



**PROPERTY PRACTITIONERS
REGULATORY AUTHORITY**

The PPRA is invites all stakeholders to provide comments and inputs on the draft licensing on the guidelines for inputs and comments.

The Property Practitioners Authority is delighted to share with all stakeholders its draft licensing guidelines which incorporate processes within the **Property Practitioners Regulatory Authority; Licensing department for your review, comments and questions.**

The objectives for the external stakeholders' consultations include to: –

- (i) ensure that the licensing department reflects the views and feedback of all relevant industry players;
- (ii) obtain the buy-in on the development of internal policies and procedures of the Authority regarding licensing and ensure that the Authority's policies and procedures reflects best practices.
- (iii) identify opportunities for enhanced collaboration and further engagements on the guidelines.

The feedback received from key stakeholders would benefit the Authority in finalising the guidelines, enhance dialogue and inform internal policy and processes within the licensing Department.

We would be honoured by your participation in this key stakeholders' guidelines consultation.

All organisations/ stakeholders can provide feedback directly to: **licensing.comments@eaab.org.za**

The Authority welcomes your input and is looking forward to receiving your comments. Please note that the final date for submission of comments is **28th February 2022**.

For more information, visit the www.eaab.org.za.

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1. DEFINITIONS

- a) “**Act**” means the Property Practitioners Act, No 22 of 2019;
- b) “**Authority**” means the Property Practitioners Regulatory Authority established under section 5 of the Act;
- c) “**Business Property Practitioner**” means a partnership, company, trust, close corporation or similar organisational entity that carries on the activities of a property practitioner;
- d) “**Candidate Estate Agent**” means candidate property practitioner in the estate agency industry;
- e) “**Estate Agent**” means –
 - 1.1.1.any person who performs any act referred to in subparagraph (i), (ii), (iii) of paragraph (a) of the definition of “property practitioner” in the Act, other than insofar as it relates to any business undertaking or the management of any property;
 - 1.1.2.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, performed any act referred to in subparagraphs (i), (ii) (iii) of paragraph (a) of the definition of “property practitioner” in the Act, other than insofar as it relates to any business undertaking;
 - 1.1.3.for the purposes of sections 34, 46, 48, 59, 60, 61 and 65 –
 - 1.1.3.1. any director of a company or a member of a close corporation that performs any act referred to in subparagraphs (i), (ii), (iii) of paragraph (a) of the definition of “property practitioner” in the Act, other than insofar as it relates to any business undertaking;
 - 1.1.3.2. any person who is employed by any person who performs any act referred to in subparagraphs (i), (ii), (iii) of paragraph (a) of the definition of "property practitioner" in the Act, other than insofar as it relates to any business undertaking;
 - 1.1.3.3. any trustee of a trust referred to in sub- regulation 1.5.2;
 - 1.1.3.4. any person who is employed by any person who performs any act referred to in subparagraphs (i), (ii), (iii) of paragraph (a) of the definition of "property practitioner" in the Act other than insofar as it relates to any business undertaking, to manage, supervise or control the day-to-day operations of the business of that property practitioner;
 - 1.1.4.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 his duties consist wholly or primarily of the performance of any act referred to in subparagraphs (i), (ii), (iii) of paragraph (a) of the definition of "property practitioner" in the Act other than insofar as it relates to any business undertaking, on behalf of such attorney or professional company whose actions will be specifically covered by the Legal Practitioners' Fidelity Fund and not the Property Practitioners Fidelity Fund;
 - 1.1.5.includes any person who carries on any activity referred to in sub-regulation 39.1.1; and includes any person who fell within the ambit of any of sub regulations 1.5.1 to 1.5.5 foregoing at the time when he or she was guilty of any act or omission which constitutes sanctionable conduct;

