani ya ndaulo ya phothoñölo kha khamphani ya ndaulo ya phothoñölo kha khamphani ya ndaulo ya phothoñölo kha khamphani ya ndaulo ya phothoñölo kha khamphani ya ndaulo ya phothoñölo kha khamphani ya ndaulo ya phothoñölo kha khamphani ya ndaulo ya phothoñölo kha khamphani ya ndaulo ya phothoñölo kha khamphani ya ndaulo ya phothoñölo kha khamphani ya ndaulo ya phothoñölo kha khamphani ya ndaulo ya phothoñölo kha khamphani ya ndaulo ya phothoñölo kha khamphani ya ndaulo ya phothoñölo kha khamphani ya ndaulo ya phothoñölo kha khamphani ya ndaulo ya phothoñölo kha khamphani ya ndaulo ya phothoñölo kha khamphani ya ndaulo ya phothoñölo kha khamphani ya ndaulo ya phothoñölo kha khamphani ya ndaulo ya phothoñölo kha khamphani ya

Mbilo dzi bvaho kha Tshikwama

37. (1) Mbilo ya mbadelo i bvaho kha Tshikwama i tea u itwa kha Maanđalanga nga nqilila yo randelwaho.
(2) Muthu ha tei u ita mbilo Kha Maanđalanga malugana na u tswiwa ha tshelede ya tshikwama zwo itwa nga mushumi wa zwa ndaka nga nda ha musi uyo muthu musi a saathu ita mbilo ngei kha Maanđalanga, a tea u thoma a vula mulandu a tshi vulela vhutshinyi ho itwaho nga mushumi wa zwa ndaka.
(3) Maanđalanga a tea u ita ȟoǯiisiso nga nqilila yo randelwaho malugana na mbilo yo itwaho kha one Maanđalanga malugana na Tshikwama.

Mbadelo dzi bvaho kha Tshikwama

38. (1) Hu tshi khoup tevhedzwa mbetshelo dzo uno Mulayo, misi yoǯe tsho mbiyo tsho tevhedzwa mbiyo dzo ǯo bodela nga tshelede i bvaho kha Tshikwama:
(a) Tshelede ya mbilo dzọʈe, hu tshi katelela tshelede, yo tendelwaho kana yo thomiviwa malugana na Tshikwama u ya nga mbetshelo ya ino Ndima;
(b) u ya nga hune Bodo ya vhona zwo tea, mbadelo in hune ya hune malugana na tshelede yo shumiswaho nga uyo ane a khou vhila musi a tshi khou ita mbilo;
(c) masheleli ọǯe o bodelwaho zwi tshi kwama mulayo, na zwi ǯiwe-vho zwi zwi bodelwaho musi hu tshi khoup sedzuluswa na u imelela mbilo malugana na Tshikwama kana masheleli o shumiswaho zwi tshi kwama Tshikwama;
(d) mbadelo dzọʈe dza ndindakhombo dзи bodelwaho malugana na dzikonji raka dza ndindakhombo dzо itwaho nga Maanđalanga hu tshi khou tevhedzwa khethekanyo ya 40;
(e) masheleli o shumiswaho kha zwi kwama ndaulo, ya Tshikwama nga Maanđalanga, kana arali ndaulo ya Tshikwama yo ita uri mushumo u tou shuniwa nga khamphani ya ndaulo ya phothoñölo kana tshimiswa tsha zwa masheleli sa zwo bulwaho kha khethekanyo ya 36(2), nga tshimiswa, ya nga hune nyimele ya khwa zhonye, hu tshi khoup tevhedzwa ndayo dzо tendelwaho nga Miństa;
(f) magavhelo u ya nga zwi zwi bulwaho kha khethekanyo ya 39; na
(g) masheleli manwe na manwe ane a nga bodela a tshi bva kha Tshikwama u ya nga uno Mulayo.
(2) Miństa a tshi khou kwamana na Bodo, nahone nga kha ndiñhavo i re kha Gaze te u ǯo ita phungudzelo ya tshelede ine ya nga bodela i tshi bva kha Tshikwama malugana na khethekanyo ya dzimbilo.
(3) Masheleli manwe na manwe a re ku Tshikwama ane ku ǯoǯe u shumiswa nga u ǯa ǯhanyanga nga Tshikwama, misi ku tshi khou tevhedzwa milayo yo teaho ine Miństa o i tendela, masheleli ąya o tshi u binduliswa kha tshimiswa tsho khwajhisdezwaho nga Muhasho wa zwa Gwama Jla Lushaka.

U tendelwa ha magavhelo

39. (1) Hu tshi khoup tevhedzwa milayo ine ya nga tiwa, Bodo i nga tendela magavhelo a tshi bva kha Tshikwama—
(a) malugana na—
(i) ǯoǯiisiso kha masia a mushumo une wa elana na zwa bindu ja vhashumi vha zwa ndaka;
(ii) u londola na u alusa zwjaǯandia zwi vhuiñi kha vhashumi vha zwa

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(iii) the maintenance and promotion of the training standards of property practitioners;
(iv) the education and training of property practitioners; and
(v) transformation of the property sector;
(b) to any association or society of property practitioners for the purpose of enabling that association or society to maintain and promote the interests of property practitioners; and
(c) of the amount that it may determine for the purposes of—
   (i) advertising and promoting the services and facilities offered by property practitioners in general; or
   (ii) promoting public awareness in respect of consumer rights in matters relating to immovable property.

(2) The Board may at any time revoke any authorisation contemplated in subsection (1) on reasonable grounds.

**Indemnity insurance**

40. The Authority may in the public interest arrange any group insurance scheme with any insurer registered as a short-term insurer in terms of the Short-term Insurance Act, 1998 (Act No. 53 of 1998), for the provision of insurance to cover property practitioners’ liability to members of the public on the grounds of malpractice, up to an amount determined by the Board.

**Fees payable by property practitioner**

41. (1) A property practitioner must annually pay to the Fund—
   (a) a prescribed application fee for a Fidelity Fund certificate in accordance with the provisions of section 47; and
   (b) any amount that the Minister may, after consultation with the Minister of Finance and the Board, determine from time to time by notice in the *Gazette*.

(2) The Minister must in exercising the powers conferred in subsection (1), specify a method or standard to determine the percentage by which the amounts contemplated in paragraphs (a) and (b) of that subsection are automatically adjusted annually on 1 April of every subsequent year, but—
   (a) the Minister may at any time override such an automatic adjustment by making a new determination in terms of subsection (1); and
   (b) the Minister must not later than five years after making a determination contemplated in subsection (1) or paragraph (a), as the case may be, make a new determination in terms of subsection (1).

**Cooperation by claimant**

42. (1) A person who has lodged a claim contemplated in section 36(1) must, upon request by the Authority participate, cooperate and assist the Authority in respect of any matter concerning the claim.

(2) The Authority may withhold payment from the Fund of any amount payable to a person who fails or refuses to substantially comply with any reasonable request made in writing by—
   (a) the South African Police Service or other organ of state responsible for investigating or monitoring crime or criminal activity, to cooperate and assist in its investigation of any criminal charge laid against a property practitioner;
(iii) u londola na u alusa zwiṱandadi zwa vhugudisi ha vhashumi vha zwa ndaka;
(iv) pfunzo na vhugudisi ha vhashumi vha zwa ndaka; na
(v) tshanduko ya sekizhara ya zwa ndaka;

(b) kha asosiesheni kana sosaiṭhi ya vhashumi vha zwa ndaka u itela ndivho ya u ita uri asosiesheni kana sosaiṭhi i londole na u alusa madzangalelo a vhashumi vha zwa ndaka; na

(c) tshelede ine ya nga ta i tshi itela ndivho dza u—
(i) kungedzelna na u alusa tshumelo dza na zwishumiswa zwi getshedzwohanga nga musumi vha zwa ndaka nga u tou angaredza; kana
(ii) alusa ndivho tshitshavhani nga ha fnanelo dza vharengi kha maphungo a kwamawo zwa ndaka i sa endedzwi.

(2) Bodo nga tshifthinga tshiṱwe na tshiṱwe i nga fhelisa i tendelwa ho bulwaho kha khethekanyo ṭhukhu ya (1) musi hu na mbuno dzi pfalaho.

Ndindakombo ya u tsireledza tshinyalelo

40. Ho sedzwa dzangalelo ła tshithshavha Maanďalanga a nga ita nzudzanyo ya tshikimu tsha ndindakombo kha khamphani ya ndindakombo iṅwe na iṅwe yo iṅwalisaho sa khamphani ya zwa ndindakombo ya tshifthinga tshipufhi u ya nga Mulayo wa Short term Insurance Act, 1998 (Act No. 53 of 1998); u itela mbetshelo ya ndindakombo ya u tsireledza tshikolodo tsha musumi va zwa ndaka kha miraďo ya tshitshavha ho sedzwa zwa kushumele ku si kwavhunga, u swika kha tshelede ine ya ṭo tiwa nga Bodo.

Masheleli a badelwaho nga musumi wa zwa ndaka

41. (1) Mushumi wa zwa Ndaka nga ṭwaha nga ṭwaha kha Tshikwama u tea u badel—
(a) tshelede yo randelwaho ya khumbelo ya ṭhanziela ya Tshikwama i Sumbe-
dzaho u Thembea u ya nga mbetshelo dza khethekanyo ya 47; na
(b) tshelede iṅwe na iṅwe ine Minisṭa, nga murahu ha musi o kwamana na Minisṭa wa zwa Masheleli na Bodo, a ṭo ta misi yoṱhe nahone zwo itwa nga njivhazdo kha Gazete.

(2) Minisṭa u tea u shumisa maanďa ake e a hweswa nga khethekanyo ṭhukhu ya (1) a ṭaluse ngona kana tshithandadi tsha u ta pheṣenthe ine masheleli o bulwaho kha pharagirafu dza (a) kana (b) dza iyo khethekanyo ṭhukhu dza tou dzula dzono nga dzoṱhe ṭwaha nga ṭwaha nga dzo 1 dza Lambamai ṭwahwa muṅwe na muṅwe une wa tevhela; fhedzi—
(a) Minisṭa misi yoṱhe u na maanďa a u hana uho u gonya ha ṭwahwa nga ṭwaha nga u tou ta nga huswa hu tshi khou tevhedzwa khethekanyo ṭhukhu ya (1); na
(b) Minisṭa hu saṅthu fhira miṅwahwa niṱanu nga murahu ha u ita zwa u ta sa zwe zwa bulwaho ha khethekanyo ṭhukhu ya (1) kana phara ya (a), u ya nga huhe nyimele ya va hwede, u tea a nga huswa a tshi khou tevhedza khethekanyo ṭhukhu ya (1).

Tshumisano i lavhelelwaho kha muitambilo

42. (1) Muthu ane a khou ita mbilo o bulwaho kha khethekanyo ya 36(1) musi o humbelwa nga Maanďalanga, u tea u dzhenela, shumisanea nae nhone a thuse Maanďalanga mulugana na tshiṱwe na tshiṱwe tshi kwamawo mbilolo.

(2) Maanďalanga a nga fara mbadelo i bvwaho kha Tshikwama ine mbadelo iyo ya vhava ya mutengo muṅwe na muṅwe i tshi u badelwa nga muthu ane a kundelwa kana ane a hana u anana na khumbelo i pfadzaho yo iṱhwa nga u tou ṭwala nga—
(a) Tshumelo ya Tshipholisa ya Afrika Tshipembe kana tshiṱwe tshiṱiswa tsha muṅvhuo tshi re na vhufihinduleli ha tzedzulubo kana i lavhelelsa vhugxhenga kana zwixo zwa vhugxhenga, u shumisana na u thusa kha tzedzulubo ya mulandu muṅwe na muṅwe wa vhugxhenga wo vulwaho u tshi khou kwama musumi wa zwa ndaka;
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(b) the National Directorate of Public Prosecutions, any other prosecuting authority or any organ of state responsible for asset forfeiture investigations or proceedings, in respect of any investigation or proceedings in a court of law of which the relevant property practitioner is the subject or defendant, as the case may be; or

c) the Authority to cooperate and assist in—
   (i) the investigation of any complaint against the relevant property practitioner; or
   (ii) the exercise of the Authority’s rights and remedies against the relevant property practitioner pursuant to the provisions of this Act.

(3) Neither the Fund nor the Authority is liable for payment of interest on any amount withheld as contemplated in subsection (2).

Actions against Authority in respect of Fund

43. (1) No person may commence any action against the Authority for payment from the Fund after the expiry of three years from the date of a written notification by the Authority addressed to the claimant, or his, her or its legal representative, if any, informing the claimant that the Authority—
   (a) rejects the claim to which the action relates; or
   (b) requires compliance with section 42.

(2) No person may recover from the Authority any amount larger than the difference between the amount of the loss suffered by him or her and the amount or value of all monies or other benefits which he or she received or is entitled to receive out of any other source in respect of such loss.

(3) No right of action lies against the Authority in respect of any loss suffered by—
   (a) the spouse, life partner, business partner or immediate family member of a property practitioner by reason of any negligent or intentional conduct including theft committed by such property practitioner; or
   (b) any property practitioner by reason of any negligent or intentional conduct including theft committed—
      (i) by his, her or its business partner;
      (ii) if such property practitioner is a company, by any director of such company;
      (iii) if he or she is a director of a company, by any co-director in such company;
      (iv) if such property practitioner is a close corporation, by any member of such corporation;
      (v) if he or she is a partner in a partnership, by any other partner of such partnership; or
      (vi) by any person employed by him or her as a property practitioner;
   (c) any person as a result of negligent or intentional conduct including theft, or as a result of any other act or omission in connection with trust monies held or received on account of any other person, by any person referred to in paragraph (d) of the definition of “property practitioner” in section 1.

Application of insurance monies

44. (1) No claimant having a claim against the Authority under this Chapter has by virtue of any contract entered into in terms of section 40 by the Authority with an insurer, have any right of action against that insurer.

(2) No claimant having a claim against the Authority under this Chapter has any right or claim in respect of any money paid or payable to the Authority by an insurer in accordance with a contract entered into in terms of section 33, but such money must be paid into the Fund and applied by the Authority in accordance with the provisions of this Chapter to settle any relevant claim.
(b) Khethekanyo ya Lushaka ya Vhutshutshisi ka Lushaka, maandaLanga maire na maire kha zwa vhutshutshisi kana tshimiswa tshiiniwe na tshiiniwe tsha muvhuso tshi re na vhudifhindleleli kha zwa tseWdzulo dzo u xelaxela ha ndaka kana tsengo, malugana na tseWdzulo iihe na iihe kana tsengo ngei khothe ya mulayo hune mushumi wa zwa ndaka o teaho ha vha ene mihuvelwU, u ya nga hune zwithu zwa vha; kana

(c) MaandaLanga u itela u shumisana na u thusa kha—

(i) tseWdzulo ya mbilaelo iihipho na iihipho ine ya kwama mushumi wa zwa ndaka; kana

(ii) u shumisa pfaNelo dza MaandaLanga na thandululo zwi tshi kwama mushumi wa zwa ndaka o teaho hu tshi khou tevehlwana mbetshelo dza uno Mulayo.

(3) A si Tshikwama nahoN a si MaandaLanga a re na vhudifhindleleli ha u babela nzwalele kha tshelele yo farwaho u ya nga zwi zwa buWla kha khethekanyo iihipho ya (2).

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Maga ane a dzhielwa MaandaLanga malugana na Tshikwama

43. (1) A huna muthu ane a do thoma liga iiwiwe Ji kwamaho MaandaLanga malugana na mbadelo i bvaho kha Tshikwama nga murahu u a fhela ha minWaha miraru u bv a kha datumu ya u nWalwa ha nqiviWadzo nga one MaandaLanga yo livhiswa kha muitambilo, kana muimelesi ewe ene muitambilo, arali a hone, hu tshi khou vhuWduwa muitambilo uri MaandaLanga—

(a) a khou hana mbilo; kana

(b) a khou iihehu hu tshi tevhedzwa khethekanyo ya 42.

(2) A hu na muthu ane a do vhuiswa tshelele i tshi bv a kha MaandaLanga ine ya vha nWnzi u fhira tshelele yo lozWweah o muitambilo na tshelele kana ndeYe ya tshelele yo tshi khou kana dzo tEangedzWwa kana yo teaho u tEangedzWa i tshi bv a kha tshiiko tshiiniwe na tshiiniwe malugana na uho u lozWwea.

