ACT

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 establishment 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 transactions;

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,
**MULAYO**

Mulayotibe u khou ita mbetshele dza u langula vhashumi vha zwa Ndaka; u ita mbetshele malugana na u ya phandâ ha Zhendedzi ja zwa Ndaka sa Jone Maandelanga a u Langula Vhashumi vha zwa Ndaka; u ita mbetshele malugana na u thola miraâdo ya Bodo na zwiâwe zwina zwa vhonaala zwo tea; u ita mbetshele malugana na u thola Muofisi Mulangi na vhainwe vhashumi vha tshiimiswa tsha Maandelanga; u ita mbetshele ya u shandukisa sekithara ya vhashumi vha zwa Ndaka; u ita mbetshele ya u thomiwa ha tshiikwama tsha tshianduko na u thomiwa ha senthara ya thogisiso i lavhelesaho kha zwa tshanduko; u ita mbetshele malugana na u tevhedza na u tevhedzisa mbetshele dza Mulayo; u ita mbetshele malugana na u ya phandâ ha Tshikwama tshi Thembeaho tsha Mazhendedzi a zwa Ndaka sa tshone Tshikwama tshi Thembeaho tsha Vhashumi vha zwa Ndaka; u ita mbetshele malugana na u tsireledza vharengi; u ita mbetshele malugana na u fhelisa Mulayo wa *Estate Agency Affairs Act, 1976*; na u ita mbetshele malugana na zwine zwa kwamana na zwenezwi.

**MARANGA PHANDÅ**

_HU TSHI KHOU LAVHELESWA URI_ maraga wa zwa Ndaka wavhudi ndi thundu ya lushaka ine ya vusuludza tshirunzi tsha Vho Vthe Vhathu vha Afrika Tshipembe nga kha pfanelo dza ndemesa dza ndayotewa dza u vha muâe wa Ndaka i sa endedzei nga kha tsireledzo ya u vha muâe wa Ndaka iyo;

_NAHONE HU TSHI KHOU LAVHELESWA URI_ ndaka ndi thundu ine ya khwâthisa mvelahandâ na nyaluwo ya ikonomi na zwotho zwina itwa kha ikonomi;

_NAHONE HU TSHI KHOU LAVHELESWA URI_ ndîla dza u vha muâe wa Ndaka zwiâla kale dzo vha dzí dza tshiâlula;

_NAHONE HU TSHI KHOU LAVHELESWA URI_ hu na zwi songo dzulaho zwawhudi kha maraga wa zwa Ndaka, zwiâlulsa kha makete wa Ndaka wa sekondari;

_NAHONE HU TSHI KHOU LAVHELESWA URI_ u khwînisà makete wa zwa Ndaka ndi u dzhenelela u thusa zwi tôđeaho u itela uri vhathu vho vhaîswaho nga tshiâlula zwiâla kale vha vhuwelwe;

_NAHONE HU TSHI KHOU LAVHELESWA URI_ vharengi vha tôđa thuso musi hu tshi itwa tôhirantsekisheni dzà 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 tôđe a itela u vhona uri iyo thuso i khou qetshezdwa nga ndîla ya phrofeshinaâla;

_NAHONE_ zwi a tôđe a uri hu langulwe nyimele musi iyo thuso i sa khou qetshezdwa lwa phrofeshinaâla,
BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

ARRANGEMENT OF SECTIONS

Sections

CHAPTER 1

DEFINITIONS, APPLICATION, OBJECTS AND ESTABLISHMENT OF AUTHORITY

1. Definitions
2. Application of Act
3. Objects of Act
4. Exemption from Act
5. Establishment of Property Practitioners Regulatory Authority
6. Functions of Authority

CHAPTER 2

BOARD OF AUTHORITY

7. Composition and appointment of Board
8. Disqualification from membership of Board
9. Powers and duties of Board
10. Good governance and code of ethics
11. Conflict of interest of members of Board
12. Termination of Board membership
13. Meetings of Board
14. Committees of Board
15. Dissolution of Board

CHAPTER 3

APPOINTMENT OF CEO AND STAFF OF AUTHORITY

16. Appointment of CEO
17. Staff of Authority
18. Conflict of interest of employees
19. Delegation

CHAPTER 4

TRANSFORMATION OF PROPERTY SECTOR

20. Property sector transformation
21. Property Sector Transformation Fund
22. Property Sector Research Centre
23. Exemptions in respect of accounting records and trust accounts

CHAPTER 5

COMPLIANCE AND ENFORCEMENT

24. Appointment of inspectors
25. Powers of inspectors to enter, inspect, search and seize
26. Compliance notices
27. Fine as compensation
28. Lodging of complaints
29. Mediation
30. Adjudication
U KHWA.THISWE nga Phalamonde ya Riphabuliki ya Afrika Tshipembe, nga ndila i tevhelaho:—

NZUDZANYO DZA KHETHEKANYO

Khethekanyo

NDIMA YA 1

THALUTSHEDZO, ZWINE MULAYO WA KWAMA, ZWIPIKWA NA U THOMIWA HA MAANQALANGA

1. Thalutshedzo
2. Zwine Mulayo wa kwama
3. Zwipikwa zwa Mulayo
4. U vhofhololwa kha u tevhedza Mulayo
5. U thomiwa ha Maanqalanga a Ndangulo ya Vhashumi vha zwa Ndaka
6. Mishumo ya Maanqalanga

NDIMA YA 2

BODO YA MAANQALANGA

7. Miraqo yo vhumbaho Bodo na u tholwa ha iyi miraqo
8. U sa tsha fusha tohdeya dza u vha muraqo wa Bodo
9. Maanja na mishumo ya Bodo
10. Kuvhusele kwavhuqi na mulayo wa vhujifari
11. Khudano ya madzangalelo kha miraqo ya Bodo
12. U fhelisa vhuraqo ha u vha muraqo wa Bodo
13. Mitangano ya Bodo
14. Komiti dza Bodo
15. U fhaladza Bodo

NDIMA YA 3

U THOLWA HA MUOFISI MULANGI NA VHASHUMI VHA MAANQALANGA

16. U tholwa ha Muofisi Mulangi
17. Vhashumi vha Maanqalanga
18. Khudano ya madzangalelo ya vhashumi
19. Vhurumela

NDIMA YA 4

TSHANDUKO YA SEKITHARA YA ZWA NDACA

20. Tshanduko ya sekithara ya zwa ndaka
21. Tshikwama tsha Tshanduko ya Sekithara ya zwa Ndaka
22. Senthara ya Thodisiso ya Sekithara ya zwa Ndaka
23. U vhofholola malugana na rekhodo da akhaunthingi na akhaunthu dza thirasiti

NDIMA YA 5

U TEVHEDZA MULAYO NA U TEVHEDZISA MULAYO

24. U thola vhaingameli
25. Maanja a vhaingameli a u dzhena, u ingamela, u toqulusa na u dzhia
26. Ndzhivadzo malugana na u tevhedza Mulayo
27. Ndqiiso sa mbadelo
28. U vhiga mbilaelo
29. Vhukonanyi
30. Khaqulo
31. Adjudication Appeal Committee

CHAPTER 6
FINANCES

32. Funds of Authority
33. Financial year and deposits

CHAPTER 7
PROPERTY PRACTITIONERS FIDELITY FUND

34. Property Practitioners Fidelity Fund
35. Primary purpose of Fund
36. Control and management of Fund
37. Claims from Fund
38. Payments from Fund
39. Authorisation of grants
40. Indemnity insurance
41. Fees payable by property practitioner
42. Co-operation by claimant
43. Actions against Authority in respect of Fund
44. Application of insurance monies
45. Transfer of rights and remedies to Authority
46. Fund exempt from insurance laws

CHAPTER 8
PROPERTY PRACTITIONERS

47. Application for Fidelity Fund certificate
48. Prohibition on rendering services without Fidelity Fund certificate
49. Mandatory time periods for issuing certificates
50. Disqualification from issue of Fidelity Fund certificate
51. Amendment of Fidelity Fund certificate
52. Withdrawal or lapse of Fidelity Fund certificate
53. Mandatory display of Fidelity Fund certificate
54. Trust account
55. Duty of property practitioner to keep accounting records and other documents
56. Property practitioner not entitled to remuneration in certain circumstances
57. Mandatory indemnity insurance
58. Limitation on relationships with other property market service providers
59. Insolvency or liquidation of property practitioner

CHAPTER 9
CONDUCT OF PROPERTY PRACTITIONERS

60. Application of this Chapter and Chapter 10
61. Code of conduct for property practitioners
62. Sanctionable conduct
63. Undesirable practices
64. Supervision of candidate property practitioners
65. Franchising
31. Komiti ya Aphili ya Vhuhaţuli

NDIMA YA 6

MASHELENI

32. Mashele ni A Maandâlanga
33. Nwaha wa muvhalelano na dzidiphosithi

NDIMA YA 7

TSHIKWAMA TSHI THEMBEAHO TSHA VHASHUMI VHA ZWA NDAKA

34. Tshikwama tshi Thembeaho tsha Vhashumi vha zwa Ndaka
35. Ndîvho khulwane ya Tshikwama
36. Kulangele kwa Tshikwama
37. Mbîlo dîi bva ho kha Tshikwama
38. Mbâdelo dîi bva ho kha Tshikwama
39. U tendelwa ha magavhelo
40. Ndîndakhombo ya u tsireledza thînylelelo
41. Mashele ni a badelwaho nga mushumi wa zwa ndaka
42. Tshumisano i lahelelwaho kha muitambilo
43. Maga ane a dzhielwa Maandâlanga malugana na Tshikwama
44. Khumbelo ya tshelele dza ndîndakhombo
45. U rathisele pfanelo na tha sululo kha Maandâlanga
46. Mashele ni a vhofhololwaho kha mîlayo ya ndîndakhombo

NDIMA YA 8

VHASHUMI VHA ZWA NDAKA

47. Khumbelo ya thânielza ya Tshikwama i Sumbedzaho u Thembea
48. Nyîlelozul wana u ndîthedza shumelo hu si na thânielza ya Tshikwama i Sumbedzaho u Thembea
49. Zwîlhinga zwine zwa tou vhofha zwa u ndîthedza thânielza
50. U sa tsha fusha thôde a dza u thiwa thânielza ya Tshikwama i Sumbedzaho u Thembea
51. U khwiqiswa ha thânielza ya Tshikwama i Sumbedzaho u Thembea
52. U zhiululwaho kana u thela ha thânielza ya Tshikwama i Sumbedzaho u Thembea
53. U tana thânielza ya Tshikwama i Sumbedzaho u Thembea zwine zwa tou komba tsedza
54. Akhaunthu ya Thirasiti
55. Mushumo wa mushumi wa zwa ndaka wa u vhu lunga dzire kholo dza akhaunthingi na maîwe manîwalwa
56. Mushumi wa zwa ndaka ha tei u wana muholo kha nyimele dzedenzo dzo teaho u sa wana
57. Ndîndakhombo ya tsireledzo ine ya tou komba tsedza
58. Phungudzelo ya vhushaka na vha nthwe vhaqetsedzatshumelo dza maraga ya ndaka
59. U sa tsha vha na tshelele ya u badela zwiku lo dolo kana u rengiswa ha thundu ya mushumi wa zwa ndaka

NDIMA YA 9

VHUDIFARI HA MUSHUMI WA ZWA NDAKA

60. U shumiswa ha Ndima ya 9 na Ndima ya 10
61. Mulayo wa vhudi fari ha vhashumi vha zwa ndaka
62. Vhudi fari vhune ha ita uri hu itwe ndatiso
63. Maitele a sa thôdei
64. U lavelela mushumi wa zwa ndaka ane a kha dîi tou guda
65. U ita furantshaisa
66. Prohibition on conduct to influence issue of certain certificates

CHAPTER 10

CONSUMER PROTECTION

67. Mandatory disclosure form 5
68. Agreements 5
69. Consumer education and information 5

CHAPTER 11

GENERAL

70. Regulations 10
71. Penalties 10
72. Delegation of powers by Minister 15
73. Legal proceedings against Authority 15
74. Use of name of Authority 15
75. Transitional provisions 15
76. Repeal 15
77. Short title and commencement 15

CHAPTER 1

DEFINITIONS, APPLICATION, OBJECTS AND ESTABLISHMENT OF AUTHORITY

Definitions 20

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 vhudiFari ha u tuwedza u netshedza thanziela
dzenedzo

NDIMA YA 10

TSIRELEDZO YA VHARENGI

67. Fomo ine ya tou kombetshedza ya u bvukulula
68. Thendelano
69. Ndiphiso na pfunzo zwa vharengi

NDIMA YA 11

NYANGAREDZO

70. Ndagulo
71. Ndaqiso
72. U hwesa maanda nga Ministha
73. Tsengo ya mulayo malugana na Maandalanga
74. U shumisa dzina la Maandalanga
75. Nzudzanyo dzaa tshanduko
76. Pheliso
77. Dzina jipufufhi na u thoma u shumisa Mulayo

NDIMA YA 1

THALUTSHEDZO, ZWINE MULAYO WA KWAMA, ZWIPIKWA NA U
TOMIWA HA MAANDALANGA

Thalutsedzho

1. Kha uno Mulayo, nga nnja ha musi zwo sumbedzwa nga iine ndjila—
   “rekhodo dza akhaunthingi”—
   (a) zwi amba ndiphiso yo tou izwalwaho ya ilekithironiki malugana na akhaunthu
dza thiratsiti dza mushumi wa zwa ndaka dztodwa u y nga uno Mulayo, 25
   hu tshi katele zwi sa gumiho kha, rekhodo dza thirantsikisheni dzigohe dzi
   kwawaho mashelela a thiratsiti, rekhodo dza thirantsikishenyangaredzi na
   dza khamphani dzo farwaho nga khamphani khwelane na maawe mainwalwa
   na dzbugu dze shumiswaho kha zwa vhulangi ha akhaunthu dza thiratsiti; na
   (b) zwi tshi kavana bindu la mushumi wa zwa ndaka ngauralo, zwi amba
   ndiphiso yo tou izwalwaho kana ya ilekithironiki ine ya kwawo zwa mashelela
   a bindu u ya nga zwi izodwa nga uno Mulayo kana Mulayo muuwe na
   muuwe wo teaho bindu la mushumi wa zwa ndaka, hu tshi katele zwi sa
   fheleliho kha, rekhodo dza thundu, zwikolodo, mashelela a dzhenaho na a
   shumiswaho, thirantsikishenyangaredzi na dza khamphani dzo fwarwaho
   nga khamphani khwelane na maawe mainwalwa a zwiitaamentonde zwi bindu;
   “tholo” thalutsedzo ya ipi jji i dzhiwa i tshi wela kha zwa Mulayo wa Auditing
   Profession Act, 2005 (Act No. 26 of 2005);
   “mutoli” zwi amba muthu o izwalisaho kana fene yo izwalisaho u y nga
   khethekanyo ya 37 kana 38 ya Mulayo wa Auditing Profession Act, 2005 (Act No.
   26 of 2005);
   “Maandalanga” zwi amba Maandalanga a Ndalo ya Vhashumi vha zwa Ndaka
   o thomiwaho hu tshi khou tehedzwa khethekanyo ya 5;
   “Bodo” zwi amba Bodo ya Maandalanga yo bulwaho kha Nginda ya 2;
   “mushumi wa zwa ndaka ane a kha dji guda” zwi amba muthu a saathu fusha
   tshojea dzo fhelelaho dza ndalukano kana tshenzhemo i tshojea sa zwo
   randelwaho, kha zwi kwawaho u shuma sa mushumi wa zwa ndaka naheone a tshi
   kha dji guda nga fhasi ha hvulavehlesi ha mushumi wa zwa ndaka, kana
   mbekanyamushumo yo itwaho nga Maandalanga;
   “Muofisi-Mulangi” zwi amba Muofisi-Mulangi wa tshimisiswa tsha Maandalanga
   o tholiwaho hu tshi khou tehedzwa 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 canvas 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 vhudźifari” zwi amba mulayo wa vhudźifari wo randelwaho hu tshi khou tevhedzwa khethekanyo ya 61;

“murengi” zwi amba murengi sa zwa řatultshedzwa kha khethekanyo ya 1(a) kana (c) ya Mulayo wa Consumer Protection Act, 2008 (Act No. 53 of 1976);

“murathisi wa ndaka” zwi amba murathisi u ya nga zwe zwa řatultshedzwa kha khethekanyo ya 1 ya Mulayo wa Attorneys Act, 1979 (Act No. 53 of 1979);

“maqůvha” zwi amba maqůvha a khalenda hu tshi khou katelwa Migivhela, Dźisondaha na Holodeni dza Nnyi na Nnyi fhedzi hu sa katelwi tshihingha tsha vhukati ha dzi 15 Nyendavhusiku u swika dzi 15 Phando dzi rangelaho řważa;

“Muhasho” zwi amba Muhasho wa Lushaka wa zwa Madzulo a Vhathu;

“Mulayo wa zwa Mazhendedzi a Ndaka” zwi amba Mulayo wa Estate Agency Affairs Act, 1976 (Act No. 112 of 1976);

“Bodo ya zwa Mazhendedzi a Ndaka” zwi amba Bodo ya zwa Mazhendedzi a Ndaka yo thomiwaho nga khethekanyo ya 2 ya Mulayo wa zwa Mazhendedzi Ndaka;

“Tshikwama” zwi amba Tshikwama tshi Thembeaho tsha Vhashumi vha zwa Ndaka tso bulwaho kha khethekanyo ya 34;

“Thanziela ya Tshikwama i Sumbedzaho u Thembea” zwi amba thanziela ya Tshikwama i Sumbedzaho u Thembeaho yo bulwaho kha khethekanyo ya 47(1);

“Mushumi wa zwa Mazhendedzi a Ndaka” —

(a) zwi amba mushumi wa zwa ndaka ane a vha mulangi wa khamphani, muraqo wa koporasi řthukhu, thirasiti ii, thambo kha tshumisano kana mune wa khamphani ya muthu muthihi sa mushumi wa zwa ndaka;

(b) “Mushumi wa zwa Ndaka” —

(i) nga okusheni kana nga řiwe ndiile a rengisa, u renga, u lango kana a řanela tshithshavha nga ha u rengisa ndaka kana bindu řine na řine kana u luvheledza malugana na zwenezwo kana u galatsha kana u dzhiha kana u fha murengisi kana murenge malugana na zwenezwi;

(ii) a hirisa kana kha tshithshavha, a řana ona ha na ndaka kana bindu ŕine na ŕine nga ndiile ya ilekhihironiki kana ndiile dziine na dzine na kha, a ita nyambedzino dzi kwamaho zwenezwi kana u galatsha kana u dzhiha kana u fha zwi kwamaho u galatsha malugana na murenndi na murentisi;

(iii) ane a kuvhanganya kana a řanganedza teledhe řine na řine a ndelwaho kha akhaunthu malugana na ndaka ine ya khou rendiswa kana zwi tshi kwama bindu;

(iv) getshedza, renga, leludza, wana kana nga řiwe ndiile a wana kana u vhandekedza zwa u wana mashele kana zwi kwamaho vhulangi, u rengisa kana u rendiswa ndaka kana bindu, hu tshi katelwa mugetshedzi wa mashele kana tshikolodo, u murengisisi wa bondo wa bondo, fhedzi hu sa katelwi muthu muwe na muwe o bulwaho kha řalulutshedzo ya ipi “tshimisiswa tsha zwa mashele” kha khethekanyo ya 1 ya Mulayo wa Financial Services Board Act, 1990 (Act No. 97 of 1990);

(v) ane nga ndiile ŕine na ŕine a ita kana a getshedza tshumelo sa mukonanyi kana muleludza ndiwe khalo khalo i na u, kana u lingedza u khunyeledza thendelano ya u rengisa na u renga, kana u hira kana u rendiswa, kana u hira kana u rendiswa, sa zwine nyimele ya vha zwone, kha ndaka kana mushumo wa bindu, hu tshi katelwa, arali a tshi khou shuma mishumo yo bulwaho kha pharagirafu řthukhu, asosiesheni ya zwa vhape vha dzinndu, fhedzi hu sa katelwi—

(aa) muthu ane a sa ite zwo raloho kha mushumo wa bindu;
(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
(bb) hune muthu a vha uri ndi muthu wa mvelo nahone uyo muthu kha mushumo zwawo wa bindu a rengisa ndaka ine ndi yawe o imela ene muqe;

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

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

(vi) qetsedza tshumelo iniwe na iniwe yo taluswaho nga Miniṣṭa zwo themendelwa nga Bodo misi yoŋhe nga ndiŋhadzo nga Gazete;

(b) hu tshi khou katelwa muthu muniwe na muniwe ane a rengisa, nga okusheni kana nga iniwe ndila, kana u vhambadza, kungedzela tshipiqa tshinwe na tshinwe, yuniti kana khethekanyo ya, pfanelo kana mikovhe, hu tshi khou katelwa u kovhekana tshifhinga tsha u vha vhape vha ndaka kana ndaka ine vhape vhayo ndi vhanzhi, nga ndaka kana mveledziso ya ndaka;

(c) hu tshi katelwa muthu muniwe na muniwe ane musi a tshi khou zwi itela muholo a langa ndaka o imela muiwe;

(d) hu tshi katelwa thirasiti ane thirasiti a shumaho mushumo muniwe na muniwe wo bulwaho kha pharagirafu ya (a), u itela u wana mbuelo ku kha akhunthu ya thirasiti, zwo livha kana u sa livha nga ndila iniwe na iniwe zwa vha uri ndi bindu ʃine, nga kha ndaela ya kana ho imelwa muthu muniwe na muniwe;

(e) u itela ndiŋh0 dza khethekanyo dza 34, 46, 59, 60, 61 na 65 hu tshi katelwa—

(i) mulangi muniwe na muniwe wa khamphani kana muraŋo wa koporasi ʃhukhu ane a shuma sa mushumi wa zwa ndaka u ya nga ʃtalutshedz0 i re kha phara ya (a);

(ii) muthu muniwe na muniwe o tholwaho 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 ʃhukhu ya (i), (ii), (iv), (v) kana (vi) ya iyo phara;

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

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

(v) muthu muniwe na muniwe o tholwaho 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 ʃvухa na ʃvухa a bindu sa uyo mushumi wa zwa ndaka;

(f) hu tshi katelwa muthu muniwe na muniwe o tholwaho nga kana ane a qetsedza tshumelo kha axennde kana khamphani ya phrofeshina la sa zwo talutshedzwa kha khethekanyo ya 1 ya Mulayo wa Attorneys Act, 1979, nga ndla ha axennde kana axennde ane a kha di guda, nahone ane mishumo yawe ya katelwa zwoŋhe kana zwiwułwanesa u shuma mushumo ufhiyo sa ufhiyo wo bulwaho kha phara ʃhukhu ya (i), (ii), (iii), (iv), (v) kana (vi) dza phara ya (a); ho imelwa uyo axennde kana khamphani ya phrofeshina iye mishumo ʃayo i dzo katelwa nga Tshikwama tshi Thembeaho tsha Axennde nahone hu si Tshikwama tshi Thembeaho tsha Vhashumi vha zwa Ndaka;

(g) u itela ndiŋh0 dza khethekanyo ya 61 na ndangulo iniwe na iniwe yo itwaho nga fhasi ha khethekanyo ya 70, hu katelwa muthu muniwe na muniwe we a vha e mushumi wa zwa ndaka nga tshiﬁnga tsha musi a tshi vha na mulandu wa u khakha hune o humbulelwa uri zwi ita uri a gwevhele vhudifari ho bulwaho kha khethekanyo ya 62, hzedzi zwi sa kati axennde kana murm0nd0 wa khamphani ya phrofeshina la, sa zwe zwa talutshedzwa kha khethekanyo ya 1 ya Mulayo wa Attorneys Act, 1979, kana axennde ane a kha di guda sa zwo talutshedzwa kha yeneyo khethekanyo, ane a shuma mushumo muniwe na muniwe 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

2. 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

3. 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;
kha zwifha zwa uyo axenndje kana mushumo wa khamphani ya phrofeshina, tenda izwo zwa sa shunwe—

(i) hu tshi khou shumisanwa na muthu munwe na munwe nga nda ha mushumisani/hama kha zwa mushumo wa uyo axenndje sa zwo talutshedzwa ho khethekanyo ya 1 ya Mulayo wa *Attorneys Act*, 1979; kana

(ii) nga kha tshi ratisi tsha, kana sa mulangi wa khamphani nga nda ha iyo khampani ya phrofeshina, na “u kungedzela” ngauri ndivho dza ino thalutshedzo a dzi kateli u kungedzela hu u tevhedza mbetshelo dza mulayo; na

“randela” zwi amba u randela nga ndangulo;

“ndaka” zwi amba ndaka ine ya sa endzedzee, na nyingapfuma, pfanelo kana muthelo une wa kwama yeneyo thundu sa zwo zwa bulwa kha khethekanyo ya 2; “rekhedo” zwi amba rekho dhiho ni ifhio hu songo sedzwa uri ndi rekho ya lushaka dje;

“thankiela ya u nwalisa” zwi amba thankiela ya u nwalisa sa zwo zwa bulwa kha khethekanyo ya 47(2);

“uno Mulayo” hu katelwa ndangulo dzo itwaho nga fhasi ha uno Mulayo; nahone

“mashele ni a thirasiti” zwi amba—

(a) mashele ni o farwa nga mushumi we zwa ndaka saizwi e mushumi we zwa ndaka;

(b) mashele ni o kuvhanganywaho kana o tanganedzwa ho nga mushumi we zwa ndaka nahone ane u badelwa u ya nga zwo zwa bulwa kha pharigirafu thukhu ya (i), (ii), (iii) kana (iv) ya pharigirafu ya (a) ya thalutshedzo ya ifpi “mushumi we zwa ndaka”;

(c) tshelele inwe na inwe, hu tshi ketele mbadelo dza ndindakhombo, yo kuvhanganywaho kana yo tanganedzwa ho nga mushumi we zwa ndaka nahone e badelwa ho malugana u thundu ifhio ni ifhio i sa endzedzi, bindu kana konjiro kana tshiifha ho kuna u fha ha zwi kwama ho kwinjisa ndaka i sa endzedzi.

