



I assent.

[L.S.]

P. K. GANILAU

Governor-General

20th March 1986

AN ACT

TO PROVIDE FOR THE REGISTRATION OF VALUERS AND
REGULATE THE PRACTICE OF VALUING; AND FOR RE-
LATED PURPOSES

[21st March 1986]

ENACTED by the Parliament of Fiji—

PART I—PRELIMINARY

Short title

1. This Act may be cited as the Valuers Registration Act, 1986.

Interpretation

2. In this Act, unless the contrary intention appears—

“Board” means the Valuers Registration Board established under section 3;

“Chairman” means the Chairman of the Board;

“member” means the Chairman or another member of the Board;

“registered valuer” means a person whose name is entered in the register;

“register” means the register of valuers kept under section 7;

“Registrar” means the Registrar of Valuers appointed under section 4;

“valuer” means a person who, either as a principal or as an employee or agent, holds himself out as ready to engage in professional valuations of land, or of estates or interests in land.

PART II—ESTABLISHMENT, CONSTITUTION AND DUTIES
OF THE VALUERS REGISTRATION BOARD

Establishment of the Board

3.—(1) There is established by this Act a Board by the name of the Valuers Registration Board.

(2) The Board shall consist of a Chairman and 3 other members, all of whom (including the Chairman) shall be appointed by the Minister and shall be valuers.

(3) Subject to subsection (4), at least one of the members shall be appointed from a panel of at least 3 names submitted to the Minister by the Institute of Valuation and Estate Management of Fiji.

(4) If the Institute of Valuation and Estate Management of Fiji fails to supply a panel of names to the Minister within one month of being requested to do so by the Minister, the Minister may appoint all the members without reference to the Institute.

(5) In the absence of the Chairman at any meeting, the other members shall appoint one of themselves to act as Chairman.

(6) A quorum shall be 3 and all resolutions shall be passed by a majority of those present. The Chairman shall have an original and a casting vote.

(7) The Board shall cause proper records of its proceedings to be kept.

(8) Subject to this Act the Board may regulate its own procedure.

Registrar and Secretary

4.—(1) The Minister shall appoint an officer of the Department of Government having responsibility for land valuation matters to be the Registrar of Valuers.

(2) The Registrar shall be the Secretary of the Board and may also be a member.

Duties of the Board

5. The duties of the Board are—

- (a) to determine the suitability of persons for registration as valuers;
- (b) to authorise the registration of approved persons as valuers;
- (c) to regulate the conduct of valuers and the practice of valuing; and
- (d) to advise the Minister in relation to the practice and activities of valuers in Fiji.

Removal and resignation

6.—(1) The Minister may terminate the appointment of a member for misbehaviour or incapacity.

(2) A member may resign his office by notice in writing addressed to the Minister.

(3) Subject to subsections (1) and (2) a member holds office for such period, not exceeding 3 years, as is specified in his instrument of appointment.

(4) A member is eligible for reappointment.

(5) If the office of a member becomes vacant before the expiration of his term of office the Minister shall appoint a person to fill the vacancy in accordance with section 3.

(6) A person appointed under subsection (5) holds office until the expiration of the term of the member whose office became vacant.

PART III—REGISTRATION OF VALUERS

Register of valuers

7.—(1) The Registrar shall keep a register of valuers in which shall be inserted the names, addresses and qualifications of all registered valuers and such other particulars as may be prescribed or as the Board may require.

(2) In the month of January each year the Registrar shall publish in the *Gazette* a list of the names of persons registered in the register as on the 31 December immediately preceding.

(3) The Registrar shall publish in the *Gazette* from time to time any names added to or deleted from the register.

(4) On application to the Registrar the register shall be available for inspection by any person during normal working hours on payment of such fee as may be prescribed.

(5) Each entry in the register shall be signed by the Registrar.

(6) The Registrar shall from time to time make any necessary alterations to the register on instructions from the Board, including the deletion of the name of any deceased person.

Applications for registration

8.—(1) Any person wishing to be registered as a valuer shall apply in writing to the Registrar submitting evidence to support his application.