- f) **"Fidelity Fund"** means the Property Practitioners Fidelity Fund contemplated in section 34 of the Act;
- g) **"Managing Agent"** means –
- 1.1. any person who manages property as referred to in subparagraph (a) (i) of the definition of "property practitioner" in the Act;
 - 1.2. any person who carries out any activity referred to in subparagraph (c) of the definition of "property practitioner" in the Act; and
 - 1.3. includes –
 - 1.3.1.a managing agent in terms of rule 28 of Annexure 1 of Sectional Titles Schemes Management Regulations published under GNR.1231 of 7 October 2016 or any amendment thereto; and;
 - 1.3.2.a scheme executive under the Regulations on Community Schemes Ombud Service published under GNR.1233 of 7 October 2016 or any amendment thereto;
- h) **"Non-Principal Property Practitioner"** means any person referred to in paragraph (e) (ii) of the definition of 'property practitioner' in section 1 of the Act;
- i) **"Previous Act"** means the Estate Agency Affairs Act, 1976 together with the regulations published thereunder;
- j) **"Principal Property Practitioner"** means any person referred to in paragraph (a) or paragraph (e) (i) of the definition of 'property practitioner' in section 1 of the Act;
- k) **"Professional Designation Examination"** means an integrated test of knowledge for property practitioners contemplated in regulation 33.2;
- l) **"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 canvass 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;
 - (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 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

m) “**Registration Certificate**” means a registration certificate as contemplated in section 47(2).

2. INTRODUCTION

- 2.1. It is not the aim of these Guidelines to be comprehensive but to provide basic information as set out in the Property Practitioners Act and Regulations.
- 2.2. It is important to keep up to date with the latest legislative developments that affect property practitioners, particular regarding their compliancy with the Property Practitioners Act.
- 2.3. These Guidelines only accommodate those legislation provisions that were in effect on the date of completion of this document.
- 2.4. The purpose of these guidelines is to assist Property Practitioners in understanding the requirements to be complied with by all property practitioners with regards to;
 - 2.4.1. New registrations,
 - 2.4.2. Amendments,
 - 2.4.3. Status change,
 - 2.4.4. Status upgrades,
 - 2.4.5. Renewals,
 - 2.4.6. Renewal Penalties payable,
 - 2.4.7. Firm Registrations and
 - 2.4.8. De-registrations
- 2.5. These Guidelines also contain several Annexures contained in the legislation, it is expected that this will facilitate easy reference for Property Practitioners.

3. BACKGROUND

- 3.1. One of the core functions of the Property Practitioners Regulatory Authority is to issue Fidelity Fund Certificates for Property Practitioners in terms of Section 47 and Regulation 17 of the Property Practitioner Act No. 22 of 2019 (PPA).
- 3.2. In terms of Section 47 of the Act, 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.

4. TRANSITIONAL PROVISIONS

- 4.1. These guidelines also apply to all pending licensing applications received by the Authority before the effective date of the Property Practitioners Act and Regulations. Any persons holding an FFC under the previous Act shall be entitled to continue acting as a Property Practitioner using it until the end of this year in terms of regulation 41.44.
- 4.2. Section 75 (6) states that 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.

5. THE PROPERTY PRACTITIONERS ACT 22/2019

- 5.1. The Property Practitioners Act completely repeals the Estate Agency Affairs Act 112 of 1976 and replaces the Estate Agency Affairs Board with the Property Practitioners Regulatory Authority and it is therefore important that all Property Practitioners affected by the Act understand and comply with the formalities of the Act.
- 5.2. The Property Practitioners Act incorporates a wide definition of the term "Property Practitioner" covering most of the role players in the property sector with a few exclusions.
- 5.3. A Property practitioner can be broadly described as any natural or juristic person. The wide definition covers Property Practitioners who will be providing services relating to marketing, promotions, and any rights, obligations, interests, duties, or power associated with, or relevant to such properties are subject to the provision of the Act. This wide definition includes Homeowners Associations.
- 5.4. Who then is a property practitioner?
 - 5.4.1. Any person (natural or juristic) who in the ordinary course of business, for gain/ payment, holds out that he/ she or is his/her business, on behalf of another person: In short, any person who receives any form of compensation on behalf of an owner or to sell or rent or manage their property.
 - 5.4.1.1. Principal Property Practitioners
 - 5.4.1.2. Candidate Property Practitioners
 - 5.4.1.3. Non – Principal Property Practitioners
 - 5.4.1.4. Auctioneers
 - 5.4.1.5. Bond Originators and Bridging Finance
 - 5.4.1.6. Managing agents
 - 5.4.1.7. Homeowners Association
 - 5.4.1.8. Attorney employees other than attorney and candidate attorney.