Zwine Mulayo wa kwama

2. Zwi kwamiwaho nga hoyu Mulayo ndi zwa mbambadzo, vhulangi, thengiso, u remdisa, u fha mashele ni u renga ndaka i sa endzedzi, u pfanelo dziwe na dziwe, zwine zwa vha mbotho, nyingapfuma, mishumo na maandza zwine izwi zwi livhanywa na yeneyo ndaka.

Zwipikwa zwa Mulayo

3. Zwipikwa zwa Mulayo ndi u—

(a) ita mbetshelo malugana na u langula vhashumi we zwa ndaka;

(b) ita mbetshelo malugana na u thomiviwa ha Maandalanga;

(c) ita mbetshelo malugana na maandza, mishumo na vhuvusi ha Maandalanga;

(d) ita mbetshelo malugana na tsireledzo na u tšuwelela madzangalelo a vharengi;

(e) ita mbetshelo malugana na zwi kwamaho ndjila ya u tandulula phambamo kha maraga wa zwa ndaka;

(f) ita mbetshelo malugana na pfunzo, vhugudisi na mvelaphanda kha vhashumi vha zwa ndaka na vhashumi vha zwa ndaka vhane vha kha dji guda;

(g) u ita mbetshelo malugana na mutheo we u fha Jaisentse vhashumi we zwa ndaka;

(h) ita mbetshelo ya mulayo u sa dzhiho sia zwi tshi dja kha mafhungo a u vhambadzo, u langa, u kolodisa masheleni, u hirisa, remdisa, thengiso na u renga ndaka;

(i) u tšuwelela u dzhenelela hu pfadzaho kha avho vhe vha vho khethululwa zwiila kale na kha zwi kwamaho vhunindzii vhutukusa, vhutuko na ha vhukati kha zwi maraga wa ndaka;

(j) ita mbetshelo malugana na kwinjifazdo ya maraga wa zwa ndaka na u thomiviwa ha Tshipembe tsha Tshandako ya Sekithara ya zwa Ndaka;

(k) ita mbetshelo kha u kwinjisa maraga wa zwa ndaka u itela uri Vhathu vha Afrika Tshipembe vha kome vho u vha vhe vha ndaka musi hu na u dzhenelela na u itwa ha mbekanyamushumo dza vha vhe vhane vha vha vharengi vhane ndaka nga ndjila ine ya swikelelela 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.
(l) ita njila ya u fhindula na u shumisa zwo laelwaho nga Minisṭa misi yoθhe.

U vhofhololwa kha u tevhedza Mulayo

4. (1) Muthu munwe na munwe (afha a tshi khou vhizidza u pfi muhumbeli) a tshi khou tevhedza mbetshelo dza ino khethekanyo, a nga vhofhololwa uri a sa tevhedze yeneyo mbetshelo ya uno Mulayo. 5
(2) Muhumbeli a tshi khou tevhedza njila na fomo yo teaho u tea u isa khumbelo kha Maanḍalanga ya uri a tendelwe u sa vhoθiwa nga Mulayo, nahone khumbelo i fhelekedzwe nga —
   (a) thalutshedzo ya mbuno dia iyo khumbelo; na
   (b) maniwalwa maniwe na muniwe o teaho.
(3) Maanḍalanga a dθ vhudza muhumbeli uri a—
   (a) ukedze inwe ndiθivhisio ine ya khou tʃoa; nahone
   (b) a dивhonadze phanda ha maanḍalanga u itela uri a tikedzeh khumbelo yaye na u fhindula mbudziso nga mulomo dzine Maanḍalanga a dθ vhudzisa.
(4). (a) Muthu munwe na munwe a nga hanedzana na Maanḍalanga sa zwe zwa randelwa malugana na u vhofhololwa ho netshezhidwaho muthu kana shimiswa u ya nga ino khethekanyo.
   (b) Maanḍalanga a tea u lavhelesa khanedzo nahone Maanḍalanga a lavheleshe uri naa iyo khaθidzidzwa naa.
(5) Maanḍalanga a tea u lavhelesa nahone Maanḍalanga a dzθie tsθeo malugana na khumbelo, a tshi khou dθziθela θha araθi—
   (a) u tendela uho u sa tevhedza uno Mulayo zwi tshi dθ kwama tsθitshavha tʃoθhe nga njila i si yavhuθi; 15
   (b) u tendela u sa tevhedza uno Mulayo zwi tshi dθ kwama muθaθiθi θano nga njila i si yavhuθi kha sekithara ya zwa ndaka kana sekithara ya vhashumi vha zwa ndaka;
   (c) u tendela uho u sa tevhedza uno Mulayo zwi tshi dθ vhuedza khethekanyo nthiθi fhedzi kha ndowetshumo ya zwa vhashumi vha zwa ndaka ngeno hu tshi khou hvuhala vhaθiwe;
   (d) hu na ndangulo ya tsθireledzo ya pfanelo dza vharengi vha ndaka yo teaho, yo linganelaho nahone ine ya khou shumiswa; na
   (e) u tendela u sa tevhedza uno Mulayo zwi tshi dθ thithisa zwiθipikwa zwa Mulayo.
(6) Maanḍalanga a a nga—
   (a) tendela iyo khumbelo, khaθhθi θi reθhodo na mafhungo o bulwaho kha khethekanyo tʃukhu ya (7): Tenda u tendela ha sa paθe miθwaθa miraru nahone hu sa dθ shumiswa ho sedzwa zwa murahu;
   (b) hanela iyo khumbelo; kana
   (c) humisela murahu khumbelo kha muhumbeli u itela uri u itwe tsedzuluso kana u lavhelesa, u ya nga zwiθe θi θeθele ya vha zwiθe. 20
(7) Arali Maanḍalanga a tendela iyo khumbelo, Maanḍalanga a tea uri a andθadze iyo tsθeo kha webusaiθi ya one Maanḍalanga, nahone iyo nyαndθadzo i tea u katela— 25
   (a) mbetshelo ya Mulayo ine ya khou ita uri hu vhe na u vhoθholola;
   (b) muthu ane a khou vhoθholola;
   (c) datumu ya uri u vhoθholola zwi θoma θi θi guma lini;
   (d) θi θeθele dziniwe na dziniwe dzine dza khou shumiswa kha uho u vhoθholola;
   (θ) mbuno dzine dza khou ita uri hu vhe na uho u vhoθholola;
   (f) hu bulwe uri u vhoθhololwa a hθ iti uri hu vhe na pfanelo dza tθiθpentshela kana dzangalelo ʃo teaho θine Ja nga shumiswa kha khethekanyo ya vθathu vhane vha khou vhoθholola; na
   (g) u bula uri u vhoθhololwa ho tendelwaho hu nga kθwiθiθadzwa kana ya dθziθululwa hu tshi khou tevhedza mbetshelo ya ino khethekanyo.
(8) Muthu munwe na munwe ake a kwaθe ma nga njila i si yavhuθi nga tsθeo ya Maanḍalanga a nga humbela ʃi θi θo Meaθalanga a mu fhe mbuno θo tou θwαθhaho. 30
   (9) (a) Muthu munwe na munwe nga tʃisiθiθi θiθiwe na tʃiθiwe nga u tou θwala a nga humbela Minisθa uri a ʃole mboθhololo iθwe na iθwe yo fθiθiwa θo ya nga ino khethekanyo.
   (b) Minisθa u tea u laθa muthu ane a khou humbela θolo ya mboθhololo uri a θivθadze Maanḍalanga na muthu o bulwaho nga Minisθa, u itela muthu ane a khou humbela θolo, na u isa maθumulwa o θαnganedzwaθo kha Minisθa. 35
(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 dza-vhuvi, a nga khwiniisa, imisa kana u dzhiiulula uho u vhofholola.
(11) Maandalanga a tea u anjadza uho u vhofholola kwa webusaiti ya one Maandalanga.

U thomiwa ha Maandalanga a Ndangulo ya Vhashumi vha zwa Ndaka

5. (1) Hu khou thomiwa tshiimiswa tshine tsha pf Maandalanga a Ndangulo ya Vhashumi vha zwa Ndaka.
(2) Maandalanga ndi Tshiimiswa tsha Muvhuso wa Lushaka hu tshi khou tevhedzwa Mulayo wa Public Management Act, 1999 (Act No. 1 of 1999).
(3) Maandalanga a vhuswa na u shuma nga kwa Bodo ine ya pf Bodo ya Maandalanga.
(4) Maandalanga a tea u fha ndila dza ndangulo malugana na zwa u fha mashele, u vhambadza, u remndisa, u hirisa, thengiso, u renga ndaka na pfunzo vharengi vha ndaka, na uri Maandalanga a nga ita zwothe zwine zwa toja kana zwine zwa tea u itwa nga u tsvhanya u itela u swikelela zwipikwa zwa uno Mulayo.
(5) Maandalanga a vhiga ngei kwa Miništa.

Mishumo ya Maandalanga

6. Mishumo ya Maandalanga ndi u—
(a) langula vhuviifarha vhashumi vha zwa ndaka musi vha tshi shumana vha vharengi;
(b) langula vhuviifarha vhashumi vha zwa ndaka zwi tshi kwama mbambadzo, u langa, u fha mashele, u remndisa, u hirisa, thengiso na zwa u renga ndaka;
(c) langula na u vhona uri mbetshelo dzani Mulayo dzivi tevhedzwe;
(d) vhona uri vharengi vho tsireledze kwa zwiito zwi sa tojei na maitele ane a ita uri hu itwe ndavisu u ya nga ha zwo sunbedzwaho kwa khethekanyo ya 62 na khethekanyo ya 63;
(e) langula vhuviifarha vhunwe na vhunwe vhune ha wela kwa tshikoupvha tsha Mulayo zwi tshi kwama vhashumi vha zwa ndaka na vharengi kwa maraga;
(f) nhetshezwa pfumzo, vhuuguvisi na mvelaphandzi zwa vhashumi vha zwa ndaka na vhashumi vha zwa ndaka vhane vha kwa di gudh;
(g) funza na u divhisa vharengi nga ha pfanelo dzavho dzivi re kwa khethekanyo ya 69; na
(h) shumisa maga u itela u vhona uri sekithara ya zwa ndaka i shanduke nahone i khwiniifhale sa zwo sunbedzwaho kwa Ndima ya 4.

NDIMA YA 2

BODO YA MAandalanga

Miraoho yo vhumbaho Bodo na u tholwa ha iyi miraaho

7. (1) Bodo i na miraaho—
(a) i si ho fhansi ha miraoho ya the fhedzi i sa paqi fumimbili ya miraoho i sa weli kwa khororo-tshintumbe, hu tshi khou katelwa Mudzulatshidulo o tholwaho nga Miništa; na
(b) Muofisi-Mulangi ane a shuma kwa Bodo nga nwambo wa uri ndi ene o faraho ofisi.
(2) Nomboro yothe yho fhelela ya miraoho ya Bodo yo bulwaho kwa khethekanyo thukhu ya (1)(a) i tea u vha na —
(a) vhuviu vha re na vhukoni ho tanganelanaho kwa zwi tevhelaho:
(i) ndivho yo linganaho kwa zwa mashele;
(ii) tshenzhemo yo teaho kwa zwa mulayo;
(iii) tshenzhemo yo linganaho ya u shuma sa mushumi wa zwa ndaka;
(iv) tshenzhemo yo linganaho kwa zwa mbuedzedzo ya mashangohaya na mavu;
(v) tshenzhemo yo linganaho malugana na nyaluwo na tsireledzo a 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) mirađo i si ho fhasi ha—
   (i) mirađo muthihi o nangiwaho nga Minişta wa zwa Makwevho na N'doweshumo; a tshi khou kwamana na Minişta; na
   (ii) mirađo muthihi o gangiwaho nga Minişta wa Tshumelo dza Tshitshavha, a tshi khou kwamana na Minişta.

(3) (a) Minişta phanda ha musi hu tshi tholwa mirađo ya Bodo so zwe zwa bulwa kha khethekanyo ũthukhu ya (1)(a), kana u vala tshikhala, ene Minişta u do ita thambio kha Gazete na kha gurumnda dzi si ho fhasi ha mbili dza lushaka kha Riphabuljik kha itela uri hu ũangwe vhathu vhane u fusha ũthoďe a dza uri vha shumele Bodo.

(b) Murađo wa Bodo wo bulwaho kha khethekanyo ũthukhu ya (1)(a) ane a si mushumeli wa mvuhuso kana a sa khou shumaho kha Muvhuso lwa fshingha tshi fhelelaho a nga badelwa masheleni a Maandjalanga sa muhulo na magavhelo ane a nga tiwa nga u tou angaredza kana kha nyimele yeneyo ha ta Minişta a tshi khou tendelana na Minişta wa zwa Masheleli.

(4) Minişta u tea u vhona uri u—
   (a) vholiwa ha mirađo ya Bodo zwi tshi khou vhuswa nga ndayo dza u ũanguludza zwo sendeka kha u tea ha muthu onoyo, zwo sendeka-vho kha ũathhuvho ya—
      (i) zwipikwa, mishumo na mashumele zwa Maandjalanga;
      (ii) vhukoni vhune ha ũoďe kha u shuma kha Bodo, hu tshi khou katelela vhukoni, ũvthivo na tshenhemo maluguna na u lango tsihimişwa tsha mvuhuso, ho lavheleswa khethekanyo ũthukhu ya (2); na
      (iii) ndalukano, vhukoni, na tshenhemo zwa muthu muniwe na muniwe ane a khou lavhelela;
   (b) Nga vhuphara, Bodo yo ũanganyisa vhathu yo sedza u imelwa ha murafho, mbeu na vhuholehali; na
   (c) vhunzhi ha vhathu vha shumaho kha Bodo a si vhashumeli vha mvuhuso sa zwo bulwaho kha khethekanyo ya 8 ya Mulaylo wa Public Service Act, 1994 (Proclamation No. 103 of 1994).

(5) Musi Mudzulatshidulo wa Bodo a—
   (a) si ho mutangononi wa Bodo, mirađo i rehone i tea u ũanga murađo muthihi uri a vhe ene Mudzulatshidulo wa mutangano; kana
   (b) tštšela ofisi, Minişta u tea u thola Mudzulatshidulo muswa hu saathu u fhela minwedzi miraru u ya nga khethekanyo ũthukhu ya (3).

(6) Murađo wa Bodo ane a si murađo wa khorotshitumbe u vha kha ofisi ya Bodo lwa minwaha mirarutu.

(7) Murađo wa Bodo musi o fhedza tshifhinga tsha miwaha miraru ya u vha kha ofisi u a dohva a tholwa, fhedzi—
   (a) a hu na murađo ane a nga shuma lwa zwifhinga zwine zwa ũhira luvhili kha ofisi zwi tshi khou tou tevhekana; na
   (b) Minişta a nga si dohva a thola murađo mithihi ine ya ũhira mişanu i tshi bva kha yeneyo Bodo yo fhelelwaho nga tshifhinga.

U sa tsha fusha ũthoďe a dza u vha murađo wa Bodo

8. Minişta a nga si thole muthu kha Bodo—
   (a) ane a sa vhe Mudzulapo wa Afrika Tshipembe kana mudzulapo wa tshoťhe, nahone ane a sa vhe mudzuli fhedzi kha Riphabuljik; 45
   (b) ane a vha murađo wa Phalamennde, murađo wa vhusimamilayo ha vundu, murađo wa Khabinete kana Muthusa Minişta, Muphrimia kana mumwe murađo wa khorotshitumbe ya vundu, murađo wa Nndu ya Lushaka ya Vhurangaphandha sa Sialala kana Nndu ya Vundu ya Vhurangaphandha sa Sialala, kana meyara kana mumwe murađo wa khoro ya masipala;
   (c) ane mufarisi kana ane mufarisi wawe, ũhama ya vhuṭhilo hoṭhe, murađo wa tsnisa wa muṭa, ũhama kana mushumisani kha zwa vhubinduzi, o fara ofisi kha kana o tholwa nga kana u na dzangalelo kha, ũo livhaho kana jinjesigna livhaho, kha khamphani ũvwe na ũvwe kana tshiwe fshiniwe tshiwe fshiniwe tshiwe fshiniwe thendela thandu kana u fha tshumelo kha one Maandjalanga, nga mndu ha musi ijo dzangalelo joo byvukulwa u itela ũvthivo dza uri u ũangwi ha uyo muthu hu lavheleswe;
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 is of 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 tsha 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 tsengoni nga khothe ya mulayo, hu nga vha hu kha ja Afrika Tshipembe kana mashangodavha, uri muthu uyo o ita vhuhura, ha ngo fhulufheda, nga ndilila i si ya phrofeshina, u sa fhulufheda kana u vunja vhujifihinduleli ha u vha mulondoli wa mashelehi/thundu, kana vhutshinyi vhunwe na vhunwe he uyo muthu a vhu ita nahone a gwevhelwa tou dzula țirongoni hu si nu u badela ndaţiso, nga nda ha vhutshinyi he ha itwa phandha ha dzi 21 Lambamai 1994 nahone vhu ṭumanaho na zwa politiki;

(f) ane dzina țawe, kana dzina ja štimiswa he muthu uyo a vha e mulanguli, murađo, thirasitii, šhama, mufaramukovhe, a na vhurad dzangalelo ji kha mutevhe wo itwaho nga Gwama ja Lushaka kha Rezhisițara ya u swifthazwa ha dzina ja muqetschedzi wa tshumelo nga thendara yo thomivwa u ya nga khethekanyo ya 29, ya Mulayo wa *Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004)*;

(g) ane dzina lawe, kana dzina țla tshiimiswa he muthu uyo a vha e mulanguli, muradô, thirasiti, țthama, mufaramukovhe, a na vhuradô hawe ha u vha kha Bodo kana kha mâiwe maändâlânga a vhujifihinduleli kha štimiswa tsha tsitshavha sa zwo ṭalutschedzwaho kha khethekanyo ya 1 ya Mulayo wa *Public Finance Management Act, 1999 (Act No. 1 of 1999)*, vhuradô uho ho fheliswa tsithinga tshi saathu u swika nga niwambo wa u sa fhulufheda;

(h) ane nga tsithinga tšińwe na tsithinga uno Munandu wa u pfukekanya uno Mulayo kana Mulayo wa *Estate Agency Affairs Act, 1976*;

(i) ane o zwo ndzudzana maluvhini; kana

(k) ane o kundelwa u badela zwikolodo zwawe lwe a sa tsha vusuludzea.

Maandâ na mishumo ya Bodo

9. Mishumo ya Bodo ndi u—

(a) vhona uri Maändâlânga a khou tevhedza uno Mulayo na mińwe milayo yothe yo teaho;

(b) vhona uri Maändâlânga a khou shuma mishimo yao zwavhuqüi;

(c) qetshedza vhuvhusi kha one Maändâlânga;

(d) lavhelesa na u tevhedzisa mutheo wa mbekeñyamaitele ine Maändâlânga a tea u swikelela zwipikwa na u shuma mishumo yao;

(e) vhona uri Maändâlânga a khou shumisa maändâna nga ndilila i re khagala nahone nga ndilila ya vhujifihinduleli;

(f) langa mbambadzo, u kungedzela, thengiso, thendelano ya u rennda, u lambedza masheleni, u renga, u ķwalisa na u rathisa ndaka ya Maändâlânga;

(g) eletschedza Minisṭa kha—

(i) u shuma zwavhuqüi ha uno Mulayo;

(ii) nyime le ya u khwiqia ndowetshumo;

(iii) u randela ndangelo;

(iv) pfunzo na vhugudisi kha avho vhashumi vha zwa ndaka; na

(v) mafhungo mâiwe na mâiwe ane Minisṭa a ķoja neletschedzo i bvaho kha Bodo;

(h) tikeda Tshikwama na uri tshi vhe kha thirasiti; na

(i) shuma mushumo muńwe na muńwe kana mushumo we wa hweswa Bodo u ya nga uno mulayo kana mâiwe milayo yothe yo teaho.

Kувушеле кувхувуций на мувало вахудифары

10. (1) Bodo i tea u—

(a) tendela milayo va vhuḍiφari yo teaho kha miraḍo yothe ya Bodo na vhashumi vha Maändâlânga; na

(b) tọla iyo milayo va vhuḍiφari misi yothe u itela u vhona uri i khou anana na milayo yothe, ndayo dza kuvušełe kwavihuculo na mikhwa yavhuçu;

(2) Kha ino khethekanyo a hu na tshi thivhelaho Bodo kha u vha na mulayo muńwe na muńwe, kuitele kana tshata i sa hanedzaniho na mbekeñyamaitele, mulayo, kuitele, tsimbanđilâna kana ķinivalwa sa zwo ambiwaho kha khethekanyo ķhukhu ya (1) nahone jo fanelaho miraḍo 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 disqualified, 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.
Khuđano ya madzangalelo kha miraño ya Bodo

11. (1) Muraño wa Bodo musi a tshi tou tholiwa u tea u bvukululela Minista, nahone izwo zwo itwa nga u tou ana kana u tou kwathiśedza nga nďila ine zwa do ita uru zwa sa sie a sa tsha fusha ŏthoĎa dza u tholiwa sa zwe zwa bulwa kha khethekanyo ya 8.

(2) Muraño wa Bodo kana komi tivi ya Bodo, u ya nga hune nyimele ya vha zwone, nga u ŏtvhanya musi a tshi to u ŏtvha uru hu na khuđano ya madzangalelo, nga u tou ŏnwa u tea u vhudza Mudzulatshidulo wa komi tivi ya Bodo, u ya nga hune nyimele ya vha zwone, a mu vhudze nga ha iyo khuđano, na uri nga u tou ŏtvhanya, mudzulatshidulo o tehao u tea u imisa uyo muraño kha u dzhenelia na u voutha kha mutaňango ufhio na ufhio kana zwińwe na zwińwe zwińwe zwińwe khou itwa zwa vha zwi tshi kwama zwenezwo zwe zwa vhanga uru hu vhe na khuđano ya madzangalelo.

(3) Mudzulatshidulo wa Bodo kana komi tivi ya Bodo nga u ŏtvhanya zwenezwi a tshi tou thoma u ŏtvha nga ha khuđano ya madzangalelo nahone nga u tou ŏnwa, u tea u ŏtvhanda Bodo kana komi tivi ya Bodo nga ha iyo khuđano, nahone Mudzulatshidulo u tea u ŏtvvisa kha u dzhenelia na u voutha kha mutaňango kana zwińwe na zwińwe zwińwe zwińwe khou itwa zwo vhanga ho u:vhe na khuđano ya madzangalelo.

Ufhelisa vhuraňo ha u vha muraňo wa Bodo

12. (1) Nga murahu ha musi muraňo wa Bodo o fhiwa tshikhala tsha u n.etshedza ŏlikumedzwa nga u tou ŏnwa, Minista a nga fhelisa vhuraňo ha uyo muraňo wa u vha kha Bodo araitho uyo muraňo wa Bodo o—

(a) kundelwa u ŏtvbukulula nga u ŏtvhanya malugana na khuđano ya madzangalelo sa zwo bulwaho kha khethekanyo ya 11;

(b) bůka kana a songo ŏthonifha milayo ya vhudziřari lunzhi nga kholo sa zwe zwa bulwa kha khethekanyo ya 10 kana nga mulayo muwne na muwne wo tehao; kana

(c) kundelwa u vha hone kha mitaňango miraru i tshi tou tevhekana ya Bodo kana komi tivi ya Bodo noño eneno a songo fhiwa thendelo nga Mudzulatshidulo kana Bodo kana Mudzulatshidulo wa komi tivi ya Bodo yo tehao.

(2) Musi Minista a nga fhelisa vhuraňo ha muraňo ha u vha kha Bodo, nga u tou ŏnwa ene Minista u tea u ŏtvvisa Bodo na muraňo uyo nga ha mbuno dza uri ndi ngani a tshi khou fhelisa vhuraňo ha muraňo wa Bodo.