(2) The Board may approve, defer or refuse such application, or request the applicant to provide such additional information as the Board may reasonably require.

(3) The Board may require an applicant for registration to attend personally before the Board, and if he fails to attend as required, may refuse the application.

(4) The Board may require a person to verify by statutory declaration a representation made by him in support of an application.

Qualifications for registration

9.—(1) A person shall not be registered as a valuer unless, at the date of his application, he has attained the age of 21 years, and satisfies the Board that he is of good character and reputation and has either—

- (a) acquired such professional qualification and experience, whether in Fiji or elsewhere, as the Board consider to be adequate for the efficient practice of the work of a valuer; or
- (b) (i) passed such examination or examinations as may be set or approved by the Board, and

- (ii) completed such period of practical training in the work of a valuer as the Board may consider satisfactory; or
- (c) at the date of coming into force of this Act, sufficient knowledge of the practical experience in valuation in Fiji to justify his registration.

(2) A person seeking registration under paragraph (c) of subsection (1) shall not be registered unless he applies for registration within one year of the commencement of this Act.

Annual registration fee

10.—(1) Every person registered under the provisions of this Act, other than a valuer who is a public officer, shall pay to the Registrar such annual registration fee as may be prescribed or, if no such fee is prescribed, an annual fee of \$50.

(2) Any fee due and payable in accordance with subsection (1) shall be paid on or before the date of registration or reinstatement, as the case may be, and upon each anniversary of such date during the currency of such registration.

(3) Where any valuer gives notice in writing to the Board before the date upon which the annual registration fee is payable by him in any year that he will not practise as a valuer during the year then immediately succeeding, the Board may direct that the annual fee to be paid by him in respect of that year shall be 10% of the fee due and payable in accordance with subsection (1):

Provided that if during such year the valuer recommences practice the full fee for the whole year less the amount paid in accordance with this subsection shall then be due and payable to the Board.

Evidence of registration, etc.

11.—(1) Where a person is registered as a valuer the Board shall cause to be issued to him a certificate of registration signed by the Chairman and the Registrar.

(2) A certificate of registration is evidence that the person specified in the certificate was registered as a valuer on the date specified in the certificate.

(3) A list of persons published in accordance with section 7(2) and addition published in accordance with section 7(3) is evidence that the persons named are registered under this Act and the absence or deletion of the name of any person is evidence that such person is not so registered.

(4) Notwithstanding subsection (3) a certificate purporting to be under the hand of the Chairman stating—

(a) that a person was or was not registered; or

(b) that the registration of a person was suspended,

on a date or during a period specified in the certificate, is evidence of the matters stated.

(5) A person whose name has been removed from the register, or who has been suspended, shall surrender his certificate of registration to the Registrar within such time as the Board may require.

PART IV—REGULATION OF THE PRACTICE OF VALUING

Right of practice

12. Subject to any other law, a registered valuer may practise as a valuer in Fiji.

Code of professional conduct

13.—(1) The Board shall prepare and issue to all registered valuers a code of professional conduct comprising such directions as the Board may consider appropriate for the guidance of and observance by all registered valuers.

(2) A contravention of a code of professional conduct prepared under subsection (1) is *prima facie* evidence of conduct which is infamous or unethical within the meaning of section 14.

Disciplinary powers of Board

14.—(1) If any registered valuer—

- (a) is convicted of any offence for which the maximum punishment is imprisonment for a term of not less than 2 years;
- (b) is guilty of any act or conduct which in the opinion of the Board is infamous or unethical in any professional respect;
- (c) is disqualified to practise as a valuer in a country or countries in which he was granted a recognised qualification as a valuer, or ceases to hold a qualification by reference to which he was registered;
- (d) fails to pay a registration fee in accordance with section 10;
- (e) obtains registration by fraud or misrepresentation; or
- (f) becomes of unsound mind,

the Board may after due inquiry order that the name of such registered valuer be removed from the register or suspend his registration for a period not exceeding 12 months.

(2) Notwithstanding subsection (1), the Board may, instead of ordering that the name of a person be deleted from the register, issue a reprimand or warning to that person.