(3) A hu na pfaNelo ya nyiyo malugana na u xelaxela ho phiWwaho nga—

(a) mufarisi, tshana ya vhuWshilo hothe, mushumisani kha zwa mabindu kana muraEo wa tsiiniwa wa muthu wa zwa ndaka nga mbuno i kwamaho u sa londa kana nga khole hu tshi kateWlo vhuWhava ho itWweha nga uyo mushumi wa zwa ndaka; kana

(b) mushumi wa zwa ndaka muiniwe na muiniwe nga vhang a Ja u sa londa kana nga khole hu tshi khou kateWlo vhuWhava ho itWweha—

(i) nga ene muge kana nga mushumisani kha zwi bindu;

(ii) arali uyo mushumi wa zwi ndaka e khamphan i nga mulanguli wa khamphan i muiniwe wa iyo khamphan i;

(iii) arali e mulanguli wa khamphan i nga mulanguli-ngaE kha iyo koporasi;

(iv) arali uyo mushumi wa zwi ndaka hu koporasi iihipho, nga muraEo muiniwe na muiniwe ya yeneyo koporasi;

(v) arali hu tshana kha vhuWshaka ha bindu, nga tshana ya zwi bindu ya honoho vhuWjama; kana

(vi) nga muthu muiniwe na muiniwe o tholWwaho ngae sa mushumi wa zwa ndaka;

(c) muthu muiniwe na muiniwe zwi itiswa nga u sa londa kana nga khole hu tshi kateWlo vhuWhava, kana zwi itiswa nga u khakha zwi tshi tmana na tshelele dza tshikwama dzo farWwaho kana dzo tEangedzWwa kha akhaWthu ya muthu ufiEo na ufiEo, nga muthu o buWwaho kha pharaGirafu ya (d) ya iihipho yehi va iihipho na “mushumi wa zwa ndaka” kha khethekanyo ya 1.

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Khumbelo ya tshelele dza ndindakhombo

44. (1) A hu na muitambilo a re na mbilo kha MaandaLanga nga ihasi ha ino Ndima nga iiWwaho wa konjiEaka iiwe na iiwe yo itWweha u ya nga khethekanyo ya 40 nga MaandaLanga na khamphani ya ndindakhombo, a re na pfaNelo iiwe na iiwe ya nyiyo kha iyo khamphani ya ndindakhombo.

(2) A hu na muitambilo ane a vha na mbilo kha MaandaLanga nga ihasi ha ino Ndima ane a vha na pfaNelo iihipho na iihipho kana mbilo malugana na tshelele iiwe na iiwe i bedelWwaho kha MaandaLanga nga khamphani ya ndindakhombo u ya nga konjiEaka yo iiWweha u ya nga khethekanyo ya 32, fhedzi iyo tshelele i tshi u bedelWa kha Tshikwama nahoN e ya teu u hulebelwWa nga MaandaLanga u ya nga mbetshelo dzo ino ndima u itela u babela mbilo.

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Transfer of rights and remedies to Authority

45. If the Authority settles in full or in part any claim under this Chapter, all the rights and remedies of the claimant in respect of such claim against the property practitioner concerned or any other person or, in the case of the death, insolvency or other legal incapacity of that property practitioner or other person, against the estate of that property practitioner or other person shall pass to the Authority, without qualification or diminution, to the extent of such settlement.

Fund exempt from insurance laws

46. No provision of any law relating to insurance applies to or in respect of the Fund.

CHAPTER 8

PROPERTY PRACTITIONERS

Application for Fidelity Fund certificate

47. (1) Every property practitioner, excluding a property practitioner referred to in paragraph (g) of the definition of “property practitioner” in section 1, must, within the prescribed period and in the prescribed manner, every three years apply to the Authority for a Fidelity Fund certificate, and such application must be accompanied by the fees contemplated in section 34.

(2) A property practitioner referred to in paragraph (d) of the definition of “property practitioner” in section 1, must, within the prescribed period and in the prescribed manner, apply to the Authority for a registration certificate, and such application must be accompanied by the fees contemplated in section 34.

(3) Subject to sections 43 and 52, the Authority must, upon receipt of an application contemplated in subsection (1) or (2) and the relevant fees, if the applicant concerned—
   (a) meets or has met all requirements provided for in or under this Act; and
   (b) is not disqualified in terms of section 48 from being issued with a Fidelity Fund certificate, issue to the applicant concerned a Fidelity Fund certificate in the prescribed form, which is valid until 31 December of the year to which such application relates.

(4) A property practitioner who applies to the Authority for a Fidelity Fund certificate or a registration certificate, after the prescribed period referred to in subsection (1) or (2), or whose application is not accompanied by the fees referred to in section 34, must in addition to the applicable fee pay a prescribed penalty to the Authority and the Authority may not issue a Fidelity Fund certificate to the property practitioner concerned until the penalty has been paid.

(5) A property practitioner may not use or display a lapsed Fidelity Fund certificate.

(6) A property practitioner must, upon request from any relevant party, produce a Fidelity Fund certificate or certified copy thereof.

(7) A property practitioner whose contact details change during the period of validity of his, her or its Fidelity Fund certificate, must within 14 days of such a change taking place in writing provide the Authority with his, her or its new contact details.
U rathisela pfanelo na thasululo kha Maandalanga

45. Arali Maandalanga a badela tshelede yothe kana a tou badela iwe ya mbilo nga fhasi ha ino Ndima, pfanelo dzotho na thandululo dza muitambilo malugana na iyo mbilo kha mushumi wa zwa ndaka a kwameaho kana munwe muthu kana, kha nyimele ya musi ho vha na u lovha, u kundelwa nga u badela zvikolodo kana zwiynwe zwi kwamaho u sa kona w0 sedza mulayo kha uyo mushumi wa zwa ndaka kana munwe muthu, kha ndaka ya uyo mushumi wa zwa ndaka kana munwe muthu, pfanelo dizi do fhirela kha Maandalanga, hu si na ndalukano na u fhungudzeca, kha vhuhulu ha iyo mbadelo.

Masheleni a vhofohololwaho kha milayo ya ndindakhombo

46. A hu na mbetshelo ya mulayo i kwamaho ndindakhombo ine ya kwama kha kana malugana na Tshikwama.

NDIMA YA 8

VHASHUMI VHA ZWA NDAKA

Khumbelo ya thanziela ya Tshikwama i Sumbedzaho u Thembea

47. (1) Mushumi wa zwa ndaka munwe na munwe hu sa kalwelwi mushumi wa zwa ndaka o bulwaho kha pharagirafa ya (g) ya thalutshedzo ya ipfi mushumi wa zwa ndaka kha khethekanyo ya 1, u tea, u ta khumbelo minwa miraru minwe na minwe kha Maandalanga u itela u wana thanziela ya Tshikwama i Sumbedzaho u Thembea, nahone iyo khumbelo i tea u fhelekedzwa nga masheleni o bulwaho kha khethekanyo ya 34, nahone khumbelo iyo i tea u itwa hu saathu fihira tshifhinga tsho randelwaho nahone i itwe nga ndila yo randelwaho.

(2) Mushumi wa zwa ndaka o bulwaho kha pharagirafa ya (d) kha thalutshedzo ya ipfi mushumi wa zwa ndaka kha khethekanyo ya 1, hu saathu u fhela tshifhinga tsho randelwaho nahone nga ndila yo randelwaho, u tea u ita khumbelo kha Maandalanga u itela u nwalisa thanziela, nahone iyo khumbelo i tea u fhelekedzwa nga masheleni o bulwaho kha khethekanyo ya 34.

(3) Hu tshi khou tevedzwa khethekanyo 43 na 52, Maandalanga musi a tshi tou thanganedza khumbelo yo bulwaho kha khethekanyo thukhu ya (1) kana (2) na masheleni o teaho, arali mumuhelbi a kwameaho—

(a) a tshi fusha thofe kana o fusha thofe dza mbetshelo nga fhasi ha uno Mulayo; nahone

(b) a songo hanelwa u fhira thanziela u ya nga khethekanyo ya 48, Maandalanga a do tea u fha mumuhelbi a kwameaho thanziela ya Tshikwama i Sumbedzaho u Thembea nga ndila yo randelwaho, ine iyo thanziela i do shuma u swika nga dzi 31 dza Nyendavhusiku kha wonoyo iweha une khumbelo ya khou itelwa wone.

(4) Mushumi wa zwa ndaka a humbelaho thanziela ya Tshikwama i Sumbedzaho u Thembea kana u nwalisa thanziela kha Maanadalanga, nga murahu ha tshifhinga tsho randelwaho sa zwo bulwaho kha khethekanyo thukhu ya (1) kana (2), kana ane khumbelo yawe a yo ngo fhelekedzwa nga tshelede yo bulwaho kha khethekanyo ya 34, u a tea u badela ndaiso yo randelwaho kha Maandalanga nahone Maandalanga nga ngetshedzi thanziela ya Tshikwama i Sumbedzaho u Thembea kha uyo mushumi wa zwa ndaka a kwameaho u swikela a tshi badela ndaiso.

(5) Mushumi wa zwa ndaka a nga si shumise kana u thana thanziela ya Tshikwama i Sumbedzaho u Thembea yo fhirela nga tshifhinga.

(6) Mushumi wa zwa ndaka musi hu na khumbelo ine ya bva kha munwe na munwe a kwameaho nahone o teaho, u tea u bvisa thanziela ya Tshikwama i Sumbedzaho u Thembea kana khophi ya iyo thanziela.

(7) Mushumi wa zwa ndaka ane zwidodombedzwa zwawe zwa vhukwamani zwo shandukiswa nga tshifhinga tsha musi iyo thanziela i saathu u fhirela nga tshifhinga tsha u vha i shumaho, hu saathu fhela maduvha a 14 ho shandukiswa izwo zwidodombedzwa nga u tou nwala u tea u fha Maanadalanga zwidodombedzwa zwa vhukwamani zвиса.
Prohibition on rendering services without Fidelity Fund certificate

48. (1) No person or entity may act as a property practitioner unless, in addition to any other requirements provided for in or under this Act—
   (a) he or she or it has been issued with a Fidelity Fund certificate contemplated in section 47; or
   (b) if he or she or it employs any other person as a property practitioner, that person has also been issued with a Fidelity Fund certificate contemplated in section 47.

(2) If an entity is—
   (a) a company;
   (b) a close corporation;
   (c) a trust; or
   (d) a partnership,
every director of such a company, every member of such a close corporation, every trustee of such a trust and every partner of such a partnership, as the case may be, must have been issued with a Fidelity Fund certificate contemplated in section 47.

(3) Any person who contravenes or fails to comply with subsection (1) is guilty of an offence.

(4) A person who contravenes or fails to comply with subsection (1) must, immediately upon receipt of a request from any relevant party in writing, repay any amount received in respect of or as a result of any property transaction during such contravention.

(5) A person who fails to comply with a request contemplated in subsection (4) is guilty of an offence.

(6) The provisions of this section apply irrespective of—
   (a) what appellation a person or entity is described by; or
   (b) whether he, she or it is registered, certified or appointed or acts in terms of or under or for purposes of any other Act.

Mandatory time periods for issuing certificates

49. (1) The Authority must, within 30 working days, consider any application submitted to it in terms of this Act, which fully meets the prescribed requirements, unless the Authority, on good grounds in writing, informs the applicant of the reasons why that period is to be extended, provided that such extension may not exceed 20 working days.

(2) The period of 30 working days contemplated in subsection (1) commences afresh if the Authority requests the applicant to submit additional information or to correct the said application.

(3) If the Authority has failed to comply with subsection (1), the application is deemed to have been approved and the Authority must, upon written request by the applicant within 10 working days, issue the applicant with the relevant certificate.

Disqualification from issue of Fidelity Fund certificate

50. The Authority may not issue a Fidelity Fund certificate to—
   (a) any person who—
      (i) is not a South African citizen and does not lawfully reside in the Republic;
      (ii) has, at any time in the preceding five years, been found guilty of contravening this Act, the Estate Agency Affairs Act, or any similar legislation in any other jurisdiction;
Nyilelzo malugana na u ŋetshedzwa tshumelo hu si na ŋhanziela ya Tshikwama i Sumbedzaho u Thembea

48. (1) A hu na muthu ane kana tshiimiswa tshine tsha nga shuma sa mushumi wa zwa ndaka nga nnđa ha musi nga ntša ha dziĕwe ŋhoqea dzio vhetselwaho kha kana nga fhasi ha uno Mulayo—
   (a) uyo muthu kana isho tshiimiswa tsho qetsedzwa ŋhanziela ya Tshikwama i Sumbedzaho u Thembea sa zwo bulwaho kha khethekanyo ya 47; kana
   (b) arali uyo muthu kana isho tshiimiswa tsho thola muthu sa mushumi wa zwa ndaka, ane uyo muthu o qetsedzwa ŋhanziela ya Tshikwama i Sumbedzaho u Thembea sa zwo bulwaho kha khethekanyo ya 47.

(2) Arali tshiimiswa hu—
   (a) khamphani;
   (b) koporasi ŋhukhu;
   (c) thirasiti; kana
   (d) tshine tsha shumisanwa natsho,
   mulanguli muũwe na muũwe wa yenyeyo khamphani, muradó muũwe na muũwe wa yenyeyo koporasi ŋhukhu, thirasiti muũwe na muũwe wa yenyeyo thirasiti na muũwe na muũwe a re ŋhama ya tshumisano, u ya nga hune zwa ṣha, hu tea u vha o qetsedzwa ŋhanziela ya Tshikwama i Sumbedzaho u Thembea sa zwo bulwaho kha khethekanyo ya 47.

(3) Muthu muũwe na muũwe ane a pfukekanya kana ane a kundelwa u tevhedza khethekanyo ŋhukhu ya (1) u na mulandu wa vhuthinyi.
   (4) Muthu ane a pfukekanya kana ane a kundelwa u tevhedza khethekanyo ŋhukhu ya (1), nga u tou ŋavhanya musi a tshi tou wana khumbelo i bvaho ho teaho nahone yo tou ŋwalwa, u tea u badela tselede ifhiio na ifhiio yo ŋanganedzwo ha malugana na kana zwo vhangwa nga ŋhirantenekisheni inewe na inewe nga tshiifhinga tshenetsa tsha uho u sa tevhedza khethekanyo ya Mulayo.

(5) Muthu ane a kundelwa u tevhedza khumbelo yo bulwaho kha khethekanyo ŋhukhu ya (4) u na mulandu wa uri o khakha.
   (6) Mbetshelo dzia ino khethekanyo dzio shumisanwa hu songo sedzwa—
   (a) kuŋalaŋaŋalwaho kwa aphi li ya muthu kana tshiimiswa; kana
   (b) muthu o ŋwalisa kana tshiimiswa tsho ŋwalisa, u vha hone ha ŋhanziela kana u tholo kana u shuma u ya nga, kana nga fhasi ha, kana u itela ndiño dzia muũwe Mulayo.

Zwifhinga zwine zwa tou vhofha zwa u ŋetshedza ŋhanziela

49. (1) Maandålanga hu saathu fhela maăuva a 30 a mushumo, a tea u lavhelesa khumbelo inewe na inewe yo ŋiswa ha ya nga uno Mulayo, ine iyo khumbelo i khou fusha ŋhoqea dzıphe dzio randelwaho, nga nnđa ha musi Maandålanga arali hu na zvivianga zwi re kagala a tshi nga tou ŋwalela muhumbeli m búndó dzia uri maăuva a 30 a tea u engedzwa, tenda uho u engedza maăuva hu sa ŋho ifha maăuva a 20 a mushumo.

(2) Tshiifhinga tsha maăuva a 30 a mushumo o bulwaho kha khethekanyo ya (1) a thomululwa u vhala nga huwa arali Maandålanga a humbela muhumbeli uri a diše ndiṕhiso kana u lulumisa khumbelo.

(3) Arali Maandålanga a kundelwa u tevhedza khethekanyo ŋhukhu ya (1), zwi dzșiwiwa khumbelo ya muhumbeli yo tenderwa nahone Maandålanga a tea uri musi muhumbeli o humbela nga u tou ŋwala ha saathu u fhela maăuva a 10 a mushumo, Maandålanga a qetsedzwe muhumbeli ŋhanziela yo teaho.