(3) Arali muraňo wa Bodo nga tshihinga tshińwe na tshińwe musi a tshi khou shuma kha ofisi a nbo sa tsha fusha ŏthoĎa dza u vha muraňo wa Bodo zwo vhanga nga mbuno dzo bulwaho kha khethekanyo ya 8, uyo muraňo—

(a) nga u ŏtvhanya nahone nga u tou ŏnwa u tea u ŏtvhisa Minista na Mudzulatshidulo wa Bodo nga uho u sa tsha fusha ŏthoĎa hawe, na uri zwenezwi musi Minista o ŏtvhisa nga ha izwi, nga u tou ŏnwa, ene Minista u tea u namba a bvisa uyo muraňo wa Bodo; nahone

(b) a nga si tsha dzhenelia mutaňango wa Bodo kana mutaňango wa komi tivi ya Bodo misi yoţhe musi o vha ane a sa tsha fusha ŏthoĎa u swika a tshi bviswa nga Minista.

(4) Muraňo wa Bodo nga dũrula mushumo nga u tou fha ndiţhıdzo ya ŏwedzi muthihi o tou zwi ŏwalela Minista.

(5) U fhelisa vhuraňo kha Bodo kana u rule mushumo a zwi tshihelı kana a zwi tšuţwedzi tshimiswa kana u ya phandę na u sengisa muthu ane vhuraňo hawe kha Bodo ho fhelisa kana o rule mushumo wa Bodo, u ya nga nyimele.

Mutaňango ya Bodo

13. (1) Bodo i tea u ŏtangana lu si ho fhasi ha luthihi kha miňwedzi miraru miňwe na miňwe.

(2) Mudzulatshidulo u kana Bodo i tea u ramba mutaňango wa tshipientshela wa Bodo, araitho zwo humbelwa nga u tou ŏnwa uri zwi pfi pfalo nga muraňo i si ho fhasi ha miraru yo saľaňo ya Bodo.

(3) Vhunzhi ha muraňo ya Bodo ndi yone ine ya vhumba khoramu ya mutaňango wa Bodo.

(4) Arali u voutha ha wa thai, Mudzulatshidulo voutha yawe u ifha tshigwada tshintse a funa uru hu kone u dzhiwa tsheo.
(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 mainwe na mainwe a mutanganano, kana tsheo, zwo sainwaho nga Mudzulatshidulwo wa mutanganano, kana nga mudzulatshidulwo wa mutanganano u tevhelaho wa Bodo, u ya nga nyimele, ndi hone vhutanzi ha zwe zwa itwa kha uyo mutanganano kana tsheo ye ya tendelanwa, zwi tshi ya nga nyimele.

(6) Mutanganano wa Bodo u nga farwa hu tshi khou shumiswa vhudavhidzani ha ilekijihroniki na uri muthu ane a vha muringa wa Bodo a nga dzenhela mutanganano wa Bodo a khou shumisa vhudavhidzani ha ilekijihroniki, arali zwo tendiwa nga Bodo, fhedzi vhudavhidzani ha ilekijihroniki vhune ha khou shumiswa vh au tea u ita uri vhu tho vha kune u dzenhela mutanganano nga khatihi hu si ya muhwe wa vhukati nahone u dzenhela uho hu konadzere zwavhudi.

(7) Nga ntha ha ino khethekanyo, Bodo i tea u vha na tsata ine ya khou sumbedza ndayo dza kushumele dzine dza elana na milayo ya mavhusele avhudi.

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

Komiti dza Bodo

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

(2) Mudzulatshidulwo wa Bodo a nga shuma kha komiti iniwe na iniwe ya Bodo.

(3) Bodo i tea u ta tshenzhemo na ndalukano da m栳ra jo dzikomiti khatihi na mavhumbele adzo, vhulapfu ha tshifhinga tsha u shuma kha dzikomiti, ndayo na maitele a idzo komiti.

(4) Bodo ndi yone i re na vhudi fhinduleli ha tshiwinwe na tshinwe tshine tsha itwa nga komiti.

Ufhaladza Bodo

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

(a) arali Bodo yothe nga gutu i songo tevhedza kana musi yo pfuka jinwalwa jifhio na jifhio lo bulwaho kha khethekanyo ya 10 kana mulayo muwine na muwine wo fanaIaho; kana

(b) Mutoli-Muangaredzi lwa mIN waho a fhaladza Bodo, Minista u tea u thola mulangi ane a dhole shuma mishumo ya Bodo na u ita tshiwinwe na tshiwinwe, a tshi khou tevhedza idzo nyimele dzine Minista a ta.

(3) U tholiwa ho bulwaho kha khethekanyo thuku ku ya (2), a hu paqi miwinezi ya 12.

NDIMA YA 3

UTHOLWA HA MUOFISI MULANGI NA VHASHUMI VHA MAANDLANGA

U tholwa ha Muofisi Mulangi

16. (1) Bodo musi Minista o zwi tendela, i tea u thola muthu o teaho ane a fusha thothea nahone a re na tshenzhemo ane a do shuma sa Muofisi Mulangi lwa miwineha i sa paqi mitamu.

(2) Muofisi Mulangi u vhiga kha Bodo nahone u na vhudi fhinduleli kha mishumo wa vhulangi duvha na duvha na mashumele a Maandalanga.

(3) Bodo musi hu saathu u tholwa Muofisi Mulangi i tea u thoma ya fushea uri muthu ane ya khou toda u thola u na ndalukano, vhukoni na tshenzhemo zwa vhurangaphanda na u langa Maandalanga.

(4) U tholwa ha Muofisi Mulangi hu tevhedza u khunyeledzwa ha konjiraka yo tou nywalwaho ya mashumele vhukati ha Bodo na Muofisi Mulangi hu saathu u fheka miwinezi miraru musi ho tholwa Muofisi Mulangi.

(5) Muofisi Mulangi na khamphani iniwe na iniwe ine a vha mulangi wayo a i tei u ita zwa makwevho na Maandalanga hu saathu u fheka miwinezi ya 12 nga murahu ha musi ho fheka musumo wa Muofisi Mulangi nga, kana nga u tou rula musumo.

(6) Muofisi Mulangi a nga tholwa hafhu nga murahu ha u fheka ha tshifhinga tshawe tsha u shuma kha ofisi nahone a nga tholwa hafhu lwa miwine miwineha mitamu.
(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 ndjivhadzo ya miñwedzi miraru nahone o tou ñwalela Bodo, nga nd‡a ha musi Bodo na Muofisi Mulangi vho tendelana kha tsifhingga tshipfui.

(8) Musi Muofisi Mulangi o rula mushumo kana o pandelwa, Bodo i tea u thola Muofisi Mulangi muswa nga u ñavhanya kana muñwe mutlu u teaho ane a ñ tou farelca Muofisi Mulangi hu tši khou tevhedzwa milayo yo tiwaho nga Bodo u swika hu tši 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 hu saathu u ñela majvuha a 14 nga murahu ha u ñela ha iyo miñwedzi ya rathi i tea u vhigela Mënista mbuno dza uri ndi ngani hu songo tholwa Muofisi Mulangi muswa.

(10) U fheliswa ha konºraka ya u tholwa ha Muofisi Mulangi kana u rula mushumo nga Muofisi Mulangi a zwi thivheli kana a zwi tuºuwedzi u tevhelwa ha mulayo malugana na uyo Muofisi Mulangi a sa tsha shumaho kha Maandºalanga.

Vhashumi vha maandºalanga

17. (1) Muofisi Mulangi u tea u thola vhathu vho teaho uri vha thuse Muofisi Mulangi u itela uri ene Muofisi Mulangi a kone u shuma zwavhuqwi mishumo yawe nga fhasi ha uno Mulayo, hu tši khou tevhedzwa mbekeyamaitele ya zwa mushumo na matholele yo tanganedzawha nga Bodo.

(2) Muofisi Mulangi u tea u vhona uri vhashumi vhotha vha Maandºalanga vha khou fusha thodºea nahone vho gudiswa ho sedzwa idzo poso dzavho.

(3) Mulayo wa vhudºifari wa vhashumi vha khethekanyo ya Maandºalanga wo ambiwaho kha khethekanyo ya 10(1) u katela vhashumi vhotha vha khethekanyo tsha Maandºalanga u y a nga benehe ho zwa sumbedziswa zwone kha mulayo wa vhudºifari.

Khuºjano dza madzangalelo ya vhashumi

18. (1) Mushumi wa tshiimsiswa tsha Maandºalanga musi a tshi tou tholwa u tea u isa tshitºamennde kha Muofisi Mulangi tsho tou ñwalwa tšine khatsho mushumi u tea u bula madzangalelo o livhaho kana a songo livhaho, a zwa mashelele arali e hone kana nga iñwe ndºila, ane—

   (a) a nga ita uri hu vhe na khuºjano ya madzangalelo malugana na mishumo yawe sa izwi e mushumi wa tshiimsiswa tsha Maandºalanga; kana

   (b) a khou lhethelwelwa uri a nga kwama nga ndºila i si yavhudi tshiimsiswa tsha Maandºalanga kha u shuma mishumo.

(2) Arali mushumi wa tshiimsiswa tsha Maandºalanga a mbo vha na khuºjano ya madzangalelo sa zwo ambwaho kha khethekanyo ñukhu ya (1), u tea u ñwalela Muofisi Mulangi nga u tou ñavhanya u itela u bula ilo dzangalelo.

(3) Mushumi wa tshiimsiswa tsha Maandºalanga a nga si kone u vha hone kana a nga si kone u dzºhenela kha zwa u rera madzºhiele a tšheo hu fhungo iñwe na iñwe ja tshiimsiswa tsha Maandºalanga hune uyo mushumi u vha na khuºjano ya dzangalelo kha zwenezwino zwine zwa khou rerwa sa zwe zwa ambiwaho kha khethekanyo ñukhu ya (1).

(4) Mushumi wa tshiimsiswa tsha Maandºalanga a nga si shumise vhumiwe hawe kana zwo khetheaho/privileges, kana mafhungo a tshidzumbe e a a wana sa mushumi wa tshiimsiswa tsha Maandºalanga, a vho zwi itela u vhuwelwa ene muºe kana a ita uri muñwe mutlu a vhuelwe nga ndºila i songo teaho.

(5) Maandºalanga a tea u ita uri hu vhe na maga a usenga uri hu kaidzwe mushumi wa tshiimsiswa tsha Maandºalanga a kundelwaño kana a hanaho u anana na kana a fºkukho khethekanyo ñukhu dza (1), (2), (3) kana (4) u ya nga mulayo wa zwa mushumo wo teaho.

(6) Tshiimsiswa tsha Maandºalanga tshi tea u ñwalisa madzangalelo a vhashumi o buºlwaño u ya nga khethekanyo dza (1) na (2), nahone redhzisºita i tea u dzula i songo salela murahu kha miñwedzi miraru miñwe na miñwe.

Vhurumelwa

19. (1) Nga u tou ñwala, Muofisi Mulangi, a nga hweza mishumo yawe na maandºa aye mushumi muñwe na muñwe wa tshiimsiswa tsha Maandºalanga hu tši khou tevhedzwa ndalukano dzine ene muºe Muofisi Mulangi a tou dzi ta.

(2) U hweswa ha mishumo na maandºa nga fhasi ha khethekanyo ñukhu ya (1), a zwi thivheli Muofisi Mulangi u shuma iyo mishumo na u shumisa maandºa.
(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 dzula a na vhudiinhuleli kha zwothẹ zwo itwaho na zwi songo itwaho nga uvho vhurumelwa.

(4) Muofisi Mulangi nga u tou nwa la u tea u dzhiulula maanđa kha vhurumelwa u ya nga khethekanyo ṭhukhu ya (1).

(5) Muofisi Mulangi u tea u vhulunga redzhisitara ya vhurumelwa nga ṭhasi ha khethekanyo ṭhukhu ya (1).

**NDIMA YA 4**

**TSHANDUKO YA SEKITHTARA YA ZWA NDAKA**

Tshanduko ya sekithtara ya zwa ndaka

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

(2) Musi hu tshi khou itwa zwa u renga tshumelo na thundu zwi tshi khoy kwama ndaka, zwimiswa zwoyoṭhe zwa mvhusho zwi tea u shumisa tshumelo ya vhashumi vha zwa ndaka vhane vha anana na *broad-based black economic empowerment* na mbekeyanyeimatele na mulayosinọ wa wa zwa ulingana mushumoni.

(3) Misi yoṭhe maanđalanga a tea u—

(a) shumisa na u lavhelesa maga u itela u ṭutuwedza uri hu vhe na sekithtara ya zwa ndaka yo tʃанганеланано нахои ine ya katela muṇwe na muṇwe;

(b) shumisa maga o teaho na u lavhelesa nyimele ya tshanduko kha sekithtara ya zwa ndaka;

(c) ita nđila dzenedzo dzine dza ita uri hu vhe na u dzulela u lavhelesa na u ṭhùṭhùvhiwa ha kushumele kwa sekithtara kha zwa tshanduko ine ya tou kombetschedza na u ṭha malamba u ya nga zwina zwa nga vha zwi randelwa; na

(d) thoma maga ane a tea u tevhedzwa, ane a nga katela u gudisa na mbekeyanumushumo dza u alusa vhukoni izwi zwi tshi khou itelwa u lulumisa zwi kwamahom u sa lingana ha vhautho zwiįla kale.

**Tshikwama tsha Tshanduko ya Sekithara ya zwa Ndaka**

21. (1) Maanđalanga hu saathu u phela minwedzi ya rathi o sikiwa, a tea u vula Tshikwama tsha Tshanduko ya Sekithara ya zwa Ndaka tshine khatsho magavhelo o bulwaho a ḥo kona u badelwa.

(2) Miminja a nga randela maga a u alusa tshanduko ya ikonomi nga u leludza u swikelelwa ha masheleni ane a konisa vhashu u renga ndaka, u bindulisa na u beveldzi ndaka u itela vhe vha vha vho khethululwa zwiįla kale na vhone vha kone u dzhenelenyvo hu tshi khou katela vhafunakadzi, vhaswa na vhautho vhane vha khou tshila na vhulelelha.

(3) Maanđalanga a tea u shumisa Tshikwama tsha Tshanduko ya Sekithara ya zwa Ndaka nga ndilι ya randelwaho, zwine izwi zwi nga katela mbekeyanumushumo dza u maanđafradza na tshanduko dzi tevhelaho:

(a) Mbekeyanumushumo dzine dza alusa vhurangaphanđa ha vhereama na feme dzine vhaqe vhado no vhereama.

(b) Mbekeyanumushumo ya ndangulo, u itela u alusa na u ṭutuwedza u dzhenelenyvo ha avho vhe vha vha vho khethululwa zwiィla kale, zwi itiswa nga u sa tevhedza milayo na mbekeyanyeimatele.

(c) Mbekeyanumushumo dzine dza ita uri vhaengi vha vhe na ndįvhi, izwi zwi tshi khou itelwa uri vha diyhe nga ha ṭhirantskisheni dzia ndaka na thendelano kha zwi kwamahom bindu.

(d) Mbekeyanumushumo dzine dza ita uri muthu a kone mushumo, u itela u ṭutuwedza na u khwathisa u dzhenelenyvo ha avho vhe vha vha vho khethululwa zwiィla kaleni kha sekithtara ya zwa ndaka.

(4) Maanđalanga a tea uri a tshi khou kwamana na tshumelo dza vha Maanđalanga a Sekithara ya Vhugudisi na Pfunzo (SETA) a beveldzi sisisiyme ya tshipentshela ya u itela vhugidisi na u bevedzisa vhashu vhe vha vha vho khethululwa zwiィla kale ine inyosiyme ya tshipentshela i tea u dzhielna nįha ndįvhi ye vhashu 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 transformative 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 Ţhodîsiso ya Sekithara ya zwa Ndaka

22. (1) Afha hu khou thomiwa Senthara ya Ţhodîsiso ya Sekithara ya zwa Ndaka.
(2) Senthara ya Ţhodîsiso ya Sekithara ya zwa Ndaka i tea u ita Ţhodîsiso nga ha maraga i tsïi khou shumisana na National Research Foundation na zwiimiswa zwa pfunzo ya nïi.
(3) Senthara ya Ţhodîsiso ya Sekithara ya zwa Ndaka i tea u—
   (a) engedza Ţhodîsiso ya lushaka ya sainthifiiki na vhukoni ha u thoma zïiithu zïiswa na kha mveledziso ya vhukoni ha vhathu na u Ťuwezda u sikwa ha nïîivho ntswa kha sekithara ya zwa ndaka;
   (b) tea u vha yone Ťulu lihulwane ja nïîivho ya vhadjivi malugana na masia a dzulaho o tiwa u itela tshanduko kha sekithara ya zwa ndaka kha shango [a Afrika Tshipembe; na
   (c) tikedza uri tshanduko Afrika Tshipembe i vhonale i ya vhukuma kha ikonomi yo sendekako kha nïîivho ine u sikw a ha nïîivho zwa vha zwi tshi khou amba mbuelo kha zwa ikonomi na matshilisano.
(4) Adzhenda ya Ţhodîsiso ya sekithara ya zwa ndaka i tea u—
   (a) U kon la Ťiivha zwa thihelela o dzheha na u dzhenela lwo thihelela kha sekithara ya zwa ndaka nga avho vhe vha vha vho khethululwa zwiïla kae;
   (b) Phaðaladzo ya nïîivho na vhukoni kha mirafho u itela u lavhelesa khwiigülhazo kha sekithara ya zwa ndaka;
   (c) U kon u katela vhathu vhöðhe, u siwelela ha vhöðhe na u khwäðhisa na mveledziso ya kharikhuïlamu yo shandukaho kha sekithara dza vhugudisi na pfunzo ya nïïa na pfunzo ya mishumo ya zwanda na thekenikhalena zhangoni [a Afrika Tshipembe;
   (d) Sisiïteme ya zwiïito zwa mïkha ya nsïigulula kha mveledziso ya ndaka na ndaulo na zwi kwamahe mveledziso ya ndaka;
   (e) Kushumele kwa nïîila dza u anana, u lavhelesa na u tevhedzisa milayoa na mbeikanayamaitele u itela u khwiigïisa tshanduko kha sekithara ya zwa ndaka;
   (f) U shanduka-shanduka kha zwi kwamahe mashangohaya u ya kha vhupho ha dzïiðoroðobi kha nyaluwa na tshanduko ya sekithara ya zwa ndaka; na
   (g) U shela mulenzhe ha sekithara ya zwa ndaka kha ikonomi na tshanduko ya vhupho ha dzïiðoroðobi;
(5) Senthara ya Ţhodîsiso ya Sekithara ya zwa Ndaka nga nïwe nga nïwe i tea u Ťuwezda zwi kwamahe pfunzo na nïîivho ya vharengi, zwine zwa katela:—
   (a) Pfunzo ya vharengi ine ya kwama pfanelo dzavho na vhuçiifhinduleli havho malugana na u vha muðe wa ndaka na u bveledzisa ndaka;
   (b) Mbekanyamushumo dzïîhe dza umaandïalanga dza one Maandïalanga; na
   (c) Tsiðeredzo ya vharengi na u vhe zwi kwamahe mbilo.

U vhofholola malugana na rekhodo dza akhaunthingi na akhaunthingu dza thirasiti

23. (1) Mushumi wa zwa ndaka ane tshelede ye a shuma nga nïwa ya vha fhasi ha miljioni dza R2.5 u tea u ita uri rekhodo dza zwi akhaunthingi dza lavheleswe kana u Ŭlwa nga muakhaunthenthë o ñwalisaho hu tshi khou tevhedzwa mbeïshelo dza khethekanyo ya 54(1) u ya kha (7), dzi tshi khou shumisana na tshanduko dzo fanelaho.
(2) Nga nïîivhadzo kha Gazette Ministër a nga—
   (a) Lavhelesa nyimele dzïine nga fhasi hadzo hvhenevho vhashumi ha zwa ndaka vha nga vhofholola kana u tendelwa uri vha sa vhe na akhaunthingu dza thirasiti; na
   (b) U lavhelesa sisiïteme yo fhambanaho u itela u Ťola rekhodo dza akhaunthingi dza avho vhashumi ha zwa ndaka.

NDIMA YA 5
UTEVHEDZA MULAYO NA U TEVHEDZISA MULAYO

U thola vhaïngameli

24. (1) Muofisi Mulangi—
   (a) u tea u thola muthu muïwe na muïwe o teaho nahone ane a fusha Ţhodea uri a vhe ene muïngameli; nahone
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;
(b) u tea u fha muingameli muñwe na muñe ũhanziela nga ndjila yo randelwaho, hu bulwe-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) Musi muingameli a tshi khou shuma mishumo yawe u ya nga ino khethekanyo, muingameli u tea—

(a) u vha a na ũhanziela ya uri o tholwa kana a na khadi ya vhue ya muingameli u ya nga khethekanyo ũhukhu ya (1)(b);

(b) u sumbedza ũhanziela kana khadi yawe ya vhue kuthu muthu muñe na muñe ake—

(i) a kwamea nga zwine muingameli a ita u ya nga uno Mulayo; kana

(ii) a humbela u vhona ũhanziela kana khadi ya vhue ya muingameli; na

(c) maanda a muñosiri wa Mulalo sa zwo ũalutshedzwa kha khethekanyo ya 1 ya Mulayo wa Criminal Procedure Act, 1977 (Act No.51 of 1977), na uri a nga shumisa maanda o hweswaho muñosiri wa zwa Mulalo wa Mulayo.

Maanda a vhaingameli a u dzhena, u ingamela, u ńordůlusa na u dzhi a

25. (1) Muingameli nga tshiñhinga tshiñwe na tshiñwe tshi pfadzaho nahone a songo rangu u ñivhada a nga ingamela u itela u lavhelesi uri n'aa mbetshele dza uno Mulayo dzì khou tevhedzwa kana dzì tevhedzwa, nahone hu songo vhuya ha vha na khwáthisedzo ya u ńordůlusa—

(a) a nga dzheña a ingamela kha zwifhañato zwa bindu, nga ndjani hayani hune ha dzulwa hone, ha mushumi wa zwa ndaka;

(b) ũða mushumi wa zwa ndaka, mulanguli, mushumi kana razhendedzi wa mushumi wa zwa ndaka a tshi—

(i) sumbedza muingameli ũhanziela ya tshikwama i sumbedzaho u thembea ya uyö mushumi wa zwa ndaka;

(ii) sumbedza muingameli bugu, rekhoðo iñwe na iñwe, kana mänwe mainwalwa ane uyö mushumi wa zwa ndaka, mulanguli, mushumi kana razhendedzi a vha nao kana a re ñhansi na ndango yawe nahone a re na vhumuka na nyingamelwelo; kana

(iii) ñha muingameli iyo ndjivhiso malugana na ũhanziela ya tshikwama kana sumbedzaho u thembea, bugu, rekhoðo kana mänwe mainwalwa a re afho fhethu nahone nga ndjila ine muingameli a ño ña; na

(c) ũñathvha kana u dzhia zwi bvañho henéfhö, kana korphi dza, ũhanziela ya tshikwama i thembea, bugu, rekhoðo kana mänwe mainwalwa.

(2) Hune mushumi wa zwa ndaka a vha a khou ñita vhubindudzi ñawe hayani ñawe ha phuraivethe, muingameli u tea u ñivhada mushumi wa zwa ndaka hu tshe na tshiñhinga nahone nga u toù ñwala phandha kwa mustu kwa tshi ingamelwa u ya nga khethekanyo ũhukhu ya (1), nhone u sumbedzwe zwìdombedzwa malugana na u ingamela.