6. DOCUMENTS REQUIRED FROM APPLICANTS

6.1. THE TABLE BELOW OUTLINES THE DOCUMENTS REQUIRED WHEN APPLYING FOR A FIDELITY FUND CERTIFICATE BY A PROPERTY PRACTITIONER;

| Natural Property practitioners | Business Property Practitioner |
|---|--|
| <ul style="list-style-type: none"> • Application form (<i>Attached a copy hereto marked annexure "A"</i>) • Certified copy of ID / SMART Card both sides. • Passport and work permit for Non-South African applicants • Dated letter of employment signed by both principal and property practitioner • Prescribed Fees • BEE Certificates and • Tax Certificate | <ul style="list-style-type: none"> • Business Property Practitioner application form. (attached a copy hereto marked annexure "B") • Application form for all active members and resolution for non-active members (CLOSE CORPORATION). <i>Attached a copy hereto marked annexure "A"</i>. • Application form for all partners (PARTNERSHIP) <i>Attached a copy hereto marked annexure "A"</i> • Application form for all directors (Pty) Ltd. <i>Attached a copy hereto marked annexure "A"</i> • Bank Letter confirming that the Trust A/C has been opened in terms of Section 51 (1) of the Property Practitioners Act (PPA). • Auditors letter (registered with IRBA) • Prescribed fees • BEE Certificates • Tax Certificate and • Property Practitioners score card |

6.2. APPLICATION FOR ATTORNEY EMPLOYEE PROPERTY PRACTITIONER

The table below outlines the documents required when applying for a Registration Certificate by an attorney employee;

| Natural Property practitioners |
|---|
| <ul style="list-style-type: none"> • Application form (<i>Attached a copy hereto marked annexure "A"</i>) • Certified copy of ID / SMART Card both sides. • Passport and work permit for Non-South African applicants • Dated letter of employment signed by both attorney and attorney employee • Prescribed Fees • BEE Certificates; and • Tax Certificate |

7. BY WHOM AND WHEN MUST A FIDELITY FUND CERTIFICATE BE APPLIED FOR?

- 7.1. Anyone who falls under the definition of a Property Practitioner must obtain a valid Fidelity Fund Certificate (FFC) and Attorney Employees Property Practitioner will be issued with a Registration Certificate.
- 7.2. The Act states that every property practitioner must apply to the Property Practitioners Regulatory (“PPRA”) for a Fidelity Fund Certificate (“FFC”).
- 7.3. The application must be accompanied by the prescribed fees.
- 7.4. The Fidelity Fund Certificate will be valid for a period of 3 years expiring on the 31st December of the year to which the application relates as per Section 47 (1) of the Act.

8. MANDATORY PERIODS FOR ISSUING CERTIFICATES

- 8.1. The PPRA must upon receiving of an application and the required fees consider it, and if the applicant meets all the prescribed requirements provided for under the Act; and the applicant is not disqualified under Section 50 of the Act from being issued with an FFC.
- 8.2. Section 49 (1) The Authority must, within 30 working days issue a certificate, unless the Authority, on good grounds in writing, informs the applicant of the reason why that period is to be extended, provided that such extension may not exceed 20 working days.
- 8.3. In terms of Section 49 (2), the period of 30 working days commences afresh if the Authority requests the applicant to submit additional information or to correct the said application.
- 8.4. If the Authority has failed to comply with Section 49 (1), the application is deemed to have been approved then the Authority must, upon written request by the applicant within 10 working days, issue the applicant with the relevant certificate.
- 8.5. In terms of section 49 (3) where the Authority has failed to issue a certificate within 30 days the applicant must request the Authority to within 10 days issue the relevant certificate *“Attached here marked annexure C a copy of the request form in terms of section 49 (3)”*

9. FEES PAYABLE

9.1. An application for a certificate must be accompanied by the applicable prescribed fees which are prescribed annually by the Minister in the government gazette.

| | |
|---|-----------|
| MANDATORY TIME PERIODS FOR ISSUING CERTIFICATES | |
| REGULATION 17.2 | |
| | R 400,00 |
| FEE STRUCTURE | |
| ANY NATURAL OR JURISTIC PERSON WHO OR WHICH FOR THE ACQUISITION OF GAIN | R2 340,00 |
| 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. | |
| 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. | |
| ATTORNEY EMPLOYEES OTHER THAN ATTORNEY AND CANDIDATE ATTORNEY | |
| AUCTIONEERS | |
| BOND ORIGINATORS | |
| NON – PRINCIPAL PROPERTY PRACTITIONERS | |
| PRINCIPAL PROPERTY PRACTITIONER | |
| CANDIDATE PROPERTY PRACTITIONER - WHO HAVE SERVED MORE THAN TWO YEARS | |
| BRIDGING FINANCE | |
| HOMEOWNERS ASSOCIATION | |
| CANDIDATE PROPERTY PRACTITIONER (CONTRIBUTION TO THE PROPERTY PRACTITIONERS FIDELITY FUND IS R400.00) | R1 940,00 |
| MONTHLY RENEWAL PENALTY FEE | R 125,00 |