U sa tsha fusha ŋhoqea dzia u ŋhiwa ŋhanziela ya Tshikwamai i Sumbedzaho u Thembea

50. Maandålanga a nga si qetsedzhe ŋhanziela ya Tshikwama i Sumbedzaho u Thembea
   (a) muthu muũwe na muũwe ane—
      (i) a sa vhe Mudzulapo wa Afrika Tshipembe nahone ane a sa vhe na thendelo ya u dzula kha Riphabuljiki lwa mulayo;
      (ii) ane kha mińwaha mińtahu yo ŋhiro ho ranwa mulandu wa u pfuka Mulayo wa Estate Agency Affairs Act, 1976, kana mulayosinwa muũwe na muũwe uze wa fana na yeneyi kha vhunũwe vhupu;

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(iii) has been found in any civil or criminal proceedings by a court of law, whether in the Republic or elsewhere, to have acted fraudulently, dishonestly, unprofessionally, dishonourably or in breach of a fiduciary duty, or of any other offence for which such person has been sentenced to imprisonment without the option of a fine;

(iv) is of unsound mind;

(v) has, at any time in the preceding five years by reason of improper conduct, been dismissed from a position of trust;

(vi) is an unrehabilitated insolvent;

(vii) is not in possession of a valid tax clearance certificate;

(viii) has been prohibited by any legislation, enacted in the Republic or elsewhere, from practicing as a property practitioner or from occupying a position of trust, including any juristic person to whom the disqualifications in subparagraphs (ii), (iii), (vi) and (vii) apply with the necessary changes;

(ix) has been found guilty by a competent tribunal or a court of law of unfairly differentiating, distinguishing or excluding directly or indirectly anyone on the basis of race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth;

(x) is not in possession of a valid BEE certificate;

(b) any property practitioner who or, if such property practitioner is a company, any director or member of management of that company, or if such property practitioner is a close corporation, any member referred to in paragraph (a) of the definition of “property practitioner” in section 1, or if such property practitioner is a trust, any trustee, or if such property practitioner is a partnership, any partner, who—

(i) in the preceding five years has been found guilty of contravention of this Act or the Estate Agency Affairs Act, 1976;

(ii) does not comply with the prescribed standard of training;

(iii) does not have the practical experience determined by the Authority; or

(iv) 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 38 from the Fund, unless the property practitioner has repaid the relevant amount in full to the Authority, or the Authority is of the opinion that satisfactory arrangements for the settlement of such amount have been made and has confirmed such arrangements;

(c) any property practitioner contemplated in paragraph (a) of the definition of “property practitioner” in section 1, if such property practitioner carries or intends to carry on business as a property practitioner under a trade name which is identical or confusingly similar to the trade name of another property practitioner—

(i) already issued with a Fidelity Fund certificate; or

(ii) whose Fidelity Fund certificate is suspended or has lapsed or been withdrawn in terms of this Act; or

(d) any property practitioner who is a director of a company, or who is a member referred to in paragraph (b) of the definition of “property practitioner” in section 1 of a close corporation—

(i) of which the Fidelity Fund certificate was withdrawn by the Authority in terms of section 52; or

(ii) which was prohibited in terms of section 48 from operating in any way on its trust, savings or other interest-bearing accounts referred to in terms of that section.
(iii) o wanwa mulandu kha zwi kwamaho mbilo kana zwa vhugsevhangena nga khothe ya mulayo, hu nga vha kha ja Afrika Tshipembe kana kha jiwine shango, o wanwa mulandu wa u ita zwa vhufhura, u sa fhufuhedzega, u sa vha phrophes翰ajala, u sa thomphe a kana u pfuka mushumo wa vhudiHinHinuleli ha u vha thirasitii, kana vhutshinyi vhunwe na vhunwe he ha ita uri uyo muthu a valewe dzhele a songo tendelwa na u tou badela ndatiso;

(iv) ane mumhulombo wawe a u shumi zvavhuqi;

(v) o pandelwaho kha vhuviki ha u vha thirasitii zwo itiswa nga vhudififi ha hu nga vha kha ˆla Afrika Tshipembe kana kha ˆlin ˙ we shango, o wanwa mulandu wa u ita zwa vhufhura, u sa fhufuhedzega, u sa vha phrophes翰ajala, u sa thomphe a kana u pfuka mushumo wa vhudiHinHinuleli ha u vha thirasitii, kana vhutshinyi vhunwe na vhunwe he ha ita uri uyo muthu a valewe dzhele a songo tendelwa na u tou badela ndatiso;

(vi) o pandelwaho kha vhuimo ha u vha thirasitii zwo itiswa nga vhudiHinHinuleli ha u vha thirasitii, kana vhutshinyi vhunwe na vhunwe he ha ita uri uyo muthu a valewe dzhele a songo tendelwa na u tou badela ndatiso;

(vii) o pandelwaho kha vhuimo ha u vha thirasitii zwo itiswa nga vhudiHinHinuleli ha u vha thirasitii, kana vhutshinyi vhunwe na vhunwe he ha ita uri uyo muthu a valewe dzhele a songo tendelwa na u tou badela ndatiso;

(viii) o pandelwaho kha vhuimo ha u vha thirasitii zwo itiswa nga vhudiHinHinuleli ha u vha thirasitii, kana vhutshinyi vhunwe na vhunwe he ha ita uri uyo muthu a valewe dzhele a songo tendelwa na u tou badela ndatiso;

(ix) o pandelwaho kha vhuimo ha u vha thirasitii zwo itiswa nga vhudiHInHinuleli ha u vha thirasitii, kana vhutshinyi vhunwe na vhunwe he ha ita uri uyo muthu a valewe dzhele a songo tendelwa na u tou badela ndatiso;

(x) o pandelwaho kha vhuimo ha u vha thirasitii zwo itiswa nga vhudiHinHinuleli ha u vha thirasitii, kana vhutshinyi vhunwe na vhunwe he ha ita uri uyo muthu a valewe dzhele a songo tendelwa na u tou badela ndatiso;
Amendment of Fidelity Fund certificate

51. (1) For the purposes of this section, “holder” means the holder of a Fidelity Fund certificate.

(2) The Authority may, at any time in writing, inform the holder that the Authority intends to amend any particulars of the Fidelity Fund certificate held by the holder, and the Authority must—
   (a) provide reasons for the proposed amendment; and
   (b) invite the holder to submit a written response within a prescribed period.

(3) The Authority may, after due consideration of any response received, including that of any person other than the holder, amend the particulars of the Fidelity Fund certificate and issue an amended Fidelity Fund certificate to the holder.

(4) When issuing the Fidelity Fund certificate contemplated in subsection (3), the Authority must, simultaneously in writing—
   (a) provide the holder with reasons for the amendment;
   (b) provide the holder with a copy of any response received from the other person; and
   (c) request the immediate return of the original Fidelity Fund certificate.

(5) A person who, in terms of paragraph (c), is requested to return the original Fidelity Fund certificate to the Authority, must—
   (a) do so forthwith; or
   (b) if that Fidelity Fund certificate cannot be returned, submit a declaration made under oath or affirmed to the Authority as to the reasons and circumstances preventing that person from doing so.

(6) An amended Fidelity Fund certificate comes into operation on the date on which it is served by the Authority on the holder.

(7) If the holder prevents delays or avoids service of the amended Fidelity Fund certificate by the Authority or attempts to do so, the amended Fidelity Fund certificate comes into operation on the date on which the Authority first attempted to serve the amended Fidelity Fund certificate on the holder.

(8) If the Authority attempted to serve the amended Fidelity Fund certificate on the holder but was unsuccessful for the reason that the holder prevented, delayed or avoided the Authority from doing so, the Authority must, for the general public’s information, publish the date on which the amended Fidelity Fund certificate came into operation, and the nature or contents of the amendment, in any medium which it deems adequate for this purpose.

Withdrawal or lapse of Fidelity Fund certificate

52. (1) The Authority may, whether on its own initiative or pursuant to an instruction issued by a court of law or an adjudicator contemplated in section 30, withdraw a Fidelity Fund certificate issued to—
   (a) any person, partnership or trust summoned in the prescribed manner to appear before the Authority if that person or trust, without just cause, fails to comply with the summons and prior to the date of the appearance stated in the summons has not been excused in writing by the Authority, from so appearing;
   (b) a company or close corporation, if—
      (i) the Fidelity Fund certificate of any director of the company or of any member of the corporation has lapsed in terms of subsection (5); or
Ukhwisiswa ha ṣhanziela ya Tshikwama i Sumbedzaho u Thembea

51. (1) U itela ndivho ya ino khethekanyo, “muqe” zwi amba muqe wa ṣhanziela ya Tshikwama tshi Thembeaho.

(2) Maanđalanga nga tshifhinga tshiñwe na tshiñwe nahone nga u tou ſwala, a do dhivisa nufari uri Maanđalanga a khou humbula u kwhiŋiwa zwiđombedzwa zwa ṣhanziela ya Tshikwama i Sumbedzaho u Thembea ya muqe wayo, nahone Maanđalanga a tea u—

(a) u ńha mbuno dza u dzwinga u ita iyo kwhiŋiwo; na

(b) vhidza muqe wa ṣhanziela u itela uri a ńse phindulo yo tou ſwalwa ho hu saaṭhu u ṣhela tshiñwe tso rondelwaho.

(3) Maanđalanga nga murahu ha u lavhelesa phindulo yo ṣanganedzwa, hu tshi katelwa na phindulo ya uyo ane a sa ve muqe wa ṣhanziela, Maanđalanga a do kou i kwhiŋiwa zwiđombedzwa zwa ṣhanziela ya Tshikwama i Sumbedzaho u Thembea nahone a do konaha u ńtesheda ṣhanziela ya Tshikwama i Sumbedzaho u Thembea yo kwhiŋiṣwa ho kha uyo muqe wayo.

(4) Musi hu tshi ńtesheda ṣhanziela ya Tshikwama i Sumbedzaho u Thembea yo bulwaho kha khethekanyo ṣhukhu ya (3), Maanđalanga nga khatihi nahone nga u tou ſwala a tea u—

(a) ńha muqe wa ṣhanziela mbuno dza ńsha u kwhiŋiwa;

(b) ńha muqe wa ṣhanziela khophi ho phindulo inwe na inwe yo ṣanganedzwa ho bva kha munwe muṭhu; na

(c) humbela u himiselwa murahu ha ṣhanziela ya oridzhinala ya Tshikwama i Sumbedzaho u Thembea.

(5) Muthu ane u ya nga pharagirafu ya (c) o humbela u himisa ṣhanziela ya oridzhinala ya Tshikwama i Sumbedzaho u Thembea kha Maanđalanga u tea —

(a) u ńzi ita nga u ḥávela; kana

(b) ńri arali ńyo ṣhanziela ya Tshikwama i Sumbedzaho u Thembea i sa himise, a ise khwaghisedzo yo bulwaho ḥiasi ho muano kana a khwaghisedze lele Maanđalanga nga ha mbuno na nyimele dzı thivhelaho u himisa iyo ṣhanziela.

(6) Ṣhanziela ya Tshikwama i Sumbedzaho u Thembea i thoma u shuma nga datumu ine ya ńtesheda muqe wayo nga Maanđalanga.

(7) Arali muqe wa ṣhanziela a thivhela, lengisa kana u u sa ńtesheda ṣhanziela yo kwhiŋiṣwa ho Tshikwama i Sumbedzaho u Thembea nga Maanđalanga kana ndingedzo dza u pfalo, ṣhanziela yo kwhiŋiṣwa ho thoma u shuma nga datumu ye Maanđalanga a ita ndingedzo dza u thoma u ńtesheda iyo ṣhanziela yo kwhiŋiṣwa ho kha muqe wayo.

(8) Arali Maanđalanga o lingedza u ńtesheda ṣhanziela yo kwhiŋiṣwa ho Tshikwama i Sumbedzaho u Thembea kha muqe wayo fhedzi zwa sa konadze nga vhanga ja uri muqe wa ṣhanziela ndi ene o thivhelaho, o lengisaho kana o ṣwi thivhelaho, Maanđalanga uri a ri pfalo, Maanđalanga a tshi itela ndiḥiviso ya tsitshavha, a tea u anadzidza datumu ine ṣhanziela yo kwhiŋiṣwa ho thoma u shuma ngayo, na izwo zве zwa kwhiŋiwa kha zwirathisi zwinzhi zwine zwa vhonala zwi tshi nga fusha ino ndivho ya u anadzidza.

U dzhiululwa kana u ṣhela ha ṣhanziela ya Tshikwama i Sumbedzaho u Thembea

52. (1) Maanđalanga one age o tou zwi thoma kana a tshi khou tevhela ndaela yo ńtesheda ho nga kothe ya mulayo kana muṇaṭu sa zwo bulwaho kha khethekanyo ya 30, Maanđalanga a nga dzhiulula ṣhanziela ya Tshikwama i Sumbedzaho u Thembea ye ya ńtesheda—

(a) muthu muniwe na muniwe, ḥama kana thirasisi o vhidzwo ho ya nga ndjila yo rondelwaho uri a ḥivhonadze phanda ha Maanđalanga arali uyo muthu kana thirasisi hu si na tshiñhanga tshi pfalaho a kundelwa u anana na jinwalo ja u vhidzwo nahone phanda ha datumu ya u ḥivhonadza zwo bulwa kha samanisi uri a hongo vha na pfarelo yo tou ſwalwa ho nga Maanđalanga, kha ſho ho ḥivhonadza;

(b) khamphani kana koporasi ṣhukhu, arali—

(i) ṣhanziela ya Tshikwama i Sumbedzaho u Thembea ya mulangi wa khamphani kana muṇaṭu muniwe na muniwe wa koporasi yo ḥirelwa u ya nga khethekanyo ṣhukhu ya (5); kana

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(ii) any director of such company, or any member, referred to in paragraph (a) of the definition of “property practitioner” in section 1, of such corporation, has lapsed in terms of subsection (5), or any trustee of a trust or the person responsible for the trust, becomes subject to any disqualification referred to in section 50(b)(ii) and (iii) or section 50(c);

(c) a person or trust becomes subject to any disqualification referred to in section 50(b)(ii), (iii) or section 50(c).

(2) A person who is in possession or in control of any Fidelity Fund certificate which has been withdrawn in terms of subsection (1) must refrain from using or displaying that Fidelity Fund certificate.

(3) A court may, on good cause and upon application by the Authority or any other competent person, withdraw any Fidelity Fund certificate issued to any person, and thereupon order that the person contemplated in subsection (2) or any other person to immediately refrain from using and displaying that Fidelity Fund certificate.

(4) A Fidelity Fund certificate lapses immediately and is of no force and effect if the person to whom it has been issued—

(a) in the case of a natural person, the person to whom it has been issued dies or becomes subject to any disqualification referred to in section 50(a)(ii) to (vi);

(b) is a company or a close corporation, and the company or close corporation is being wound up, whether provisionally or otherwise, or is deregistered, as the case may be;

(c) is a partnership, and one of the partners is sequestrated; or

(d) in the case of a trust with only one trustee, that trustee is sequestrated.

(5) A person who is in possession or control of a Fidelity Fund certificate which has been withdrawn or has lapsed must immediately return that certificate to the Authority, or if that Fidelity Fund certificate cannot be returned, submit a declaration made under oath or affirmed as to the reasons and circumstances preventing the property practitioner from doing so.

(6) A person whose Fidelity Fund certificate has been withdrawn in terms of subsection (1) or has lapsed in terms of subsection (4), may not directly or indirectly participate in the management of any business carried out by a property practitioner in his, her or its capacity as such, or participate in the carrying out of such business, or be employed, directly or indirectly, in any capacity in such business, except with the written consent of the Authority and subject to the conditions that the Authority may determine.

(7) A property practitioner may not directly or indirectly in any capacity whatsoever employ a person contemplated in subsection (6), or allow or permit such person directly or indirectly to participate in any capacity in the management or the carrying on of his, her or its business as a property practitioner, except with the consent in writing of the Authority, and subject to the conditions that the Authority may impose.

(8) The Authority has no liability whatsoever in respect of the withdrawal or lapse of a Fidelity Fund certificate, except where the withdrawal was due to the Authority’s negligence.

(9) A person, partnership or trust whose Fidelity Fund certificate has been withdrawn or lapsed in terms of this section may re-apply for a Fidelity Fund certificate when it, he or she again qualifies for such a certificate.

