



The Property Practitioners Regulatory Authority (PPRA) is pleased to share with all stakeholders its draft guidelines which cover various aspects in relation to the Education and Training component as outlined in the Regulations and generally relevant practices.

In this regard, the Authority invites your reviews, comments and questions on these guidelines.

The feedback received from the public and all key stakeholders will benefit the Authority in finalizing the guidelines, enhance dialogue and inform internal policy and processes within the PPRA.

All organisations/stakeholders/public can provide feedback directly to: education.comments@theppra.org.za

The Authority welcomes your inputs and is looking forward to receiving your comments. Please note that the final date for submission of comments is 20 July **2022**.

For more information, visit the www.theppra.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) “**Candidate Estate Agent**” means a candidate property practitioner in the estate agency industry;
- d) “**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;
- e) “**Previous Act**” means the Estate Agency Affairs Act, 1976 together with the regulation published thereunder;
- f) “**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;
- g) “**Professional Designation Examination**” means an integrated test of knowledge for property practitioners contemplated in Regulation 33.2;
- h) “**QCTO**” means the Quality Council For Trades & Occupations
- i) “**Services SETA**” means the Services Sector Education and Training Authority
- j) “**Property Practitioner**”
- k)
- l) “**SAQA**” means the South African Qualifications Authority

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.
- vii.
 - 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;
 - includes any person who for remuneration manages a property on behalf of another;
 - 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);
 - for the purposes of sections 34, 46, 48, 59, 60, 61 and 65 includes—
 - any director of a company or a member of a close corporation who is a property practitioner as defined in paragraph (a);
 - 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 trustee of a trust which is a property practitioner as envisaged in paragraph (d);
- 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
- any person who is employed by a property practitioner contemplated in paragraph (a) or (b) to manage, supervise or control the day-to-day operation of the business of that property practitioner;
- 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;
- 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—
 - 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
 - through the medium of or as a director of a company other than such professional company; and

2. INTRODUCTION

These guidelines are drafted by the Education, Training and Research Department (“the department”) which is a business unit within the Property Practitioners Regulatory Authority (“PPRA”) tasked with the responsibility of building capacity for stakeholders that the PPRA regulates and ensuring that the industry is ultimately professionalised and transformed. This department does this by implementing the Standard of Training of Property Practitioners Regulations (commonly known as Education Regulations) which prescribe the standards of education, training and continuing professional development requirements for property practitioners. The aim of the Regulations is to ensure that property practitioners are fit and proper, i.e. that they are qualified to practice in the property sector and are awarded professional designations for as long as they continue to uphold and adhere to the prescribed Code of Conduct for Property Practitioners.

2.1 Chapter 7 of the Regulations deals with Training, Conduct and Consumer Protection Measures. Of significant importance is Regulation 33 which provides for the Standard of Training in various formats. These guidelines are meant to provide clarity on the processes that will be applicable in relation to Education and Training programmes that property practitioners are obligated to comply with. The scope of the guidelines will cover the Professional Development Examination and Training for Candidate Property Practitioners.

2.2 Our goals and objectives: include but are not limited to the following:

- Ensuring that all property practitioners regulated by the PPRA are made aware of and are capacitated to comply with the Regulations and the Property Practitioners Act;
- Ensuring that new and emerging skills and competencies are identified and property practitioners are developed by facilitating and ensuring sector skills needs are incorporated into the Sector Skills Plan and QCTO occupational qualifications;
- Complying with SAQA Regulations for professional bodies by executing professional body duties prescribed by SAQA;
- Developing/updating study material in conjunction with Services SETA and the QCTO for use by property practitioners, which is benchmarked and incorporates national, local and international standards;
- Implementing Professional Designation Exams (PDE) geared at assessing relevant and current competences of practicing property practitioners;
- Setting criteria for and granting of educational exemptions against set criteria;
- Monitoring of new entrants to ensure that they are fully empowered, trained and exposed to occupational learning;

3. TRANSITIONARY PROVISIONS

- 3.1. Section 75 (6) of the Property Practitioners Act provides 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.
- 3.2. Thus, the Standard of Training of Estate Agents Regulations, 2008 are still applicable until such time that any new standard of qualifications and other processes have been established by the Authority in consultation with the relevant industries in their various configurations.