10.PENALTY FOR LATE APPLICATION

- 10.1. Every property practitioner, excluding a Property Practitioner referred to in Section 1 (g) of the Act, must within the prescribed period being the 31st October and in the prescribed manner, every three years apply to the Authority for a fidelity fund certificate or registration certificate.
- 10.2. A Property Practitioner who fails to apply for a fidelity fund certificate or registration certificate within the prescribed period shall pay a penalty in respect of each month that has expired between the date the person was obliged to apply for an FFC and the date they apply for the FFC.
- 10.3. No fidelity fund certificate will be issued to that Property Practitioner unless the penalty is paid.

11.MANDATORY PROVISIONS UNDER THE ACT

- 11.1. A property practitioner;
 - 11.1.1. May not use or display a lapsed Fidelity Fund certificate.
 - 11.1.2. Who is a holder of a valid fidelity fund certificate must 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.
 - 11.1.3. Must, upon request from any relevant party, produce a Fidelity Fund certificate or certified copy of the certificate.
 - 11.1.4. 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 occurring in writing notify the by Authority provide his, her or its new contact details.
 - 11.1.5. May not act as such unless and in addition to any requirements under the Act is in possession of a valid fidelity y fund certificate.
 - 11.1.6. Who receives a remuneration or commission while not in possession of a valid fidelity fund certificate, 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 and a person who fails to comply with the request above is guilty of an offence.

12.EXEMPTIONS

- 12.1. The PPA also makes provision for certain clauses of property practitioners to be exempt from opening trust accounts
- 12.2. The Act provides that anyone may apply to the Minister for exemption (partially or entirely from the Act) for up to a period of 3 years at a time.

13.DISQUALIFICATIONS TO BEING ISSUED WITH A FIDELITY FUND CERTIFICATE

- 13.1. Section 50 contains disqualification from being issued with a Fidelity Fund Certificate.
- 13.2. A Licensing officer shall therefore not process and issue a fidelity fund certificate to any person who:
 - 13.2.1. Is not a South African Citizen and lawfully resides in the Republic;
 - 13.2.2. Has at any time in the preceding five years, been found guilty of contravening this Act, the Property Practitioners Regulatory Act, or any similar legislation in any other jurisdiction,
 - 13.2.3. Has been found in any civil or criminal proceedings by a court of law, in the Republic or elsewhere, to have acted fraudulently, dishonestly, unprofessionally, dishonorably 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;
 - 13.2.4. Is of unsound mind;
 - 13.2.4.1. has, at any time in the five years by reason of improper conduct, been dismissed from a position of trust;
 - 13.2.4.2. Is an unrehabilitated insolvent;
 - 13.2.4.3. Is not in possession of a valid tax clearance certificate;
 - 13.2.4.4. 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,
 - 13.2.4.5. 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;
 - 13.2.4.6. is not in possession of a valid BEE certificate;
 - 13.2.4.7. 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—

- 13.2.4.8. in the preceding five years has been found guilty of contravention of this Act or the Estate Agency Affairs Act, 1976;
- 13.2.4.9. does not comply with the prescribed standard of training;
- 13.2.4.10. does not have the practical experience determined by the Authority; or
- 13.2.4.11. 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;
- 13.2.4.12. 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—
 - 13.2.4.12.1. already issued with a Fidelity Fund certificate; or
 - 13.2.4.12.2. whose Fidelity Fund certificate is suspended or has lapsed or been withdrawn in terms of this Act; or
- 13.2.4.13. 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—
 - 13.2.4.13.1. of which the Fidelity Fund certificate was withdrawn by the Authority in terms of section 52; or
 - 13.2.4.13.2. 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.