(10) A person who uses or displays the Fidelity Fund certificate contemplated in subsection (2) is guilty of an offence.
(ii) mulanguli munwe na munwe wa iyo khamphaní, kana muraqo munwe na munwe, o bulwaho kha pharagirafu ya (a) ya thutshedo ya ipi “mushumi wa zwa ndaka” kha khethekanyo ya 1, ya iyo koporasi, yo fhirelwu u ya nga khethekanyo þhukhu ya (5), kana thirasiti munwe na munwe kana muthu a re na vhudîfhinduleli ha thirasiti, a vha ane a tea u sa tsha fusha þhodea sa zwo bulwaho kha khethekanyo ya 50(b)(ii) na (iii) kana khethekanyo ya 50(c);

(c) muthu kana thirasiti u tea u vha ane a khou sa tsha fusha þhodea dzo bulwaho kha khethekanyo ya 50(b)(ii), (iii) kana khethekanyo ya 50(c).

(2) Muthu a re na, kana ane a langa þhanziela ya Tshikwama i Sumbedzaho u Thembea ine iyo þhanziela yo dzhiiululwa hu tshi khou tevhedzwa khethekanyo þhukhu ya (1) u tea u litsa u shumisa kana u tana iyo þhanziela.

(3) Khothe, musi zwo tea nahone hu na khumbelo yo itwaho nga Maandâlanga kana munwe muthu, khothe i nga dzhiiulula þhanziela ya Tshikwama i Sumbedzaho u Thembea ye ya getshedzwa muthu munwe na munwe, nahone ya ita na ndâela ya u laela uri muthu o bulwaho kha khethekanyo þhukhu ya (2) kana muthu munwe na munwe uri a litshe u shumisa na u tana iyo þhanziela.

(4) þhanziela ya Tshikwama i Sumbedzaho u Thembea i mbo di vha i sa tsha shuma nga u tshâhanya arali muthu we a i getshedzwa—

(a) kha nyimele ya muthu wa mvulo, muthu uyo o lovha kana muthu uyo a vho wela kha nyimele ya u sa tsha fusha þhodea sa zwo bulwaho kha khethekanyo ya 49(a) (ii) u ya kha (vi);

(b) kha nyimele ya musi hu khamphaní kana koporasi þhukhu, nahone khamphaní kana koporasi þhukhu ya wa, Iwa tshihiphinga nyana kana nga inwe ndîla, kana ya vha i sa tsha vha yo tshâlulwa, u ya nga henehêne hune nyimele ya vha;

(c) kha nyimele ya musi hu thumisano, nahone muthihi wa þhama a wa nahone a tea u rengiselwa ndaka uri hu lišhi he zhikolodo zwawo; kana

(d) kha nyimele ya musi hu Thirasiti nahone i re na thirasiti muthihi fhedzi, uyo thirasiti a tshi khou dzhiielwa ndaka nga vhangâ ja u sa badela zhikolodo.

(5) Muthu a re na kana ane a vha kha ndango ya þhanziela ya Tshikwama i Sumbedzaho u Thembea ine iyo þhanziela yo dzhiiululwa kana a i tsha shuma nga u tshâhanya uyo muthu u tea u humiselâ þhanziela kha Maandâlanga, kana arali iyo þhanziela i sa nga si humiswa, uyo muthu u tea u isa khwaþhisedo yo itwaho nga fhasi ha muano ya u bula mbuno na nyimele dzo thivhelahe uyo mushumi wa zwa ndaka a tshi humisa þhanziela.

(6) Muthu ane þhanziela yawe ya Tshikwama i Sumbedzaho u Thembea yo dzhiiululwa u ya nga khethekanyo þhukhu ya (1) kana þhanziela yawe a i tsha shuma ya u nga khethekanyo þhukhu ya (4), nga ndîla yo livhaho na ndîla i songo livhaho uyo muthu a nga si dzhenelela kha ndaulo ya bindu li shumaho zwa mushumi wa zwa ndaka kana a nga si imele ilo bindu sa mushumi wa zwa ndaka kana u dzhenelela kha u shuma zwa ilo bindu, kana u tholwa, zwo livha kana u sa livha, kha u imele ilo bindu, nga ndîha ha musi hu na thendelo yo tou tshâlulwa nga Maandâlanga nahone a tevhedze milayo yo tiwaho nga one Maandâlanga.

(7) Mushumi wa zwa ndaka nga ndîla yo livhaho kana i songo livhaho a nga si tshole muthu o bulwaho kha khethekanyo þhukhu ya (6), kana u tshela uyo muthu nga ndîla yo livhaho kana i songo livhaho a tshi dzhenelela kha ndaulo ya kana u shuma kha bindu þawe a tshi khou dzhenelela sa mushumi wa zwa ndaka, nga ndîha ha musi hu na thendelo yo tou tshâlulwa yo itwaho nga Maandâlanga, nahone uyo muthu a tshi tea u tevhedze zwo ambiwaho nga Maandâlanga.

(8) Maandâlanga ha na vhudîfhinduleli malugana na u dzhiiululwa kana u sa tsha shuma ha þhanziela ya Tshikwama i Sumbedzaho u Thembea, nga ndîja ha musi u dzhiiulula þhanziela zwo itiswa nga u sa londa ha Maandâlanga.

(9) Muthu, vhutauma kha zwa bindu kana thirasiti ane þhanziela yawe ya Tshikwama i Sumbedzaho u Thembea yo dzhiiululwa kana i sa tsha shuma u ya nga ino khethekanyo, muthu a nga ita khumbelo hafhu ya þhanziela musi a tshi vho dovha hafhu u fusha þhodea dza u wana iyo þhanziela.

(10) Muthu ane a shumisa kana u tana þhanziela ya Tshikwama i Sumbedzaho u Thembea yo bulwaho kha khethekanyo þhukhu ya (2) u na mulandu wa u ita vhutshinyi.
Mandatory display of Fidelity Fund certificate

53. (1) A holder of a Fidelity Fund certificate must—
   (a) prominently display his, her or its Fidelity Fund certificate in every place of
       business from where he, she or it conducts property transactions, to enable
       consumers to easily inspect it;
   (b) ensure that the prescribed sentence regarding holding a Fidelity Fund
       certificate is reproduced in legible lettering on any letter head or marketing
       material relating to that property practitioner;
   (c) in any agreement relating to property transactions entered into by him or her
       or by his, her or its company, close corporation, partnership, trust or other
       entity permitted to conduct the business of a property practitioner, include the
       prescribed clause which ensures that he, she or it guarantees the validity of the
       certificate.

(2) A person who contravenes subsection (1) is guilty of an offence.

Trust account

54. (1) Every property practitioner—
   (a) must open and keep one or more separate trust accounts, which must contain
       a reference to this section, with a bank registered in terms of the Banks Act,
       1990, (Act No. 94 of 1990);
   (b) must immediately after opening a trust account contemplated in paragraph (a)
       appoint an auditor as prescribed;
   (c) must immediately after opening a trust account as contemplated in paragraph
       (a) and appointing an auditor as contemplated in paragraph (b), provide the
       Authority as prescribed with all information in respect of such account or
       accounts and such auditor; and
   (d) or his, her or its responsible or designated employee, as the case may be, must
       immediately deposit all trust money held or received by or on behalf of that
       property practitioner in the relevant trust account.

(2) Despite subsection (1), any property practitioner may invest in a separate savings
   or other interest-bearing account opened by him, her or it with any bank any monies
   deposited in his, her or its trust account which are not immediately required for any
   particular purpose, provided that—
   (a) savings or other interest-bearing accounts must contain a reference to this
       subsection; and
   (b) property practitioner must as prescribed provide the Authority with all
       information in respect of such account.

(3) A property practitioner must retain all trust money deposited in terms of
   subsection (1) or invested in terms of subsection (2), until he, she or it—
   (a) is lawfully entitled to such money; or
   (b) is lawfully instructed in writing to make payment therefrom to any person.

(4) Any bank which manages trust accounts for purposes of this Act must, from time
to time as prescribed, submit a certificate to the Authority declaring interest in respect of
that account.

(5) Every property practitioner must—
   (a) keep separate accounting records of all monies deposited by him, her or it in
       his, her or its trust account and of all monies invested by him, her or it in any
       savings or other interest-bearing accounts contemplated in subsection (2);
   (b) balance his, her or its books and records relating to any account contemplated
       in paragraph (a) at intervals of not more than one month, and cause them as
       well as all his, her or its business accounts or any other account into which
       monies are deposited in connection with any property transaction to be
       audited by the same auditor contemplated in subsection (1)(b), within six
       months after the final date of the financial year of the property practitioner
       concerned; and
U ũana ũhanziela ya Tshikwama i Sumbedzaho u Thembea zwine zwa tou kombatshedza

53. (1) Muqe wa ũhanziela ya Tshikwama i Sumbedzaho u Thembea u tea u—
(a) ũhanziela yawe ya Tshikwama i Sumbedzaho u Thembea hunwe na hunwe afho bindumi jawe hune ene a shumela hone kana hone bindu jawe ja vha hone, u itela uri vharengi vha kona u tshi vhona;
(b) vhona uri mitaladzi yo randelwaho malugana na u vha muqe wa ũhanziela ya Tshikwama i Sumbedzaho u Thembea i bveledzululwa zwavhu di nga maledzere kha mabammbiri a bindu kana matheriaja a u vhambadza malugana na mushumi wa zwa ndaka;
(c) uri kha thendelano inwe na inwe malugana na thirantsekisheni dzine dza itwa nga ene, nga khamphani yawe, koporasi ũthukhu, vhutšama kha zwa bindu, thirasiti kana tshinwe tshimiswa tsho tendelwaho u ita vhumbinduzi ha u vha mushumi wa zwa ndaka, hu tshi katelela khethekanyo yo randelwaho ine ya vhona uri ene uyo muqe wa ũhanziela a vhone uri ũhanziela nyo yavhukuma.

(2) Muthu ane a pfuka khethekanyo ũthukhu ya (1) u na mulandu wa vhutshinyi.

Akhaunthu ya thirasiti

54. (1) Mushumi munwe na munwe wa zwa ndaka—
(a) u vula na u ũthogomela akhaunthu nthihi ya thirasiti kana akhaunthu nzhibi dza tshirarariri, dzine dza bula ino khethekanyo, ngei kha bannga yo nwaliswaho u ya nga Mulayo wa Banks Act, 1990, (Act No. 94 of 1990);
(b) nga u ũthavhanya musi a tshi tou vula akhaunthu ya thirarari yo bulwaho kha phara ya (a) u tea u thola mujoli sa zwo randelwaho;
(c) nga u ũthavhanya nga murahu ha u vula akhaunthu ya thirarari sa zwo bulwaho kha pharagirafu ya (a) na u thola mujoli sa zwo bulwaho kha pharagirafu ya (b), sa zwo bulwaho, u tea u fha Maanqalanga ndįhriviso malugana na iyo akhaunthu kana izdo dziakhaunthu na uyo mujoli; na
(d) kana, mushumi wawe a re na vhūqifhinduleli kana mushumi o nangwaho, u ya nga ene zwa vha, nga u ũthavhanya u tea u diphosiθha tshelede yo farwaho kana u tʃaŋuNdZwa nga kana ho imelwana uyo mushumi wa zwa ndaka kha akhaunthu ya thirasiti yo teaho.

(2) Naho hu na khethekanyo ũthukhu ya (1), mushumi munwe na munwe wa zwa ndaka a nga bindudza tshelede kha akhaunthu ya thungo kana inwe akhaunthu i re na nzwalelo dza khwiqesena ine iyo akhaunthu ndi ene o i vulaha kana yo vulwa nga khamphanhi ngei kha bannga. Iyo tshelede niyo di diphosiθhwaho kha akhaunthu ya thirarari na tu tshi yava giswaho ya tshi tshi inwe na inwe akhaunthu i re na nzwalelo ya tea u vha na riferentsi ya ino khethekanyo ũthukhu; nahone
(b) mushumi wa zwa ndaka sa zwo randelwaho u tea u fha Maanqalanga ndįhriviso yoŋhe nga ha iyo akhaunthu.

(3) Mushumi wa zwa ndaka u tea u fara tshelede yoŋhe ya thirarari yo diphosiθhwaho u ya nga khethekanyo ũthukhu ya (1) kana yo bindudzwaho u ya nga khethekanyo ũthukhu ya (2), u swika a tshi kana i tshi—
(a) a tshi vha o teaho u wana iyo tshelede; kana
(b) a tshi laelwa lwa mulayo nga u tou ñwala uri mbadelo ei tewe kha uyo muthu.

(4) Bananga inwe na inwe ine ya langa akhaunthu dza thirarari u tshi itela ndiθho dza uno Mulayo, misi yoŋhe iyo bannga sa zwo randelwaho i tea u isa ũhanziela kha Maanqalanga u itela u kwaŋhisedza nyangapfuma dza iyo akhaunthu.

(5) Mushumi munwe na munwe wa zwa ndaka u tea u—
(a) vuθulunga rekhoθo dza tshelede yoŋhe ye a diphosiθha na tshelede yoŋhe ye ya bindudzwaho ngae kha akhaunthu dza u vuθulunga tshelede kana dzinwe akhaunthu dza u bindudza tshelede sa zwo bulwaho kha khethekanyo ũthukhu ya (2);
(b) dzudzanya dzibugu na dzirekhodo malugana na akhaunthu yo bulwaho kha pharagirafu ya (a) nga zwifhinga zwine zwa vha na tshiNhala vhuθakatisho tshi sa fhiri nwedzigi, na akhaunthu dzawe dza zwa bindu kana akhaunthu inwe na inwe ine tshelede ya diphosiθhwaho malugana na thirantsekisheni ya ndaka inwe na inwe ine ya khou do toθwa nga mujoli onoyo muthiθi o bulwaho kha khethekanyo ũthukhu ya (1)/(<b>) u saathu u fhela minwezwi ya rathi nga murahu ha datumu ya u fhedza ya nsaha wa muvhalelelelo wa mushumi wa zwa ndaka u kwameaho; na
(c) administer the accounts referred to in subsections (1) and (2) in the prescribed manner.

(6) A property practitioner must, forthwith after receipt of an audit report contemplated in subsection (5)(b), submit that report to the Authority, but a property practitioner who submits that report later, may upon payment of a prescribed penalty make a late submission of that report.

(7) Despite subsection (5), the Authority may on good cause at any time order a property practitioner by notice in writing to submit to the Authority within a period stated in such notice, but not less than 30 days, an audited statement prepared by an auditor fully setting out the state of affairs in respect of the matters referred to in subsection (5)(b).

(8) A court may on good cause, upon application by the Authority or any other competent person, prohibit any property practitioner from operating in any way his, her or its trust, savings or other interest-bearing accounts contemplated in subsection (2) and may appoint a curator bonis to control and administer such trust, savings or other interest-bearing accounts, with the rights, duties and powers that the court deems fit.

(9) If—
(a) the Authority refuses under the provisions of this Act to issue a Fidelity Fund certificate to any property practitioner who applied for a Fidelity Fund certificate;
(b) a Fidelity Fund certificate issued to any property practitioner has been withdrawn or lapsed without being renewed;
(c) any property practitioner ceases to act as such; or
(d) any property practitioner becomes subject to any disqualification contemplated in section 50,
the property practitioner concerned must immediately wind up his, her or its trust account, savings account or other interest-bearing account in the prescribed manner and pay out in the prescribed manner the amount standing to the credit of any such account to the persons entitled to it.

(10) Any property practitioner who winds up an account as contemplated in subsection (10) which contains unclaimed or unidentifiable money, or who has held monies in his, her or its trust account of which the owner or beneficiary could for longer than three years not be identified, must pay that money into the Fund to be held in trust, but the Fund must, upon application in the prescribed manner by the owner or beneficiary of such money and with the provision of sufficient proof, pay that money to that owner or beneficiary.

(11) Any money paid into the Fund in accordance with subsection (11) which has remained unclaimed by the person entitled thereto for a period of 30 years as from the date upon which such person became entitled to claim that money, is forfeited to the Fund.

(12) Despite any other law, the amount standing to the credit of the trust, savings or other interest-bearing account contemplated in subsections (1) and (2) of a property practitioner, does not under any circumstances form part of the assets of such property practitioner or, if he or she was a natural person and has died or has become insolvent, of his or her deceased or insolvent estate.

(13) Despite any other law, no trust money which may have been paid into any account other than an account contemplated in subsection (1) or (2), whether erroneously or not, under any circumstances becomes part of any such account, and does not lose its nature or characteristics as a result of being paid into such other account.

