



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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No. 7994

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GOVERNMENT NOTICE

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Government Notice

OFFICE OF THE PRIME MINISTER

No. 420

2022

PROMULGATION OF ACT OF PARLIAMENT

The following Act which has been passed by the Parliament and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 15 of 2022: Property Valuers Profession Amendment Act, 2022.

Act No. 15, 2022 PROPERTY VALUERS PROFESSION AMENDMENT ACT, 2022**EXPLANATORY NOTE:**

_____	Words underlined with a solid line indicate insertions in existing provisions.
[]	Words in bold type in square brackets indicate omissions from existing provisions.

ACT

To amend the Property Valuers Profession Act, 2012 so as to specify, realign and streamline the functions of the Minister and the Namibian Council for Property Valuers Profession in relation to the making of regulations and rules; to increase the fine relating to penalties for improper conduct and to empower the Minister to increase the fine; and to provide for incidental matters.

(Signed by the President on 29 December 2022)

BE IT ENACTED as passed by the Parliament, and assented to by the President, of the Republic of Namibia as follows:

Amendment of section 1 of Act No. 7 of 2012, as amended by section 1 of Act No. 2 of 2018

1. Section 1 of the Property Valuers Profession Act, 2012 (hereinafter referred to as the “principal Act”), is amended by the substitution for the definition of “prescribed” of the following definition:

““prescribed” means prescribed by a regulation [**and, where the context otherwise indicates, by the rules of the Council referred to in section 7(3)**].”.

Amendment of section 3 of Act No. 7 of 2012

2. Section 3 of the principal Act is amended by the substitution for subsection (2) of the following subsection:

- “(2) For the purposes of appointment of persons referred to in -
- (a) subsection (1)(a)[,] and (c) [**and (d) as members of the Council**], the Minister must publish a notice in the *Gazette* and in at least two newspapers circulating in Namibia, inviting [**the Minister responsible for justice,**] any interested persons, voluntary associations or bodies to nominate such persons for appointment as members of the Council within 30 days of the publication of the invitation in the *Gazette*[.]; and
- (b) subsection (1)(d), the Minister must, in writing, request the Minister responsible for justice to nominate a person referred to in that subsection for appointment as a member of the Council within the period referred to in the request.”.

Act No. 15, 2022 PROPERTY VALUERS PROFESSION AMENDMENT ACT, 2022**Amendment of section 4 of Act No. 7 of 2012**

3. Section 4 of the principal Act is amended by -
- (a) the deletion of paragraph (b);
 - (b) the substitution for paragraph (c) of the following paragraph:
 - “(c) keep and maintain a register of registered persons; **[and prescribe -**
 - (i) the form of certificates and the register to be kept;**
 - (ii) the maintenance of the register or issuing of certificates; and**
 - (iii) the reviewing of the register and the manner in which amendments thereto may be effected.]**
 - (c) the addition after paragraph (c) of the following paragraphs:
 - “(d) issue certificates of registration to registered persons; and
 - (e) review and amend the register referred to in paragraph (c).”.

Repeal of section 5 of Act No. 7 of 2012, as amended by section 2 of Act No. 2 of 2018

4. Section 5 of the principal Act is repealed.

Amendment of section 6 of Act No. 7 of 2012

5. Section 6 is amended in subsection (1) by the deletion of paragraph (f).

Amendment of section 7 of Act No. 7 of 2012, as amended by section 3 of Act No. 2 of 2018

6. Section 7 of the principal Act is amended -
- (a) in subsection (1) by the deletion of paragraphs (d) and (j); and
 - (b) by the deletion of subsection (3).

Amendment of section 16 of Act No. 7 of 2012

7. Section 16 of the principal Act is amended in subsection (1) by the substitution for paragraph (e) of the following paragraph:

- “(e) other specified categories as prescribed **[by the Council]**.”.

