



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS MADE IN TERMS OF

Estate Agents Act 112 of 1976
section 33

**Regulations relating to the Issue of Fidelity Fund and
Registration Certificates**

RSA Government Notice R.1798 of 1986

(RSA GG 10403)

came into force on date of publication: 29 August 1986

The Government Notice that publishes these regulations notes that they were made by the Deputy Minister of Finance and of Trade and Industry, acting on behalf of the Minister of Trade and Industry, after consultation with the Estate Agents Board.

as corrected by

RSA Government Notice R.2106 of 1986 (RSA GG 10476)

came into force on date of publication: 3 October 1986;

correction relates only to the Afrikaans text

and as amended by

AG Government Notice 97 of 1989 (OG GG 5844)

came into force on date of publication: 1 November 1989

The Government Notice that publishes these Regulations notes that they were made by the Administrator-General.

Government Notice 222 of 1996 (GG 1395)

came into force on date of publication: 2 September 1996

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.

Government Notice 222 of 2015 (GG 5845)

came into force on date of publication: 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. It erroneously states that the regulations were originally published in RSA GN R.2106/1986.

REGULATIONS
Estate Agents Act 112 of 1976

Regulations relating to the Issue of Fidelity Fund and Registration Certificates

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 said 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.
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ARRANGEMENT OF REGULATIONS

[These regulations do not have headings.]

ANNEXURE A
ESTATE AGENTS FIDELITY FUND

ANNEXURE B
ESTATE AGENTS REGISTRATION CERTIFICATE

1. In these regulations words and expressions defined or used in this Act have the meaning assigned thereto.

2. (1) Any estate agent -

- (a) shall for the calendar year 2015 and annually thereafter pay to the board a levy of N\$1200; and
- (b) excluding the estate agent referred to in paragraph (d) of the definition of "estate agent" in section 1 of the Act, shall for the calendar year 2015 and annually thereafter pay to the fund a contribution of N\$300;

(2) Any person who applies to the board for the issue of a fidelity fund certificate or registration certificate shall pay to the board a levy of N\$300 in addition to the levy referred to in subregulation (1)(a); and

(3) Any estate agent to whom a fidelity fund certificate or a registration certificate has already been issued for a particular year, but failed to -

- (a) apply before the date referred to in regulation 4(1) to the Board for the issue to him or her of such certificate in respect of the succeeding or any later calendar year; and
- (b) make such application after that date shall pay to the board a levy of N\$1000 in addition to the levy referred to in subregulation (1)(a).

(4) Any person who has passed the Board's examination becomes an estate agent in terms of the Act as long as that person remains registered and pays membership fees to the NEAB.

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(5) Any estate agency and every estate agent shall pay an additional membership fee of N\$500 to the Board on or before 1 October every year.

(6) Any estate agent who has not paid his or her annual membership fees before 1 November each year shall automatically cease to be an estate agent and an estate agency which fails to pay its annual membership fees by 1 November each year shall not be issued with a fidelity fund certificate for the ensuing year.

(7) Any person who has ceased to be an estate agent in terms of subregulation (5) may be required to re-write and pass the applicable examinations before he or she can be registered again.

[Regulation 2 is substituted by AG 97/1989, amended by GN 222/1996, and substituted by GN 222/2015. The word "calendar" is misspelt every time it occurs in subregulation (1) in the Government Gazette, as reproduced above.]

3.

[regulation 3 deleted by AG GN 97/1989]

4. (1) Every estate agent to whom a fidelity fund certificate or a registration certificate has already been issued for a certain year, shall, unless he has ceased or will cease before that year end to operate as an estate agent and has advised the board of such fact in writing not later than 31 October of that year, apply to the board for the issue to him of a fidelity fund certificate or registration certificate as the case may be, in respect of the succeeding calendar year.

(2) Any person who intends to commence operating as an estate agent in the course of any calendar year shall apply to the board for the issue to him of a fidelity fund certificate or registration certificate as the case may be, in respect of the remainder of that year.