(14) A property practitioner must annually confirm or update the details of his, her or its auditor as prescribed.
Mulayo wa Vhashumi vha zwa Ndaka, 2019

Nom 22 ya 2019

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(c) laula akhaunthu dzo bulwaho kha khethekanyo ṭhukhu dza (1) na (2) nga njila yo randelwaho.

(6) Mushumi wa zwa ndaka nga u ũtvhanya nga murahu ha u ũtanganedza muvhigo wa ṭholo wo bulwaho kha khethekanyo ṭhukhu ya (5)(b), u tea u isa muvhigo kha Maandålanga, fhedzi mushumi wa zwa ndaka ane a isa muvhigo wa ṭholo o lenga, u do ri zwenezwo o badela ndatjiso yo randelwaho a konahc u isa muvhigo uyo wo lenga.

(7) Naho hu na khethekanyo ya (5), Maandålanga musi hu nu mbumo ine ya pfala nga tshifhinga tshĩnwe na tshĩnwe a nga laela mushumi wa zwa ndaka nga nqivhazdo yo tou ũwulwaho uri a ḥe muvhigo wo ũlwaho kha Maandålanga hu saathu ṭhela tsho bulwaho kha njivhazdo, fhedzi hu saathu ṭhela maŋuva a 30, une uyo muvhigo wo dzudzanywa nga mufuño nhone u vhe a kagala mafuŋhongo a kwamaho zwo bulwaho kha khethekanyo ṭhukhu ya (5)(b).

(8) Musi ho itwa khumbelo nga Maandålanga kana mufuño muthu ane a kona, khothe musi hu nu mbumo i pfalaho, i nga iledza mushumi wa zwa ndaka kha u shumisa akhaunthu yawe ya thirasiti, ya u vhulunga masheheno kana iwe akhaunthu ine ya vha na nzwalelo sa zwo bulwaho kha khethekanyo ṭhukhu ya (2) nahone i nga thola mufuŋomeloni uri a londole na u laula iyo akhaunthu ya thirasiti, u vhulunga masheheno kana iwe akhaunthu ine ya vha na nzwalelo, ane uyo mufuŋomeloni u na pfaleno, mishumo na maand;a ane khothe ya vhona o tea.

(9) Arali—

(a) Maandålanga o ńsendeka nga mbetshelo dza uno Mulayo a hana u ṭthanziela ya Tshikwama i Sumbedzaho u Thembea kha mushumi we a ita khumbelo ya iyo ṭthanziela;

(b) ṭthanziela ya Tshikwama i Sumbedzaho u Thembea ya ũtanganedza mufuŋomeloni wa zwa ndaka muiwe na munwe na vha ya vho dzhiululwa kana i sa tsha shuma nahone i nga mufuŋomeloni uri a londole na u laula iyo akhaunthu ya thirasiti, u vhulunga masheheno kana iwe akhaunthu ine ya vha na nzwalelo, ane uyo mufuŋomeloni u na pfaleno, mishumo na maand;a ane khothe ya vhona o tea.

(10) Mushumi wa zwa ndaka a kwameabo nga u ũtvhanya u tea u namba a phelisa akhaunthu dzawe dza thirasiti, dza u vhulunga masheheno kana dza u bindudza dzine dza vha na nyingapfuma nga njila yo randelwaho nahone a badele tshelede kha ahvo vhane vha tea u i wanda nga njila yo randelwaho.

(11) (a) Maandålanga o ńsendeka nga mbetshelo dza uno Mulayo a hana u ṭthanziela ya Tshikwama i Sumbedzaho u Thembea kha mushumi we a ita khumbelo ya iyo ṭthanziela;

(b) ṭthanziela ya Tshikwama i Sumbedzaho u Thembea ya ũtanganedza mufuŋomeloni wa zwa ndaka muiwe na munwe na vha ya vho dzhiululwa kana i sa tsha shuma nahone i nga mufuŋomeloni uri a londole na u laula iyo akhaunthu ya thirasiti, u vhulunga masheheno kana iwe akhaunthu ine ya vha na nzwalelo, ane uyo mufuŋomeloni u na pfaleno, mishumo na maand;a ane khothe ya vhona o tea.
Duty of property practitioner to keep accounting records and other documents

55. (1) Despite any other law, a property practitioner must for a period of five years in respect of—
   (a) all documents exchanged with the Authority;
   (b) if applicable, correspondence with his, her or its employer or franchisor;
   (c) any agreement incidental to his, her or its carrying on the business of a property practitioner;
   (d) any agreement, mandate, mandatory disclosure form or other document relating to the financing, sale, purchase or lease of a property;
   (e) any advertising or marketing material related to his, her or its carrying on the business of a property practitioner; and
   (f) any other document prescribed by the Minister,
   from the date of the document or the probable date of the document retain that document and must upon request forthwith provide the Authority with a legible certified copy of that document.

(2) The documents contemplated in subsection (1) may be stored electronically if such storage meets the requirements of the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002).

(3) A property practitioner who contravenes subsection (1) is guilty of an offence.

(4) In addition to the duties contemplated in section 54, a property practitioner must in respect of his, her or its activities—
   (a) keep at an address in the Republic the accounting records that are necessary to fairly reflect and explain the state of affairs—
      (i) of all monies received or expended by him, her or it, including monies deposited to a trust account referred to in section 54(1) or invested in a savings or other interest-bearing account referred to in section 54(2);
      (ii) of all his, her or its assets and liabilities; and
      (iii) of all his, her or its financial transactions and the financial position of his, her or its business; and
   (b) cause the accounting records contemplated in paragraph (a) to be audited by an auditor within six months after the final date of the financial year of the property practitioner, which final date may not be altered by him, her or it without the prior written approval of the Authority.

Property practitioner not entitled to remuneration in certain circumstances

56. (1) A property practitioner is under no circumstances entitled to any remuneration or other payment in respect of or arising from the performance of any act referred to in subparagraph (i), (ii), (iii) or (iv) of paragraph (a) of the definition of “property practitioner” in section 1, unless at the time of the performance of that act—
   (a) the property practitioner; and
   (b) if the property practitioner is a company, every director of such company or, if such property practitioner is a close corporation, every member referred to in paragraph (b) of the definition of “property practitioner” in section 1, of that corporation,
   is in possession of a Fidelity Fund certificate.

(2) A person referred to in paragraph (f) of the definition of “property practitioner” in section 1, and a property practitioner who employs such person, is not entitled to any remuneration or other payment in respect of or arising from the performance by that person of any act referred to in that paragraph, unless at the time of the performance of the act that person is in possession of a registration certificate.
Mushumo wa mushmui wa zwa ndaka wa u vhulunga dzirekhodo dza akhaunthingi na mañwe mañwalwa

55. (1) Naho hu na muñwe mulayo ufhiyo na ufhiyo, mushmui wa zwa ndaka lwa minwaha mitehun maluguna na—

(a) mañwalwa othe a pekanwaho na Maanĝalanga;

(b) arali zwo te, vhudavidzani na mutholi wave kana frantsihaisa;

(c) thendelano iñwe na iñwe yo itiswaho nga uho u shuma bindu ji kwamaho u vha mushmui wa zwa ndaka;

(d) thendelano iñwe na iñwe, mushmui, fumu yo ya buvukulula hune ha tou kombetschedza kana iñwe jiñwalwa ji re na vhushaka ha zwa misheleni, thengiso, u rengu kana u renta ndaka;

(e) u kungedzela kana u vhambadza matheriala a kwamaho mushumo wave wa zwa bindu ja mushumi wa zwa ndaka; na

(f) Jiñwalwa jiñwe la jiñwe jo randelwaho nga Ministia, u tou bva kha datumu ya jiñwalwa kana datumu ine zwa konadzeja jiñwalwa a tshi vha nako nahoone u tea uri mu si lo u tou ŋavhany a a ji fhe Maanĝalanga khatihi na khophi ya ijo jiñwalwa yo kwaghisizawaho nga tshiganjo.

(2) Mañwalwa o bulwaho kha khethekanyo ṣhukhu ya (1) a nga vhulungwa nga ndila ya ijekiñoironiki arali u pfalo zwi tshi tshi fusha fiodwo dza Mulayo wa Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002).

(3) Mushmui wa zwa ndaka ane a pfuka khethekanyo ṣhukhu ya (1) u na mulandu wa u ita vhutshinyi.

(4) Nga nhia ha mishumo yo bulwaho kha khethekanyo ya 54, mushmui wa zwa ndaka zwi tshi kwama mishumo yaye kana mishumo ya khamphani u te a——

(a) kha aqiresi i re kha Riphahuji kha vhulunge rek redo dza zwa akhaunthingi dzine dza ṣhode kha u sumbedza nyimele ya mafhungo—

(i) a tseledze yothe yo tanganedzwaho kana yo shumisawaho kana nga khamphani, hu tshi katele tseledze yo diphosithiwaho kha akhaunthingu ya thiraisi yo bulwaho kha khethekanyo ya 54(1) kana yo bindudzawho kha akhaunthingu ya u vhulunga masiheleni kana iñwe akhaunthingi ine ya vha na nyingapfuma sa zwo bulwaho kha khethekanyo ya 54(2);

(ii) othe a khamphani kana ake a thundu na zwikolodo ; na (iii) othe a khamphani kana ake a kwamaho thirantsekisheni dza masiheleni na tshii msha masiheleni tshawe kana khamphani kha zwi kwamaho bindu; na

(b) a u ita uri rek redo dza akhaunthingi dzo bulwaho kha pharagirafu ya (a) dzi òlwwe nga mujoli hu saathu fhela minwedzi ya rathi nga murahu ha Ḟuvha ja u fhedza Ḟà ñwha wa muvhalalewo na mushmui wa zwa ndaka, ine iyo datumu ya u fhedzisela a i nga shandukiswi nga, kana nga khamphani hu songo ranga ha tou ñwalwa thendelolo nga Maanĝalanga.

Mushumi wa zwa ndaka ha tei u wana muholo kha nyimele dzenedzno dzo teaho u sa wana

56. (1) A hu na iñwe nyimele ine ya ita uri mushmui wa zwa ndaka a wane muholo kana iñwe mbadelo malugana na kana i bhavo kha u shuma mushmui wo bulwaho kha pharagirafu ṣhukhu ya (i), (ii), (iii) kana (iv) ya pharagirafu ya (a) ya ṣhulutschedzo ya ipi “mushmui wa zwa ndaka” kha khethekanyo ya 1, nga nnùña ha musi kha itsho tshifhinga tsha u shuma uyo mushmui——

(a) mushmui wa zwa ndaka; nahone

(b) arali mushmui wa zwa ndaka hu khamphani, mulanguli muñwe na muñwe o bulwaho kha pharagirafu ya (b) ya ṣhulutschedzo ya ipi “mushmui wa zwa ndaka” kha khethekanyo ya 1, ya ipo koporasi, a vha a na Ḟhanziela ya Tshikwama i Sumbedzahova u Thembea.

(2) Muthu o bulwaho kha pharagirafu ya (f) ya ṣhulutschedzo ya ipi “mushmui wa zwa ndaka” kha khethekanyo ya 1, nahone mushmui wa zwa ndaka a tholaho uyo muthu, a vha a sa tei u wana muholo kana iñwe mbadelo malugana na kana i bhavo kha mushmui nga uyo muthu kha tshinwe na tshinwe tsha a ita sa zwo bulwaho kha pharagirafu, nga nnùña ha musi nga tshifhinga tsha u shuma uyo mushmui uyo muthu o vha a na Ḟhanziela ya u ñonalisa.
(3) A property practitioner, or anyone who performs any functions or exercises any powers normally performed or exercised by a property practitioner, who has received remuneration or other payment contemplated in subsections (1) and (2) must immediately pay that amount to the Fund, and any affected seller, purchaser, lessor or lessee may within three years of that money having been paid to the Fund submit a written claim in respect thereof to the Fund, together with the necessary proof, and the Fund may pay that amount or a portion thereof to that applicant which is equitable in the circumstances.

(4) Any amount paid to the Fund contemplated in subsection (3) which is not claimed within three years irrevocably becomes the property of the Fund.

(5) A conveyancer may not pay any remuneration or other monies to a property practitioner unless that property practitioner has provided the conveyancer with a certified copy of his, her or its Fidelity Fund certificate valid during the period or on the date of the transaction to which such payment relates, and on the date of such payment: Provided that where all relevant conditions have been met, the conveyancer must pay the remuneration and other monies.

(6) Nothing in this section prevents the institution, conducting and conclusion of criminal or any other proceedings in respect of any act contemplated in this section or in sections 36, 44 or 45.

Mandatory indemnity insurance

57. (1) The Minister may, for the purposes of providing redress in respect of the contravention of a code of conduct contemplated in section 61 or sanctionable conduct contemplated in section 62, prescribe indemnity insurance which a property practitioner must take out and maintain.

(2) The Minister may, when acting under subsection (1), on reasonable grounds differentiate between—

(a) categories of property practitioners to whom a regulation applies;
(b) the minimum insured amounts in respect of which such insurance must be taken out and maintained;
(c) the extent to which conduct in contravention of a code of conduct and sanctionable conduct qualifies for redress under such insurance; and
(d) the maximum amounts payable in terms of such insurance.

Limitation on relationships with other property market service providers

58. (1) A property practitioner may not—

(a) practise in association with any person which or who is prohibited by any law, any professional code of conduct, any code of ethics or protocol, report or charter on corporate governance, from doing so; or
(b) enter into any arrangement, formally or informally, whereby a consumer is obliged or encouraged to use a particular service provider including an attorney to render any service or ancillary services in respect of any transaction of which that property practitioner was the effective cause.

(2) The Minister may by regulation prohibit any relationship which could harm the interests of consumers.

(3) A person who renders any service in contravention of this section is not entitled to any remuneration, payment or consideration in respect of such services rendered, and if the consumer has paid any remuneration, payment or consideration of the relevant service provider must immediately upon request in writing by any affected party repay any such remuneration, payment or consideration, together with interest.
(3) Mushumi wa zwa ndaka, kana muiniwe na muiniwe ane a shuma mishumo muiniwe na muiniwe kana u shumisa maanda maiwe na manwe a shumiswa nga mushumi wa zwa ndaka, ane a tanganedzwa mhuolo kana mbadelo ifhio na ifhio sa zwo bulwaho kha khethekanyo ñhukhu dza (1) na (2) nga u jafhanya u tea u badela iyo tshelede ngei kha Tshikwama, nahone murengisi, murengi, murentisi kana murenti kha kwameaho hu saathu fhela miinhwaha miraru musi iyo tsheledeyo bo bulwaho kha Tshikwama, kathathi kha kwafhisedzwa kana tsunbo dze ñdzeacho, nahone Tshikwama tshi nga badela iyo tshelede kha khesipa tshi iyo tshelede kha uyo ane a khou ita mbilo ine iyo tshelede i lingana na nyimele.

(4) Tshelede inwe na inwe yo badelwaho kha Tshikwama yo bulwaho kha khethekanyo ñhukhu ya (3) ine a yongo vhilwa kha miinhwaha miraru i mbo vha tshelede ya Tshikwama.

(5) Murathisi wa ndaka a nga si badele muholo kana dzinwe tshelede kha mushumi wa zwa ndaka nga nda nga hangu musi mushumi wa zwa ndaka o fha murathisi wa ndaka khophi yo kwafhisedzwa khe to phansela ya Tshikwama i Sumbedzaho u Thembea tshine a tsho nga fhirelwana nga tsho tshifhinga kana kha datumu ya ñhirantsekisheni ine iyo mbadelo ya vha na vhushaka nayo, na nga datumu ya iyo mbadelo: Musi zve zwa tewa u tevhedzwa zwo phwo zwo tevhedzwa, murathisi wa ndaka u tea u badela muholo na dzinwe tshelede.

(6) Kha ino khethekanyo a hu na tsine tsha thivhela tshimiswa kha u ita na u khyunyedzwa tsengo i kwamavho vhugevhenga kana dzinwe tsengo malugana na nyito ifhio na ifhio yo bulwaho kha ino khethekanyo kana kha khethekanyo dza 36, 44 kana 45.