Amendment of section 17 of Act No. 7 of 2012, as amended by section 5 of Act No. 2 of 2018

8. Section 17 of the principal Act is amended -

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- (a) in subsection (2) by the substitution for subparagraph (ii) of paragraph (a) of the following subparagraph:
- “(ii) has passed the prescribed examination, any examination recognised by the [**Council**] Minister or competency test prescribed or recognised by the [**Council**] Minister by notice in the *Gazette*.”;
- (b) in subsection (2) by the substitution for subparagraphs (ii) and (iii) of paragraph (b) of the following subparagraphs:
- “(ii) is enrolled at an educational institution [**approved**] recognised by the [**Council**] Minister by notice in the *Gazette* for a course which includes the prescribed or recognised examinations;
- (iii) has passed any other prescribed examination [**prescribed by the Council**]; and”;
- (c) by the insertion after subsection (2) of the following subsection:
- “(2A) A person registered in any of the category of the property valuation referred to in section 16(1) may not practise in that category without the annual practising licence referred to subsection (2), and on expiry of the licence the person must -
- (a) in the prescribed manner, apply to the Council for the renewal of the licence; and
- (b) pay the prescribed annual fees in respect of the licence.”;
- (d) by the substitution for subsection (3) of the following subsection:
- “(3) The [**Council**] Minister may prescribe the restrictions and conditions, if any, applicable to an applicant applying in the category of professional valuer, associate professional valuer, valuer in training, student valuer in training or in a specified category.”.

Amendment of section 19 of Act No. 7 of 2012

9. Section 19 of the principal Act is amended by the substitution for subsection (2) of the following subsection:

“(2) A person registered in a specified category prescribed [**by the Council**] as contemplated in section 16(1)(e) may use a title prescribed [**by the Council**] for the specified category.”.

Amendment of section 20 of Act No. 7 of 2012

10. Section 20 of the principal Act is amended by the substitution for subsection (2) of the following subsection:

“(2) The [**Council**] Minister may prescribe conditions for the renewal of registration[, **but if the conditions concerned are less**

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favourable to the registered person than the previous conditions, if any, the Council must afford the registered person concerned an opportunity to be heard before the new conditions are imposed].”.

Amendment of section 22 of Act No. 7 of 2012, as amended by section 6 of Act No. 2 of 2018

11. Section 22 of the principal Act is amended -
- (a) by the substitution for subsection (2) of the following subsection:
- “(2) The Council may recognise a voluntary association and issue it with a certificate of recognition, if the voluntary association complies with the prescribed requirements [**prescribed in terms of section 7(1)(d)**].”;
- (b) in subsection (5) by the substitution for paragraph (a) of the following paragraph:
- “(a) if the association no longer complies with the prescribed requirements [**contemplated in section 7(1)(d)**] or.”.

Amendment of section 30 of Act No. 7 of 2012

12. Section 30 of the principal Act is amended in subsection (3) by the substitution for paragraph (b) of the following paragraph:
- “(b) payment of a fine not exceeding [**NS\$ 000**] N\$10 000, which amount may be increased by [**the Council, with the consent of**] the Minister, by notice in the *Gazette*, after consultation with the Council.”.

Amendment of section 34 of Act No. 7 of 2012

13. Section 34 of the principal Act is amended by -
- (a) the substitution for subsection (1) of the following subsection:
- “(1) Subject to subsection (2), the Minister, after consultation with the Council, may make regulations [**with regard to any matter that is required or permitted to be prescribed in terms of this Act and any other matter for the better execution of this Act or in relation to any power granted or duty imposed by this Act.**] relating to -
- | | |
|-----|--|
| (a) | the form of an application, a certificate or a licence required to be made, issued or kept in terms of this Act; |
| (b) | the form of a register and keeping and maintenance of the register; |
| (c) | the period of validity of the registration of a registered person; |

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- (d) the minimum qualification requirements for registration in any category of registration;
 - (e) application fees;
 - (f) registration fees;
 - (g) annual fees or portion of the annual fees in respect of a part of a year;
 - (h) fees or any portion of the fees payable in respect of any examination referred to in section 17 conducted by or on behalf of the Council;
 - (i) any charge payable for the purposes of the education fund referred to in section 13(3)(c);
 - (j) fees payable for a service referred to in section 7(1)(c);
 - (k) the date on which any fee or charge is payable;
 - (l) the examination or competency test for recognition in any category of registration referred to in section 16;
 - (m) any matter that is required or permitted to be prescribed in terms of this Act; or
 - (n) generally, any other matter not inconsistent with the powers of the Minister or the Council under this Act that the Minister considers necessary or expedient to prescribe in order to achieve the objects of this Act.”;
- (b) the addition after subsection (4) of the following subsection:

“(5) The Minister may, on the recommendation of the Council, and based on the prescribed grounds, on application made by a person to the Council, grant an exemption from payment of application fees, registration fees, annual fees or any other fees referred to in subsection (1).”.

Short title and commencement

14. This Act is called the Property Valuers Profession Amendment Act, 2022 and commences on the date that the principal Act commences.
