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## GENERAL NOTICES

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### NOTICE 971 OF 2007

#### DEPARTMENT OF TRADE AND INDUSTRY

#### **NOTICE OF INTENTION TO SUBSTITUTE THE REGULATIONS MADE UNDER THE ESTATE AGENCY AFFAIRS ACT, 1976**

Notice is hereby given that the Minister of Trade and Industry intends to:

- (a) repeal Government Notice No. R1468 of 29 June 1990 as amended by Government Notice No. R631 of 23 June 2000;
- (b) publish the regulations as set out in the Schedule hereto.

Interested persons are invited to make written comments on this amendment on or before 13 September 2007 to:

Physical Address: The Department of Trade and Industry

Block A, 3<sup>rd</sup> Floor

77 Meintjies Street

Sunnyside

Pretoria

Postal Address: Private Bag X84

Pretoria

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Fax No: (012) 394 2421

Email: [tebogot@thedti.gov.za](mailto:tebogot@thedti.gov.za)

For Attention: Ms T. Tsotetsi

## SCHEDULE

## Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act bears the same meaning as in the Act, and unless the context otherwise indicates-

"prescribed standard of training" means the standard of training prescribed by the regulations made in terms of section 33(1) of the Act, relating to the standard of training of Estate Agents;

"principal estate agent" means any person referred to in paragraph (a) or paragraph (c)(i) of the definition of 'estate agent' in section 1 of the Act;

"the Act" means the Estate Agency Affairs Act, 1976 (Act No. 112 of 1976).

2. A person who intends to become an estate agent must serve as a learner estate agent, under the supervision of a principal estate agent, for a continuous period of 12 months from the date of the first issue to that person of a learner fidelity fund certificate by the Board.
3. In the event of a learner estate agent being absent from the service contemplated in regulation 2, for any reason whatsoever, for a continuous period exceeding 30 days during the compulsory learnership period:
  - (a) the number of days of absence exceeding 30 days will be added to the compulsory learnership period; and
  - (b) an additional number of days amounting to one half of the period of absence from service exceeding 30 days will be added to the compulsory learnership period.
4. In the case of a learner estate agent having failed to comply with the prescribed standard of training during the compulsory learnership period contemplated in regulation 2, the learnership period must be extended for a further period until such time as the learner estate agent has duly complied with the prescribed standard of training, after which a full status fidelity fund certificate may be issued to the learner estate agent by the Board.
5. (1) A learner estate agent may not perform any act as an estate agent:
  - (a) unless the learner estate agent has duly disclosed in all printed matter relating to the learner estate agent's activities as an estate agent, excluding advertisements in the press, and in a manner

determined by the Board, that the learner estate agent is a learner estate agent;

- (b) otherwise than under the active supervision and control of a principal estate agent or of an estate agent who has complied with the prescribed standard of training.

(2) A learner estate agent may not:

- (a) in any way, directly or indirectly, hold himself or herself out as someone who or advertises that he or she has complied with the prescribed standard of training;
- (b) in any manner act or hold himself or herself out as a principal estate agent; or
- (c) in his or her capacity as an estate agent, complete or draft any documentation relating to any transaction negotiated by him or her in his or her capacity as an estate agent, save in the presence of an estate agent who has complied with the prescribed standard of training and who certifies on the documentation in question that the said documentation has been completed in his or her presence.

### **Short title**

6. These regulations are called the Learner Estate Agents Regulations, 2007

**NOTICE 973 OF 2007****DEPARTMENT OF TRADE AND INDUSTRY****NOTICE OF INTENTION TO AMEND THE REGULATIONS MADE UNDER SECTION 33(1) OF THE ESTATE AGENCY AFFAIRS ACT, 1976**

Notice is hereby given that the Minister of Trade and Industry intends to:

- (a) repeal Government Notice No. R1409 of 1 July 1983 as amended by Government Notice No. 1923 of 15 October 1993; and
- (b) publish the regulations as set out in the Schedule hereto.