Ndindakhombo ya tsireledzo ine ya tou kombetschedza

57. (1) Minista a tshi itela ndivho dza thandululo malugana na u sa tevhedzwa mulayo wa vhufi kha sa zwo bulwaho kha khethekanyo ya 61 kana vhufi vha tanganedzheho ho bulwaho kha khethekanyo ya 62, ene Minista a nga randela tsireledzo ya ndindakhombo ine mushumi wa zwa ndaka a tea i u dikha nhone u tea i ñhoughemela. (2) Minista musi a tshi khou zvi ita nga fhasi ha khethekanyo ñhukhu ya (1), nhone hu na mbuno dzine dza pfadza a nga fhambanyisa vhukati ha—

(a) khethekanyo dza vhushumi vha zwa ndaka vhine vha kwamiwa nga ndangulo;
(b) masheneli a ndindakhombo a fhasisa malugana na ndindakhombo ine ya tea u zhiiwa nhone ya ñhoughemela;
(c) vhuhulu vhune vhufi kha kana u fukva mulayo wa vhufi kha kana u fukva mulayo wa vhufi kha kwamavho a tei u wana malu ngana ya tei u wana malu ngana a tei u wana malu ngana ya tei u wana malu ngana.

Ndindakhombo ya tsireledzo ine ya tou kombetschedza

58. (1) Mushumi wa zwa ndaka a nga si—

(a) shumisane na muthu ane o iledzwa nga mulayo, nga mulayo wa vhufi kha phrofeshina, mulayo wa vhufi kana wa maitele a zwithu, u vhiga kana u tshata ya zwa vhuvhisi hakoporasi, kha u ita zwenezwo; kana
(b) ite nzudzanyo, nga ndjila ya famala kana i si ya famala, hune murengi a kombetschedza kana u tluwedzwa u shumisa mupetschedza u tshumelo onoyo hu tshi katelela axennje kha u getshedza tshumelo kana tshumelo ya u tshua malugana na ñhirantsekisheni ine uyo mushumi wa zwa ndaka ha vha ene o zwi shumaho.

(2) Nga ndangulo, Minista a nga iliedza vhushaka vhine ha nga vhaisa madzangalelo a vhangi.

(3) Musi muiniwe na muiniwe ane a getshedza tshumelo a tshi khou fukva ino khethekanyo ha ngo tea u wana muholo, mbadelo kana ha tei u wana malamba malugana na idzo tshumelo dzo getshedzwa, nahone arali murengi a badela muholo, mbadelo kana malamba, mupetschedzatshumelo o teaho nga u tou jafhanya musi hu na khumbelo yo tou iwalwaho nga ane a kwaumea u tea u humisa uyo muholo, mbadelo, kathathi na nzawalelo dza hone.

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(4) A person who, within one month of being requested to do so, fails to repay any such remuneration payment or consideration together with interest is guilty of an offence.

**Insolvency or liquidation of property practitioner**

59. (1) A property practitioner who—

(a) commits an act of insolvency;

(b) is insolvent; or

(c) is placed under liquidation, whether provisional or final, is immediately disqualified to be a holder of a Fidelity Fund certificate and must within a period of 30 days—

(i) inform the Authority in writing of any matter contemplated in paragraphs (a), (b) or (c);

(ii) refrain from using and displaying that Fidelity Fund certificate;

(iii) inform his, her or its auditor and the bank holding his, her or its trust account in writing about the disqualification;

(iv) cease to perform the functions of a property practitioner;

(v) inform his, her or its clients, employees or employers or any other affected person in writing of that disqualification;

(vi) hand over the administration of his, her or its trust account, together with all relevant information and records, to the Authority; and

(vii) cause any outstanding matters in consultation with any affected person to be taken over by another property practitioner.

(2) A person who fails to comply with subsection (1) commits an offence.

(3) The Authority must wind down the trust account of a property practitioner contemplated in subsection (1) and effect payment of any trust monies in accordance with the rights of affected consumers and other persons.

(4) In the event of insolvency or liquidation of a property practitioner, trust monies in the trust account of that property practitioner do not form part of the insolvent estate.

**CHAPTER 9**

**CONDUCT OF PROPERTY PRACTITIONERS**

Application of Chapter 9 and Chapter 10

60. The provisions of this Chapter and Chapter 10 apply with the necessary changes to any person who performs any function or renders any service contemplated in the definition of “property practitioner” in section (1), irrespective of whether or not that person is registered with or licensed by the Authority, and in this Chapter and Chapter 10, any reference to a “property practitioner” includes any such person.

Code of conduct for property practitioners

61. (1) The Minister must, after consultation with the Authority, prescribe a code of conduct which every property practitioner must comply with.

(2) The chief information officers of respectively the Authority and the Department, as the case may be, must on their respective websites publish the code of conduct current at the time.

(3) A property practitioner must on request from a consumer provide him or her with a copy of the code of conduct.
(4) Muthu ane zwenezwi hu saathu fhela ñwedzi muthihi musi khumbelo yo itwa uri a humise zwe a badelwa, ene a kundelwa u humisa muholo, mbadelo khathihi na nzwalelo u na mulandu wa u tshinya.

U sa tsha vha na tshelede ya u badela zwikolodo kana u rengiswa ha thundu ya mushumi wa zwa ndaka

59. (1) Mushumi wa zwa ndaka ane—
   (a) a ita nyito i kwamaho zwa u kundelwa u badela zwikolodo;
   (b) a sa tsha kona u badela zwikolodo nga vhanga ja uri o wa; kana
   (c) o vhewa fhasi ha u dzhielwa zwine a vha nazwo nga vhanga ja u kundelwa u badela zwikolodo, hu nga vha lwa tshifhinganyana kana lwa tshothe,

   nga u japhanya u mbo ñi bvisi ngauri ha tsha fusha thojea dza u vha mupe wa ñhanziya ya Tshikwama i Sumbedzahvo u Thembea nahone hu saathu fhela tshifhinga tsha maquvha a 30 u tea u—
   (i) ñhivhisa Manndalanga nga u tou ñwala tshinwe na tshinwe tsho bulwaho kha pharagirafu dza (a), (b) kana (c);
   (ii) litshìa u shumisa na u ñana ñhanziya ya Tshikwama i Sumbedzahvo u Thembea;
   (iii) ñhivhisa muñoli wawe na bannga ine ya vha na dziakhaunthu dza thirasiti nga u tou ñwala nga uho u sa tsha fusha thojea;
   (iv) litshìa u shuma mishumo ya mushumi wa zwa ndaka;
   (v) ñhivhisa khasitama dzawe, vhashumi vhawe na vhathlilo vhawe kana muniwe na muniwe ane a kwamea nahone a zwi ite nga u tou ñwala u ñhalshedze uho u sa tsha fusha thojea;
   (vi) u ñetshedza ndaulo yawe ya akhaunthu ya thirasiti ya uyo muthu o nwalisa kana ha ngo nwalisa kana u fhiwañalaisentse kana ha ngo

   (2) Muthu muniwe na muniwe ane a kundelwa u tevhedza khethekanyo ñhukhu ya (1) u khou ita vhuthinyi.

   (3) Manndalanga a tea u ñhelifisa akhaunthu ya thirasiti ya mushumi wa zwa ndaka o bulwaho kha khethekanyo ñhukhu ya (1) nahone mbadelo ya tshelede ya thirasiti a ñtwe u ya nga phanelo dza khasitama dzi kwameaohvo na vhañwe vhatu vhaye kwameaohvo.

   (4) Arali nyimele ya u sa tsha kona u badela zwikolodo yo swikisa kha uri hu rengiswa ndaka ya mushumi wa zwa ndaka, tshelede dzi re kha akhaunthu ya thirasiti ya uyo mushumi wa zwa ndaka a dzi vhumbi tshipidza tsha ndaka iyo ine ya khou tewa u rengiswa ya mushumi wa zwa ndaka.

NDIMA YA 9

VHUDIFARI HA MUSHUMI WA ZWA NDAKA

U shumiswa ha Ndima ya 9 na Ndima ya 10

60. Mbetshele dza Ndima ya 10 dži shumiswa dži na tsanduko dzıo teaho kha muthu muniwe na muniwe ane a shuma mushumo kana u ñethedza tshumelo jo bulwaho kha ñhalshedzo o ippi “mushumi wa zwa ndaka” kha khethekanyo ya (1), hu songo sedzwa uri uyo muthu o ñiwala kana ha ngo ñiwala kana u fhiwa ñaisente kana ha ngo fhiwa nga Manndalanga, nahone kha ino Ndima na kha Ndima ya 10, hune ha bulwa “mushumi wa zwa ndaka” ku katelwa uyo muthu muniwe na muniwe.

Mulayo wa vhuqifari ha vhushumi vha zwa ndaka

61. (1) Minista nga murahu ha u kwamana na Manndalanga, a nga randela mulayo wa vhuqifari une wa tea u tevhedza nga mushumi wa zwa ndaka muniwe na muniwe une wa vha hone nga tshenetho tshifhinga.

   (2) Vhoafisiri vha zwa ndiñhiviso vhahuulwane vha Manndalanga na vha Muhasho, zwì tshi ya nga hune zwithu zwa vha, vha tea a anqaqadza mulayo wa vhuqifari kha webusaithi dzavho.

   (3) Mushumi wa zwa ndaka musi hu na khumbelo i bvaho kha murengi u tea u mu fha khophi ya mulayo wa vhuqifari.
(4) The Board must annually advise the Minister on the efficacy of the code of conduct current at the time.

(5) The Minister may, after consultation with the Authority, prescribe norms and standards in respect of advertising and marketing by property practitioners.

Sanctionable conduct

62. (1) A property practitioner is guilty of sanctionable conduct if he or she or it—

(a) in the same transaction acts as a property practitioner on behalf of two or more persons whose interests are not in all material respects identical in respect of that transaction, and receives remuneration from all parties concerned in respect of such transaction, unless all affected persons in writing agree thereto;

(b) fails in respect of any act performed by him or her or it as a property practitioner to give a full and proper explanation in writing, within 30 days of being called upon by the Authority in writing to do so, to any person having a material interest in the performance of such act;

(c) fails to pay any money due to the Authority or in respect of the Fund within one month after such monies become due;

(d) fails to furnish in writing within a period determined by the Authority any information that the Authority has requested in writing and reasonably requires in order to properly exercise its powers under this Act;

(e) fails to comply with or contravenes any provision of the code of conduct;

(f) in his or her capacity as a director of a company, or member contemplated in paragraph (b) of the definition of “property practitioner” in section (1), of a close corporation, or trustee of a trust, which is a property practitioner and which failed to comply with section 50 or 51, did not take all reasonable steps to prevent such failure;

(g) carries on an undesirable practice prohibited under section 63;

(h) commits an offence involving an element of dishonesty;

(i) fails to inform the Authority within 14 days of a change in his, her or its contact details;

(j) differentiates distinguishes or excludes consumers directly or indirectly on the basis of their race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth or commit a criminal offence while performing a function of a property practitioner; or

(k) fails to comply with or contravenes any provision of this Act.

(2) Subsequent ratification or correction of any conduct contemplated in subsection (1) does not constitute a defence.

(3) If a property practitioner is found guilty of sanctionable conduct, the Authority may after the application of sections 3 and 5 of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000)—

(a) withdraw the Fidelity Fund certificate of that property practitioner;

(b) impose on that property practitioner a fine not exceeding the maximum amount determined by the Minister of Justice and Correctional Services for the purposes of section 29(1)(a) of the Magistrates’ Courts Act, 1944 (Act No. 32 of 1944); or

(c) reprimand such property practitioner and note his, her or its transgression on its website,

provided that the Authority may suspend payment of a fine or any portion thereof or the withdrawal of any Fidelity Fund certificate for a period not exceeding three years and on the further conditions that the Authority may determine.
(4) Bodo nga ñwaha nga ñwaha i tea u cletschedza Mniśta nga ha kushumele kwa mulayo wa vhufifarí une wa vha hone nga tshenetsho tshihfinga.
(5) Mniśta nga murahu ha u kwamana na Maanqalanga, a nga randela ndayo na zwítandadi malugana na u kungedzela na u vhambadza zwi ñwaho nga vhشمumu vha zwa ndaka.

Vhufifarí vhune ha ita uri hu itwe ndáţiso

62. (1) Mushumi wa zwa ndaka u na mulandu wa vhufifarí vhune ha ita uri fhiwe nªdtiso aráli a kana a khamphani ya—

(a) nga thirántsékisíhena nhíhi a shuma sa mushumi wa zwa ndaka vhuimoni ha vhathu vhavihili kana vhanzi vhane madzangalelo a sa fane malugana na iyo thirántsékisíhena, nahone a ñanganedza na muholo u bva kha avho vhane vha kwamea kha iyo thirántsékisíhena, nga ndá na musi vha avho vhotho vha vhfane vha kwamea nga thirántsékisíhena vha tendelana nahone zwo tou ñwalo;

(b) kundelwa malugana na mushumo u shunuwo nga kana ngayo sa mushumi wa zwa ndaka malugana na u fha thalutschédzo yo dalało nga u tou ñwala, hu saathu u fhela mañjvéha a 30 o yó vhidzwanga nga Maanqalanga uri a/i ri pfalo, kha muthu ufhío na ufhi o re na dzangalelo Ja u ita zwenëzwo;

(c) kundelwa u badela tsheliede ine ya tea u badelwa kha Maanqalanga kana kha Tshikwamá hu saathu fhela nédze zi muthíhi nga muhuri ha musi tsheliede e tsi tea u badelwa;

(d) kundelwa a/yá kundelwa u ñe nga ndévhisío Maanqalanga hu saathu fhela tshihfinga tsho tiwaho nga one Maanqalanga saizwina sa Maanqalanga o bumbela iyo ndévhisío nga u tou ñwala nahone e tsi khòu ñgelwa u ri dundila urilu a Maanqalanga a kone u shumisa maanda nga fhasí ha uno Mulayo;

(e) kundelwa u anana na kana u pfukekanya mbetselo iwife na iwife ya mulayo wa vhufifarí;

(f) saizwí nga vhuimo/vhufifihinduleli sa mulangulí wa khamphani, kana murádo o bulwaho kha pharagirafíra ya (b) ya thalutschédzo ya ipí “mushumi wa zwa ndaka” kha khethekanyo ya (1), ya koporaši thükhu, kana thirasiti wi thirasiti, ane a vha mushumi wa zwa ndaka nahone o kundelwaho u anana na khethekanyo ya 50 kana 51, a songo tvehelaho maga o thühe o u kundelwa;

(g) shumaho zwo ilédzwaho nga fhasí ha khethekanyo ya 63;

(h) ita vhuthíshíi vhu kwamáho zwa u sa fhulufhíshééda;

(i) kundelwa u vhudza Maanqalanga hu saathu u fhela mañjvéha a 14 uri zwiíndómbedweza zwa vhukwamáno zwo shándukíswa;

(j) fhambanyísa kana u khetheluka khasíjama nga ndíla yo lviháho kana i songo lviháho zwo sendéka kha muráfhó, mbeu, vhuímana, tshiíso tsha mbíngango, vhuvbo ha muráfhó, muvhalá, kuitele kwa vhudzékani, vhukále, vhvéholefháli, vhueréli, lvulálo, luténdo, lvnelele, lvambo na mbebo kana u ita vhuthíshíi ha vhvevéhenga zwenëzwo musí mushumo wa mushumi wa zwa ndaka u tshi khòu shúníwa; kana

(k) kundelwa u tevhedza kana u pfukekanya mbetselo iwife na iwife ya uno Mulayo.

(2) U khakhululà kana ndulamiso u tevhelaho ya vhufifarí vhuíwe na vhuíwe ho bulwaho kha khethekanyo thükhu ya (1) a i sumbedzi u diímelela.
(3) Aráli mushumi wa zwa ndaka o wáwa mulandu wa vhufifarí vhuíne ha ita uri a lețišwe, Maanqalanga nga muráhu ha u shumisa khethekanyo dza 3 na 5 dza Mulayo wa Promotion of Admisnistrative Justice Act, 2000 (Act No. 3 of 2000), a nga—

(a) dzhiulula ñhanziela ya Tshikwamá i Sumbedzaho u Thembea ya uyo mushumi wa zwa ndaka;

(b) lhswesí ndáţiso kha uyo mushumi wa zwa ndaka ine ya sa fhire ndáţiso ya nthësí yo twiáho nga Minísta wa zwa Vhúlamukanyí na Tshumelo dza Ndulamiso hu thísí itelwa ndívo hu khethekanyo ya 29(1)/(a) ya Mulayo wa Magistrates Courts Act, 1944; kana—

(c) saizwí nga vhuino vha zwa ndaka nahone uvho vhukhaki vhu sumbedzwe na kha wébusiáithí,
(4) The acquittal or conviction of a property practitioner by any court of law upon any criminal charge is not a bar to proceedings against him or her or it under this Act on a charge of sanctionable conduct, despite the facts set forth in the charge of sanctionable conduct constituting, if proved, the offence set forth in the criminal charge on which he, she or it was so acquitted or convicted or any other offence on which he, she or it might have been convicted at his, her or its trial on that criminal charge.