(3) Any estate agent who carries on a business otherwise than as an employee in more than one branch or outlet, shall -

- (a) apply for a separate fidelity fund certificate in respect of each branch or outlet, irrespective of the trading name or style under which business is carried on in each such branch or outlet; and
- (b) display each fidelity certificate to the satisfaction of the Board in a prominent place in each branch or outlet.

[subregulation (3) substituted by GN 222/2015]

(4) Each fidelity fund certificate shall be issued to the estate agent only if each business, branch or outlet has paid the levies referred to in regulation 2(1)(a) and (b).

[subregulation (4) inserted by GN 222/2015]

5. The applications referred to in regulation 4 shall be accompanied by the levies referred to in regulation 2, as the case may be, and by the contribution referred to in regulation 2, if applicable.

[regulation 5 amended by AG GN 97/1989, by the deletion of reference to regulation 3]

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6. Any person who applies on or after 1 July of a particular year in terms of the provisions of regulation 4(2) for the issue to him of a certificate referred to in that regulation, shall pay to the board and the fund, respectively, one half of the levy and contribution referred to in regulation 2(1).

[regulation 6 substituted by AG GN 97/1989]

7.

[regulation 7 deleted by AG GN 97/1989]

8. If the board is satisfied that the applicant concerned is not disqualified in terms of section 27 of this Act and that the application is in order, the board shall issue to the applicant a fidelity fund certificate in the form of Annexure A hereto or a registration certificate in the form of Annexure B hereto, as the case may be, which shall be valid until 31 December of the year to which the application relates.

9. (1) Any company or close corporation operating as an estate agent is hereby exempted from the payment of the levy and the contribution referred to in regulation 2, provided a fidelity fund certificate has been issued to each of its directors, or members contemplated in paragraph (b) of the definition of estate agent in section 1 of this Act.

(2) Notwithstanding the provisions of subregulation (1), such company or close corporation shall in its own name apply in terms of these regulations for the issue to it of a fidelity fund certificate.

(3) A fidelity fund certificate referred to in subregulation (2) shall be issued free of charge and shall to the satisfaction of the board be displayed in a prominent position on the premises of the company or close corporation concerned.

10. The holder of a fidelity fund certificate or a registration certificate shall inform the board within 14 days of any change in the information supplied to the board at the time of applying for the issue to him of such certificate and, if the information appearing on the certificate is no longer applicable or has changed, such certificate shall forthwith be forwarded to the board for appropriate amendment thereof or for the issue of a new certificate in substitution therefor.

11. Every fidelity fund certificate or registration certificate issued in terms of these regulations shall remain the property of the board.

12. (1) If a fidelity fund certificate was issued to an independent contractor or any person referred to in paragraph (c)(ii) of the definition of "estate agent" in section 1 of this Act, and such person ceases to be employed by or associated with the employer mentioned in such certificate that employer shall, within 14 days of such person ceasing to be in his employ, or to be thus associated, return such certificate to the board together with a letter informing the board of such fact and, if such information is available, stating with whom that person is taking up employment or becoming associated.

(2) The provisions of subregulation (1) shall *mutatis mutandis* apply to a registration certificate issued to any person referred to in paragraph (cA) of the definition of "estate agent" in section 1 of this Act.

(3) If the employer concerned is unable for any reason to return the certificate as required by subregulation (1) or (2), as the case may be, the employer shall within 14 days of the

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termination of employment or ceasing to be associated, inform the board of that fact, stating the reasons why it is unable to return such certificate as well as furnishing all available information concerning the whereabouts of such employee or independent contractor.

13. A written request to the board to furnish the reasons for refusing to issue a fidelity fund certificate or a registration certificate to the person making such request shall be accompanied by an amount of R20.