(3) Muingameli a tshi khou shumisa maanda a u ńordůlusa a nga—

(a) dzheña a ñita tseñzuluko kwa zwifhañato zwìñwe na zwìñwe na kha muthu munwe na munwe kwa izwo zwifhañato arali hu na mbeno dzì pfadzaho dza u tenda uri hu na atikilji kana rekhoðo henéfnço ine ya vha na zwine zwa tea u ingamelwa;

(b) ũñathvha iñwe na iñwe ya atikilji kana rekhoðo ine ya vha henéfnço zwifhañtoni;

(c) humbele muthu muñe na muñe kwa izwo zwifhañato uri a khiulule kana uri a sa khakhise u swikelelwa ha sefo, tshotedzhi kana rekhoðo i re afho zwifhañtoni, kana uri a sumbe muthu muñe na muñe a re afho zwifhañtoni ane a nga kona u pfalo;

(d) humbele ndjivhiso nga ha atikilji, liñwalwa kana rekhoðo ine ya vha na zwine zwa kha khou ñðwa uri zwi ingamelwe;

(e) dzheña zwi re kha iyo rekhoðo, kana korphi ya, bugu ñÞhio na ñÞhio, khophiyutha, liñwalwa kana rekhoðo ine kha kana i re ngomu zwifhañtoni nahone ine ya vha na zwine zwa kha khou ñðelwa u ingamelwa;

(f) shumisa sisìteme ya khophiyutha iñwe na iñwe kwa zwifhañato zwine zwa vha na zwine zwa kha khou tea u ingamelwa, kana a tou ñða thusu kwa muthu uñhio na uñhio henéfnço zwifhañtoni uri a shumise sisìteme ya khophiyutha, u itela u—

(i) ñita tseñzuluko ya data i re kha kana i re hone kwa sisìteme ya khophiyutha; kana

(ii) u bveleðzulula rekhoðo iñwe na iñwe na bvañho 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 tshiniwe na tshiniwe tshine tsha khou bva kha khomphiyutha uri tshi ʈʰɬɪɬuɬɪluwe na u kopiwa;

(h) nambatedza nhashe na tshi ʈɬɬɗe sa to bvisiwa afho ʐwifhaɬɬoni hu tshi khou tʃeɬwa uri zwa bviswa zwi ʈʰɬɪɬuɬɪluwe na u vhulunga tshiniwe na tshiniwe tshine tsha vha na zwine zwa tsha u ingameliwa; na

(i) dzhia na u fara tshithu tshiniwe na tshiniwe u tou fana na ʈʃanziela ya tshikwama i sumbedzaho u thembea, bugu, rekhooda mana manwe maniwlwa ane a ita uri hu waniwe vhutanzi maluguna na vhutanzi vhune ha ita uri hu itwe nɗaɬso u ya nga uno Mulayo: Tenda uyo muthu ane ʈʃanziela ya tshikwama i sumbedzaho u thembea, bugu, rekhooda mana manwe maniwlwa zwa vha zwo dzhiwa khae a tea uri musi o tou humbela nhone hu tshi khou shuma mashelehi awe ene mune a tea u tendeɬwa u ita dzikzhouhi kana u wana zwi re heneɬho ngomu kha jiɬwalwa a nga fhasi ha vhulavelesi ha muingameli a kwameaɬo.

(4) Khwathisedzo ya tseɬudulasa yo bulwaho kha khethekanyo ʈʰuku ya (3) i nga ʐetsheɬdwa ʰfɛɬɛɬi zwi nga muɬaɬuɬi kana madzhiɬsiɬiɬa arali njɬɪɬuɬɪsio yo ʐetsheɬdzwaho nga muingameli nga fhasi ha muano kana khwathisedzo uri—

(a) hu na mbuɬo dzɬi pfalolo maluguna na u humbulela uri Mulayo u khou pfukiwa kana wo pfukiwa;

(b) u ita tseɬudulasa afho zwiɬhaɬo zwi na tshikhalaka tsha nga swikisa kha u wana njɬɪɬuɬɪsio malugana na khumbeɬelelo ine ya vha hone; nahone

(c) u ita tseɬudulasa tsha itwa u itela ndɬiɬho dza uri Mulayo u tevheɬwe.

(5) Khwathisedzo ya u ita tseɬudulasa i tea u bula dzinɬa ja zwiɬhaɬo zwine zwa khou tsha u nga dzheɬna khazwo musi hu tshi sedzulawu a nhone hu ɬaluswe na mikanane mu muingameli a do shuma vhukati hayo musi a tshi dzheɬna, a sedzulawu kana a dzhiwa.

(6) Khwathisedzo ya u sedzulawu i vha ine ya khou shuma u swikela—

(a) mushumo wayo a tshi itwa;

(b) musi ʐwenɛʐɬo i tshi tou ɬhɛɬɛɬwa nga muthu we a i ʐetsheɬda kana, ya ɬhɛɬɛɬwa uyo muthu a siho, nga muiɳe muthu ane a vha na manɬɬanɬa ane a fana na onoyo we a i ɬetsheɬda;

(c) ndɬiɬho ya uri i ʐetsheɬwe a tshi ɬhɛɬa; kana

(d) u ɬhɛɬa hayo ha nɬwedɛɬ muthihi nga murahu ha datumu ye ya ʐetsheɬda ngayo, hu tshi shumiswa tshinɬa tsha swiɬa u thoma.

(7) Khwathisedzo ya u sedzulawu i nga shumiwa ʰfɛɬɛɬi nga bviɬinga zwa 08h00 na 17h00 kha ɭuɬva nga nndɬa ha Muguɬvhe, Swondaɬa kana hoɬoɬeni ya nnyi ya nnyi, nga nndɬa ha musi muɬaɬuɬi kana madzhiɬsiɬaɬa we a i ɬetsheɬda o tenda uri i nga shumiwa tshiɬinga tshinɬwe u swiɬa tsha pfadza u ya nga nyimele.

(8) Nga u tou ɬavhanyane phandɬa ha u thoma u shumiwa ha khwathisedzo ya u ita tseɬudulasa, muingameli ane a khou shumisa khwathisedzo a nga—

(a) arali mune wa zwiɬhaɬo kana muthu ane a khou langoɬa zwiɬhaɬo zwine zwa khou ya u sedzulawu a hone—

(i) muingameli u tea u ɬiɬɬhɛɬda kha uyo muthu nhone a ɬalutshedza kha uyo muthu maanɬɬanɬa ane khwathisedzo ya khou itelwa; na

(ii) muingameli u tea u fha khophi dza khwathisedzo na ino khethekanyo kha uyo muthu kana kha muthu o bulwaho khayo; kana

(b) arali hu si na muthu, khophi i tou nambatedza ya iyo khwathisedzo ya u sedzulawu heneɬho muɬaɬoni wa zwiɬhaɬo kha vhufhethu hune ha vha khaɬala nhone hune ya do vhonala.

(9) Muingameli o hiɬwaho maanɬa a u ita tseɬuduloso o tou džheɬa fheɬu afho nhone a sedzulawu u ya nga khwathisedzo yo ʐetsheɬdzwaho u ya nga khethekanyo ʈʰuku ya (3), a nga fheɬekedzwa na u thuɬa nga pholisa lɪɬiɬhi kana mapholisa.

(10) Muingameli na pholisa ɬiɬwe na ɬiɬwe ɬine ja khou fheɬekedza muingameli musi vha tshi dżheɬa u sedzulawu zwiɬhaɬo zwiɬwe na zwiɬwe e ya nga khwathisedzo ya u sedzulawu vha tea u džheɬa vha sedzulawu vho ɬimisela nhone vha na מלךw hha vha tshi doɬwa hafhu vha ɬhonifha na pfanelo ya tshiɬeme tsha muthu, mboɬholoɬo, tsiɬeledzo na tshidzumbe.

(11) Musi hu tshi khou sedzulawu, muingameli wa tʃifumakadzini kana pholisa ja tʃifumakadzini ʰfɛɬɛɬi ndɬi vhone vhane vha nga sedzulawu nga u phuphuledza-phuphuledza muthu wa tʃifumakadzini nhone ane a do phuphuledza-phuphuledza wa tʃinnani hu tshi do itwa nga muingameli kana pholisa wa tʃinnani-vho.
(12) 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.

(13) 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).

(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.

(15) 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.

(16) 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.

(17) 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

26. (1) 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.

(2) 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.

(3) 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.

(4) 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.

(5) 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 dzha tshiini tshiini ne tshiini afho zwifha'toni zwiwe zwa khou sedzulwasa u tea u —

(a) qetsheza rasihi yo tou ñwalwaho kha uyo muże wa zwifha'kano muthu ane a khou langa zwifha’ho dodombedzwaza zwidodombedzwa zwa u šalusa tshiini tshiini ne tshiini tshiini dwiwhaho; na

(b) u humisa išho tšhé tšha džhiwa musi ho no thoma ha šwakelela ndiwhvho ye tšha džhiwelo yone tšhi humiselwe kha uyo muthu wea u džhiwelo, nga ndža ha musi tshi tshi kha dži do yo ya u shumiswa sa vhu'mansi kha khothe’tsengo ine ya zwo tšhi ya u iwa, nahone uyo zwo ralo muingameli u džo tea u ſina lela uyo we a džhiwelo a mu vhudza mbuno dzö telo..

(13) Musi hu tshi khou sedzulwasa hu tshi khou shumiswa kwagh'ispedzwa yo u sedzulusa, muthu a nga hana u fha thendelo ya u džhiwa ha atikili, šjínwala kana rekhođo a tshi khou hana o disendeka kha mbuno dzìa uru hu na mafhungo o faredzawaho henehö ano a si a nnyi na nnyi kana mafungho o tšireledzawaho, fhedzi uyo muthu a nga si ite atikili iyo, šjínwala išlo kana rekhođo iyo i škwi'qwiswe, šandukiswe kana u kherukanywa u šwakele muingameli a tshi wana tšifhinga tshi pfadzaho tsha u shumisa khethekanyo ſhukhu ya (14).

(14) Arali muže wa kana muthu ane a khou langa iyì atikili kana išlo šjínwala a hana u fha muingameli atikili, šjínwala kana rekhođo uru a ite tšedzulusha, uyo muingameli nga u tou ñwala a nga humbela redžhïštra kana mu'qindja wa Khothe Khulwane a re na maandjalanga kha uyo mukanó uru a ombambedze na u džhiwa atikili, šjínwala kana rekhođo uru išwe kha vhu’fhetheho u tšireledzawaho u šwika khothe a tshina lahelela uru ná maafungho ayó ndi u khetheho ná nga kana ndi o tšireledzawaho.

(15) Pholisa ķane la khou thusa muingameli u ya nga iyì khethekanyo ķj na shumisa khethekanyo ſhukhu u ya nga afho hune u k cometshedzho, uyo muingameli nga u tou ñwala a nga humbela redžhïštra kana mu'qindja wa Khothe Khulwane a re na maandjalanga kha uyo mukanó uru a ombambedze na u džhiwa atikili, šjínwala kana rekhođo uru išwe kha vhu’fhetheho u tšireledzawaho u šwika khothe a tshina lahelela uru ná maafungho ayó ndi o khetheho ná nga kana ndi o tšireledzawaho.

(16) Phanda ha u shumisa khethekanyo ſhukhu, pholisa ķea tea u ambà zwi tshi tou pfalà uru ķi khou ño qhu džhena na uru pfolisa ķea tea u džheda ndiwhvho ya u džhena, nga ndža ha musi hu na lutendo lu pfalà hune u ita zwenezwá zwa u humbela u džhena zwi nga ita uru muthu ane a sa ño qhu u vula a nga vho tšiênjvadya, läta kana u dzumba atikili, šjínwala kana rekhođo ine ya khou ita uru hu vhe na tšedzulusha kana yone ine ya khou ño qhu.

(17) Muthu ane a fha muingameli nen'žhiso ifhío na ifhío kana ane a ita tšiñjatanemennde a nga sumbedza kha uyo muingameli uru khou ño qhu tshidzumbe malugana na nďžhíšho inwe na inwe kana tšiñjatanemennde thọ tšo tšedzawaho, nahone muingameli a tea u shumana na iyo nďžhíšho u ya nga mulayo wo faneňaňa.

Ndžhíšado malugana na u tsved.za Mulayo

26. (1) Minisťa misi yoṭhē u tea u tšahelela u—

(a) pñukiwa ha uno Mulayo hune ha yha hu songo tou kalula; na

(b) pñukiwa ha uno Mulayo ho kalulaño.

(2) Minisťa u tea u anjanzha zwo tiwhaho zwiwe zwo bulwaho kha khethekanyo ſhukhu ya

(1) nga ndžhíšado kha Gazete naxehe Maandjalanga a tea u anjanzha zwo tiwhaho kha webusaifhi na kha khashe yo faneňaňa.

(3) Nga ndžhíšado kha Gazete, Minisťa u tea u randela ndąťjoso khalwanesa malugana na u pfuka Mulayo huńwe na huńwe hune Maandjalanga a nga tšahelela u itela ndiwhvho ya khethekanyo ſhukhu ya (5): Tenda iyó ndąťjoso khalwanesa ya sa pde mütego wo randelwaho malugana na ṣwahá muthihi wa u valelo dzhele u ya nga Mulayo wo Adjustment of Fines Act, 1991 (Act No. 101 of 1991), kha tšifhinga tšíńwe na tšíńwe tsenethšo.

(4) Maandjalanga afho hune nyngamelo kana tsedzulusho nga muingameli ya sumbedza u pñukiwa ha uno Mulayo hune u pfuka uho a hongo hułesa sa zwo tiwhaho nga fhasi ha khethekanyo ſhukhu ya (1), a nga qetsheza ndžhíšado malugana na u tšved.za nga ndjila yo randelwaho kha uyo muthu ane a khou humbulelwu uru a khou pfuka uno Mulayo, uyo muthu a vhudzwelo uru a tšvedže uno Mulayo hu saathu u fhlæa tšifhinga tsho bulwaho kha ndžhíšado ya uru a tšvedže Mulayo, tšine isho tšifhinga ndi tšifhinga tšíńwe tsha pfadzaho ho sedzwa nyímelе.

(5) Maandjalanga a tshi khou tšved.za ndžhíšado, a džo tsha tšikalo tsha ndąťjoso ine ya tea u badelwa nga muthu a kwa'meaho arali uyo muthu nga u tou ñwala a tsi khou fhindula iyó ndžhíšado, a fandžedzha uro o kundelwa a tšvedže uno Mulayo sa zwe zwa bulwaho kha ndžhíšado malugana na u tšved.za 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.
(6) Ndaţiso yo bulwaho kha khethekanyo ũthukhu ya (5) i tea u badelwa Maandâlanga hu saathu u fheła tshiţhinga tsho bulwaho kha nďiv hazdo ya malugana na uho u pfuka Mulayo.

(7) Ndaţiso iňwe na iňwe ine ya badelwa zwo itiswa nga nďiv hazdo ya malugana na u pfuka Mulayo i kuvhanga ngei kha Tshikwama, nahone muthu o bulwaho kha iyo nďiv hazdo a nga si tshutshiselwe uho u pfuka Mulayo.

(8) U pfuka Mulayo hunwe na hunwe hu songo hulesaho hu nga si dzhielwe nũtha musi musi ho hweswa ndaţiso kha mushumi wa zwa ndaka nga fhasi ha uno Mulayo nahone hu tshi dzhielwe nũtha mashele ni mańwe na muiwe zwo bulwaho nga fhasi ha ndindakhombo yo bulwaho kha khethekanyo ya 57. arali i hone, Maandâlanga a fha ndela a uri tshipiqa tshińwe na tshińwe tsha ndaţiso tshi shume kha mbadelo ya ndiliso kha muthu muńwe na muńwe o uho u pfuka Mulayo u selele nga zwo itiswa nga vhudifari ha mushumi wa zwa ndaka.

(2) Maandâlanga a tshi tou tanganedza ndaţiso ye ya hweswa kha mushumi wa zwa ndaka, a dbo mbọ di ita mbadelo yo bulwaho kha khethekanyo ũthukhu ya (1), fhezi a hu na mbadelo ine ya dbo itwa u swikela khaşululo dzoñhe dzî tshi ranga dza fhela dzine dza kwama ndaţiso yo itwaho kana khaşululo dbo lītsha.

(3) Ino khethekanyo a i thivheli muthu ufhi na ufhi kha u isa phambano kha Maandâlanga ine phambano iyo i kwama mushumi wa zwa ndaka kana muńwe muthu, arali nyavhelo yo itwa nga Maandâlanga zwi tshi thusa muthu ane o tanganedza mbadelo i bvańo kha Maandâlanga sa zwe zwa bulwaho kha khethekanyo ũthukhu ya (2), Maandâlanga a tea u dzhiela iyo mbadelo nũtha.

U vhiga mbielało

28. (1) Muthu muńwe na muńwe kha fomọ yo randelwaho a nga vhiga mbielało ngei kha Maandâlanga a tshi khou hwelela mushumi wa zwa ndaka malugana na zwi kwama ho mashele ni mańwe, zwa maraga, ndaulo, u renndisa, u hirisa, thengiso kana u renga ndaka.

(2) Maandâlanga nga u tou īwala, hu saathu fhela maďuva kha sमbe a tea u ambu iha o tanganedza mbielało nahone a vhudze muńweleli nga ya homboro ya mulandu wo vulwaho nga muńweleli.

(3) Nga murahu ha u tanganedza mbielało, Maandâlanga a nga toďa muńweleli a tshi ļisa vhutansi vhuińwe kana ļińwalwa ļi ļe na vhushaka na mbielało.

Vhukonanyi

29. (1) Maandâlanga—
   (a) arali a tshi khou tenda uri mbielało i nga tandulua nga u tou konanya; kana
   (b) muśi muńweleli a kwameaho o tou ita khaḿbolo,

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

(2) Hu saathu fhela maďuva a s ámba muśi ho iswa mbielało kha zwa vhukonanyi, Maandâlanga a tea u thola muthu ane a fusha thońe a uri u vhe ene mućonanyi.

   (3) Mućonanyi hu saathu fhela maďuva a s ámba o tholiwa u tea u—
   (a) fha nďiv hazdo vhońe vha kwameaho nga ha uho u konanya sa zwe zwa randelwa; na
   (b) ita uri fhuńo ļi dzulẹlele hu saathu fhela maďuva a 30.

(4) (a) Mućonanyi u thusa vha kwameaho uri vha tandulule phambano.
   (b) Arali vha kwameaho vha konata u tendelana kha zwine zwa tandulula phambano kana vhukonanyi ha kundelwa, mućonanyi u tea u—
   (i) qeshezâa tšaniela ine ya khoe buletsheza mvelo dza vhukonanyi; na
   (ii) fha khophi ya tšaniela muńwe na muńwe wa vha kwameaho nga phambano.

(5) Maandâlanga a tea u vhulungu rekho no dza zwe zwa ite a vhukonanyi, hu tshi kateľwa thendiela henelôo hune zwa konadzea, u ya nga he zwa randelwa.

   (6) Naho nu na mbetshele dza khethekanyo ũthukhu ya (1), vhshumi vha zwa ndaka vha nga tenda u isa phambano vhukati ha vhamshumi vha zwa ndaka kha zwa vhukonanyi nga Maandâlanga, nahone Maandâlanga a nga qeshezâa iyo tshumelo ya vhukonanyi nga nţiila ine ya tea u badelwa.
(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.**
(7) Arali phambano i songo tanduluwa sa zwe zwa bulwa kha ino khethekanyo, phambano i tea u hatulwa u ya nga khethekanyo ya 30.

Kha'tulo

30. (1) Arali—

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

(i) a kundelwa u tevhedzela uno Mulayo naho ndivhazdo ya u tevhedzela yo vha i kombetsedzaho;

(ii) a kundelwa u tevhedzela ndivhazdo ya u tevhedzisa nga tshifhinga; kana

(iii) a kundelwa u badela nda'tiso nga tshifhinga yo tiwaho nga Maandalanga; 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 khwathisedza,

Maadalanga a tea u ita uri ndivhazdo ya vhuhuatuli i jetshedzwe muthu ane a kwamea u ya nga he zwa randelwa.

(2) Maandalanga a tea u thola muthu ane a vha na ndalukano dza mulayo uri hu vhe ene muhatuli ane a do tshimbidza u ha tufila kha iyo mibilelo hu tshi khou tevhedzwa ino khethekanyo, ane hu tshi khouritelwa ndi vha ino khethekanyo muthu uyo u vhidzwa u pf ndi "muhatuli".

(3) Maandalanga musi hu na khumbelo ine ya bva kha muhatuli nahnhe hu na mbuno dzavhuhi, Maandalanga a nga thola mulavhelesi o diimisaho ane a do thusa ene muhatuli.

(4) Hu saathu fhela ma'duvha a 14 ho tholwa muhatuli, muhatuli u tea u—

(a) fha ndivhazdo vhatu vhonge vha kwameaho nga ha u hatulwa u ya nga he zwa randelwa; nahone

(b) ita uri fhungo ji thesleswe hu saathu fhela maduvha u 60.

(5) U hatulwa hu tea u itwa nga u tshifhinga, hu tshi khou tevhedzwa ndayo na vhulamukanyi ha mvulo na u ya nga kuitete kwo randelwa ho.

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

(b) Arali mibilelo yo dzingindela, muhatuli u tea u ita ndela ine yo tea idzo nyimele, nahone iyo ndela i na vhumo vhune ha tou fana na ndela ine ya itwa nga madzhisitaraga wa khothe nahone i tea u tevhedzwa nga ndila yone.

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

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

(b) arali zwo tea nyimele, ndela ya uri Maandalanga a badela phesenthe i sa pa'di 80 ya mulifho sa ndiliso kha muhweleni; na

(c) ndela inwe na inwe yo teaho nyimele.

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

(9) Maandalanga a tea u vhulunga rekudo nga ha u thesleswa ho'the ha mibilelo, hu tshi katele ndela yo itwahou na mbuno dzo tou iwalwaho dze dza jetshezwa nga muhatuli, sa zwi zwa randelwa.

(10) Naho hu na mbetshele dza khethekanyo thukhu ya (2), mushumi wa zwa ndaka a nga tenda hu tshi iswa mbilaelo vhukati ha vhashumi vha zwa ndaka u itela uri mibilelo i hatulwa nga Maandalanga, nahone Maandalanga a nga Jetshezda iyo tsunemelo hu si nga mahala.

(11) Hu tshi khou tevhedzwa mbetshele dza khethekanyo thukhu ya (7)(b), mulifho muwe na muwe u badelwaho nga murahu ha ndela yo itwahou nga muhatuli i kuvhanganywa kha Tshikwama.

Komoti ya Aphili ya Vhuhautuli

31. (1) Muthu muwe na muwe o khakhelewaho nga tsheo ya khathulo u ya nga khethekanyo ya 28 a nga ita aphili ya u hanedza iyo tsheo. Aphili i itwa ngei kha Komiti ya Aphili ya Vhuhautuli 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

Funds of Authority

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) Maandâlanga hu saathu fhela maďuvha a 14 u bva kha datumu ya musi o tšanganedza ndivhado ya aphiļi u ya nga khethekanyo ṭukhu ya (1), a tea u thoma Komiti ya Aphiļi ya Vhuhaṭuli ine ya vha na vhathu vhararu vhane vha fusha ṭhọđea nahone vho tou ḍimisahou uri vha thetshelese aphiļi.

(3) Hu saathu fhela maďuvha a 14 ho tholwa Komiti ya Aphiļi ya Vhuhaṭuli, Komiti ya Aphiļi ya Vhuhaṭuli u tea u—

(a) tsha ndivhado vhọţhe vha kwaแนะamo nga ha aphiļi sa zwe zwa randelwa; na
(b) ita uri fhungo li thetshelese hu saathu fhela maďuvha a 60.

(4) Aphiļi i tea u itwa nga u ṭhvanya, hu tshi khou tevhedzwa ndayo dza vhulamukanyi ha mvelo nahone hu tshi khou tevhedzwa-vho na kuitele kwo randelwahou.

(5) (a) Komiti ya Aphiļi ya Vhuhaṭuli musi hu tshi tou fhela aphiļi i tea u mbo ita tsheo ya uri nna mbiela yo dzingindinda kana a yo ngo dzingindinda.
(b) Arali mbiela yo dzingindinda, Komiti ya Aphiļi ya Vhuhaṭuli i tea u ita ndaela yo teaho nyîmele, nahone iyo ndaela i na vhuimo ha ndaela ine ya tou fana na ya madzhisitaraqa wa khothe nahone i tea u tevhedzwa zwavhûji.

(6) Komiti ya Aphiļi ya Vhuhaṭuli musi hu tshi tou fhela aphiļi i tea u mbo ngesheda mbuno dzo tou ñwaliwa malugana na tsheo ye ya dzhia na ndaela ye ya itwa.

(7) Maanďalanga a tea u vhulunga rekходo dza aphiļi dzoţhe, hu tshi khou katele ndaela yo itwaho na mbuno dzo ñwaliwa zwo ngeshedszwa inhô Komiti ya Aphiļi ya Vhuhaṭuli, sa zve zwa randelwa.

NDIMA YA 6
MASHELENI

Masheleli a Maandâlanga

32. (1) Masheleli a Maandâlanga hu katelwa—
(a) tšelede ine ya avhiwa i tshi bva Phalamenndeni;
(b) tšelede ine ya badelwa Maanďalanga nga vhashumi vha zwa ndaka;
(c) tšelede yoqhe ine ya bva kha u bindudza u ya nga khethekanyo ya 33(2); na
(d) tšelede yoqhe ine ya nga kuvhanganywa kha Maanďalanga i tshi bva kha tshiko tšinwe na tšinwe.

(2) Maanďalanga a tea u shumisa masheleli ao kha u badela zwo itwaho nga Maandâlanga zwi kwamaho mushumo wa Maanďalanga na u shumisa maanďa, thëdzi—
(a) masheleli manwe na manwe kana ndaka zwo lambedzwaho kana zwo fhîwaho Maanďalanga zwi tea u shumiswa u ya nga milayo ya uho u lambedzwaho kana u gewa sa ifa; nahone
(b) arali Maanďalanga—
(i) nga murahu ha u ingamela kana tsedzulusolo Maandâlanga a vha o wana uri mushumo wa zwa ndaka o kundelwa u tevhedza mushumo wawe kana o kundelwa u tevhedza uno Mulayo;
(ii) o ita uri hu vhe na tshikolodo ndîvho i ya u badela tshînwe na tshînwe tsho itwaho hu tshi khou tevhedzwa uno Mulayo u itela u wana masheleli ane mushumo wa zwa ndaka a khou koloda kana Maandâlanga a tea u badela khone a epe kana kha Tshikwama; kana
(iii) o ita uri hu vhe na tshikolodo u itela u badela masheleli a ñholo malugana na ñholo yo itwaho zwo itiswa nga ndaela dza one Maanďalanga kha nyîmele hune ñholo yo bulwaho kha khethekanyo ya 54 ya vha i saathu u itwa,

Maanďalanga a nga wana murahu iyo tšelede ya uho u ingamela kana tsedzuluso saizwi zwi na vhushaka na uyo mushumo kana tšelede yo tumbulwaho ya ayo masheleli kha æxennde na mutengo wa khastama kana masheleli a iyo ñholo, u ya nga nyîmele ya zwîfho, u bva kha mushumo wa zwa ndaka a kwameaho.