Interested persons are invited to make written comments regarding this amendment on or before 13 September 2007 to:

Physical Address: The Department of Trade and Industry

Block A, 3'd Floor

77 Meintjies Street

Sunnyside

Pretoria

Postal Address: Private Bag X84

Pretoria

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Fax No: (012) 394 2421

Email: [tebogot@thedti.gov.za](mailto:tebogot@thedti.gov.za)

For Attention: Ms T. Tsotetsi

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## SCHEDULE

### Definitions

1. In these regulations any expression to which a meaning has been assigned in the Act bears the same meaning as in the Act, and unless the context otherwise indicates-

"non-principal estate agent" means any person referred to in paragraph (cHii) of the definition of 'estate agent' in section 1 of the Act;

"principal estate agent" means any person referred to in paragraph (a) or paragraph (cHi) of the definition of 'estate agent' in section 1 of the Act;

"NQF" means the National Qualifications framework as defined in section 1 of the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995);

"the Act" means the Estate Agency Affairs Act, 1976 (Act NO.112 of 1976).

### Registration

2. A person who intends to:
  - (a) register as an estate agent with the Board, whether as:
    - (i) a non-principal estate agent; or
    - (ii) a principal estate agent,  
must comply with the educational requirements prescribed by the NQF in accordance with the Regulations made under the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995);
  - (b) perform the functions and activities of a non-principal estate agent, must, as from the date of the coming into operation of these regulations, complete the Further Education and Training Certificate: Real Estate; or
  - (c) perform the functions and activities of a principal estate agent, must, as from the date of the coming into operation of these regulations, complete the National Certificate: Real Estate

### Fidelity fund certificate

3. Subject to the proviso to section 27 and section 33(2) of the Act, no person may, as from the date of the coming into operation of these regulations, be issued with a full status fidelity fund certificate by the board unless such

person has fulfilled the educational requirements referred to in regulation 2(b) and (c).

### **Standard of Training**

4. (1) An estate agent who is registered as either a non-principal estate agent or a principal estate agent as from the date of the coming into operation of these regulations will be required to undergo:
  - (a) a process of Recognition of Prior Learning as contemplated in the NQF ; including
  - (b) the identification, assessment and acknowledgement of skills and knowledge that has been obtained by that estate agent;
- (2) The process contemplated in sub-regulation (1), will:
  - (a) be undertaken within the context of the qualifications referred to in regulation 2(b) and (c), whether such skills or knowledge have been obtained through:
    - (i) formal training and education; or
    - (ii) informal or non-formal training and education, including on-the-job training and life experience; and
  - (b) be completed on or before 31 December 2010 or within such extended period as the Board may grant for this purpose.
5. Credit towards the educational requirements referred to in regulation 2(b) and (c) will, after due assessment in accordance with prescribed National Qualifications Framework procedures, be granted to the currently registered estate agents: Provided that the knowledge and skill of the particular applicant matches the learning outcomes of either the Further Education and Training Certificate: Real Estate or the National Certificate: Real Estate, as the case may be.
6. The Board may prescribe any Continuing Professional Development requirements as contemplated in the NQF.
7. The prescribed Continuing Professional Development requirements must be complied with by all estate agents, prior to the renewal of any fidelity fund certificate issued by the Board to an estate agent, failing Which, such fidelity fund certificate may not be issued to such an applicant.

### **Short title**

8. These regulations are called the Standard of Training of Estate Agents Regulations, 2007.

**NOTICE 974 OF 2007****DEPARTMENT OF TRADE AND INDUSTRY****NOTICE OF INTENTION TO AMEND THE REGULATIONS MADE UNDER THE ESTATE AGENCY AFFAIRS ACT, 1976**

Notice is hereby given that the Minister of Trade and Industry intends to amend the Regulations made under section 33(1) of the Estate Agency Affairs Act, 1976 (Act No. 112 of 1976), published by Government Notice No. R.373 of 2 March 2006.

Interested persons are invited to make written comments on this amendment on or before 13 September 2007 to:

Physical Address: The Department of Trade and Industry

Block A, 3'd Floor

77 Meintjies Street

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For Attention: Ms T. Tsotetsi



**GENERAL EXPLANATORY NOTE:**

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

\_\_\_\_\_ Words underlined with a solid line indicate insertions in existing regulations.

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**SCHEDULE****Definitions**

1. In these regulations "the Regulations" mean the Regulations published by Government Notice No. R 373 of 2 March 2006.

**Amendment of Regulation 8 of the Regulations**

2. Regulation 8 of the regulations is hereby amended by the substitution for sub-regulation (2) of the following sub-regulation:

"(2) The word "**[candidate]** learner" shall be printed in a conspicuous manner on any fidelity fund certificate issued to a person who in terms of Government Notice No. R1469 of 29 June 1990 has been exempted from complying with the standard of training prescribed by *Government* Notice No. R1409 of 1 July 1983."