Undesirable practices

63. (1) Subject to subsection (2), the Minister may, after consultation with the Board, by notice in the Gazette, declare a particular business practice in the property market to be undesirable and consequently prohibited.

(2) When deciding whether or not a declaration contemplated in subsection (1) should be made, the Minister and the Board must consider—

(a) the right of every citizen to freely choose their trade, occupation or profession;

(b) that the practice concerned, directly or indirectly, has or is likely to have the effect of—

(i) damaging the relations between property practitioners, or any specific property practitioner, on the one hand, and any specific consumer, category of consumers or the general public on the other hand;

(ii) unreasonably prejudicing any consumer or category of consumers;

(iii) deceiving any consumer or category of consumers; or

(iv) unfairly affecting any consumer or category of consumers; and

(c) that if the practice is allowed to continue, one or more of the objects of this Act as contemplated in section 2 will or is likely to be defeated.

(3) The Authority may issue a compliance notice contemplated in section 26 directing a property practitioner who, on or after the date of the publication of a notice contemplated in subsection (2) carries on a business practice in contravention of that notice, to rectify to the satisfaction of the Authority anything which was caused by or arose out of the carrying on of the business practice concerned, or otherwise deal with the matter as authorised by this Act or any other applicable law.

Supervision of candidate property practitioners

64. (1) A candidate property practitioner may not draft or complete any document or clause in a document—

(a) conferring any mandate on any property practitioner to perform any act referred to in paragraph (a), (c) or (d) of the definition of “property practitioner” in section 1; or

(b) relating to the sale or lease of property.

(2) A person who contravenes subsection (1) and a property practitioner who allows an act contemplated in subsection (1) is not entitled to any payment, remuneration, consideration or damages in respect of or by reason of any document contemplated in that subsection or for bringing about the transaction or agreement embodied in that document.

(3) In any proceedings in respect of sanctionable conduct, it is no defence that the principal property practitioner was not aware of the acts or omissions of the property practitioner or the candidate property practitioner.

(4) A principal property practitioner who conducts business from more than one business premises must supervise and control the property practitioners and candidate property practitioners in his, her or its employ, despite the fact that those property practitioners conduct their business in branch or other offices.
(4) U sa vhonwa mulandu kana u warwa mulandu ha mushumi wa zwa ndaka nga khothe ya mulayo inwe na inwe kha mulandu munwe na munwe a si tshitihiveli kha u sengisa mushumi wa zwa ndaka nga fhasi ha uno Mulayo ho sedzwa mulandu wa vhujifari vhune ha ita uri hu vhe na ndatjo, naho hu nu mnubo dzo vhevho kha mulandu u kwamaho vhujifari vhune ha ita uri muthu a nyambudzwe une arali zwo khwathisedzwa kana hu nu tsumbo ine ya sumbedza uri hu nu vhukhakhi sa zwo sumbedzwo kha mulandu wa vhugevhenga, une o vha a songo warwa mulandu kana vhutshinyi vhunwe na vhunwe vhune khaho a nga vhonwa mulandu nga tshengoni ya mulandu wa vhugevhenga.

Maitele a sa toje

63. (1) Hu tshi khou tevhedzwa khethekanyo thukhu ya (2), Minista nga murahu ha u kwamana na Bodo, nga kha ndivhadoz kha Gazette, a nga divhadoz zwidodombedzwa zwa maitele a vhubindudzi kha zwa maraga wa ndaka ane maitele ayo ha tojei nahone o ilezdwoho.

(2) Musi hu tshi dzhiwiwa tsheo malugana na u divhadoz kana sa divhadoz ndivhadozo yo bulwaho kha khethekanyo thukhu ya (1) Minista na Bodo u tea u lavhelesa—

(a) pfanelo ya mudzulapo ya u nanga kha zwi kwamaho makwevho, mushumo kana phrofesheni;

(b) uri kuitele ku kwameaho, nga ndila ya livhaho kana i songo livhaho ku nga vha na masiandoitwa kha—

(i) u huvhadoz vhushaka vhukati ha vheshumi vha zwa ndaka, kana mushumi wa zwa ndaka onoyo, kha sia la u thoma, na murengi munwe na munwe, khethekanyo ya tharengi kana tshitshavha nga u angaredza kha jiinwe sia;

(ii) nga ndila i sa pzfadi zwa vho ita tshitjulala kha murengi muwnwe na muwnwe kana khethekanyo ya tharengi;

(iii) u ftuure murengi kana khethekanyo ya tharengi; kana

(iv) nga ndila i sa pzfadi zwa vho dzo kwama murengi muwnwe na muwnwe kana khethekanyo ya tharengi; na

(c) uri arali kuitele ku tshi tendelwa u ya phanda, tshipikwa tshihihi tsha kana zwinzhi zwa Mulayo uno sa zwo bulwaho kha khethekanyo ya 2 tshi nga kana zwi nga kwamelyo ku si lwavhuqhi.

(3) Maandalanga a nga tshendza ndivhadozo ya u tevhedzwa sa zwo bulwaho kha khethekanyo ya 26 u itela u laela mushumi wa zwa ndaka ane, nga kana nga murahu ha datumu ya u anqadza ndivhadozo yo bulwaho kha khethekanyo thukhu ya (2) ane uyo mushumi wa zwa ndaka u khou tshimbidza bundu ji pfukekanya kha tshimbidza ndivhadozo, u itela u lulumisa zwine zwa swikisa kha u fusha Maandalanga kha tshiwne na tshiwne tsho tshiswaho nga u tshimbidza bundu itlo ji kwameaho, kana nga inwe ndila ha tou shumaniwa na fhuungo sa zwe zwa tendelwa nga uno Mulayo kana mulaywo munwe na muwnwe wo teaho.

U lavhelesa mushumi wa zwa ndaka ane a kha di tou guda

64. (1) Mushumi wa zwa ndaka ane a kha di tou guda a nga si vetavete kana u dazda lijnalwa kana khethekanyo kha lijnalwa—

(a) ji fhafo mushumo kha mushumi wa zwa ndaka uri a shume mushumo wo bulwaho kha pharagirafu ya (a), (c) kana (d) ya thilushedo ya iphi “mushumi wa zwa ndaka” kha khethekanyo ya 1; kana

(b) ji kwamaho thengiso kana u rennda ndaka.

(2) Muthu ane a pfukekanya khethekanyo thukhu ya (1) na mushumi wa zwa ndaka ane a tendela kuitede kwo bulwaho kha khethekanyo thukhu ya (1), ha ngo fanelwa nga mbadelo, muholo, malambwa kana tshinyalelo malugana na kana nga phandu la mbuno ya lijnalwa jo bulwaho kha khethekanyo thukhu kha phandu kha 4 tshi nga itwaho kana zwi kwameaho nga mushumi wa zwa ndaka ane a kha di tou guda.

(3) Kha tsengo inwe na inwe malugana na vhujifari vhune ha ita uri hu vhe na ndatjo, mushumi wa zwa ndaka nga si kone u diimelela nga mbuno ya uri ene o vha a sa divhi nga ha zwi itwaho kana zwi khakhwaho nga mushumi wa zwa ndaka ane a kha di tou guda.

(4) Mushumi wa zwa ndaka muhulwane ane a khou ita bundu kha mabindu bundu kha zwihafo zwinzhi u tea u lavhelesa na u langa vheshumi vha zwa ndaka na vheshumi vha zwa ndaka vhane vha kha di tou guda vhe a vha thola, naho avho vheshumi vha zwa ndaka vha tshi khou shuma kha mabindu awe negeri kha matavhi kana kha dzinwe ofisi.
Franchising

65. (1) A franchisee property practitioner may not carry on business under the name of a franchise unless a franchisee property practitioner is the holder of a Fidelity Fund certificate.

(2) A franchisee property practitioner must disclose clearly and unambiguously in all his, her or its written communication, advertising and marketing materials that he, she or it operates in terms of a franchise agreement, as well as the name of the franchisor.

(3) The Authority may withdraw the Fidelity Fund certificate of a franchisee property practitioner who carries on business in contravention of subsection (1) or (2).

Prohibition on conduct to influence issue of certain certificates

66. (1) A property practitioner may not in any way offer or receive financial or other incentive to, or otherwise influence, a person who at the request of a seller or lessor issues a certificate required by law, based on his or her expert opinion, in respect of—

(a) the condition or defects of electrical wiring;
(b) the presence of vermin;
(c) the presence of water or damp; or
(d) any other relevant matter or condition which may be provided for in any law.

(2) A property practitioner who contravenes subsection (1) or a person who accepts any such incentive is guilty of an offence.

CHAPTER 10

CONSUMER PROTECTION

Mandatory disclosure form

67. (1) A property practitioner must—

(a) not accept a mandate unless the seller or lessor of the property has provided him or her with a fully completed and signed mandatory disclosure in the prescribed form; and
(b) provide a copy of the completed mandatory disclosure form to a prospective purchaser or lessee who intends to make an offer for the purchase or lease of a property.

(2) The completed mandatory disclosure form signed by all relevant parties must be attached to any agreement for the sale or lease of a property, and forms an integral part of that agreement, but if such a disclosure form was not completed, signed or attached, the agreement must be interpreted as if no defects or deficiencies of the property were disclosed to the purchaser.

(3) A property practitioner who fails to comply with subsection (1) may be held liable by an affected consumer.

(4) Nothing in this section prevents the Authority from taking action against a property practitioner or imposing an appropriate sanction.

(5) Nothing in this section prevents a consumer, for his or her own account, from undertaking a property inspection to confirm the state of the property before finalising the transaction.

Agreements

68. (1) An agreement to sell and purchase or to let and hire property, or the mandatory disclosure form contemplated in section 67, must be drafted by the developer or seller, as the case may be, for his, her or its own account.

(2) The Authority must publish from time to time an updated version of guideline agreements on its website.
U ita furantshaisi

65. (1) Mushumi wa zwa ndaka ane o tou renga furantshaisi a nga si shume zwa bindu nga fhasi ha dzina ja furantshaisi nga nda ha musi mushumi wa zwa ndaka ane a khou shuma sa furantshaisi hu ene muqe wa tshanziela ya Tshikwama i Sumbedzaho u Thembea.

(2) Mushumi wa zwa ndaka ane o renga furantshaisi u tea u bula zwi khagala nahone zwi si na nyambahunzhi kha vhudavhizani hoqhe ho tou ñawalwaho, kha khungedzelo na matheriala a mbambadzo uri u khou furantshaisa u ya nga thendelano, na dzina ja vhage vha furantshaisi ji bulwe-vho.

(3) Maandalanga a nga dzhiulula tshanziela ya Tshikwama i Sumbedzaho i Thembea ya mushumi wa zwa ndaka ane o tou renga furantshaisi ane uyo mushumi wa zwa ndaka u khou ita vhubindudzi a tshi khou pfukekanya khethekanyo thukhu dza (1) kana (2).

Nyiledzo malugana na vhudifari ha u tuţuwedza u netshedza tshanziela dzenedzo

66. (1) Mushumi wa zwa ndaka ha tei u fha kana u tʃananedza masheleni kana dziiwe mbadelo kha, kana u tuţuwedza, muthu ane ho humbela murengisi kana murenndisi a tnetshedza tshanziela ine ya ŋoqwa nga mulayo, zwo sendeka kha njivho yawe, malugana na—

(a) nyimele na u khakhea kha kuwayarelwe kwa muqagani;
(b) u fha hone ha zwikhophonono;
(c) u fha hone ha maqha na mbuvudz; kana
(d) tshihiwe na tshihiwe tshi teaho kana nyimele ine ya nga vha na mbetshelo kha mulayo muthiwe na muthiwe.

(2) Mushumi wa zwa ndaka ane a pfukekanya khethekanyo thukhu ya (1) kana muthu ane a tʃananedza mbadelo ifhio na ifhio u na mulandu wa u ita vhutshinyi.

NDIMA YA 10

TSIRELEDZO YA VHARENGI

Fomo ine ya tou kombatshedza ya u bvukulula

67. (1) Mushumi wa zwa ndaka u tea u—

(a) sa tʃananedza mushumo nga nda ha musi murengisi kana murenndisi wa ndaka o mu fha fomo yo teaho yo qadziwaho nahone yo sainiwohaya ya u bvukulula ine ya tou vhofoh; na
(b) fha khophi yo qadziwaho ya u bvukulula ine ya tou vhofoh i tshi fhiwa murengisi kana murenndi ane a khou qoqwa u renga kana u rennda ndaka.

(2) Fomo ya u bvukulula yo qadziwaho ine ya tou kombatshedza yo sainwaho nga vha kwamehahvhofoh i tea u nambakedzwa u renga murengisi u ya nga nyimele ya zwithu.

(3) Mushumi wa zwa ndaka ane a kundelwa u anana na khethekanyo thukhu ya (1) a nga dzhiwah i a nhudifihundeleli malugana na khatutamya yo kwamehahv.

(4) Kha ino khethekanyo a hu na tshire tsha thivhela Maandalanga kha u dzhiwa kha uyo musi mushumi wa zwa ndaka kana u tou ita ndaqiso yo teaho.

(5) Kha ino khethekanyo a hu na tshire tsha thivhela murengi, a tshi khou shumisa vhudifihundeleli hawe ha u ita uri ndaka i ingamelwe u itela u kwaqhisedza tshiimo tsha ndaka phanda ha musi ŋhiraŋtesekisheni i tshi khusvedzwa.

Thendelano

68. (1) Thendelano ya u rengisa na u renga kana u rendisa kana u hirisa, kana fomo ya u bvukulula ine ya tou vhofoh yo bulwaho kha khethekanyo ya 67, i tea u taladzwa nga mubveledzisi kana murengisi u ya nga nyimele ya zwihv.

(2) Maandalanga a tea u anqadza tsumbandja yo kwiniwsohaya kha webusaithi misi yoqhe.
Consumer education and information

69. (1) The Authority must from time to time conduct campaigns to educate and inform the general public of their rights in respect of property transactions and property practitioners of their functions, duties and obligations.
   
   (2) A property practitioner owes a buyer and a seller a duty of care.

CHAPTER 11

GENERAL

Regulations

70. (1) The Minister may, subject to subsection (2), make regulations regarding any matter that may or must be prescribed in terms of this Act or any incidental matter of a procedural or administrative nature that the Minister considers necessary to prescribe in order to achieve the objects of this Act.

   (2) Before making any regulation the Minister must—

   (a) consult the Board; and

   (b) publish the proposed regulations for public comment and allow at least 30 days for submission of such comment.

Penalties

71. A person convicted of an offence in terms of this Act is liable to a fine or to imprisonment for a period not exceeding 10 years.

Delegation of powers

72. (1) The Minister may, subject to subsections (2) and (3), delegate any power or duty assigned to him or her in terms of this Act, excluding the power to make regulations contemplated in section 70, to the Director-General or to any other senior official in the Department.

   (2) A delegation in terms of subsection (1)—

   (a) is subject to any limitations, conditions and directions the Minister may impose;

   (b) must be in writing;

   (c) may include the power to sub-delegate; and

   (d) does not divest the Minister of the responsibility concerning the exercise of the power or the performance of the duty.

   (3) The Minister may confirm, vary or revoke any decision taken in consequence of a delegation or sub-delegation in terms of a provision of this Act or the Estate Agency Affairs Act.

   (4) A quarterly report must be submitted to the Minister in respect of any power or duty delegated in terms of subsection (1).

Legal proceedings against Authority

73. (1) Any legal proceedings against the Authority must be instituted in accordance with the Institution of Legal Proceedings Against Certain Organs of State Act, 2002 (Act No. 40 of 2002).