14. THE PERIOD FOR THE APPLICATION

14.1. RENEWALS

- 14.1.1. Those who are in possession of the current certificates will be eligible for renewal and conversion to certificates under the Property Practitioners Act from the 01 July 2022 to 31 October 2022, as per Regulation 21.1

14.2. NEW APPLICATIONS

- 14.2.1. The new licensing cycle will commence from 01 April 2022.
- 14.2.2. The new 3-year licensing Cycle will commence from 2025 to 2028

15.MANNER OF SUBMITTING APPLICATIONS

- 15.1. All applications for certificates can be submitted physically, electronically or through the app.
- 15.2. Guidelines for applications through the mobile application will provided in due cause.

"Importantly, this obligation is imposed on all Property Practitioners including each and every Property Practitioner within a larger Agency. In the absence of the FFC, the Property Practitioner may not charge commission or in the event of already receiving such, it must thereafter be refunded.



**APPLICATION FOR THE ISSUE OF A FIDELITY FUND CERTIFICATE OR REGISTRATION
CERTIFICATE TO A PROPERTY PRACTITIONER**

This application form must be completed and submitted to the Authority by –

- Property practitioners and persons employed by attorneys;
- All directors of a company, members of a close corporation, partners of a partnership, and trustees of a trust and sole proprietors conducting the business of a property practitioner;
- Under cover of a letter by his/her principal confirming his/her employment as indicated herein.

Please note: the prescribed fee must accompany this application.

| PERSONAL INFORMATION | | | | | | | | | | | | |
|--|--------------------------|------------|---------------------------|---------------|------------------------------|------------|------------------------|---------------|--------------------|---|---|--|
| Title | Mr | Miss. | Mrs. | Advocate | Professor | Dr | Other: | | Gender | M | F | |
| Race (complete for statistical purposes) | African | | White | | Coloured | | Indian | | Other: | | | |
| Full name(s) | | | | | | | | | | | | |
| Identity number | | | | | | | | | | | | |
| Date of birth | Y | Y | Y | Y | M | M | D | D | Citizenship | | | |
| Complete this section if you are a foreign national. (Please attach certified copies of the required documents) | | | | | | | | | | | | |
| Passport number | | | | | | | | | | | | |
| Expiry date to the following: | Valid Work Permit | | Valid Study Permit | | Certificate of Asylum | | Other (if any): | | | | | |
| | | | | | | | | | | | | |
| NB: If none or any of the above permits is not available, please contact the Department of Home Affairs for further assistance. | | | | | | | | | | | | |
| CONTACT INFORMATION | | | | | | | | | | | | |
| Residential address | | | | | | | | | Postal code | | | |
| Postal address | | | | | | | | | Postal code | | | |
| State Province | Eastern Cape | Free State | Gauteng | KwaZulu Natal | Limpopo | Mpumalanga | North West | Northern Cape | Western Cape | | | |
| Telephone number | | | Cell No | | | | Email address. | | | | | |
| STATUS/EMPLOYMENT INFORMATION | | | | | | | | | | | | |

| | | | | | |
|--|----------------------------|---------------|--------------------------|-------------------------|-----------|
| What are you applying for (tick appropriate box) | Fidelity Fund Certificate | | Registration Certificate | | |
| State the capacity in which you are applying (tick appropriate box) | Director | Partner | | Employee of an attorney | Member |
| | Sole Proprietor | Non-principal | | Trustee | Candidate |
| State the full name, trading name, registration number and business address of the company, close corporation, partnership, sole proprietorship or trust with which you are associated or employed as a property practitioner | | | | | |
| Date from which you intend to act as a property practitioner | | | | | |
| Have you ever been issued with a Fidelity Fund or registration certificate before? | YES | | NO | | |
| If yes, state the type of certificate, date of issue, certificate number, and name under which certificate was issued | Type of Certificate | | | | |
| | | | | | |
| State the industry in respect of which a Fidelity Fund certificate is being applied for | | | | | |
| DECLARATION BY APPLICANT | | | | | |
| I am a South African citizen and I lawfully reside in the Republic of South Africa. | Yes | | | No | |
| I have not been found in any civil or criminal proceedings by a court of law in any country to have acted fraudulently, dishonestly, unprofessionally, dishonourably or in breach of a fiduciary duty, or of any other offence for which I was sentenced to imprisonment without the option of a fine. | Yes | | | No | |
| I am not of unsound mind. | Yes | | | No | |
| I have not within the preceding 5 years been dismissed from a position of trust by reason of improper conduct. | Yes | | | No | |
| I am not an unrehabilitated insolvent. | Yes | | | No | |
| I am in possession of a valid tax clearance certificate. | Yes | | | No | |
| I am not prohibited by any legislation from being a property practitioner or from occupying a position of trust. | Yes | | | No | |