4. EQUIVALENCY EXEMPTIONS

- 4.1. In terms of Regulation 33.1.2, the Authority may upon application and good cause shown exempt any person or class of persons from any of the requirements of the Standard of Training by virtue of any existing qualification of such person or class of persons.
- 4.2. This provision is consistent with the existing equivalency exemption matrices which recognise certain existing qualifications and exempt certain property practitioners who meet the set criteria from obtaining the minimum education requirements.
- 4.3. Candidates wishing to apply to the PPRA for the granting of an equivalency exemption against the NQF Level 4 and/or NQF Level 5 qualifications or any other minimum qualifications that may be prescribed by the PPRA, based on appropriate equivalency qualifications, shall be required to submit the following documentation to the PPRA:
 - the candidate's full curriculum vitae;
 - a copy of all qualification certificates either awarded to the candidate or in respect of which the candidate wishes to rely on for the grant of an equivalency exemption;
 - a copy of the academic history, or statement of courses passed, towards the attainment of such qualification(s);
 - a copy of all professional qualifications and designations that may have been awarded to the candidate;
 - any such additional documentation as may be necessary and/or required for proper assessment purposes; and
 - candidates who submit foreign qualifications for assessment purposes, shall be required first to have such foreign qualifications evaluated by the SA Qualifications Authority before such foreign qualifications may be considered for equivalency exemption purposes.

5. ESTABLISHMENT OF PROFESSIONAL DESIGNATION EXAMINATION

- 5.1 The Authority will conduct consultations with industry bodies and establish qualification standards, course material and professional designation examinations to be written by aspirant property practitioners.
- 5.2 Professional designation examinations will be conducted at least four times a year and orally in any other official language other than English. However, this will not be done automatically but will be activated upon request by any candidate.

6. CANDIDATE ESTATE AGENTS

- 6.1 Any person who registers with the Authority as an estate agent property practitioner is required to be a candidate estate agent prior to becoming entitled to practice as a non-principal property practitioner.
- 6.2 No person may, without the consent of the Authority, act as a candidate estate agent for a period in excess of 180 days. After the expiration of 180 days, a candidate estate agent will be required to sit for the Professional Designation Examination.
- 6.3 During the 180 days, candidate estate agents will be required to undergo practical training designed by the leading industry bodies which content will be subject to the oversight and approval of the Authority.
- 6.4 Candidate estate agents who commenced internships in terms of the previous regulatory framework will be required to adhere to the old timeframes with respect to the duration of their training and submission of the logbook.

7. SUBMISSION OF A LOGBOOK BY CANDIDATE ESTATE AGENTS

- 7.1 In terms of the Regulations, all persons seeking to enter the property profession are required first to serve as candidate property practitioners, acting under the supervision of a registered property practitioner to whom no restrictions apply in terms of the Regulations. This requirement applies to all new entrants or candidate property practitioners, regardless of any academic, professional or other qualifications which they may hold.
- 7.2 In this regard, all candidate property practitioners will be required to comply with the following:-

- Complete the mandatory practical training programme designed to ensure that candidate property practitioners not only acquire meaningful practical property experience during the **period prescribed in terms of the Regulations** but that they are also exposed to an applied and relevant practical learning experience that will enhance, and add value and understanding, to their theoretical property studies.
- Maintain the mandatory workplace learning programme logbook and workplace portfolio of evidence (PoE) which constitutes an integral component of the entire programme. The PPRA has, to this end, compiled a draft logbook for use by intern/candidate property practitioners.

8. OVER 60 PROPERTY PRACTITIONERS EXEMPTION

8.1 Currently registered property practitioners and those who were not registered in terms of the old regime under the PPRA and who wish to apply to the PPRA for the grant of an age-based educational exemption against the NQF Level 4 and/or NQF Level 5 real estate qualifications and/or the Professional Designation Examination for principal estate agents (PDE 5) or non-principal estate agents (PDE 4), will need to meet some requirements in order to enjoy an exemption.

8.2 The following requirements shall apply:

- have been issued with valid fidelity fund certificates for a period of at least five (5) years, whether as non-principal or principal property practitioners;
- in respect of the property practitioners who were not registered in terms of the old regime, they must produce the portfolio of evidence confirming that in their respective previous working environment, they obtained practical demonstrable experience as property practitioners;
- are at least 60 years of age; and
- have no infractions registered against their names at the PPRA