   (2) The Authority is, for the purposes of subsection (1), deemed to be an organ of state contemplated in paragraph (c) of the definition thereof in section 1 of the said Act.
Ndvhíiso na pfunzo zwa vharengi

69. (1) MaaンドRanka misi yoŋhe a tea u ita mafulo a u funza vhathu na u vhudza tshitshavha nga u angaredza nga ha pfanelo dza tshone tshitshavha malugana na thirantsekisheni dza zwa ndaka na nga ha vhashumi vha zwa ndaka ho sedzeswa mishumo ya vhashumi vha zwa ndaka, vhudﬁhunduleli ha vhashumi vha zwa ndaka na zwi vhoﬁhaho avha vhashumi vha zwa ndaka.

(2) Mushumi wa zwa ndaka u tea u fara mulungu na mulungu zwi vhofhaho avha vhashumi vha zwa ndaka.

NDIMA YA 11
NYANGAREDDZO

Ndangulo

70. (1) Miniṣṭa a tshi khou tevhedza khethekanyo ḥukhu ya (2), a nga ita ndangulo malugana na tshinwe na tshinwe tsha nga, kana tshinwe tsha tea na randelwa u ya nga uno Mulayo kana tshinwe na tshinwe tsho teaho ho sedzwa kuitela kana ndaulo ine Miniṣṭa a vhona yo tea uri hu vhe na u randela u itela u swikeyela zwipikwa zwa uno Mulayo.

(2) Phandza ha musi Miniṣṭa a tshi ita ndangulo u tea u—

(a) kwama Bodo; na

(b) anjadza ndangulo dzo dzinginywaho u itela uri tshitshavha tshi bve mihumbulo na u fha tshitshavha maqulva a 30 uri vhathu vha kone u ḥisa iyo mihumbulo yavho.

Ndatiso

71. Mutho o wanwaho mulandu wa vhutshinyi u ya nga uno Mulayo u tea u fhiwa ndatiso kana a tou ya ṭironngoni lwa tshifhinga tshi sa pﬁ minwaha ya 10.

Uhwesa maanda nga Miniṣṭa

72. (1) Miniṣṭa a tshi khou tevhedza khethemanyo ḥukhu dza (2) na (3), a nga hwesa maanda na mushumo wawe a tshi khou tevhedza uno Mulayo, hu sa katele mianda a u ita ndangulo dzo bulwaho kha khethemanyo ya 70, a nga hwesa Mulanguli-Muangaredzi kana muofisiri wawe a tshi khou tevhedza uno Mulayo, a nga hwesa maanda na mushumo wawe a tshi khou tevhedza uno Mulayo, hu sa katele mianda a u ita ndangulo dzo bulwaho kha khethemanyo ya 70, a nga hwesa Mulanguli-Muangaredzi kana muofisiri wawe a tshi khou tevhedza uno Mulayo.

(2) Zwa vhurumelwa u ya nga khethemanyo ya (1)—

(a) zwi tevhedza phungudzelo, milayo na ndaela dza Miniṣṭa;

(b) zwi itwa nga u tou ṭwalwa;

(c) zwi nga katele maanda a uri murumelwa na ene a rumele muiwe; nahone

(d) a zwi dzhi vhudﬁhunduleli ha Miniṣṭa malugana na u shuma maanda a uri murumelwa na ene a rumele muiwe; nahone

(3) Miniṣṭa a nga khwaŋhisedza, shandukisa kana u shandula tsheo yo dzhiwiwaho nga vhurumelwa kana yo dzhiwiwaho nga o rumelwaho nga murumelwa u ya nga mbetselo ya uno Mulayo kana Mulayo wa zwa Mazhendedzi a Ndaka.

(4) Muvhingo wa kotara u tea u iswa kha Miniṣṭa malugana na maanda kana mushumo wo itwaho nga vhurumelwa hu tshi khou tevhedza khethemanyo ḥukhu ya (1).

Tsengo ya mulayo malugana na Maandžalanga

73. (1) Tsengo inwe na inwe ine ya kwama Maandžalanga i tea u itwa hu tshi khou tevhedza Mulayo wa Institution of Legal Proceedings Against Certain Organs of State Act, 2002 (Act No.§40 of 2002).

(2) Maandžalanga a tshi khou itela ndiŋho dza khethemanyo ḥukhu ya (1), a dzhiwiwaho a tshiimiswa tsha muhusso sa zwo bulwaho kha pharagirafu ya (c) ya ḥalutschedzo i re kha khethemanyo ya 1 ya Mulayo wo bulwaho.
Use of name of Authority

74. (1) Unless authorised in writing by the Authority to do so, no person other than the Board or authorised employees of the Authority may in any way—
   (a) use the name of the Authority;
   (b) represent or make use of descriptions, logos, designs or advertising material used or owned by the Authority, or anything which a reasonable person will interpret to refer to the Authority except as provided for in this Act; or
   (c) use a description signifying or implying some connection between that person and the Authority, except as provided for in this Act.

(2) Any person who contravenes subsection (1) is guilty of an offence.

Transitional provisions

75. (1) Upon the commencement of this Act—
   (a) the juristic person known as the Estate Agency Affairs Board established by section 2 of the Estate Agency Affairs Act, and any committee of the Estate Agency Affairs Board appointed in terms of that Act, is hereby disestablished;
   (b) the members of the Estate Agents Affairs Board in office immediately before this Act takes effect, become members of the Property Practitioners Board, and must be regarded as having been appointed to the Property Practitioners Board in terms of section 7;
   (c) the members contemplated in paragraph (b) hold office for the unexpired period for which such members have been appointed as members of the Estate Agents Affairs Board, as at the date of such members' assumption of office in the Property Practitioners Board in terms of paragraph (b);
   (d) every person employed permanently by the Estate Agency Affairs Board immediately prior to the commencement of this Act is regarded as having been appointed in terms of section 17;
   (e) the remuneration and other terms and conditions of service of any person contemplated in paragraph (d) may not be less favourable than the remuneration, terms and conditions applicable to that person immediately before the commencement of this Act and he or she remains entitled to all rights, benefits and privileges to which he or she was entitled immediately before that date, including—
      (i) employer contribution to a pension fund;
      (ii) employer contribution to a medical aid scheme;
      (iii) employee contributions in connection with membership of a pension fund or medical aid scheme;
      (iv) accrued pensionable service;
      (v) accrued leave benefits; and
      (vi) retirement at a specific age;
   (f) every person contemplated in paragraph (d) remains subject to any decisions, proceedings, rulings and directions applicable to that person immediately before the commencement of this Act; and
   (g) any proceedings against a person which were instituted in terms of or under the Estate Agency Affairs Act, immediately before the commencement of this Act, must be disposed of as if that Act had not been repealed.

(2) For the purposes of the Income Tax, 1962 (Act No. 58 of 1962), no change of employer is regarded as having taken place when a person is appointed by the Authority in terms of section 17.

(3) Upon the commencement of this Act—
   (a) all movable, immovable and intellectual property of the Estate Agency Affairs Board, including all financial, administrative and other records of the Estate Agency Affairs Board and all documents in the possession of the Estate Agency Affairs Board, is transferred to the Authority, which then acquires such property;
U shumisa dzina ja Maandalanga

74. (1) Nga ndja ha musi zwo tendiwa nahnne zwo tou šwalwa nga Maandalanga u pfalo, a hu na muthu nga ndja ha Bodo kana vhashumi vho tondelwah o vhane vha shuma kha Maandalanga vhane vha nga—
(a) shumisa dzina ja Maandalanga;
(b) imela kana u shumisa nyolo, zwigašhalu, nyolo kana matheria a mbambadzo a shumiswaho kana zwa Maandalanga, kana tshiriwe na tshiriwe tshine muthu a nga šalutshedza uri tshi amba Maandalanga nga ndja ha mbetselo kha Mulayo unu; kana
(c) shumisa nyolo dzisumbedzaho na u amba vhutumani vhu re hone vhukati ha uyo muthu na Maandalanga, nga ndja ha mbetselo kha uno Mulayo.
(2) Muthu muniwe na mušiwe ane a pfukekanya khethekanyo ya (1) u na mulandu wa vhutshinyyi.

Nzudzanyo dza tshanduko

75. (1) Musi uyu Mulayo u tshi tou thoma u shuma—
(a) tshimišwa tshine tsha dişiwi nga dzina ja Bodo ya zwa Ndaka thohiwaho nga khethekanyo ya 2 ya Mulayo wa zwa Mazhendedzi a Ndaka, na komiti iwe na iwe ya Bodo ya zwa Mazhendedzi a Ndaka yo tholwaho a tshi khou tevhedza wonoyo Mulayo, i khou fhešiswa;
(b) miraço ya Bodo ya zwa Mazhendedzi a Ndaka i re kha ofisi kana nka ofisi i re kha ofisi ywa Mazhendedzi a Ndaka, i re kha ofisi ya Bodo ya Vhashumi wha zwa Ndaka, nahone i tea u džhiwiyo ŋo tholwa nga Bodo ya Vhashumi wha zwa Ndaka u ya nga khethekanyo ya 7;
(c) miraço jo bulwaho kha pharagirafa ya (b) i vha kha ofisi kwa tshifiinga tsho salaho tshi ya vha jo tholwaho tshone sa miraço ya Bodo ya zwa Mazhendedzi a Ndaka, u bva kha íyo datumu ye miraço ya thoma u vha kha ofisi kwa Bodo ya Vhashumi wha zwa Ndaka u ya nga pharagirafa ya (b);
(d) muthu muniwe na muniwe o tholwaho ŋo tholwaho kwa ofisi ywa Bodo ya zwa Mazhendedzi a Ndaka phanda ha musi uyu Mulayo u tshi thoma u shuma u džhiwiyo ŋo thola u ya nga khethekanyo ya 17;
(e) muloło na miloyo muniwe ya kusumelele zwa muthu muniwe na muniwe o bulwaho kha pharagirafu ya (d) zwi jo džhiwiyo ŋo tholwaho tshone o vha a tshi di zwi wana phanda ha dataumu, hu tshi kotelwa—
(i) mbadelo i badelwaho nga mutholi kwa tshikwama tsha phentsheni;
(ii) mbadelo i badelwaho nga mutholi kwa tshikimudza tsha zwi dzilafho;
(iii) mbadelo dzi badelwaho nga mushumi dzi kwamanaho na vhuradő ha kwa tshikwama tsha phentsheni na tshikimudza tsha zwi dzilafho;
(iv) tshumelo yo kvuhanganywaho zwi tshi kwama phentsheni;
(v) u ya phentsheni muthu a tshi aluwa o swika kwa mišwaha yeneyo; na
(vi) mubelo dzo kuřhanganywaho dza maŋuva a ĵivi;
(f) muthu muniwe na muniwe o bulwaho kha pharagiraya ya (d) u dzula a tshi tea u tevhedza tšheo, tšengo/khothe, khatjulo na ndaela dzo tšeho kwa uyo muthu phanda ha u thoma u shuma ha uno Mulayo nahone muthu u dzula a tshi khou tshi u wana tšanelo, mubelo na zwi kwamanaho o nhenda phanda ha dataumu, hu tshi kotelwa—
(i) mbadelo i badelwaho nga mutholi kwa tshikwama tsha phentsheni;
(ii) mbadelo i badelwaho nga mutholi kwa tshikimudza tsha zwi dzilafho;
(iii) mbadelo dzi badelwaho nga mushumi dzi kwamanaho na vhuradő ha kwa tshikwama tsha phentsheni na tshikimudza tsha zwi dzilafho;
(2) U itela ndivho dza Mulayo wisa Income Tax, 1962 (Act No. 58 of 1962), a zwi džhiwi ho vha nu a shanduka ha mutholi musi muthu a tshi tholwaho nga Maandalanga u ya nga khethekanyo ya 17.
(3) Musi hu tshi thoma u shuma uno Mulayo—
(a) ndaka yotheyne ya endedzea, i sa endedzei na ndaka i kwamanho ndivho Bodo ya zwa Mazhendedzi a Ndaka, hu tshi kotelwa mashelemi, rehoko dza ndaulo na dzinwe rehoko dza Bodo ya zwa Mazhendedzi a Ndaka na mainwalo ofthe ane Bodo ya zwa Mazhendedzi a Ndaka ya vha nao, a nama vha a Maandalanga, saizwi hu Maandalanga ane a tea u wana iyo thundu;
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(b) the rights, duties, liabilities and obligations relating to the Estate Agency Affairs Board are transferred to the Authority;

(c) the Estate Agency Affairs Board is substituted by the Authority as a litigant in all pending litigation or proceedings; and

(d) all valid and binding agreements entered into by the Estate Agency Affairs Board shall be binding on the Authority as if the Authority had been the contracting party.

(4) All funds of the Estate Agents Fidelity Fund immediately before the commencement of this Act are upon commencement of this Act transferred to the Fund, and a claim for compensation instituted against the Estate Agents Fidelity Fund before commencement of this Act must be paid from the Fund if such claim is successful.

(5) Any claim with regards to the theft of trust money by a property practitioner committed before the commencement of this Act or the failure of a property practitioner to comply with section 35(1) or (2)(e) of the Estate Agency Affairs Act, in respect of which no proceedings were instituted before the commencement of this Act, must within two years of the commencement of this Act be instituted, and then finalised in accordance with the Estate Agency Affairs Act as if that Act had not been repealed.

(6) All regulations made in terms of the Estate Agency Affairs Act remain in full force and effect as if they had been made in terms of or under this Act.

Repeal

76. The Estate Agents Affairs Act, 1976 (Act No. 112 of 1976), is hereby repealed.

Short title and commencement

77. This Act is called the Property Practitioners Act, 2019, and comes into operation on a date fixed by the President by proclamation in the Gazette.
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(b) pfanelo, mishumo, zwikolodo na khombets hedzo zwi kwamah o Bodo ya zwa Mazhendedzi a Ndaka zwi mbo vha zwa Maandala nga;

(c) Bodo ya zwa Mazhendedzi a Ndaka i khou namba ya imelwa nga Maandalanga sa yone i dziah o vhuvhifinduleli kha zwojhe zwi kwamah o suwa na khothe zwine a zwi athu u khunyeledzwa; na

(d) thendelano dzishe dze re hone na dzine dza vho fhe dze Bodo ya zwa Mazhendedzi a Ndaka ya dzhena khadzo dze dzo vho fhe Maandalanga zwa tou dzhiw a hu Maandalanga o dzhenaho kha idzo thendelano.

(4) Mashele othe a Tshikwama tshi Thembeaho tsha zwa Mazhendedzi a Ndaka e a vha e hone phandza ha u thoma u shuma ha uno Mulayo musi uno Mulayo u tshi tou thoma u shuma a khou nambo a rathiselwa kha Tshikwama, nathone mbilo dza u badelwa dzio itwa ho kha Tshikwama tshi Thembeaho tsha Mazhendedzi a zwa Ndaka phandza ha musi hu tshi thoma u shuma uno Mulayo dzio tea u badelwa dze tshi bva kha Tshikwama arali ivo mbilo yo tshimbila zvawhu.

(5) Mbilo tshwa na tshwane mulugana na vhuvhava ho tshelele ho itwa ho nga mushumi wa zwa ndaka ho itwa ho phandza ha u thoma u shuma uno Mulayo kana mushumi wa zwa ndaka ho kundelwa u tevhedza khethokanyo ya 35(1) kana 35(2)(e) ya Mulayo wa zwa Mazhendedzi a Ndaka, mulugana na uri a hu na tsengo dzio dzio itwa phandza ha u thoma u shuma uno Mulayo, hu saathu u fhela minwaha mvhili ho thoma u shuma uno Mulayo dzio tea u itwa, nathone dzio khunyeledzwa u ya nga Mulayo wa zwa Mazhendedzi a Ndaka, u tou fana na musi Mulayo u songo vhuya wa fheliswa.

(6) Ndangulo dzishe dzio itwah o ya nga Mulayo wa zwa Mazhendedzi a Ndaka, dze dzula dzio tshi khou shumiswa nathone dzio tshi khou shumiswa u tou fana na musi dzio tshi nga dze dze itwa nga fhasi ha uno Mulayo kana hu tshi khou tevhedzwa uno Mulayo.

Pheliso


Dzina jipfufhi na u thoma u shumisa Mulayo

77. Dzina jipfufhi ja Mulayo uno ndi Mulayo wa Vhashumi vha zwa Ndaka, 2019, nathone uno Mulayo u dzo thoma u shuma nga datumu yo dzudzanyawo nga Phresidennde nga mulevho kha Gazete.