| | | |
|--|-----|----|
| I have never been found guilty by any court of unfair discrimination. | Yes | No |
| I am in possession of a valid BEE certificate. | Yes | No |
| <p>I have not, nor has any director or manager of my company, any member of my close corporation, or any trustee of my trust (as the case may be) –</p> <ul style="list-style-type: none"> • Failed to be in compliance with the prescribed standard of training (this does not apply to candidate property practitioners) • Failed to have the practical experience determined by the Authority; • Been found guilty of any act or omission in respect of which the Fidelity Fund had to compensate any person; • Been prohibited from operating a trust account. | Yes | No |
| I do not trade under a name that is confusingly similar to that of another property practitioner whose Fidelity Fund certificate has been withdrawn or lapsed, or who has already been issued with a Fidelity Fund certificate. | Yes | No |
| Date | | |
| Signature of applicant | | |
| Place of signature | | |

PROPERTY PRACTITIONERS- **TERMS AND CONDITIONS**

1. By submitting an application form for the issue of a Fidelity Fund Certificate (FFC) you declare that:
 - You agree and comply with all the contents of the Property Practitioners Act 22 of 2019,
 - You will abide with all registration requirements and terms and conditions set out in the Property Practitioners Act, and any other related legislations,
 - You will provide to the Property Practitioners Regulatory Authority (PPRA) all the required documents necessary for registration purposes and
 - You have answered all the questions overleaf.
2. Each applicant completing a registration form must indicate on the appropriate field of the application form the 'FIC Accountable Institution Numbered of both the firm and themselves.
3. Each foreign national registering with the Authority to be issued with a valid FFC, must submit a valid work permit issued by the Department of Home Affairs. The PPRA has the right to either accept or reject any of the documents indicated if it is of the opinion that such document does not satisfy any of the PPRA registration requirement for the issue of a valid FFC.
4. Requirements for registration to be issued with a valid Fidelity Fund Certificate
 - 4.1. CANDIDATE PROPERTY PRACTITIONER
The Candidate Property Practitioner must undergo a minimum 6 months internship programme under the supervision of a qualified Principal Property Practitioner of a registered Principal Property firm. During the internship programme, the candidate property practitioner must acquire a NQF Level 4 qualification. The following documents must be submitted:
 - A fully completed and signed application form;
 - Certified Identity Document (ID) copy,
 - Letter of employment from the business property practitioner confirming employment and signed by both the principal property practitioner and candidate property practitioner and the prescribed fees.
 - 4.2. NON-PRINCIPAL PROPERTY PRACTITIONER
To be registered as a non-principal property practitioner, the applicant must have served a minimum of 6 months internship programme under the supervision of a qualified principal property practitioner of a registered business property practitioner, and acquired a NQF Level 4 qualification. The following documents must be submitted:
 - A fully completed and signed application form,
 - Certified Identity Document (ID) copy,
 - Letter of employment from the business property practitioner confirming employment of the applicant signed by both the principal property practitioner and the non-property practitioner,
 - An internship letter from the principal property practitioner indicating that a minimum of 6 Months internship programme has been served and
 - A NQF Level 4 qualification.
 - 4.3. PRINCIPAL PROPERTY PRACTITIONER
To register as a principal property practitioner, that is, a director of a company, a member of a close corporation, a partner in a partnership or a sole proprietor, a person must be qualified to act as a non-principal property practitioner and be in possession of a NQF Level 5 qualification and submit the following:
 - A fully completed and signed application form,
 - Certificate Identity Document (ID) copy,
 - A NQF Level 5 qualification and
 - Applicant must renew for the year the principal application is made.
5. The candidate property practitioner and a non-principal property practitioner are required to be employed by only one business property practitioner; however, principal property practitioner may be employed by more than one business property practitioners.
6. The PPRA will issue the fidelity fund certificate and registration certificate or registration certificate to the property practitioner concerned and only on the issue of the FFC certificates, may such a property practitioner commence to practice.
- 7.
8. Each business property practitioners which has registered with the PPRA is required to immediately register with Financial Intelligence Centre (FIC) in terms of Section 43(b) of the Financial Intelligence Centre Act No 38 of 2001 as amended (FICA).
9. Each person who has just registered with the PPRA as an property practitioner is required to immediately register with FICA in terms of Section 43(b) of the Financial Intelligence Centre Act No 38 of 2001 as amended.
10. Any person practicing as a property practitioner without a valid fidelity fund certificate and registration certificate shall not be entitled to any remunerations in terms of Section 56 of the PPA.
11. Any FFC issued in error shall be withdrawn and immediately recalled.
12. The property practitioner who ceases, or wish to cease practicing as such, are required to inform the PPRA in writing.