(3) Nga ndîvhadzo kha Gazete, phanďa ha u thoma u shuma ha uno Mulayo na nga murahu ha hone nga ñwaho nga ñwaho phanďa ha mathomo a ñwaho wa muvhalelano wa Maanďalanga, nga murahu ha u kwamana na Bodo, Minisţa 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).
Nwaha wa muvhalelano na dzidiphosithi

33. (1) Nwaha wa muvhalelano na Maandalanga ndi dzi 1 dza Lambamai kha nwaha muinwe na muinwe u swika dzi 31 dza Thafamuhwe dza nwaha u tevhela, fhedzi nwaha wa muvhalelano wa u thoma na Maandalanga u thoma nga dvufha jine uno Mulayo wa thoma u shuma, nahone na fhela nga dzi 31 dza Thafamuhwe dza nwaha u tevhela ijo dvufha.

(2) Maandalanga a nga bindudza kana u dipfositha tshelede ya Maandalanga kha ine a toqi u shumiswa nga u tafanya kana ine a i toqi u shumiswa zwenezwo kana kha akhaathu ya dipfosithi ya u bindudza ya tsifhinga tshipfufhi kha bangha inwe na inwe yo nwalisaho na Muhasho wa Gwama ja Muvhuso.

NDIMA YA 7

TSHIKWAMA TSHI THEMBEAHO TSHA VHASHUMI VHA ZWA NDAKA

Tshikwama tshi Thembea ho tsha Vhashumi vha zwa Ndana

34. (1) Tshikwama tsho thomiwaho u ya nga khethekanyo ya 12 ya Mulayo wa Estate Agents Affairs Act, 1976, tshi divheaho hu saathu u thoma u shuma uno Mulayi sa tshone Tshikwama tshi Thembea ho tsha Mazhendedzi a zwa Ndana, tshi ya phanda na u shuma u tou nga ths ho thomiwa nga uno Mulayo, nga fhasi ha dzina jine ja pf Tshikwama tshi Thembea ho tsha Vhashumi vha zwa Ndana.

(2) Masheleni a tevhelaho a tea u badelwa kha Tshikwama:
   (a) Tshelede yoqhe yo badelwaho sa mbadelo u ya nga uno Mulayo kha kana kha akhaanthu ya Tshikwama;
   (b) tshelede yo dzhenaho i tshi bva kha tshelede dza u bindudza kha Tshikwama u nga khethekanyo ya 33(2);
   (c) tshelede yoqhe vhuiswaho nga kana ho imelwa Tshikwama hu tshi khouthumiswa pafanelo inwe na inwe yo hweswaho nga uno Mulayo;
   (d) tshelede yoqhe yo tanganedzwaho ho imelwa Tshikwama i tshi bva kha khamphani ya ndindakhombo;
   (e) nzwalelo dzo badelwaho kha Tshikwama; na
   (f) tshelede inwe na inwe yo kuvhanganywaho kha Tshikwama i tshi bva kha zwiko zwinwe na zwinwe.

Ndivo khulwane ya Tshikwama

35. (1) Hu tshi khou tevhedzwa mbetshelo dza ino Ndima, Tshikwama tshi tea u tikedzwa na u shumiswa kha u badela vhathu vhe vha vhaisala zwo itsiwa nga u xelwelwa nga masheleini nga vhanga ja—
   (a) u tswiwa ha tshelede ya tshikwama zwo itwa nga mushumi wa zwa ndaka ane o vha a na thansiela ya Tshikwama i Sumbedzaho u Thembea nga tshifhinga tsha u tswiwa; kana
   (b) u kundelwa 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 ifhio na ifhio kha Maandalanga sa zwe bulwa kha khethekanyo uthuku ya (1) nga nda ha musi muiatembilo o—
   (a) ita ndivhisu kha Maandalanga nga ha iyo mbilo sa zwo bulwaho kha khethekanyo ya 37; nahone hu saathu fhela miinwaha miraru nga murahu ha nyimele yo itsahyo uru hu itwe mbilo iyo; kana
   (b) tshedza Maandalanga tsumbo ine ya khou todwa, hu saathu fhela miinwaha miraru yo bulwaho kha phara ya (a) nga murahu ha u rumelwa ha khumbelo khae yo tou nwalwaho nga Maandalanga.

Kulangele kwa Tshikwama

36. (1) Hu tshi khou tevhedzwa khethekanyo uthuku dza (2) na (3), Maandalanga a na vhudifhinduleli kha kulangele kwa Tshikwama.

(2) Maandalanga musi hu na thendelo ya Minista, a nga ita uri tshumelo ya kulangele kwa Tshikwama i shunwe nga khamphani ya u langa pothifolio kana tshimiswa tsha masheleini u ya nga Mulayo wa Financial Services Board Act, 1990, ho sedzwa milayo yo tendelwaho nga Minista, hu tshi khou tevhedzwa khethekanyo uthuku 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) Muraĵo muũwe wa Bodo, kana arali ndaulo ya Tshikwama yo iswaho u shuũwa nga khamphani ya ndaulo ya phothifiloja kha khamphani ya ndaulo ya phothifiloji ifhio na ifhio kana tshimiswa sa zwo bulwaho kha khethekanyo ḋukhu ya (2), iyo khamphani ya ndaulo ya phothifilojo kana tshimiswa, tshi na vhudifinduleli ha mushumo wa mushumo wa ndondolo na vhukoni kha Tshikwama, na uru iyo khamphani ya ndaulo ya phothifilojo kana tshimiswa tsha zwa masheleli tshi na vhudifinduleli u ya nga ndayo dzi kwamaho u pfuka uyo mushumo wa vhudifinduleli, kha ndozwo inwe na inwe, tshinyalelo kana masheleli o lovahho a Tshikwama zwo vhangwa nga uho u pfuka milayo nga iyo khamphani ya ndaulo ya phothifilojo kana tshimiswa tsha masheleli.

Mbilo dzi bvaho kha Tshikwama

37. (1) Mbilo ya mbadelo i bvaho kha Tshikwama i tea u itwa kha Maanďalanga nga ndila yo randelwaho.
(2) Muthu ha tei u ita mbilo Kha Maanďalanga 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 Maanďalanga, a tea u thoma a vula mulandu a tshi vulela vhutshinyi ho itwaho nga mushumi wa zwa ndaka.
(3) Maanďalanga a tea u ita ḋhoqisiso nga ndila yo randelwaho u mbilo yo itwaho kha one Maanďalanga malugana na Tshikwama.

Mbadele dzi bvaho kha Tshikwama

38. (1) Hu tshi khou tevhedzwa mbetshelo dza uno Mulayo, misi yoqhe musi zwi tshi ḋoqea, zwi tevhela zwi ḋo badele nga tshelede i bvaho kha Tshikwama:
(a) Tshelede ya mbilo dzọqeh, hu tshi katelwa tshelede, yo tendelwaho kana yo thomiwaho malugana na Tshikwama u ya nga mbetshelo ya ino Ndima;
(b) u ya nga hune Bodo ya vhona zwo tea, mbadelo inwe na inwe malugana na tshelede yo shumiswaho nga uyo ane a khou vhila musi a tshi khou ita mbilo;
(c) masheleli ḋoqe o badelehwo zwi tshi kwama mulayo, na zwiiwe-vho zwe zwa badele musi hu tshi khou sedzuluswa na u imelela mbilo malugana na Tshikwama kana masheleli o shumiswaho zwi tshi kwama Tshikwama;
(d) mbadelo dzọqeh dza ndindakhombo dзи badelehwo malugana na dzikonziraka dza ndindakhombo dзо itwaho nga Maanďalanga hu tshi khou tevhedzwa khethekanyo ya 40;
(e) masheleli o shumiswaho kha zwi kwamaho ndaulo, ya Tshikwama nga Maanďalanga, kana arali ndaulo ya Tshikwama yo ita uri mushumo u tou shuũwa nga khamphani ya ndaulo ya phothifilojo kana tshimiswa tsha zwa masheleli sa zwo bulwaho kha khethekanyo ya 36(2), nga tshimiswa, u ya nga hune nyimele ya vha zwone, hu tshi khou tevhedzwa ndayo dзо tendelwaho nga Minisṭa;
(f) magavhelo u ya nga zwi zwa bulwaho kha khethekanyo ya 39; na
(g) masheleli manwe na manwe ane a nga badele a tshi bva kha Tshikwama u ya nga uno Mulayo.
(2) Minisṭa a tshi khou kwama na Bodo, nahone nga kha ndįivhado i re kha Gazete u ḋo ita phungudzelo ya tshelede ine ya nga badelewa i tshi bva kha Tshikwama malugana na khethekanyo ya dzimbilo.
(3) Masheleli manwe na manwe a re kha Tshikwama ane ha ḋoqei u shumiswana nga u tshavhanya nga Tshikwama, musi hu tshi khou tevhedzwa milayo yo teaho ine Minisṭa o i tendela, masheleli ayo a tea u binduliswa kha tshimiswa tšho kwaṱhisedzwaho nga Muhasho wa zwa Gwama ja Lushaka.

U tendelwa ha magavhelo

39. (1) Hu tshi khou tevhedzwa milayo ine ya nga tiwa, Bodo i nga tendela magavhelo a tshi bva kha Tshikwama—
(a) malugana na—
(i) ḋhoqisiso kha masia a mushumo une wa elana na zwa bindu Ɋa vhashumi vha zwa ndaka;
(ii) u londola na u alusa zwįandadi zwa vhudifari ha vhashumi vha zwa ndaka;

 Mbilo dzi bvaho kha Tshikwama

37. (1) Mbilo ya mbadelo i bvaho kha Tshikwama i tea u itwa kha Maanďalanga nga ndila yo randelwaho.
(2) Muthu ha tei u ita mbilo Kha Maanďalanga 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 Maanďalanga, a tea u thoma a vula mulandu a tshi vulela vhutshinyi ho itwaho nga mushumi wa zwa ndaka.
(3) Maanďalanga a tea u ita ḋhoqisiso nga ndila yo randelwaho u mbilo yo itwaho kha one Maanďalanga malugana na Tshikwama.
(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 zwiґtandadi zwa vhugudisi hа vhashumi hа zwa ndaka;
(iv) pfунцо na vhugudisi hа vhashumi hа zwa ndaka; na
(v) tshanduko ya sekíthara ya zwa ndaka;
(b) kha asosiesheni kana sosaití hа vhashumi hа zwa ndaka u itela ndivho ya u ita uri asosiesheni kana sosaití lа londole na u alusa madzangalelo а vhashumi hа zwa ndaka; na
(c) tshelede ine ya nga ta i tshi itela ndivho dza u—
(i) kungedzela na u alusa tshumelo dza na zwishumiswa зwi getshedzwaho nga mushumi wа zwa ndaka nga u tou angaredza; kana
(ii) alusa ndivho tshitshavhani nga hа pfanelo dza vharengi hа mafhungo a kwamaho zwa ndaka і sa endedzwi.
(2) Bodo nga tshiphinga tshinwe hа tshinwe і nga fhelisa u tendelwa ho bulwaho kha khethekanyo ũkhуku ya (1) musi hу na mbuno dzi pfalaho.

Ndindakhombo ya u tsireledza tshinyalelo

40. Ho sedzwa dzangalelo ља tshitshavha Maandaŋalanga а nga ita nzudzanyo ya tshikimu tsha ndindakhombo hа khamphani ya ndindakhombo ііwe na ііwe йо ũwalisiyo sa khamphani ya zwa ndindakhombo йа tshiphinga tshipufi u уа yа nga Mulayo wa Short term Insurance Act, 1998 (Act No. 53 of 1998), u itela mbetsheло йа ndindakhombo йа u tsireledza tshikolodo tsha mushumi wа zwa ndaka kha miraŋo йа tshitshavha ho sedzwa зwa kushumele ku si kwavhuŋu, u swika kha tshelede ine ya ќо tiwa ngа Bodo.

Masheleli a badelwaho nga mushumi wа zwa ndaka

41. (1) Mushumi wа wа Ndaka nga ũwaha nga ũwaha kha Tshikwama u tea u badela—
(a) tshelede yo randelwaho йа khumelo йа ũhanziela йа Tshikwama і Sumbe-
dzaho йа THEMBeа йа уа yа nga mbetsheло dzа khethekanyo ya 47; na
(b) tshelede ііwe na ііwe ine Minisṭа, nga murahu ha musi o kwamana на Minisṭа wа zwa Masheleli на Bodo, а ќо ta misi йофе nahone зwo ітwa nga ndivhadzo kха Gazete.
(2) Minisṭа u tea u shumisa maandaŋ аwe e а hweśwa nga khethekanyo ũkhуku ya (1) a талуse ngona kана tshipїtandadi tsha u та phesenthe ine masheleli о bulwaho kha pharagirafу dzа (a) kана (b) dza іyo khethekanyo ũkhуku dzа tou dzula dzo gonya nga dzоtje ũwahа йа ũwahа nga dzі 1 dzа Lambamai ũwahа muіwe uе muіwe une wа tevhela; фhедзи—
(a) Minisṭа misi yофе у на maandaŋ а u hana uho u gonyа йа ũwahа йа ũwahа nga u tou та nga huѕwa hu tshi khou tevhedzwа khethekanyo ũkhуku ya (1); na
(b) Minisṭа hu saathu фhira міnwhа міtаnu nga murahu ha уа ita зwa u та sa zwe зwa bulwа kha khethekanyo ũkhуku ya (1) kана phara ya (a), уа yа nga hune nyіmele уа vha zwone, у tea u та nga huѕwa а tshi khou tevhedzа khethekanyo ũkhуku ya (1).

Tshumisano і lavhelelwaho kha muitambilo

42. (1) Muthu anе a khou itа mbilo о bulwaho kha khethekanyo ya 36(1) муsi u humbelwa nga Maandaŋalanga, u tea u dzhenela, shumisanea nae nahone а thuse Maandaŋalanga malugana u tshinwe на tshinwe tshi kwamaho mbilo. 45
(2) Maandaŋalanga а nga farа mbadelо і bvaho kha Tshikwama іne mbadelо іyo уа vha йа mutengo muіwe uе muіwe і тshi tea u badelwa kha muthu аne a kundelwa kана аne а hana у аmana на khumelo і pfadzaho йо itwaho nga u tou ũwala nga—
(a) Tshumelo йа Tshipholisa йа Afrika Tshipembe kа tshiіwe tshimiswa tsha muvhusо tshi re на vhuґфhіnduлеli ha tshedzuluro kана u lavhelela vhugelvengа kана zwіtіо зwa vhugelvengа, u shumisana на у thusa kha tshedzuluro ља mulandu muіwe uе muіwe wa vhugelvengа wo vulwaho u tshi khou kwama mushumi wа zwa ndaka;
(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 ha Lushaka, maand°alanga ma°iwe na ma°iwe kha zwa vhutshutshisi kana tshimiswe tshiniwe na tshiniwe tsha muvhuso tshi re na vhujifhinduleli kha zwa tsedzuluso dza u xelaxela ha ndaka kana tsengo, malugana na tsedzuluso i°iwe na °iwe kana tsengo ngei kholo ya mulayo hune mushumi wa zwa ndaka o teaho ha vha ene muwelelw, u ya nga hune zwi°hu zwa vha; kana

(c) Maand°alanga u itela u shumisana na u thusa kha—
(i) tsedzuluso ya mblaelo ifhio na ifhio ine ya kwama mushumi wa zwa ndaka; kana
(ii) u shumisa pfanelo dza Maand°alanga na thandululo zwi tshi kwama mushumi wa zwa ndaka o teaho hu tshi khu tevhelwa mbetshelo dza uno Mulayo.

(3) A si Tshikwama nahone a si Maand°alanga a re na vhujifhinduleli ha u badela nzwalelo kha tshelede yo farwaho u ya nga zwe zwa bulwa kha khethekanyo °huku ya (2).

Maga ane a dzhidle Maand°alanga malugana na Tshikwama

43. (1) A huna muthu ane a °o thoma ³iga °iwe na °iwe Ji kwamaho Maand°alanga malugana na mbadelo i bvaho kha Tshikwama nga murahu ha u lhela ha minwaha miraru u bvwa kha datumu ya u °wilwa ha n°ivhazdo nga one Maand°alanga yo livhiswa kha muitambilo, kana muimeleli wa ene muitambilo, arali a hone, hu tshi khu vhudza muitambilo uri Maand°alanga—
(a) a khou hana mbilo; kana
(b) a khou °oja tshi tevhedzwa khethekanyo ya 42.
(2) A hu na muthu ane a °o vhuisa tshelede i tshi bvwa kha Maand°alanga ine ya vha nnzhi u nhira tshelede yo lozweaho ya muitambilo na tshelede kana nde ³e ya tshelede yo°the kana mbelo dzine kana dzo °anganedzwa kana yo teaho u °anganedzwa i tshi bvwa kha tshiko tshiniwe na tshiniwe malugana na uho u lozwea.
(3) A hu na pfanelo ya nyito malugana na Maand°alanga malugana na u xelaxela ho pﬁwoha nga—
(a) mufarisi, ³hama ya vhutshilo ho°the, mushumisani kha zwa mbandu kana murado wa tsinisa wa nu°ja wa mushumi wa zwa ndaka nga mbuno i kwamaho u sa londa kana nga kholo hu tshi katelwa vhuvhava ho °twa ho nga uy o mushumi wa zwa ndaka; kana
(b) mushumi wa zwa ndaka mu°we na mu°we nga vhanga ja u sa londa kana nga kholo hu tshi khu katelwa vhuvhava ho °twa ho—
(i) nga ene mu°e kana nga mushumisani kha zwa bindu;
(ii) arali uy o mushumi wa zwa ndaka e khamphani, nga mulanguli wa khamphani mu°we na mu°we wa iyo khamphani;
(iii) arali e mulanguli wa khamphani, nga mulangi-ngae nga iyo koporasi;
(iv) arali uy o mushumi wa zwa ndaka hu koporasi °huku, nga murado mu°we na mu°we wa yeneyo koporasi;
(v) arali hu °hama kha vhushaka ha bindu, nga °hama ya zwa bindu ya honoho vhutama; kana
(vi) nga muthu mu°we na mu°we o °holwaho ngae sa mushumi wa zwa ndaka;
(c) muthu mu°we na mu°we zwo itiswa nga u sa londa kana nga kholo hu tshi katelwa vhuvhava, kana zwo itiswa nga u khakha zwi tshi °uma na tshelede dz a tshikwama dzo farwaho kana dzo °anganedzwa kha akhaunthu ya muthu ufhi o na ufcho, nga muthu o bulwaho kha pharagirafu ya (d) ya °hulutschedzo ya iphi “mushumi wa zwa ndaka” kha khethekanyo ya 1.

Khumbelo ya tshelede dza ndindakhombo

44. (1) A hu na muitambilo a re na mbilo kha Maand°alanga nga fhasi ha ino Ndima nga °wambo wa kon°raka i°we na i°we yo °twa ho ya nga khethekanyo ya 40 nga Maand°alanga na khamphani ya ndindakhombo, a re na pfanelo i°we na i°we ya nyito kha iyo khamphani ya ndindakhombo.
(2) A hu na muitambilo ane a vha na mbilo kha Maand°alanga nga fhasi ha ino Ndima ane a vha na pfanelo ifhio na ifhio kana mbilo malugana na tshelede i°we na i°we i badelwaho kha Maand°alanga nga khamphani ya ndindakhombo u ya nga kon°raka yo °twa u ya nga khethekanyo ya 32, fhedzi iyo tshelede i tea u badelwa kha Tshikwama nahone ya tea u humbelwa nga Maand°alanga u ya nga mbetshelo dza ino ndima u itela u badela mbilo.
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 Maanđalanga

45. Arali Maanđalanga a badela tshede yoṭhe kana a tou badela iṉwe ya mbilo nga ḥashi ha ino Ndima, pfanelo dzọţhe na thandululo dza muĩtambilo malugana na iyo mbilo kha mushumi wa zwa ndaka a kwameaho kana muĩwe muthu kana, kha nyimele ya musi ho vha na u lovha, u kundelwa nga u badela zwiikoledo kana zwiĩwe zwi kwamaho u sa kona zwo sedza mulayo kha uyo mushumi wa zwa ndaka kana muĩwe muthu, kha ndaka ya uyo mushumi wa zwa ndaka kana muĩwe muthu, pfanelo dži ḍo fhirela kha Maanđalanga, hu si na ndalukano na u fhungudzea, kha vhuulu ha iyo mibelo.

Masheleli a vhofhololwaho 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 NDACA

Khumbelo ya ḥhanziela ya Tshikwama i Sumbedzaho u Thembea

47. (1) Mushumi wa zwa ndaka muĩwe na muĩwe hu sa katelwi mushumi wa zwa ndaka o bulwaho kha pharagirafu ya (g) ya ḥalutshedzo ya ipfi “mushumi wa zwa ndaka” kha khethekanyo ya 1, u tea, u ta khumbelo muĩwaha miraru muĩwe na muĩwe kha Maanđalanga u itela u wana ḥhanziela ya Tshikwama i Sumbedzaho u Thembea, nahone iyo khumbelo na tea u fhelekedzwa nga masheleli o bulwaho kha khethekanyo ya 34, nahone khumbelo iyo i tea u itwa hu saathu fhira tshifhinga tsho randelwaho nahone i itwe nga ńḍila yo randelwaho.

(2) Mushumi wa zwa ndaka o bulwaho kha pharagirafu ya (d) kha ḥalutshedzo ya ipfi “mushumi wa zwa ndaka_kha khethekanyo ya 1, hu saathu u fhela tshifhinga tsho randelwaho nahone nga ńḍila yo randelwaho, u tea u ita khumbelo kha Maanđalanga u itela u ńwalisa ḥhanziela, nahone iyo khumbelo i tea u fhelekedzwa nga masheleli o bulwaho kha khethekanyo ya 34.

(3) Hu tshi khou tevhedzwa khethekanyo 43 na 52, Maanđalanga musi a tshi tou ṭanganedza khumbelo yo bulwaho kha khethekanyo ḥukhuyu ya (1) kana (2) na masheleli o teaho, arali muhumbeli a kwameaho—

(a) a tshi fusha ḥłoqeda kana o fusha ḥłoqeda dza mbetshelo nga ḥashi ha uno Mulayo; nahone

(b) a songo hanelwa u fhira ḥanziela u ya nga khethekanyo ya 48, Maanđalanga a ḥo tea u ḥa mulhumbeli a kwameaho ḥanziela ya Tshikwama i Sumbedzaho u Thembea nga ńḍila yo randelwaho, ine iyo ḥanziela i ḥo shuma u swika nga dži 31 dza Nyendavhusiku kha wonoyo iwaha une khumbelo ya khou itelwa wone.

(4) Mushumi wa zwa ndaka a humbelaho ḥhanziela ya Tshikwama i Sumbedzaho u Thembea kana u ńwalisa ḥhanziela kha Maanđalanga, nga murahu ha tshifhinga tsho randelwaho sa zwo bulwaho kha khethekanyo ḥukhuyu 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 ndaṭiso yo randelwaho kha Maanđalanga nahone Maanđalanga ha nga ḥetsshedzi ḥanziela ya Tshikwama i Sumbedzaho u Thembea kha uyo mushumi wa zwa ndaka a kwameaho u swikela a tshi badela ndaṭiso.

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

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

(7) Mushumi wa zwa ndaka ane zwidodombedzwa zwawe zwa vhukwamani zwo shandukiswa nga tshifhinga tsha musi iyo ḥanziela i saathu u fhirela nga tshifhinga tsha u vha i shumaho, hu saathu fhela maĵuvha a 14 ho shandukiswa izwo zwidodombedzwa nga u tou nwala u tea u ḥa Maanđalanga zwidodombedzwa zwa vhukwamani zwisa.
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;
Nyiledzo malugana na u ṣetshedza tshumelo hu si na ṣhanziela 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 nnδa ha musi nga ṇtha ha dziṇwe ṣhọdẹa dzo vhetshelwaho kha kana nga fhasi ha uno Mulayo——
   (a) uỵo muthu kana itsho tshiimiswa tsho ṣetshedzẉa ṣhanziela ya Tshikwama i Sumbedzaho u Thembea sa zwo bulwaho kha khethekanyo ya 47; kana
   (b) arali uỵo muthu kana itsho tshiimiswa tsho thola muthu sa mushumi wa zwa ndaka, ane uỵo muthu o ṣetshedzẉa ṣhanziela ya Tshikwama i Sumbedzaho u Thembea sa zwo bulwaho kha khethekanyo ya 47.

