



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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Government Notice

OFFICE OF THE PRIME MINISTER

No. 59

2018

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. 2 of 2018: Property Valuers Profession Amendment Act, 2018.

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PROPERTY VALUERS PROFESSION AMENDMENT ACT, 2018

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 improve certain definitions; to subject the determination of fees and charges payable to the Council to consultation with the Minister and publication in the Gazette; to empower the Council to determine the allowances payable to its members and committee members; to provide for the issuing of annual practising licences; to criminalise certain conducts; and to provide for incidental matters.

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

1. Section 1 of the Property Valuers Profession Act, 2012 (*in this Act 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 5 of Act No. 7 of 2012

2. Section 5 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

"(1) With regard to fees and charges which are payable to the Council, the Council, after consultation with the Minister, **[must]** may by notice in the Gazette determine -

- (a) application fees;
- (b) registration fees;
- (c) annual fees or any portion of the annual fees in respect of a part of a year;
- (d) 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;

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- (e) any charge payable for the purposes of the education fund referred to in section 13(3)(c);
- (f) fees payable for a service referred to in section 7(1)(c);
- (g) any other fee or charge it considers necessary; or
- (h) the date on which any fee or charge is payable.”.

Amendment of section 7 of Act No. 7 of 2012

3. Section 7 of the principal Act is amended by the addition after subsection (2) of the following subsection:

“(3) Anything required or permitted to be prescribed by the Council in terms of or under this Act is prescribed by rules.”.

Amendment of section 13 of Act No. 7 of 2012

4. Section 13 of the principal Act is amended by -

- (a) the substitution for paragraph (a) of subsection (3) of the following paragraph:

“(a) must pay from its funds to its members and committee members the allowances determined by the [Minister] Council as contemplated in subsection [(7)] (11);”;

- (b) the deletion of paragraph (b) of subsection (8).

Amendment of section 17 of Act No. 7 of 2012

5. Section 17 of the principal Act is amended by the substitution for the closing sentence of subsection (2) of the following closing sentence:

“the Council must register the successful applicant in the relevant category and issue a registration certificate and an annual practising licence to the applicant in the prescribed form.”.

Amendment of section 22 of Act No. 7 of 2012

6. Section 22 of the principal Act is amended by the substitution -

- (a) 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 requirements prescribed in terms of section 7(1)(d).”; and

- (b) for paragraph (a) of subsection (5) of the following paragraph:

“(a) if the association no longer complies with the requirements contemplated in section 7(1)(d).”.

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PROPERTY VALUERS PROFESSION AMENDMENT ACT, 2018**Amendment of section 23 of Act No. 7 of 2012**

7. Section 23 of the principal Act is amended by the deletion of the reference to "(1)" in the introductory sentence.

Amendment of section 39 of Act No. 7 of 2012

8. Section 39 of the principal Act is amended by the substitution for -

(a) subsection (1) of the following subsection:

"(1) A person who contravenes section 16(2), 21, 22(7), 24(1) or 29(9), (10)(a), (12) or (13) commits an offence."; and

(b) paragraph (a) of subsection (2) of the following paragraph:

"(a) section 16(2) or 24(1) is liable to a fine equal to or double the remuneration received by him or her for work done in contravention of that section [**16(2)**], or to the payment of a fine not exceeding N\$12 000 or to imprisonment for a period not exceeding three years on failure to pay the fine, whichever is the highest;"

Short title

9. This Act is called the Property Valuers Profession Amendment Act, 2018.