13. Renewal of Fidelity Fund Certificate and the Registration Certificate
- The fidelity fund certificate or the registration certificate is valid for three years, until 31 December of the year to which such the application relates, in terms of Section 47(3)
 - A property practitioner must lodge an application for the renewal of his, her or its fidelity fund certificate and the registration certificate before 31 October of the calendar year in which the current certificate will expire, as prescribed by regulation 21.1
 - A property practitioner shall hold a separate fidelity fund certificate or the registration certificate in respect of each different industry in which such property practitioner operates, and a separate application shall be lodged by such property practitioner with the Authority in respect of each such required Fidelity Fund certificate. as prescribed by regulation 26.2.
 - A Fidelity Fund certificate issued to a property practitioner shall reflect the industry in respect of which that Fidelity Fund certificate is issued, as prescribed by regulation 26.3.

Irrespective of receipt of renewal statement by the client, it is and will always be the responsibility of each registered Property Practitioner to ensure that their FFC is renewed on time before the renewal due date of 31 October of each year in order to be issued with a valid Fidelity Fund Certificate for that year.



**APPLICATION FOR FIDELITY FUND CERTIFICATE–
BUSINESS PROPERTY PRACTITIONER REGISTRATION**

| BUSINESS INFORMATION | | | | | | |
|--|------------------------------------|-------------------|---|----------------|---|------------|
| Type of Business | Company | Close corporation | Trust | Partnership | Sole proprietor | |
| Business name | | | | | | |
| Trading name | | | | | | |
| Indicate if firm is | New Business Property Practitioner | | Deregistered Business Property Practitioner | | Purchased as a going concern Business Property Practitioner | |
| Business registration number | | | | | | |
| Firm financial year end | | | Business commencement date | | | |
| FIC Accountable Institution Number (AI number) | | | | | | |
| PRINCIPAL(S)/DIRECTOR(S) INFORMATION | | | | | | |
| Provide full names of Company Directors, Partners to Partnership. If Partners to a Partnership are companies, please provide company names and full names of all Directors of each partnering companies as appearing on CIPC documents (attach separate sheet if space is inadequate). | | | | | | |
| Full names | | | | | | |
| Full names | | | | | | |
| Full names | | | | | | |
| PRINCIPAL PLACE OF BUSINESS/CONTACT INFORMATION | | | | | | |
| Firm Physical Address | | | | | | |
| | | | | | | |
| | | | | | Postal code | |
| Firm Postal Address | | | | | | |
| | | | | | | |
| | | | | | Postal code | |
| Province | Eastern Cape | Free State | Gauteng | KwaZulu Natal | Limpopo | Mpumalanga |
| | North West | | Northern Cape | | Western Cape | |
| Telephone no | () | | | Fax no | () | |
| Email address | | | | Cell no | | |

| TRUST ACCOUNT INFORMATION | | | | |
|--|-----------------------|--------------------|---------------------------------|------------------|
| Trust account details opened in terms of section 54(1) of the Property Practitioners Act 22 of 2019. | | | | |
| Bank name | Account number | Branch name | Branch code | City/Town |
| | | | | |
| APPOINTED AUDITOR'S INFORMATION | | | | |
| Auditors must be registered with the Independent Regulatory Board for Auditors (IRBA) in terms of section 37(2) of Auditing Profession Act 26 of 2005. | | | | |
| Auditor's full names | | | | |
| Auditor's business address | | | | |
| | | | | |
| | | Postal code | | |
| Telephone no | () | Fax no | () | |
| Practice no | | | | |
| FOR OFFICE USE ONLY | | | | |
| Firm code | | | | |
| Reference (PIN) | | | | |
| Compliance status | | | | |
| Date | | | | |
| Comment | | | | |
| | | | | |
| | | | | |
| <p>By signing this application, I the applicant confirm, agree and accept that the information supplied herein is true, correct and accurate. Accept and agree to Terms and Conditions and comply with all the requirements set out in the Property Practitioners Act 22 of 2019, together with any other legislation and regulations promulgated thereunder. I herewith agree and confirm that should I open any additional trust account in future, undertake to inform the PPRa accordingly by sending within 14 days from the date of trust account opening a letter from the bank confirming the existence of such a trust account in compliance with the Property Practitioners Act.</p> | | | | |
| <p>_____</p> <p>Applicant signature</p> | | | <p>_____</p> <p>Date</p> | |