(2) Arali tshiimiswa hu—
   (a) khamphani;
   (b) koporasi ṣthukhu;
   (c) thirasiti; kana
   (d) tshine tsha shumisanwa natsho,

mulanguli muịwe na muịwe wa yeneyo khamphani, murạjo muịwe na muịwe wa yeneyo koporasi ṣthukhu, thirasiti muịwe na muịwe wa yeneyo thirasiti na muịwe na muịwe a re ṣthama ya tshịmisano, u ỵa nga hune zwa ṿha, hu ṭea u ṿha o ṣetshedzẉa ṣhanziela ya Tshikwama i Sumbedzaho u Thembea sa zwo bulwaho kha khethekanyo ya 47.

(3) Muthu muịwe na muịwe ane a pfukekanyo kana ane a kundelwa u tevhedza khethekanyo ḳhukhu ya (1) u na mulandu wa vhuthinyi.

(4) Muthu ane a pfukekanyo kana ane a kundelwa u tevhedza khethekanyo ṣthukhu ya (1), nga u tou ṭavhanyana musị a tshị tou wana khumbelo i bvaho ho teaho nahone ỵo tou ſ̣̣walwa, u ṭea u badela ṭshelede ifhịo na ifhịo yo ſ̣̣anganedzwaho malugana na kana zwo vhango nga ſ̣̣hirantsekịshẹnë i͕we na i͕we nga tshịfịshinga ṭshenetsho tsha uho u sa tevhedza khethekanyo ya Mulayo.

(5) Muthu ane a kundelwa u tevhedza khumbelo yo bulwaho kha khethekanyo ṣthukhu ya (4) u na mulandu wa uri o khakha.

(6) Mbetshelo dza ino khethekanyo dzi shumiswa hu songo sedzwa——
   (a) kutalutshedzelwe kwa aphịli ya muthu kana tshịimiswa; kana
   (b) muthu o ſ̣̣walisa kana tshịimiswa tsho ſ̣̣walisa, u ṿha hone ha ṣhanziela kana u tholwa kana u shuma u ya nga, kana nga fhasi ha, kana u itela ndivhø dẓa muịwe Mulayo.

Zwịshinga zwine zwa tou vhofha zwa u ṣetshedza ṣhanziela

49. (1) Maanḍalanga hu saathu fhela maďụvha a 30 a mushumo, a tea u lavhelesa khumbelo i͕we na i͕we yo ọṣ̣waho u ya nga uno Mulayo, ine iyo khumbelo i khou fusha ṣhọdẹa dẓọţhe ḍzọ rondelwaho, nga nnδa ha musị Maanḍalanga arali hu na zwivyangi zwi re khagala a tshi nga tou ſ̣walæla muhumbeli mbuno dza uri maďụvha a 30 a tea u engedzwa, tenda uho u engedza maďụvha hu sa ṣo ſ̣̣hira maďụvha a 20 a mushumo.

(2) Tshịfịshinga tsha maďụvha a 30 a mushumo o bulwaho kha khethekanyo ya (1) a thomululuva u vhalwa nga husa arali Maanḍalanga a hubhele muhumbeli uri a ṣịse ndivhiso kana u lulumisa khumbelo.

(3) Arali Maanḍalanga a kundelwa u tevhedza khethekanyo ṣthukhu ya (1), zwi dẓhiwa khumbelo ya muhumbeli yo tendelwa nahone Maanḍalanga a tea uri muhumbeli o hubhele nga u tou ſ̣walæla hu saathu u fhela maďụvha a 10 a mushumo, Maanḍalanga a ṣetshedze muhumbeli ṣhanziela yo teaho.

U sa tsha fusha ṣhọdẹa dza u ſ̣̣hiwa ṣhanziela ya Tshikwamai i Sumbedzaho u Thembea

50. Maanḍalanga a nga si ṣetshedze ṣhanziela ya Tshikwama i Sumbedzaho u Thembea
   (a) muthu muịwe na muịwe ane—
      (i) a sa vhe Mudzulapo wa Afrika Tshipembe nahone ane a sa vhe na thendelo ya u dzula kha Riphabuljikí lwa mulayo;
      (ii) ane kha miñwah miñanu yo ſ̣̣hiraho o wanwa mulandu wa u pfuka Mulayo wa Estate Agency Affairs Act, 1976, kana муlayosịnịwa muịwe na muịwe une wa fana na yaneyi kha vhụnwe vhụpo;
(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 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 vhugevhenga nga khothe ya mulayo, hu nga vha kha za Afrika Tshipembe kana kha jirwe shango, o wanwa mulandu wa u ita zwa vhufhura, u sa fhulufhedze, u sa vha phrofeshinaja, u sa thomphea kana u pfuka mushumo wa vhudihinduleli ha u vha thirasiti, kana vhutshininyi vhuiwe na vhuiwe he ha ita uri uyo muthu u valelele dzhele a songo tendelwa na u tou badela ndaťiso;

(iv) ane muhumbulo wawe a u shumi zwavhuđi;

(v) o pandelwaho kha vhuiimo ha u vha thirasiti zwo itsiswa nga vhudifäri vh u si havhuđi kha miňwaha miťanu yo thirahoh;

(vi) ane o kundelwa u badela zwikolodo ƚwe a sa tsha dovha u vusuludzea;

(vii) ane ha na šhanziela ine ya sumbedza uri maňhungo a muthelo o dzula zwavhuđi;

(viii) ane o hanelwa u ya nga mulayosiňwa, wo itwaho kha Riphabuliki kana kha jirwe shango, o hanelwa u shuma sa mushumi wa zwa ndaka kana u hanelwa u fara vhuiimo ha u vha thirasiti, hu tshi katelewa khamphani ine u hanelwa uho na u sa tsha fusha thöđeça uho kha phara dza (ii), (iii), (vi) na (vii) zwa shuma khatšihi na tshanduko dzo teaho;

(ix) ane o wanwa mulandu nga thribunala kana khothe ya mulayo une mulandu uyo ndi u kwamaho u fhambanysa vhathu nga njilila o sa pfádzi, u fhambanysa kana u ƚalula nga njilila yo livhaño kana i songo livhaño zwo sendeka kha murapho, mbeu, vhuiimaná, mbingano, vhuvho ba murapho, mvushala, njilila ya kudzekanele, vhukale, vhuholefhalí, vhureleri, luvalo, lutendo, mvéléle, luambo na mbebo;

(x) ane ha na šhanziela ya BEE;

(a) mushumi munźwe na munźwe wa zwa ndaka ane kana, arali uyo mushumi wa zwa ndaka hu khamphani, mulangi munźwe na munźwe kana muraño wa vhulangi wa iyo khamphani, kana arali uyo mushumi wa zwa ndaka hu koporasi ťhukhu, muraño o bulwaho kha pharagirafa ya (a) kha ťhalutszedzo ya ipi ”mushumi wa zwa ndaka” kha khethekanyo ya 1, kana arali uyo mushumi wa zwa ndaka hu thirasiti, thirasiti, kana arali uyo mushumi wa zwa ndaka hu mushumisani, ťhama munźwe na munźwe, ane—

(i) kha miňwaha miťanu yo thelaho o wanwa mulandu wa u pfuka uno Mulayo kana Mulayo wa Estate Agency Affairs Act, 1976;

(ii) a sa anane na tšišiandaši tšo randelwaho tsha vhugudisi;

(iii) ha na tšenžhemo ya mushumo yo tiwaho nga Maandelanga; kana

(iv) o wanwa mulandu wa nyíto iňhío na iňhío kana u sa tevheđa maľagana na muthu munźwe na munźwe ane o tewa u badelwa hu tshi khou tevheľwa mbetšelo dza khethekanyo ya 38 u bva kha Tšhikwama, nga ndáha su musi mushumi wa zwa ndaka o badela muraňo tshelele yo teaho nga vhuľalo ngi kha Maandelanga, kana Maandelanga a na muhumbulo wa uri nzunganyo dži fushaho dza u badela iyó tshelele dzo itwa nakhono idzo nzunganyo dzo kwaľhistedzwa;

(b) mushumi munźwe na munźwe wa zwa ndaka ane kana, arali uyo mushumi wa zwa ndaka hu khamphani, mulangi munźwe na munźwe kana muraño wa vhulangi wa iyo khamphani, kana arali uyo mushumi wa zwa ndaka hu koporasi ťhukhu, muraño o bulwaho kha pharagirafa ya (a) kha ťhalutszedzo ya ipi ”mushumi wa zwa ndaka” kha khethekanyo ya 1, arali uyo mushumi wa zwa ndaka hu thirasiti, thirasiti, kana arali uyo mushumi wa zwa ndaka hu mushumisani, ťhama munźwe na munźwe, ane—

(i) kha miňwaha miťanu yo thelaho o wanwa mulandu wa u pfuka uno Mulayo kana Mulayo wa Estate Agency Affairs Act, 1976;

(ii) a sa anane na tšišiandaši tšo randelwaho tsha vhugudisi;

(iii) ha na tšenžhemo ya mushumo yo tiwaho nga Maandelanga; kana

(iv) o wanwa mulandu wa nyíto iňhío na iňhío kana u sa tevheđa maľagana na muthu munźwe na munźwe ane o tewa u badelwa hu tshi khou tevheľwa mbetšelo dza khethekanyo ya 38 u bva kha Tšhikwama, nga ndáha su musi mushumi wa zwa ndaka o badela muraňo tshelele yo teaho nga vhuľalo ngi kha Maandelanga, kana Maandelanga a na muhumbulo wa uri nzunganyo dži fushaho dza u badela iyó tshelele dzo itwa nakhono idzo nzunganyo dzo kwaľhistedzwa;

(c) mushumi munźwe na munźwe wa zwa ndaka o bulwaho kha pharagirafa ya (a) ya ťhalutszedzo ya ipi ”mushumi wa zwa ndaka” kha khethekanyo ya 1, arali uyo mushumi wa zwa ndaka a tshi shuma kana a tshi humbula u shuma zwa bindu sa mushumi wa zwa ndaka nga fhasi ha dzina ja bindu ķine ja tou fana kana ja kanganyisa zwi tshi itwa nga u fana na dzina ja bindu ja munźwe mushumi wa zwa ndaka—

(i) ane o no fhiwa šhanziela ya Tšhikwama i Sumbedzaho u Tšmbéa; kana

(ii) ane šhanziela ya Tšhikwama i Sumbedzaho u Tšmbéa yo imiswa u shumiswa kana yo fhiwelva nga tšiňhiinga kana yo dzhiululwa u ya nga uno Mulayo; kana

(d) mushumi wa zwa ndaka munźwe na munźwe ane ndi mulanguli wa khamphani, kana ane a vha muraño o bulwaho kha pharagirafa ya (b) ya ťhalutszedzo ya ipi ”mushumi wa zwa ndaka” kha khethekanyo ya 1 ya koporasi ťhukhu—

(i) ine šhanziela ya Tšhikwama i Sumbedzaho u Tšmbéa yo dzhiululwa nga Maandelanga u ya nga khethekanyo ya 52; kana

(ii) ine yo iledzwa u shuma mishumo ya thirasiti kana zwiňwe u ya nga khethekanyo yeneyo ya 48.
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
Ukhwinišwa ha ṭhanziela ya Tshikwama i Sumbedzaho u Thembea

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

(2) Maandalanga nga tshiifhinga tshiwe na tshiwe nahone nga u tou ñwala, a ño divhisa mufragi uri Maandalanga a khou humbula u khwiniša zwidodombedzwa zwa ṭhanziela ya Tshikwama i Sumbedzaho u Thembea ya muqe wayo, nahone Maandalanga a tea u—

(a) u fha mbuno dza u dzinginya u ita iyo khwinišo; na

(b) vhidza muqe wa ṭhanziela u itela uri a ñise phindulo yo tou ñwalwaho hu saathu u ñhela tshiifhinga thso randelwaho.

(3) Maandalanga nga murahu ha u lavhelesa phindulo yo ṭanganedzwha, hu tshi katelewa na phindulo ya uyo ane a sa vhe muqe wa ṭhanziela, Maandalanga a ño kona u khwiniša zwidodombedzwa zwa ṭhanziela ya Tshikwama i Sumbedzaho u Thembea nahone a ño konaha u ṭetsedzwa ṭhanziela ya Tshikwama i Sumbedzaho u Thembea yo khwinišwaho kha uyo muqe wayo.

(4) Musi hu tshi ṭetsedzwa ṭhanziela ya Tshikwama i Sumbedzaho u Thembea yo bulwaho kha khethekanyo ṭhukhu ya (3), Maandalanga nga khatihi nahone nga u tou ñwala a tea u—

(a) fha muqe wa ṭhanziela mbuno dza uho u khwiniša;

(b) fha muqe wa ṭhanziela khophi ya phindulo inewe na inwe yo ṭanganedzwha u bva kha muane muhe; na

(c) humbela u humiseldwa murahu ha ṭhanziela ya oridzhinaľa ya Tshikwama i Sumbedzaho u Thembea.

(5) Muthu ane u ya nga pharagirafu ya (c) o humbelwa u humisa ṭhanziela ya oridzhinaľa ya Tshikwama i Sumbedzaho u Thembea kha Maandalanga a tea —

(a) u zwi ita nga u ŋhanyana; kana

(b) uri arali iyo ṭhanziela ya Tshikwama i Sumbedzaho u Thembea sa humisei, a ise khwaqihisedzo yo bulwaho fhisi ha muano kana a khwaqihisedzele Maandalanga nga ha mbuno na nyimele dzį thivhelaho u humisa iyo ṭhanziela.

(6) ṭhanziela ya Tshikwama i Sumbedzaho u Thembea a phin muhona nga datumu ye ya ṭetsedzwa muqe wayo nga Maandalanga.

(7) Arali muqe wa ṭhanziela a thivhela, lengisa kana u u sa ṭetsedzwa ṭhanziela yo khwinišwaho ya Tshikwama i Sumbedzaho u Thembea nga Maandalanga kana ndingezdo dza u pfalo, ṭhanziela yo khwinišwaho a phin muhona nga datumu ye Maandalanga a ita ndingezdo dza u phimba ye ṭetsedza iyo ṭhanziela yo khwinišwaho kha muqe wayo.

(8) Arali Maandalanga o lingedza u ṭetsedza ṭhanziela yo khwinišwaho ya Tshikwama i Sumbedzaho u Thembea kha muqe wayo ṭhedzi zwa sa konadze nga vhanga ja uri muqe wa ṭhanziela ndi ene o thivhelaho, o lengisa kana o zwi thivhelaho, Maandalanga uri a ri pfalo, Maandalanga a tshi itela ndivhisi yo thitshtavha, a tea u anadza datumu ine ṭhanziela yo khwinišwaho yo thoma a phin muhona nga datumu ye nga fusha ino khethekanyo kana u ekhu nama nga ndingezdo dza u pakwira, o lengisaho kana o zwi thivhelaho, Maandalanga, a tshi itela ndivhisi yo thitshtavha, a tea u anadza datumu ine ṭhanziela yo khwinišwaho yo thoma a phin muhona nga datumu ye nga fusha ino khethekanyo kana u ekhu nama nga ndingezdo dza u pakwira, o lengisaho kana o zwi thivhelaho, Maandalanga, a tshi itela ndivhisi yo thitshtavha, a tea u anadza datumu ine ṭhanziela yo khwinišwaho yo thoma a phin muhona nga datumu ye nga fusha ino khethekanyo

U dzhululwa kana u ñhela ha ṭhanziela ya Tshikwama i Sumbedzaho u Thembea

52. (1) Maandalanga one aqe o tou zwi thoma kana a tshi khou tevhela ndaela yo ṭetsedzwha nga khothe ya mulayo kana mухаtuli sa zwo bulwaho kha khethekanyo ya 30, Maandalanga a nga dzhululwa ṭhanziela ya Tshikwama i Sumbedzaho u Thembea ye ya ṭetsedzwa—

(a) muthu muine na muine, ŋhama kana thirasiti o vhidzwaho u yanga nhjila yo randelwaho uri a ḩivhonadze phandja ha Maandalanga arali uyo muthu kana thirasiti hu si na tshiifhangi uri pfalaho a kendelwa u anana na liŋwalo ja u vhidzwaho nhone phandja ha datumu ya u ḩivhonadza zwo bulwaho kha samanisi uri a hongo vha na pfarel o tou ñwalwaho nga Maandalanga, kha uho u ḩivhonadza;

(b) khamphani kana koporasi ṭhukhu, arali—

(i) ṭhanziela ya Tshikwama i Sumbedzaho u Thembea ya mulangi wa khamphani kana muraqo muine na muine wa koporasi yo fhirelwa u ya nga khethekanyo ṭhukhu ya (5); kana
(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 muiwe na muiwe wa iyo khamphani, kana muraedo muiwe na muiwe, o bulwaho kha pharagirafu ya (a) ya thalutshedzo ya ipfi ‘‘mushumi wa zwa ndaka’’ kha khethekanyo ya I, ya iyo koporasi, yo fhirelwa u ya nga khethekanyo thukhu ya (5), kana thirasiti muiwe na muiwe kana muthu a re na vhudiinhudulile ha thirasiti, a vha ane a tea u sa tsha fusha thoqea 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 thoqea dzo bulwaho kha khethekanyo ya 50(b)(ii), (iii) kana khethekanyo ya 50(c).

(2) Muthu a re na, kana ane a langle lhanziela ya Tshikwama i Sumbedzaho u Thembea ine iyo lhanziela yo dzhuluulwa hu tshi khou tevhedzwa khethekanyo thukhu ya (1) u tea u litsha u shumisa kana u tana iyo lhanziela.

(3) Khothe, musi zwo tea nahone hu na khumbelo yo itwaho nga Maandalanga kana muiwe muthu, khothe i nga dzhuluulula lhanziela ya Tshikwama i Sumbedzaho u Thembea ye ya getschedzwa muthu muiwe na muiwe, nahone ya ita na ndela ya u laela uri muthu o bulwaho kha khethekanyo thukhu ya (2) kana muthu muiwe na muiwe uri a litshe a shumisa na u tana iyo lhanziela.

(4) Lhanziela ya Tshikwama i Sumbedzaho u Thembea i mbo di vha i sa tsha shuma nga u tavhanyara arali muthu we a i getschedzwa—

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

(b) kha nyimele ya musi hu khamphani kana koporasi thukhu, nahone khamphani kana koporasi thukhu ya wa, lwa tshifhinga nyana kana nga inwe njilja, kana ya vha i sa tsha vha yo iwalisaho, u ya nga henehfo hune nyimele ya vha;

(c) kha nyimele ya musi hu tshumisano, nahone muthihi wa thama a wa nahone a tea u rengiselo ndaka uri hu lifhiwe zwikolodo zwawe; kana

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

(5) Muthu a re na kana ane a vha kha ndango ya lhanziela ya Tshikwama i Sumbedzaho u Thembea ine iyo lhanziela yo dzhuluulwa kana a i tsha shuma nga u tavhanyya uyo muthu u tea u himisela lhanziela kha Maanjalanga, kana arali iyo lhanziela i sa nga si himiswe, uyo muthu u tea u isa khwaisedzo yo itwaho nga fhasi ha muano ya u bula mbuno ona nyimele dizhi thivelahalo uyo mushumi wa zwa ndaka a tshi humisa lhanziela.

(6) Muthu ane lhanziela yaye ya Tshikwama i Sumbedzaho u Thembea yo dzhuluulwa u ya nga khethekanyo thukhu ya (1) kana lhanziela yaye a i tsha shuma u ya nga khethekanyo thukhu ya (4), nga njilja yo livhaho na njilja i songo livhaho uyo muthu a nga si dzenenele kha nduela ya bindu li shumaho zwa mushumi wa zwa ndaka kana a nga si imele ilo bindu sa mushumi wa zwa ndaka kana u dzenenelela kha u shuma zwa ilo bindu, kana u tholwa, zwo livha kana u sa livha, kha u imela ilo bindu, nga nnqha ha musi hu na thendelo yo tou iwalisaho nga Maanjalanga nahone a tevhedzwa milayo yo tiwaho nga one Maanjalanga.

(7) Mushumi wa zwa ndaka nga njilja yo livhaho kana i songo livhaho a nga si thole muthu o bulwaho kha khethekanyo thukhu ya (6), kana ino tenda uyo muthu nga njilja yo livhaho kana i songo livhaho nga tshi dzenenelela kha nduela ya kana u shuma kha bindu jawe a tshi khou dzenenelela sa mushumi wa zwa ndaka, nga nnqha ha musi hu na thendelo yo tou iwalisaho yo itwaho nga Maanjalanga, nahone uyo muthu a tshi tea u tevhedzwa zwo ambiwaho nga Maanjalanga.

(8) Maanjalanga ha na vhudiinhudulile malugana na u dzhuluulwa kana u sa tsha shuma ha lhanziela ya Tshikwama i Sumbedzaho u Thembea, nga nnqha ha musi u dzhuluulula lhanziela zwo itiswa nga u sa londa ha Maanjalanga.

(9) Muthu, vhutama kha zwa bindu kana thirasiti ane lhanziela yaye ya Tshikwama i Sumbedzaho u Thembea yo dzhuluulwa kana i sa tsha shuma u ya nga ino khethekanyo, muthu a nga ita khumbo hafhu ya lhanziela musi a tshi vho dovha hafhu u fusha thoqea dza u wana iyo lhanziela.

(10) Muthu ane a shumisa kana u tana lhanziela ya Tshikwama i Sumbedzaho u Thembea yo bulwaho kha khethekanyo thukhu 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 ṭana ṭhanziela ya Tshikwama i Sumbedzaho u Thembea zwine zwa tou kombetshedza

53. (1) Muqe wa ṭhanziela ya Tshikwama i Sumbedzaho u Thembea u tea u—
   (a) ṭana ṭhanziela yawe ya Tshikwama i Sumbedzaho u Thembea hun ēwe na
   hun ēwe afho bindumi ēwe hune ēne a shumela ēone kana hune bindu ēwe ēna
   vha ēone, u itela uri vharengi vhе kone u tshi vhona;
   (b) vhона uri mitaladzi yo randelwaho malugana na u vha muqe wa ṭhanziela ya
   Tshikwama i Sumbedzaho u Thembea i a bveledzululwa zwavhudi nga
   majedere khe mahammbiri a bindu kana matheriaja a u vhambadza malugana
   na mushumi wa zwa ndaka;
   (c) uri kha thendelano ēwe na ēwe malugana na ṭhirantsekisheni dzine dzа itwa
   nga ene, nga khamphani yawe, koporasi ṭhukhu, vhutəma khe zwa bindu,
   thirasiti kana tshi ēwe tshimiswa tshо tendelwaho u itа vhubindudzi ha u vha
   mushumi wa zwa ndaka, hu tshi katelwa khethekanyo yo randelwaho ine ya
   vhona uri ene uyo muqe wa ṭhanziela a vhе uri ṭhanziela ndi yavhukuma.

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

Akhaunthu ya thirasiti

54. (1) Mushumi muwi ne na muwi ne wa zwa ndaka—
   (a) u vula na u ṭhогомела akhaunthu nthihi ya thirasiti kana akhaunthu nnzhi dza
   tshirasiti, dzine dzа bula ino khethekanyo, ngei kha bannga yo ṭnwaliswaho u
   ya nga Mulayo wa Banks Act, 1990, (Act No. 94 of 1990);
   (b) nga u tavlаnyha musi a tshi tou vula akhaunthu ya thirasiti yo bulwaho khe
   phara ya (a) u tea u thola muṭoli sa zwo randelwaho;
   (c) nga u tavlаnyha nga murahu ha u vula akhaunthu ya thirasiti sa zwo bulwaho
   kha pharagirаfu ya (a) na u thola muṭoli sa zwo bulwaho kha pharagirаfu ya
   (b), sa zwo bulwaho, u tea u hа Maanđalanga ndiḥvisoris malugana na iyo
   akhaunthu kana izdo dziakhaunthu na uyo muṭoli; na
   (d) kana, mushumi wawе a re na vhudiḥfinduleli kana mushumi o nangwaho, u ya
   nga hune zwa vha, nga u tavlаnyha u tea u diphosisiha tshelede yo farwaho kana
   u ṭanganedzwа nga kana ho imelwa uyo mushumi wa zwa ndaka kha
   akhaunthu ya thirasiti yo teaho.

(2) Naho hu na khethekanyo ṭhukhu ya (1), mushumi muwi ne na muwi ne wa zwa
ndaka a nga bindudza tshelede kha akhaunthu ya thungo kana ēwe akhaunthu i re na
nzwalelo dzа khwiŋeṣa ine iyo akhaunthu ndi ene o i vulаho kana yo vulаho nga
khamphani ngei kha banngа. Iyo tshelede ndi yo diphosisiwaho kha akhaunthu ya
thirasiti nahone iyo tshelede a i ṭоđi sa shumiswa nga u tavlаnyha, teda—
   (a) akhaunthu ya u vhulunga masheleli kana akhaunthu i re na nzwalelo ya tea u
   vha na riṃertsi ya ino khethekanyo ṭhukhu; nahone
   (b) mushumi wa zwa ndaka sa zwo randelwaho u tea u hа Maanđalanga ndiḥvisoris
   yoṭhe nga ha iyo akhaunthu.