14. Government Notices R.956 of 24 May 1977, R.989 of 1 June 1977, R.1779 of 31 August 1978, R.605 of 23 March 1979, R.2500 of 13 November 1981, R.1787 of 20 August 1982, R.2071 of 23 September 1983 and 1935 of 30 August 1985 are hereby withdrawn.

ANNEXURES A AND B

To view content without printing, scroll down.

To print at full scale (A4), double-click the icon below.



Annexures A and B

REGULATIONS
Estate Agents Act 112 of 1976

Regulations relating to the Issue of Fidelity Fund and Registration Certificates

AANHANGSEL/ANNEXURE A
SERTIFIKAAT/CERTIFICATE

GELDIG VANAF DATUM VAN UITREIKING TOT 31 DESEMBER/VALID FROM DATE OF ISSUE TO 31 DECEMBER

EIENDOMSAGENTE-GETROUHEIDSFONDS/ESTATE AGENTS FIDELITY FUND

Volle name/Full names
Naam van firma/maatskappy/beslote korporasie/Name of firm/company/close corporation
Adres/Address.....
Datum van uitreiking/Date of issue.....

Hierby word onderhewig aan die bepalings van Wet 112 van 1976 gesertifiseer dat die persoon wie se naam op hierdie Sertifikaat verskyn, voldoen het aan die bepalings van artikel 16 van Wet 112 van 1976 en die regulasies wat kragtens die gemelde Wet uitgevaardig is/This is to certify that subject to the provisions of Act 112 of 1976 the person whose name appears on this Certificate has complied with the provisions of section 16 of Act 112 of 1976 and the regulations promulgated in terms of the said Act.

Vir en namens die Raad vir Eiendomsagente/For and on behalf of the Estate Agents Board:

..... Bestuurder/Manager
Raad vir Eiendomsagente/The Estate Agents Board

Hierdie Sertifikaat is ongeldig tensy die seël van die Raad vir Eiendomsagente daarop aangebring is/This Certificate is not valid unless it bears the seal of the Estate Agents Board.

AANHANGSEL/ANNEXURE B
SERTIFIKAAT/CERTIFICATE

GELDIG VANAF DATUM VAN UITREIKING TOT 31 DESEMBER/VALID FROM DATE OF ISSUE TO 31 DECEMBER

REGISTRASIESERTIFIKAAT UITGEREIK AAN 'N EIENDOMSAGENT NA VERWYS IN PARAGRAAF (cA) VAN DIE WOORDOMSKRYWING VAN "EIENDOMSAGENT" IN ARTIKEL 1 VAN DIE WET OP EIENDOMSAGENTE, 1976 (WET 112 VAN 1976)/REGISTRATION CERTIFICATE ISSUED TO AN ESTATE AGENT REFERRED TO IN PARAGRAPH (cA) OF THE DEFINITION OF "ESTATE AGENT" IN SECTION 1 OF THE ESTATE AGENTS ACT, 1976 (ACT 112 OF 1976)

Volle name/Full names
Naam van firma/maatskappy/beslote korporasie/Name of firm/company/close corporation
Adres/Address.....
Datum van uitreiking/Date of issue.....

Hierby word onderhewig aan die bepalings van Wet 112 van 1976 gesertifiseer dat die persoon wie se naam op hierdie Sertifikaat verskyn voldoen het aan die bepalings van artikel 16 van Wet 112 van 1976 en die regulasies wat kragtens die gemelde Wet uitgevaardig is/This is to certify that subject to the provisions of Act 112 of 1976 the person whose name appears on this Certificate has complied with the provisions of section 16 of Act 112 of 1976 and the regulations promulgated in terms of the said Act.

Vir en namens die Raad vir Eiendomsagente/For and on behalf of the Estate Agents Board:

..... Bestuurder/Manager
Raad vir Eiendomsagente/The Estate Agents Board

Hierdie Sertifikaat is ongeldig tensy die seël van die Raad vir Eiendomsagente daarop aangebring is/This Certificate is not valid unless it bears the seal of the Estate Agents Board.