**BUSINESS PROPERTY
PRACTITIONERS -
TERMS AND CONDITIONS**

1. As an applicant, by submitting an application form for the issue of a Fidelity Fund Certificate (FFC) you declare that:
 - You agree and comply with all the contents of the Property Practitioners Act 22 of 2019,
 - You will abide with all the registration requirement, and terms and conditions of the Property Practitioners Act, and any other related legislations;
 - You will provide to the Property Practitioners Regulatory Authority (PPRA) all the required documents necessary for registration.
2. A business property practitioner may not use a name/trade name which is identical or confusingly similar to the name/trade name of an estate agent who has already been issued with a fidelity fund certificate or whose fidelity fund certificate has been suspended, has lapsed or has been withdrawn, in terms of.

3. The following must be ensured when registering a business property practitioner:

- A person must be a registered as a principal property practitioner, as prescribed by the Act,
 - A business property practitioner must open a separate trust account with a bank in terms of Section 51 (1), with the exemption in terms of Regulation 2 ;
 - A business property practitioner must appoint auditors who is registered with the Independent Regulatory Board for Auditors (IRBA) in terms of Section 37(2) of Auditing Profession Act 26 of 2005;
 - Each business property practitioner prior to registering with the PPRA is required to register first with Financial Intelligence Centre (FIC) in terms of section 43b of the Financial Intelligence Centre Act No 38 of 2001 as the FIC accountable institution.
4. It is the duty of the principal property practitioner concerned to ensure that the auditor submits to the PPRA the annual auditor's report, on the prescribed form, within six months of the financial year end of the business property practitioner concerned, as prescribed in Section 54(5)(b) of the Property Practitioners Act.
 5. For every types of business property practitioners:
 - every property practitioner must individually apply for a fidelity fund certificate and each must pay the prescribed fees;
 - should a member be exempted from the requirements of the Property Practitioners Act a resolution to that effect should be attached.
 6. If the business property practitioner is a partnership, all partners must apply for a fidelity fund certificate giving full particulars of the business and each partner must pay the prescribed fees. Should one partner resigns then the partnership dissolves
- Note:** A properly dated & signed partnership agreement must be included in the documents upon registration.
7. All business property practitioner, must complete the necessary application forms, giving particulars of the business, and pay the prescribed fees.
 8. Every property practitioner must keep separate accounting records of all monies deposited by him or her, in terms of Section 54(5)(a)
 9. The PPRA will issue the fidelity fund certificate to the property practitioners concerned and only upon issue of the fidelity fund certificates, may such property practitioner agent commence to practice.
 10. Any property practitioner without a valid fidelity fund certificate and registration certificate shall not be entitled to any remunerations in terms of Section 56 of the PPA.
 11. Any Fidelity Fund Certificate issued in error shall be withdrawn and immediately recalled.
 12. The property practitioner who ceases, or wish to cease practicing as such, are required to inform the PPRA in writing.

13. No individual Fidelity Fund Certificate can be issued unless both the business property practitioner and the principal property practitioner have received in one batch.

14. Renewal of Fidelity Fund Certificate

- The fidelity fund certificate or the registration certificate is valid for three years, until 31 December of the year to which such the application relates, in terms of Section 47(3)
- A property practitioner must lodge an application for the renewal of his, her or its fidelity fund certificate and the registration certificate before 31 October of the calendar year in which the current certificate will expire, as prescribed by regulation 21.1
- A property practitioner shall hold a separate fidelity fund certificate or the registration certificate in respect of each different industry in which such property practitioner operates, and a separate application shall be lodged by such property practitioner with the Authority in respect of each such required Fidelity Fund certificate. as prescribed by regulation 26.2.
- A Fidelity Fund certificate issued to a property practitioner shall reflect the industry in respect of which that Fidelity Fund certificate is issued, as prescribed by regulation 26.3.

Irrespective of receipt of renewal statement by the client, it is and will always be the responsibility of each registered Property Practitioner to ensure that their FFC