(3) Mushumi wa zwa ndaka u tea u fара tshelede yoṭhe ya thirasiti yo diphosisiwaho
u ya nga khethekanyo ṭhukhu ya (1) kana yo bindudzwaho u ya nga khethekanyo ṭhukhu
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 ēnwala uri mbadelo i itwe khe uyo muthu.

(4) Bannga iṅwe na ēwe iя la nga akhaunthu dzа thirasiti i tshi itela ndiḥvisoris dzа
uno Mulayo, misi yoṭhe iyo banngа sa zwo randelwaho i tea u isа ṭhanziela kha
Maanđalanga u itela u kwaθhisedza nyinguapfuma dzа iyo akhaunthu.

(5) Mushumi muwi ne na muwi ne wa zwa ndaka u tea u—
   (a) vhulunga rekho dzо dzе tshelede yoṭhe ye a diphosisiha na tshelede yoṭhe ye a
   bindudzwa ngae kha akhaunthu dzа u vhulunga tshelede kana dzіŋwe
   akhaunthu dzа u bindudza tshelede sa zwo bulwaho kha khethekanyo ṭhukhu
   ya (2);
   (b) dzudzanyа dzіbugu на dzіrekhodo malugana na akhaunthu yo bulwaho kha
   pharagirаfu ya (a) nga zwifhinga zwine zwa vha на tshikhala vhukati tshi sa
   fhiри nwedzi, на akhaunthu dzаwe dzа bindu kana akhaunthu iṅwe na
   iṅwe ine tshelede ya diphosisiha malugana на ṭhirantsekisheni ya ndаka iṅwe
   na iṅwe ine ya khου ṭоlwа nga muṭoli onoyo muthihi o bulwaho kha
   khethekanyo ṭhukhu ya (1/b), hu saathu a fhеla miЁwedzi ya rathy nga
   murahu ha datumu u ya fhedza ya ṭnwаha wa muvhalelano 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.
laula akhaunthu dzo bulwaho kha khethekanyo ṭhukhu dza (1) na (2) nga ndjila yo randelwaho.

(6) Mushumi wa zwa ndaka nga u ṭavhanya nga murahu ha u ṭanganedza muvhigo wa ṭholo wo bulwaho kha khethekanyo ṭhukhu ya (5)(b), u tea u isa muvhigo kha Maandałanga, h edxhi mushumi wa zwa ndaka ane a isa muvhigo wa ṭholo o lenga, u d̄o ri zwenezwo o badela ndat̄iso yo randelwaho a konaha u isa muvhigo uyo wo lenga.

(7) Naho hu na khethekanyo ya (5), Maandałanga musi hu na mbunu ine ya pfal̄a nga tshi̅hinga tshi̅rwe na tshi̅rwe a nga laela mushumi wa zwa ndaka nga nd̄ivhado yo tou ṭlwaho uri a ṭise muvhigo wo ṭlwaho kha Maandałanga hu saathu ṭhela tsho bulwaho kha nd̄ivhado, h edxhi hu saathu ṭhela ma downgrade a 30, une uyo muvhigo wo dzudzanywa nga mut̄oli nahone u vhea khagala ma̅fhungo a kwamaholo zwo bulwaho kha khethekanyo ṭhukhu ya (5)(b).

(8) Musi ho itwa khumbelo nga Maandałanga kana mu̅iwe muthu ane a kona, khot̄e musi hu na mbunu i pfalaho, i nga iledza mushumi wa zwa ndaka kha u shumisa akhaunthu yawe ya thirasiti, ya u vhulunga masheleli kana i̅we akhau̅nthu ine ya vha na nzwalelo sa zwo bulwaho kha khethekanyo ṭhukhu ya (2) nahone i nga thola mu̅thogomeli uri a londale na u laula iyo akhau̅nthu a thirasiti, u vhulunga masheleli kana i̅we akhau̅nthu ine ya vha na nzwalelo, ane uyo mu̅thogomeli u u pﬂanelo, mishumo na maandał a ne khot̄e ya vhona o tea.

(9) Arali—

(a) Maandałanga o ṭisendeka nga mbetshelo dza uno Mulayo a hana u enticate ṭhanziela ya Tsikwama i Sumbedzaho u Thembea kha mushumi wa zwa ndaka we a ita khumbelo ya iyo ṭhanziela;

(b) ṭhanziela ya Tsikwama i Sumbedzaho u Thembea ya enticatezwada mushumi wa zwa ndaka mu̅iwe na mu̅iwe ya vha ya vho dʒiulu̅ulwa kana i sa tsha shuma nahone i songo tsha vusuluzwa;

(c) mushumi wa zwa ndaka a ima u shuma sa mushumi wa zwa ndaka;

(d) mushumi wa zwa ndaka a mbo vha ane ha tsha fusha ṭho̅lea sa zwo bulwaho kha khethekanyo ya 50, mushumi wa zwa ndaka a kwameaho nga u ṭavhanya u tea u namba a Ẏhelia akhaunthu dzawe dza thirasiti, dza u vhulunga masheleli kana dza u bindudza dzine dza vha na nyingu̅pifu̅ngu nga nd̄ila yo randelwaho nahone a badele tshelede kha avho vhane vha tea u i wana nga nd̄ila yo randelwaho.

(10) Mushumi wa zwa ndaka mu̅iwe na mu̅iwe ane a Ẏhelia akhaunthu yo bulwaho kha khethekanyo ṭhukhu ya (10) ine ya vha i na tshelede ine a hongo itwa mbilo yaȳo kana ine a hu dįvi̅he mu̅e̅ wayo, kana ane o fara tshelede kha akhau̅nthu ya thirasiti ine mu̅e̅ wayo kana mu̅wanamubelo ho ṭhela mi̅rwaha miraru a sa dįvi̅he, i tea u badelewa kha Tsikwama tshi̅ne tsha farwa nga thirasiti, h edxhi arali hu na khumbelo yo itwa̅ho nga nd̄ila yo randelwaho nga mu̅e̅ wayo kana nga mu̅wanamubelo wa iȳo tshelede nahone hu na vhunazi vh u fusha̅ho, iȳo tshelede i nga badelewa kha uyo mu̅e wayo kana mu̅wanamubelo.

(11) Tshelede i̅we na i̅we i badelewa kha Tsikwama u ya nga khethekanyo ya (11) ya sa vi̅lwhe nga muthu ane a tea u i wana lwa tshi̅fihinga tshi̅ne tsha nga swika mi̅rwaha ya 30 u tou bva kha datumu ye uyo muthu tshelede iyo ya tea u vha yawe u r̄i a ite mbilo, i f̄hedza i tshi̅ vha tshelede ya Tshikwama.

(12) Naho hu na ni̅we mu̅iwe mulayo ufhio na ufhio, tshelede yo dzulaho kha akhau̅nthu ya thirasiti, ya u vhulunga kana kha akhau̅nthu ya u dʒwalisa nyingu̅pifu̅ngu sa zwo bulwaho kha khethekanyo dza (1) na (2) ya mushumi wa zwa ndaka, a hu na na nyimele na nthi̅i̅ ine ya ita uri iyo tshelede hu f̄i ndi tshi̅pida tsha thunhu ya uyo mushumi wa zwa ndaka kana arali o vha e muthu wa mvlo nahone o lovhe kana kundelwa u badele zwikolodo, iȳo tshelede a i vhi tshi̅pida tsha ndaka ya mu̅fu kana ndaka ya muthu o fhelelwaho nga tshelede.

(13) Naho hu na ni̅we mu̅iwe mulayo ufhio na ufhio, a hu na tshelede ya thirasiti ine ya nga vha yo badelewa kha akhau̅nthu i̅we na i̅we nga nd̄a ha akhau̅nthu yo bulwaho kha khethekanyo ṭhukhu dza (1) kana (2), hu nga vha zwo itea nga u khakha kana hu si u khakha, a hu na nyimele ine ya ita uri iyo tshelede i vhe tshi̅pida tsha iȳo akhau̅nthu nahone iyo tshelede a i xelelwi nga vhuvha hayo kana zwitululu zwayo zwo vhvanghingu nga u badelewa kha iȳo akhau̅nthu.

(14) Mushumi wa zwa ndaka nga n̄awahga nga n̄awah u tea u khaṭhisedza kana u khwi̅nisa zwidodombedzwa zwa mut̄oli wawe sa zwo randelwaho.
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 mushumi wa zwa ndaka wa u vhulunga dzirekhodo dza akhaunthingi na māiwe māiwalwa

55. (1) Naho hu na muṅwe mulayo ufhiuo na ufhiuo, mushumi wa zwa ndaka lwa miiwahana mijana malugana na—
(a) māiwalwa oṱhe a gekanwa ho na Manandelanga; 5
(b) arali zwo tea, vhudavhizani na mutholi wawe kana franthaisha; 10
(c) thendelano iṅwe na iṅwe yo iṅswah o nga uho u shuma bindu li kwamaho u vha mushumi wa zwa ndaka;
(d) thendelano iṅwe na iṅwe, mushumi, fomo ya u bvukulula hune ha tou kombetsshedza kana Ĭiṅwe Ĭiṅwalwa li re na vhushaka ho zwa masheleli, 15
        thengiso, u rengana kana u renta ndaka;
(e) u kungedzela kana u vhambadza matheria manipulated a kwamaho mushumi wawe zwa zwa bindu ja mushumi wa zwa ndaka; na
(f) Ĭiṅwalo Ĭiṅwe na Ĭiṅwe li ṭrowzelwa nga Minista, 20
        tou bva kha datumu ya Ĭiṅwalo kana datumu ine zwa konadzea Ĭiṅwalwa a tshi vha naļo nahone u tea uri musi jo humbelwa nga u tou ṭhavhanyo a li fhe Manandelanga kathiti ni khophi ya ṭlo Ĭiṅwalwa yo khwaqhisedzwah o nga tshigandwo.
(2) Māiwalwa o bulwaho kha khethekanyo Ĭhukhu ya (1) a nga vhulungwa nga ndiila ya ijeķiķhiironiki arali u pfalo zwi tshi fusha Ĭhọdza dza Mulayo wa Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002). 25
(3) Mushumi wa zwa ndaka ane a pfuka khethekanyo Ĭhukhu ya (1) u na mulandu wa u itu vhutshinyi. 30
(4) Nga ndha ha mishumo yo bulwaho kha khethekanyo ya 54, mushumi wa zwa ndaka zwi tshi kwama mishumo yawe kana mishumo ya khamphani u tea u—
(a) kha Ĭhiresi i re kha Riphabuluki kha vhulunge rekhodo dza zwa akhaunthingi dzine dza Ĭhọdza kha u sumbedza nyimele ya mafhungo—
        (i) a tshelelo yoṱhe yo ũanganedzwah o kana yo shumiswah o kana nga khamphani, hu tshi katelela tshelele yo diphosithiwo ha kha akhaunthingu ya thirasiti yo bulwaho kha khethekanyo ya 54(1) kana yo bindudzwah o kha akhaunthingu ya u vhulunga masheleli kana iṅwe akhaunthingu ine ya vha na nyingapfuma sa zwo bulwaho kha khethekanyo ya 54(2); 35
        (ii) oṱhe a khamphani kana awe a thundu na zwikolodo ; na (iii) oṱhe a khamphani kana awe a kwamaho ṭhirantsekisheni dza masheleli na tshimo tsha masheleli tshawe kana khampani kha zwi kwamaho bindu; na
(b) a u itu uri rekhodo dza akhaunthingi dzo bulwaho kha pharagirafu ya (a) ḏzi ṭolvwe nga mutolo hu saathu fhele miṕhedi ya rathy nga murahu ha ḏuvha ja u ṭhedza ja Ĭwahwa wa muvhalelana wa mushumi wa zwa ndaka, ine iyo datumu ya u ṭhedzisela a i nga shandukiswi ngae, kana nga khamphani hu songo ranga ha tou Ĭnalwalo thendelo nga Manandelanga. 40

Mushumi wa zwa ndaka ha tei u wana muhoho kha nyimele dzenedzozho dzo teaho u sa wana

56. (1) A hu na iṅwe nyimele ine ya ita uri mushumi wa zwa ndaka a wane muhoho kana iṅwe mbelelo malugana na kana i bavho kha u shuma mushumo wo bulwaho kha pharagirafu Ĭhukhu ya (i), (ii), (iii) kana (iv) ya pharagirafu ya (a) ya ṭhalutsixedza ya ipfi “mushumi wa zwa ndaka” kha khethekanyo ya 1, nga ndha ha musi kha itshe tshifhinga tsha u shuma uyo mushumo—
(a) mushumi wa zwa ndaka; nahone 45
(b) arali mushumi wa zwa ndaka hu khamphani, mulanguli muṅwe na muṅwe o bulwaho kha pharagirafu ya (b) ya ṭhalutsixedza ya ipfi “mushumi wa zwa ndaka” kha khethekanyo ya 1, ya iyo koporasi, a vha a na ũhanziela ya Tshikwama i Sumbedzaho u Thembea. 50
(2) Muthu o bulwaho kha pharagirafu ya (f) ya ṭhalutsixedza ya ipfi “mushumi wa zwa ndaka” kha khethekanyo ya 1, nahone mushumi wa zwa ndaka a tholaho uyo muthu, a vha a sa tei u wana muhoho kana iṅwe mbelelo malugana na kana i bavho kha mushumo nga uyo muthu kha tshinwe na tshinwe tshe a ita sa zwo bulwaho kha pharagirafu, nga ndha ha musi nga tshifhinga tsha u shuma uyo mushumo uyo muthu o vha a na ũhanziela ya u ṭnalisa.
(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 munũwe ane a shuma mishumo miũwe na miũwe kana u shumisa maɑndå maũwe na maũwe a shumiswa nga mushumi wa zwa ndaka, ane a ṭanganedza mumhelo kana mbadelo ifhiio na ifhiio sa zwo bulwaho kha khethekanyo ſhukhu dza (1) na (2) nga ſaMVhany u tea u badela iyo tshelede ngei kha Tšikwama, nthone nurengisi, nurengi, nurentisi kana murenti a kwanemwo dži ſoďeelho, nthone Tšikwama tshi nga badela iyo tshelede kana tshiçiçi nga ſhukhu ha uyo ane a khu ita mbilo ine iyo tshelede i lingana na nyimele.

(4) Tshelede iũwe na iũwe yo badelwaho kha Tšikwama yo bulwaho kha khethekanyo ſhukhu ya (3) ine a yongo vihila kha miiwaha miraru i nbo vha tshelede ya Tšikwama.

(5) Murathisi wa ndaka a nga si badele mumhelo kana dziiwe tshelede kha mushumi wa zwa ndaka nga nndɛha ha musi mushumi wa zwa ndaka o fha murathisi wa ndaka khophi yo kwaŋhisedzwa ha yawe ya ſhanziela ya Tšikwama i ſumbedzaho u Thembeka tsine a thso nga thirelwa nga itsho tshiﬁinga kana kha datumu ya ſhiraantskesheni ine iyo mbadele ya vha na hvushaka nayuno, na nga datumu ya iyo mbadele: Musi zwe zwa twa u tevhedzwæ zwoqhe zwo tevhedzwæ, murathisi wa ndaka u tea u badele mumhelo na dziiwe tshelede.

(6) Kha ino khethekanyo a hu na thine tshe thivhela tshiimiiswa kha u ita na a kunyeledzâ tsengi a kwamavho vhughamaha kana dziiwe tsengo malugana na nyîto ifhiio na ifhiio yo bulwaho kha ino khethekanyo kana kha khethekanyo dza 36, 44 kana 45.

Ndindakhombo ya tsireledzo ine ya tou kombetshedza

57. (1) Minisťa a tshi itela nďive dzo thandululo malugana na u sa tevhedzu mulayo wa vhudiﬁari sa zwo bulwaho kha khethekanyo ya 61 kana vhudiﬁari vu ῥanganezwa ho bulwaho kha khethekanyo ya 62, ene Minista a nga randela tsireledzo ya ndindakhombo ine mushumi wa zwa ndaka a tea u i dzhiha nthone a tea u i ſoγomele. (2) Minisťa musi a tshi khoa zwi ita nga fhasi ha khethekanyo ſhukhu ya (1), nthone hu na nbuno dzine dza pfadza a nga fhambanyisa vhukati ha—

(a) khethekanyo dzo vhusha ha zwa ndaka vhæne vhæ kwãmïwa nga ndaŋulo;
(b) masheneli a ndindakhombo a fhasisa malugana na ndindakhombo ine ya tea u dzhiha nthone ya ſoγomelewa;
(c) vhuhulu vhune vhudiﬁari vu kwameaho kha u pfuka mulayo wa vhudiﬁari na vhudiﬁari vu ῥanganezwa ha fusha ſoγœa dzo thandululo nga fhasi ha iyo ndindakhombo; na
(d) masheleni a nhœsa ane a badelewa u ya nga iyí ndindakhombo.

Phungudzelo ya hvushaka na vhaũwe vhaqetszedzatshumelo dza maraga ya ndaka

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

(a) shumisane na muthu ane a iledzwa nga mulayo, nga mulayo wa vhudiﬁari wa phroofeshina, mulayo wa vhudiﬁari kana wa maitele a zwithu, u vhiga kana u tshata ya zwa vhuhusa ha koporasi, kha u ita zwenezwo; kana
(b) ite nzudzanyo, nga ndila ya foma la kana i si ya foma la, hune nurengi a kombetshedze kana u tʃuʃwezdwa u shumisa mpetşzedzi a tshumelo onoyo ku tshi kalela azennde kha u qetszedz a tshumel o kana tshumelo ya u thusu malugana na ſhiraantskesheni ine uyo mushumi u zwa ndaka ha hva ene o zwi shumaho.

(2) Nga ndαngulo, Minisťa a nga iledza hvushaka vhune ha nga vhaisa madzangalelo a vharengi.

(3) Muthu muũwe na muũwe ane a qetszedz a tshumel o a tshi khoa pfuka ino khethekanyo ha ngo tea u wana muholo, mbadelo kana ha tei a wana malamba malugana na idzo tshumel o qetszedzwaho, nthone arali murengi a badele mumhelo, mbadelo kana malamba, mpetşzedzatshumel o o teaho nga u tou ſaMVhany u musi hu na khumbelo yo tou ſaMVwaho nga ane a kwamea u tea u humisa uyo muholo, mbadelo, kathhihi na nzwalele dza hone.
(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 ſwedzi muthihi musi khumbelo yo itwa uri a humise zw 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 vheva fhasi ha u dzhielwa zwine a vha nazwo nga vhanga ja u kundelwa u badela zwikolodo, hu nga vha lwa tshifthinganyana kana lwa tshoqhe, nga u tʃavhany a u mbo thi bviswa ngauri ha tsha fusha tʃoqeqe dza u vha muqe wa tʃanziela ya Tshikwama i Sumbedzaho u Thembea nahone hu saathu fhela tshifthinga tsha maq prvha a 30 u tea u—

(i) diʃhisa Maanjalanga nga u tou ʃwala tʃiʃiw e na tʃiʃiw e tʃho buwe waho kha pharagirafu dz a (a), (b) kana (c);

(ii) liʃhisa u shumisa na u ʃana tʃanziela ya Tshikwama i Sumbedzaho u Thembea;

(iii) diʃhisa mʃutoli wav e na bango ine ya vha na dzikaʃhantu dz a tʰirasi ʃ nga u tou ʃwala nga uho u sa tsha fusha tʃoqeqe;

(iv) liʃhisa u shume mʃhumo ya mushumi wa zwa ndaka;

(v) diʃhisa khasi tama dz a, vhashumi vhawe na vhaʃhologi vhaʃe kana muʃw e a monoʃe e a kwaʃe na a ʒi mega na a ʒi mega a tou ʃwala a tʃalutschde ʒu ho u sa tsha fusha tʃoqeqe;

(vi) u ʃetʃhedza ndaʃo yav e ya akhaʃantu ya tʰirasi, khaʃhihi na diʃhiviso y ʃe ʒe na niʃreʃho, ngei kha Maanjalanga; na

(vii) ita uri mafungo maʃwe na maʃwe o salelaʃo a shunwe nga muʃwe mushumi wa zwa ndaka nahone maʃugana na izwi muthu a kwameho na tʃa vha v multiplic dza u vhuʃeʃwa.

(2) Muthu muʃw e na muʃw e ane a kundelwa u tevkedza khetkeʃanyo tʃukhu ya (1) u khou ita vhuʃtʃhinyi.

(3) Maanjalanga a tea u fhelisa akhaʃantu ya tʰirasi ya mushumi wa zwa ndaka o buwe waho kha khetkeʃanyo tʃukhu ya (1) nahone mbaʃe ʃela ya tshelede ya tʰirasi ʃi itwe u ya nga pʃanelo dz a khasiʃama dz i kwameho na vhaʃne vhaʃte vha kwameho.

(4) Arali nyimele ya u sa tsha kona u badela zwikolodo yo swikisa kha uri hu rengiswa ndaka ya mushumi wa zwa ndaka, tshelede dz i re kha akhaʃantu ya tʰirasi ya uy o mushumi wa zwa ndaka a dz i vhumbi tʃipiʃa tsha ndaʃa iyo ine ya khou teu u rengiswa ya mushumi wa zwa ndaka.

NDIMA YA 9

VHUQIFARI HA MUSHUMI WA ZWA NDAKA

U shumiswa ha Ndima ya 9 na Ndima ya 10

60. Mbetshe lo dza Ndima ya 10 dz i shumiswa dz i na tʃanduko dz o te ʃa kha muthu muʃw e na muʃw e ane a shuma mushumo kana u ʃetʃhedza tʃhuʃelo yo buwe waho kha tʃalutschde zo ipi “mushumi wa zwa ndaka” kha khetkeʃanyo ya (1), hu songo seʃzw a ur i uy o muthu o ʃwalisa kana ha ngo ʃwalisa kana u fiwa jaisʃe ntse kana ha ngo fiwa nga Maanjalanga, nahone kha ino Ndima na kha Ndima ya 10, hune bu buwe “mushumi wa zwa ndaka” hu kateʃwa uy o muthu muʃw e na muʃw e.

Mulayo wa vhuqifari ha vhashumi vha zwa ndaka

61. (1) Minisʃa nga murahu ha u kwamana na Maanjalanga, a nga randa ʃela mulayo wa vhuqifari une wa tea u tevkedza nga mushumi wa zwa ndaka muʃw e na muʃw e une wa vha ʃone nga tʃenetaʃho tʃhuʃhinga.

(2) Vhaʃoʃiri vha zwa ʃd iʃhiviso vhuhalwane vha Maanjalanga na vha Muaʃh a, zwi tʃi ya nga hune zwithu zwa vha, vha tea u anʃadza mulayo wa vhuqifari kha webusaiʃthi dzavho.

(3) Mushumi wa zwa ndaka musi hu na khumbe l e buv hoko kha mu rengi u tea u mu fha khoʃi 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 eletsshedza Minisṭa nga ha kushumele kwa mulayo wa vhudifari une wa vha hone nga shenɛtsho tshifhinga.
(5) Minisṭa nga murahu ha u kwamana na Maanjalanga, a nga randela ndayo na zwiṭandandi malugana na u kungedzela na u vhambadza zwi ñwaho nga vhashumi vha zwa ndaka.

