



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS MADE IN TERMS OF

Estate Agents Act 112 of 1976
section 33

**Regulations relating to the
Standard of Training of Estate Agents**

RSA Government Notice R.1409 of 1983

(RSA GG 8783)

came into force on date of publication: 1 July 1983

The Government Notice that publishes these Regulations notes that they were made by the Minister of Industries, Commerce and Tourism after consultation with the Estate Agents Board.

as amended by

Estate Agents Amendment Act 28 of 1987 (OG 5476)

brought into force on 1 April 1988 by AG 5/1988 (OG 5514);

refers to “deemed” amendments

The Government Notice that publishes this Act notes that it was adopted by the National Assembly and signed by the Administrator-General in terms of the South West Africa Legislative and Executive Authority Establishment Proclamation R.101 of 1985

Government Notice 221 of 1996 (GG 1395)

came into force on: 1 January 1997 (GG 221/1996, section 4)

The Government Notice that publishes these Regulations notes that they were made by the Minister of Trade and Industry after consultation with the Estate Agents Board, and repeals the Prescribed Examination Fee Regulations contained in RSA GN R.2696/1983.

Government Notice 220 of 2015 (GG 5845)

came into force on: 1 October 2015

The Government Notice that publishes these regulations notes that they were made by the Minister of Industrialization, Trade and SME Development after consultation with the Namibia Estate Agents Board.

The administration of the underlying Act was transferred to SWA by the Executive Powers (Commerce) Transfer Proclamation (AG 28/1978), dated 28 April 1978. However, the SWA Estate Agents Amendment Act 28 of 1987 (OG 5476) states in section 26(1):

“The regulations published under section 33 of the principal Act in the *Government Gazette* of the Republic of South Africa which were of force and effect in the Republic immediately before the commencement of this Act [Act 28/1977, which commenced on 1 April 1988] shall, subject to the provisions of subsection (2), apply in the territory of South West Africa

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as if it were made by the Cabinet under the said section 33 and published in the *Official Gazette* on the date of commencement of this Act.”

The Estate Agents Amendment Act 28 of 1987 (OG 5476) provides, without amending the regulations, that any reference -

- (i) to the *Gazette* shall be construed as a reference to the *Official Gazette*;
- (ii) to the Estate Agents Act, 1976 shall be construed as a reference to the Act as amended by the provisions of this Act;
- (iii) to the Estate Agents Board shall be construed as a reference to the South West African Estate Agents Board;
- (iv) to the Estate Agents Fidelity Trust Fund shall be construed as a reference to the Estate Agents Fidelity Trust Fund for South West Africa; and
- (v) to the Minister of Commerce and Consumer Affairs shall be construed as a reference to the Cabinet.

ARRANGEMENT OF REGULATIONS

[These regulations do not have headings.]

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

“the Act” means the Estate Agents Act, 1976 (Act 112 of 1976).

2. The board shall conduct or cause to be conducted an examination for estate agents at least three times per annum subsequent to the coming into operation of these regulations.

3. The examination referred to in regulation 2 shall be conducted in Windhoek or such other places as the board may from time to time determine.

[regulation 3 deemed to be amended by Act 28 of 1987]

- 4. (a) The board shall give at least six weeks notice in the *Gazette* and in one issue of an Afrikaans newspaper and one issue of an English newspaper circulating in each of the centres concerned of the date on which and the place at which the examination will be held.
- (b) Each prospective entrant for the examination shall not less than four weeks prior to the date on which such examination is to be held make written application to the board to write such examination which application shall be accompanied by a fee of N\$1000.00.

[paragraph (b) substituted by GN 221/1996 and amended by GN 220/2015]

5. The syllabus for the examination referred to in regulation 2 shall be compiled by the board, the standard of which syllabus shall be approved by the Minister and such syllabus shall cover the following aspects of the activities of estate agents -

- (a) property, the property industry and the property business;

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- (b) commerce in rights relating to property and the nature of control in regard to proprietary rights in private law;
- (c) the role of Government in the property industry and the nature of the limitation of private property in public law;
- (d) contracts;
- (e) economy relating to property;
- (f) the time-value of money;
- (g) the estate agent;
- (h) Government control of an estate agent;
- (i) a synopsis of market-valuation;
- (j) investment analysis;
- (k) financing;
- (l) feasibility studies.

6. Subject to the provisions of regulation 8, no person shall perform any act as an estate agent, unless such person has successfully passed the examination intended in regulation 2 and has been issued with a fidelity fund certificate.

7. These regulations shall apply to all estate agents or prospective estate agents excluding -

- (a) principal estate agents who were on any date before or on 31 December 1982; and
- (b) employee estate agents who were on any date before or on 31 December 1979,

issued by the Estate Agents Board of the Republic of South Africa with a fidelity fund certificate and who have since the abovementioned dates, as the case may be, continuously and uninterruptedly been in possession of fidelity fund certificates.

[regulation 7 deemed to be amended by Act 28 of 1987]

8. Any principal or employee estate agent to whom a fidelity fund certificate has been issued by the said Board at any time during the periods 1 January 1983 to the date of commencement of the Estate Agents Amendment Act, 1987, and 1 January 1980 to the said date of commencement, respectively, may continue to act as such: Provided that if such estate agent has not passed the examination referred to in regulation 2 by the 31st day of December 1988, he shall forthwith cease to act as such and may not apply to the board for the issue to him of a fidelity fund certificate until such time as such person has passed the said examination.

[regulation 8 deemed to be amended by Act 28 of 1987]

9.

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[regulation 9 deemed to be deleted by Act 28 of 1987]

10. The Minister may, after consultation with the board, grant exemption in respect of any examination or course for purposes of compliance with the provisions of these regulations.