(3) A person whose name has been removed from the register, or who has been suspended, may apply for reinstatement and upon receipt of satisfactory evidence of proper reasons for his reinstatement, the Board may reinstate him.

Witnesses may be required to attend and give evidence

15.—(1) The Board, by notice in writing signed by its Chairman or Secretary, may require any person to attend and give evidence before it at the hearing of any application or inquiry under this Part, and to produce all books and documents in that person's custody or under his control relating to the subject matter of any such application or inquiry.

(2) The Board may require evidence to be given on oath, either orally or in writing, and for that purpose the Chairman may administer an oath.

(3) Every person who without lawful justification refuses or fails to attend and give evidence when required to do so by the Board, or to answer truly and fully any question put to him, or to produce to the Board any book or document required of him, commits an offence against this section, and shall be liable on conviction to a fine not exceeding \$200.

Status of witness

16.—(1) A witness before the Board has the same protection as a witness in proceedings before the Supreme Court.

(2) The hearing of an inquiry under this Part is, for the purpose of Chapter XII of the Penal Code, a judicial proceeding.

Fees and allowances to witness

17. A person who attends before the Board for the purpose of giving evidence is entitled to receive from the Consolidated Fund such fees and allowances as the Chairman allows in accordance with such scale of fees and allowances as may be prescribed.

Record of finding

18. Where the Board refuses registration of a person as a valuer, or exercises any of its disciplinary powers in accordance with section 14 in relation to a person, it shall record the finding on which the decision was based and its reasons and, if the person concerned so requests, furnish him with a copy of the finding and the reasons.

Appeals against decisions of Board

19.—(1) Any person aggrieved by—

- (a) the refusal of the Board to approve his application for registration; or
- (b) the removal of his name from the register; or
- (c) the suspension of his registration; or
- (d) the refusal of the Board to approve reinstatement of his name in the register,

may appeal to the Supreme Court.

(2) The decision of the Supreme Court in an appeal under this section is final.

Unregistered persons practising as valuers, etc.

20.—(1) Subject to subsection (2) a person, other than a registered valuer, who—

- (a) pretends that he is or holds himself out, directly or indirectly, to be a registered valuer or to be entitled to practise as a valuer;
- (b) takes or uses the name or title of a registered valuer, or a name, title, addition or description implying that he is a registered valuer;
- (c) practises as a valuer, or charges or receives a fee for work done as a valuer,

is guilty of an offence and liable on conviction to a fine not exceeding \$1000.

(2) Subsection (1) shall have effect on and from 31 December 1986.

(3) A person who fails to surrender a certificate of registration in accordance with section 11(5) shall be guilty of an offence and liable on conviction to a fine not exceeding \$200.

(4) It is a defence to a prosecution for an offence under subsection (3) if the accused satisfies the Court that—

- (a) the certificate has been destroyed; or
- (b) after diligent search he has been unable to find the certificate.

PART V—GENERAL

References in other laws

21. A reference in any other written law to a valuer or appraiser shall, unless the context otherwise requires, be taken as a reference to a registered valuer within the meaning of this Act.

Payment into Consolidated Fund

22. Fees paid under this Act shall be paid into the Consolidated Fund.

Regulations

23.—(1) The Minister may make regulations, not inconsistent with this Act, prescribing matters—

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act,

and without prejudice to the generality of the foregoing may prescribe—

- (c) sums to be paid to persons attending the Board;
- (d) forms, certificates and other documents to be used for the purpose of any function of the Board;
- (e) the subject matter of examinations;
- (f) the standards required to be attained by examination candidates;
- (g) times when examinations may be held; and
- (h) fees payable in respect of examinations.

(2) Subject to the concurrence of the Minister, the Board shall make by-laws prescribing fees payable in respect of work done as a registered valuer.

24. This Act binds the Crown.

Passed by the House of Representatives this twenty-fifth day of February, in the year of our Lord one thousand, nine hundred and eighty-six.

Passed by the Senate this twentieth day of March, in the year of our Lord one thousand, nine hundred and eighty-six.