Vhudifari vhune ha ita uri hu itwe ndaṭiso

62. (1) Mushumi wa zwa ndaka u na mulandu wa vhudifari vhune ha ita uri fhiwe ndaṭiso arali a kana a khamphani ya—
   (a) nga ṭhirantsekisheni nthihi a shuma sa mushumi wa zwa ndaka vhuimoni ha vhathu havhili kana vhanzhi vhane madzangalelo a sa fane malugana na LOYEE ṭhirantsekisheni, nahone a ṭanganedza na mukuholo u bva kha avho vhane vha kwamea kha LOYEE ṭhirantsekisheni, nga nnđa ha musi vhathu vhọqhe vhane vha kwamea nga ṭhirantsekisheni vha tendelana nahone zwo tou ñwalwa;
   (b) kundelwa malugana na mushumo u shunwaho ngae kana ngayo sa mushumi wa zwa ndaka malugana na u fha ṭhalutshedzo yo ɗalaho nga u tou ñwala, hu saathu u fmela maqувha a 30 o/yi vhizwza nga Maanjalanga uri a/i ri pfalo, kha muthu ufhira na ufuhi a re na dzangalelo Ja u ita zwenezwo;
   (c) kundelwa u badela tshelede ine ya tea u badelwa kha Maanjalanga kana kha Tshikwama hu saathu fhela ñwedzi nuthihi nga murahu ha musi tshelede i tshi tea u badelwa;
   (d) kundelwa a/ya kundelwa u ODULE ngiṉvisho Maanjalanga hu saathu fhela tshifhinga tsho tiwaho nga one Maanjalanga saizwi Maanjalanga o hembela LOYEE ngiṉvisho nga u tou ñwala nahone i tshi khou ñdzelwa u Maanjalanga a kone u shumisa maandja nga fhisi ha uno Mulayo;
   (e) kundelwa u anana na kana u pfukekanyi mbetshele iñwe na iñwe ya mulayo wa vhudifari;
   (f) saizwi nga vhumo/ṭhulufhenduleli sa mulanguli wa khamphani, kana muraḍo o bulwaho kha pharagirafu ya (b) ya ṭhalutshedzo ya ipifi “mushumi wa zwa ndaka” kha khethekanyo ya (1), ya koporasi ṭhukhu, kana thirasiti ii kha khethekanyo ya 50 kana 51, a songo tehlela u fhela ndaṭiso ka tshi itelwa.
   (g) kundelwa u tevhedza o ita uri u ulaire nga fheli u khethekanyo ka 63;
   (h) ita vhutshinyi vhulwaho nga u sa fhulufhedzaa;
   (i) kundelwa u vhuda Maanjalanga hu saathu u fmela maqувha a 14 uri zwidodomboedza zwa vhukwamani zwo shundukiwisa;
   (j) fhambanyisa kana u khethulula khasiqama nga ngiḷa yo livhaho kana i songo livhaho zwo sendeka kha murapho, mbeu, vhuimana, tshiimo tsha mbingango, vhulvo ha murapho, mvuhalo, kuitèle kwa vhudezekani, vhukale, vhulelele, vhulereti, lvulavo, lutendo, lvumelo na mbebo kana u ifa vhutshinyi ya vhulelelvu nhukweswo mugumusho u khethekanyo ya mulayo wa zwa ndaka u si nhukwena i vtshedzwa a sa khethekanyo ya 63;
   (k) kundelwa u tevhedza kana u pfukekanyi mbetshele iñwe na iñwe ya uno Mulayo.

(2) U khakhulula kana ndulamiso i tevhelaho ya vhudifari vhunwe na vhunwe ho bulwaho kha khethekanyo ṭhukhu ya (1) a i sumbedzi u diimelela.
(3) Arali mushumi wa zwa ndaka o wanwa mulandu wa vhudifari vhune ha ita uri a latişwe, Maanjalanga nga murahu ha u shumisa khethekanyo dza 3 na 5 dza Mulayo wa Promotion of Administration Justice Act, 2000 (Act No. 3 of 2000), a nga—
   (a) dzhiulula ṭhanziela ya Tshikwama i Sumbedzaho u Thembea ya uyo mushumi wa zwa ndaka;
   (b) hwesa ndaṭiso kha uyo mushumi wa zwa ndaka ine ya sa fhire ndaṭiso ya nthesa yo tiwaho nga Minisṭa wa zwa Vhulamukanyi Tshumelo dza Ndulamiso hu tshi itelwa nMOVED dza khethekanyo ya 29(1)(a) ya Mulayo wa Magistrates’ Courts Act, 1944; kana—
   (c) kaidza uyo mushumi wa zwa ndaka nahone uvho vhukakhaki vhunwedzwe na kha webusaiθh, tenda Maanjalanga a imisa mbadelo ya ndaṭiso kana tshiipa tsha iyo ndaṭiso kana u dzhiululwa ha ṭhanziela ya Tshikwama i Sumbedzaho u Thembea lwa tshifhinga tshi sa paﬁ miṅwaha miraru nahone nga u shumisa milayo ine Maanjalanga one æpe a do tou vhona.
(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 wanwa mulandu ha mushumi wa zwa ndaka nga khothe ya mulayo iñwe na iñwe kha mulandu muñwe na muñwe a si tshihtivheli kha u sengisa mushumi wa zwa ndaka nga fhasi ha uno Mulayo ho sedzwa mulandu wa vhujifari vhune ha ita uri hu vhe na ndatši, naho hu na mbuno dzo vhwahwa kha mulandu u kwamaho vhujifari vhune ha ita uri muthu a nyambudzwene arali zwo kwhañisedzwa kana hu na tumbo ine ya sumbedza uri hu na vhukhakhi sa zwo sumbedzwoha kha mulandu wa vhugevhenga, une o vha a songo wanwa mulandu mutshinyi vhune na vhune vhune khaho a nga vhonwa mulandu ngei tsengoni ya mulandu wa vhugevhenga.

Maitele a sa tôdei

63. (1) Hu tsi khou tevhedzwa khethekanyo ũthukhu ya (2), Minisťa nga murahu ha u kwamana na Bodo, nga kha ndivhadzo kha Gazete, a nga dįvhadza zwidodombedzwa zwa maitele a vhubeṃdudi zha kwa maraga wa ndaka ane maitele ayo ha tôdei nahone o iodzvwo.

(2) Musi hu tsi dźhiwa tsheo malugana na u dįvhadza kana u sa dįvhadza ndįvhadzo yo bulwaho kha khethekanyo ũthukhu ya (1) Minisťa 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 ndįlilä yo livhaho kana i songo livhaho ku nga vha na masiandoitwa kha—
   (i) u huğvaḥda vhushaka vhukatik ha vhahumi vha vha ndaka, kana mushumi wa zwa ndaka onoyo, kha sia ja u thoma, na murengi muñwe na muñwe, khethekanyo ya vharengi kana tshithavha nga u angaredza kha čiňwe sia;
   (ii) nga ndįlilä i sa pfadzi zwa vho vho ita tshįpulula kha murengi muñwe na muñwe kana khethekanyo ya vharengi;
   (iii) u fhura murengi kana khethekanyo ya vharengi; kana
   (iv) nga ndįlilä i sa pfadzi zwa vho vho do kwamo murengi muñwe na muñwe kana khethekanyo ya vharengi; na
(c) uri arali kuitele ku tsi tendelwa u ya phanda, tshipikwa tshithihi tsha kana zwinzhi zwa Mulayo uno sa zwo bulwaho kha khethekanyo ya 2 tshi nga kana zwi nga kwamea lu si lwavhudį.

(3) Maandalanga a nga ntshedza ndįvhadzo ya u tevhedza sa zwo bulwaho kha khethekanyo ya 26 u itela u laela mushumi wa zwa ndaka ane, nga kana nga murahu ha datumu ya u andátjña ndįvhadzo yo bulwaho kha khethekanyo ũthukhu ya (2) ane uyo mushumi wa zwa ndaka u khou tshimbizda bindu li pfukekanyayoh iyo ndįvhadzo, u itela u lulumisa zwine zwa swikisa kha u fusha Maandalanga kha tshinwe na tshinwe tsho itsiwaho nga u tshimbizda bindu ilo li kwameaho, kana nga iñwe ndįlilä ha tou shumaniwa na fhungo sa zwe zwa tendelwa ngo uno Mulayo kana mulayo muñwe na muñwe wo teaho.

U lavhelesa mushumi wa zwa ndaka ane a kha dį tou guda

64. (1) Mushumi wa zwa ndaka ane a kha dį tou guda a nga si vetavete kana u ḣadį jinwawła kana khethekanyo kha jinwawła—
(a) li ifaño mushumho kha mushumi wa zwa ndaka uri a shume mushumho wo bulwaho kha pharagirafu ya (a), (c) kana (d) ya ḣalutshedzo ya ipfi
   “mushumi wa zwa ndaka” kha khethekanyo ya 1; kana
(b) li kwamaho thengiso kana u rennda ndaka.

(2) Muthu ane a pfukekanyayoh kha khethekanyo ũthukhu ya (1) na mushumi wa zwa ndaka ane a tendela kuitele kwo bulwaho kha khethekanyo ũthukhu ya (1), ha ngo fanelwa nga mbadelo, muholo, malamba kana tshinyalelo malugana na kana nga vhanga ja mbuno ya jinwawla jo bulwaho kha khethekanyo ũthukhu iley kana u ita ḣirantsekišeni kana thendelano kha ḣilo jinwawla.

(3) Kha tsengo iñwe na iñwe malugana na vhudįfari vhune ha ita uri hu vhe na ndatši, mushumi wa zwa ndaka a nga si kone u ḣimelela nga mbuno ya uri ene o vha a sa dįvhi nga ha zwi itwaho kana zwi kakhikiwaho nga mushumi wa zwa ndaka ane a kha dį tou guda.

(4) Mushumi wa zwa ndaka muhulwane ane a khou ita bindu kha mabindu kha zwifhagho zwinzhi u tea u lavhelesa na u langa vhahumi vha zwa ndaka na vhahumi vha zwa ndaka vhane vha kha dį tou guda vhe a vha thola, naho avho vhahumi vha zwa ndaka vha tsi khou shuma kha mabindu aye ngei kha matavhi kana kha dzińwe 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 mnda ha musi mushumi wa zwa ndaka ane a khou shuma sa furantshaisi hu ene muwe va fhasi a 6la furantshaisi nga nndalha ha musi mushumi wa zwa ndaka ane a khou shuma sa furantshaisi hu ene munewa va fhasi ha dzina ja vhange va furantshaisi ji bulwe-vho.

(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 iwawaho, kha khungedzelo na matheri a mbambadzo utha u khou furantshaisi u ya nga thendelano, na dzina ja vhange va furantshaisi ji bulwe-vho.

(3) Maanjdalanga a nga dzhuluala fhasi ya Tshikwama i Sumbedzhaho u Thembea ya mushumi wa zwa ndaka ane o tou renga furantshaisi ane uyo mushumi wa zwa ndaka u khou itu vhubindudzi a tshi khou fukekanya khethekanyo thukhu dza (1) kana (2).

Nyiledzo malugana na vhudifari ha u tšutuwedza u qetschedza fhasi dzenedzo

66. (1) Mushumi wa zwa ndaka ha tei u fha kana u tanganedza masheleni kana dziniwe mbadele kha, kana u tšutuwedza, mulhu ane ho humbela murengisi kana murenndisi a qetschedza fhasi ine ya tsho nga mulayo, zwo sendeka kha ndivho yawe, malugana na—

(a) nyimele na u khakhea kha kuwayarelwe kwa muqagani;
(b) u vha hone ha zwikhokhomonono;
(c) u vha hone ha maqi na mibvuqu; kana
(d) tshihere na tshihere tshi teaho kana nyimele ine ya nga vha na mbetshelo kha mulayo munwe na munwe.

(2) Mushumi wa zwa ndaka ane a fukekanya khethekanyo thukhu ya (1) kana muthu ane a tanganedza mbadele ifhio na ifhio u na mulandu wa u ita vhutshinyi.

NDIMA YA 10

TSIRELEDZO YA VHARENGI

Fomo ine ya tou kombetschedza ya u bvukulula

67. (1) Mushumi wa zwa ndaka ane u tea u—

(a) sa tanganedza mushumo nga mnda ha musi murengisi kana murenndisi wa ndaka o mu fha fomo yo teaho yo qadziwaho nahone yo sainiwafo ya u bvukulula ine ya tou vhofo; na
(b) fha khophi yo qadziwaho ya u bvukulula ine ya tou vhofo i tshi fhiwa murengi kana murenndi ane a khou tsha u renga kana u rennda ndaka.

(2) Fomo ya u bvukulula yo qadziwaho ine ya tou kombetschedza yo sainiwafo nga vha kwamahwa vhofo i tea u namibatedzwa kha thendelano ya thengiso kana ya u rennda ndaka, nahone fomo dzin nde kha ifhio thendelano, fhezi arali ifhio fomo ya u bvukulula i songo qadziwa, sainiwa kana u namibatedzwa, thendelano i tea u dzhiwa i tshi khou amba uri a hu na vhutudzetudze na zwo khakheaho kha ndaka.

(3) Mushumi wa zwa ndaka ane a kundelwa u anama na khethekanyo thukhu ya (1) a nga dzhiwa a na vhudifhinduleli malugana na khasiama yo kwamehwa.

(4) Kha ino khethekanyo a hu na tshine tsha thivhela Maanqalanga kha u dzhiha liga kha uyo mushumi wa zwa ndaka kana u tou itu ndatiso yo teaho.

(5) Kha ino khethekanyo a hu na tshine tsha thivhela murengi, a tshi khou shumisa vhudifhinduleli hawe ha u ita uri ndaka i ingamelwe u itela u khwathisedza tshimo tsha ndaka phanda ha musi thirantsekisheni i tshi khunyeledzwa.

Thendelano

68. (1) Thendelano ya u rengisa na u renga kana u renndisa kana u hirisana, kana fomo ya u bvukulula ine ya tou vhofo yo bulwaho kha khethekanyo ya 67, i tea u talatadzwa nga mubveledzisi kana murengisi u ya nga nyimele ya zwithu.

(2) Maanqalanga a tea u anqadza tsumbanqila yo khwinisawo kha webusaithi misi yothe.
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.
Ndìvhisó na pfunzo zwa vharengi

69. (1) Maandâlanga misi yothe a tea u ita mafulo a u funza vhathu na u vhudza tshitshawha nga u angaredza nga ha pfanelo dza tshone tshitshawha malugana na ťhirantsékisheni dza zwa ndaka na nga ha vhashumi vha zwa ndaka ho sedzeswa mishumo ya vhashumi vha zwa ndaka, vhudihihinduleli ha vhashumi vha zwa ndaka na zwi vhofhaho avha vhashumi vha zwa ndaka.

(2) Mushumi wa zwa ndaka u tea u fara murengi na murengisi zwavhuçi.

NDIMA YA 11
NYANGAREDZO

Ndangulo

70. (1) Minisťa a tshi khou tevhedza khethekanyo Ŧhukhu ya (2), a nga ita ndangulo malugana na tshińwe na tshińwe tshine tsha nga, kana tshine tsha tea u randelwa u ya nga uno Mulayo kana tshińwe na tshińwe tsho tea ho sedzwa kuitsene kana ndaolo ine Minisťa a vhona yo tea uri hu vhe na u randela u itela u swikelela zwipikwa zwa uno Mulayo.

(2) Phandá ha musi Minisťa a tshi ita ndangulo u tea u—
(a) kwama Bodo; na
(b) anjadza ndangulo dzo dzinjinywaho u itela uri tshitshawha tshi bve mihumbulo na u fha tshitshawha maťuvha a 30 uri vhathu vha kone u diswa iyo mihumbulo yavho.

Ndatisó

71. Muthu o wanwaho mulandu wa vhutshinyi u ya nga uno Mulayo u tea u fhiwa ndatisó kana a tou ya Ŧirongongoni lwa tshifhinga tshi sa paďi mînwaha ya 10.

Uhwesa maandâ nga Minisťa

72. (1) Minisťa a tshi khou tevhedza khethekanyo Ŧhukhu dza (2) na (3), a nga hwesa maandâ na mushumo wawe a tshi khou tevhedza uno Mulayo, hu sa katelwi maandâ a u ita ndangulo dzo bulwaho kha khethekanyo ya 70, a nga hwesa Mulanguli-Muangaredzi kana muofisiri munwe na munwe muhulwane kha Muhasho.

(2) Zwa vhurumelwâ ya nga khethekanyo ya (1)—
(a) zwi tevhedza phungudzelo, milayo na ndaela dza Minisťa;
(b) zwi itwa nga u tou Ŧwalwa;
(c) zwi nga katela maandâ a uri murumelwâ na ene a rumele muńwe; naĥone
(d) zwi dzhii tshinjinywaho a Minisťa malugana na u shumisa maandâ kana u shuma mushumo wawe ene Minisťa.

(3) Minisťa a nga khwaţihiitedza, shandukisa kana u shandula tsheo yo dzhiwiwaho nga vhurumelwâ kana yo dzhiwiwaho nga o rumelwaho nga murumelwâ u ya nga mbetshelo ya uno Mulayo kana Mulayo wa zwa Mazhendedzi a Ndaka.

(4) Muvhigo wa kotara u tea u iswa kha Minisťa malugana na maandâ kana mushumo wo itwaho nga vhurumelwâ hu tshi khou tevhedzwa khethekanyo Ŧhukhu ya (1).

Tsengo ya mulayo malugana na Maandâlanga

73. (1) Tsengo ińwe na ińwe ine ya kwama Maandâlanga i tea u itwa hu tshi khou tevhedzwa Mulayo wa Institution of Legal Proceedings Against Certain Organs of State Act, 2002 (Act No.40 of 2002).

(2) Maandâlanga a tshi khou itela ndivho dza khethekanyo Ŧhukhu ya (1), a dzhiwi a tshimiswa tsha muvhuso sa zwo bulwaho kha pharagtrafu ya (c) ya Ŧhalutshedzo i re kha khethekanyo 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 Maandālanga

74. (1) Nga ndja ha musi zwo tendiwa nahone zwo tou ñwalwa nga Maandālanga u pfalo, a lu na muthu nga ndja ha Bodo kana vhshumi vho tendelwahlo vhane vha shuma kha Maandālanga vhane vha nga—
   (a) shumisa dzina ja Maandālanga;
   (b) imela kana u shumisa nyolo, zwigañhalu, nyolo kana matheria ja mbambadzo a shumiswaho kana zwa Maandālanga, kana tshiniwe tshi muthu a nga tshushedza uri tshi amba Maandālanga nga ndja ha mbetshelo kha Mulayo uno; kana
   (c) shumisa nyolo dzi sumbedzaho na u amba vhutumani vhu rehone vhukati ha uyo muthu na Maandālanga, nga ndja ha mbetshelo kha uno Mulayo.

(2) Muthu muniwe na muniwe ane a pfukekanyo khethekanyo ya (1) u na mulandu wa vhutshinyi.

Nzudzanyo dza tshanduko

75. (1) Musi uyu Mulayo u tshi tou thoma u shuma—
   (a) tshimiwisa tshine tsha ñwini nga dzina ja Bodo ya zwa Ndaka tsho thomiiwaño nga khethekanyo ya 2 ya Mulayo wa zwa Mazhendedzi a Ndaka, na komiti iniwe na iniwe ya Bodo ya zwa Mazhendedzi a Ndaka yo tholwaho hu tshi khou tevhedza wonoyo Mulayo, i khou ñhelimswa;
   (b) miraño ya Bodo ya zwa Mazhendedzi a Ndaka i re kha ofisi phanha u thoma u shuma uno Mulayo, i mbo ɗi vha miraño ya Bodo ya Vhashumi vha zwa Ndaka, nahone i tea u dzhiwïo yo tholwa nga Bodo ya Vhashumi vha zwa Ndaka u ya nga khethekanyo ya 7;
   (c) miraño yo tholwaho kha pharagirafu ya (b) i vha kha ofisi lwa tshifihinga tsho salaho tshe ya vha yo tholelwâ tshone sa miraño ya Bodo ya zwa Mazhendedzi a Ndaka, u bva kha iyo datumu ye miraño ya thoma u vha kha ofisi ya Bodo ya Vhashumi vha zwa Ndaka u ya nga pharagirafu ya (b);
   (d) muthu muniwe na muniwe o tholwaho lwa tsho ñhônga u thola nga Bodo ya zwa Mazhendedzi a Ndaka phanha na musi uyu Mulayo u tshi thoma u shuma u dzhiwïo o thola u ya nga khethekanyo ya 17;
   (e) muloño na milayo minwe na kushumele zwa muthu muniwe na muniwe o tholwaho kha pharagirafu ya (d) zwi do džiwa no džiwa no dzina ja Bodo ya zwa Mazhendedzi a Ndaka, i saendedzi na muloño kha pharagirafu ya (d) iyo tharadzo sa thoma sa bho dzo dzina ja Bodo ya zwa Mazhendedzi a Ndaka, a tshi khou tshi khou bho dzo dzina ja Bodo ya zwa Mazhendedzi a Ndaka, a tshi khou a tshi khou dzo dzina ja Bodo ya zwa Mazhendedzi a Ndaka, saizwi hu Maandālanga ane a tea u wana iyo thundu;
   (f) muthu muniwe na muniwe o tholwaho kha pharagirafu ya (d) u dzula a tshi tea u tevhedza tsheo, tsengo/khothe, khutulo na ndaela dzo teho kha uyo muthu phanha ya u thoma u shuma ha uno Mulayo nahone muthu u dzula a tshi khou a tshi khou dzo dzina ja Bodo ya zwa Mazhendedzi a Ndaka; na
      (i) mbiodolo i badelwaho nga mutholi kha tshikwama tsha phentsheni;
      (ii) mbiodolo i badelwaho nga mutholi kha tshikimuto tsha zwa dzilafho;
      (iii) mbiodolo dzì badelwaho nga mushumi dzì kwamanahoho na vhuradìoho kha tshikwama tsha phentsheni kha tshikimuto tsha zwa dzilafho;
   (g) muthu muniwe na muniwe o bholo kha pharagirafu ya (d) u dzula a tshi tea u tevhedza tsheo, tsengo/khothe, khutulo na ndaela dzo teho kha uyo muthu phanha ya u thoma u shuma ha uno Mulayo; na
      (i) tsengo inwe na inwe i kwamanahoho muthu, ye ya vha yo thula u ya nga, kana nga fhasi ha Mulayo wa Bodo ya zwa Mazhendedzi a Ndaka, phanha ya u thoma u shumisa uno Mulayo dzì tea u shunswu u tou fana na musi uno Mulayo u songo vhuya wa ñhelimswa.

(2) U itela ndîhvo dza Mulayo wa Income Tax, 1962 (Act No. 58 of 1962), a zwi dzhiwïi ho vha na u shanduka ha mutholi musi muthu a tshi tholwa nga Maandālanga u ya nga khethekanyo ya 17.

(3) Musi hu tshi thoma u shuma uno Mulayo—
   (a) ndaka yoŋhe ine ya endez ea, i sa endez ea na Ndaka i kwamanahoho ndîhvo Bodo ya zwa Mazhendedzi a Ndaka, hu tshi khatlela mashelele, rekhodo dza ndalo na dzîwi rekhodo dza Bodo ya zwa Mazhendedzi a Ndaka na mainwalwa oŋhe ane Bodo ya zwa Mazhendedzi a Ndaka ya vha nao, a namba a vha a Maandālanga, saizwi hu Maandālanga ane a tea u wana iyo thundu;
The rights, duties, liabilities and obligations relating to the Estate Agency Affairs Board are transferred to the Authority;

the Estate Agency Affairs Board is substituted by the Authority as a litigant in all pending litigation or proceedings; and

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.
pfanelo, mishumo, zwikololo na khombetsedzo zwi kwamaho Bodo ya zwa Mazhendedzi a Ndaka zwi mbo vha zwa Maandalanga;

(c) Bodo ya zwa Mazhendedzi a Ndaka i khou nambha ya imelwa nga Maandalanga sa yone i dzhiha vhudifhenduleli kha zwothe zwi kwamaho u suwa na khothe zwine a zwi athey u khunyeledzwa; na

d) thendelano dzothe dzi re hone na dzine dza vhofoha dzes Bodo ya zwa Mazhendedzi a Ndaka ya zwenena khadzo dzi dzho vhofoha Maandalanga zwa tou dzhiwa hu Maandalanga o dzhenaho kha idzo thendelano.

(4) Mashele othe a Tshikwama tshi Thembeaho tsha zwa Mazhendedzi a Ndaka e a vha e hone phandha ha u thoma u shuma ha uno Mulayo musi uno Mulayo u thosi tou thoma u shuma a khou nambo a rathiselwa kha Tshikwama, nahone mbilo dza u badelwa dzo itwa ho kha Tshikwama tshi Thembeaho tsha Mazhendedzi a zwa Ndaka phandha ha musi hu tshi thoma u shuma uno Mulayo dze tea u badelwa dze tshi bva kha Tshikwama arali iyo mbilo yo tshimbila zvavhudi.

(5) Mbilo inwe na inwe malugana na vhuvhava ha theleho ho itwa ho nga mushumi wa zwa ndaka ho itwa ho phandha ha u thoma u shuma uno Mulayo kana mushumi wa zwa ndaka a kundelwa u tevhedza khethekanyo ya 35(1) kana 35(2)(e) ya Mulayo wa zwa Mazhendedzi a Ndaka, malugana na uri a hu na tsengo dze dza itwa phandha ha u thoma u shuma uno Mulayo, hu saatu hu fhela miwahwa mivhili ho thoma u shuma uno Mulayo dze tea u itwa, nahone dza khou neledzwa u ya nga Mulayo wa zwa Mazhendedzi a Ndaka, u tou fana na musi Mulayo u vonge vhuya wa fheliswa.

(6) Ndangulo dzothe dzo itwa ho u ya nga Mulayo wa zwa Mazhendedzi a Ndaka, dze dzula dze tshi khou shumiswa nahone dzis tshi khou shumiswa u tou fana na musi dzis tshi nga dzo itwa nga fhasi ha uno Mulayo kana hu tshi khou tevhedzwa uno Mulayo.

Pheliso


Dzina lipufhi na u thoma u shumisa Mulayo

77. Dzina lipufhi la Mulayo uno ndi Mulayo wa Vhashumi vha zwa Ndaka, 2019, nahone uno Mulayo u dzho thoma u shuma nga datumu yo dzudzanywaho nga Phresidennde nga mulevho kha Gazete.