

Malawi

Land Economy Surveyors, Valuers, Estate Agents and Auctioneers Act Chapter 53:08

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Land Economy Surveyors, Valuers, Estate Agents and Auctioneers Act

Contents

Part I – Preliminary	1
1. Short title	1
2. Interpretation	1
Part II – Restrictions	1
3. Restriction on use of title of land economy surveyor, valuer, estate agent or auctioneer	1
Part III – Board of Registration	2
4. Establishment of Board of Registration	2
5. Power of Board to make rules	2
Part IV – Registration	3
6. Register	3
7. Registration within six months of coming into operation of this Act	3
8. Qualification for registration after six months from coming into operation of this Act	3
9. Suspension	3
Part V – Miscellaneous	4
10. Appeals	4
11. Offences	4
12. Penalty	4
13. Regulations	4

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Land Economy Surveyors, Valuers, Estate Agents and Auctioneers Act

Chapter 53:08

Assented to on 26 April 1989

Commenced on 1 July 1990

[This is the version of this document at 31 December 2014.]

[Note: This version of the Act was revised and consolidated in the Fifth Revised Edition of the Laws of Malawi (L.R.O. 1/2018), by the Solicitor General and Secretary for Justice under the authority of the Revision of the Laws Act.]

An Act to provide for the registration, regulation and Control of Land Economy Surveyors, Valuers, Estate Agents and Auctioneers and for matters incidental thereto or connected therewith

Part I – Preliminary

1. Short title

This Act may be cited as the Land Economy Surveyors, Valuers, Estate Agents and Auctioneers Act.

2. Interpretation

In this Act, unless the context otherwise requires—

“**Board**” means the Board of Registration of Land Economy Surveyors, Valuers, Estate Agents and Auctioneers established by [section 4](#);

“**Chairman**” means the Chairman of the Board;

“**Registered person**” means a person registered under this Act;

“**Register**” means the Register or, if there be more than one, a register kept by the Board under [section 6](#).

Part II – Restrictions

3. Restriction on use of title of land economy surveyor, valuer, estate agent or auctioneer

- (1) After the expiration of six months from the date of the coming into operation of this Act no person shall practise under any name, title or style containing the words land economy surveyor, valuer, estate agent or auctioneer or, for the purpose of gain, make any other use of such name, title or style, unless he is registered under this Act as a land economy surveyor, valuer, estate agent or auctioneer.
- (2) Any person who contravenes subsection (1) shall be guilty of an offence.

Part III – Board of Registration

4. Establishment of Board of Registration

- (1) For the purpose of this Act, there is hereby established the Board of Registration of Land Economy Surveyors, Valuers, Estate Agents and Auctioneers which shall consist of not less than five, and not more than nine, members appointed by the Minister and who shall include—
 - (a) the Chief Valuation and Estates Management Officer, who shall be a member *ex officio*;
 - (b) two land economy surveyors in private practice, nominated by the Surveyors Institute of Malawi;
 - (c) an estate agent eligible for registration under this Act;
 - (d) a land economy surveyor eligible for registration under this Act; and
 - (e) an auctioneer of immovable property eligible for registration under this Act.
- (2) Unless the Minister otherwise directs, the Chairman of the Board shall be the Chief Valuation and Estates Management Officer.
- (3) Members of the Board, other than a member *ex officio*, shall hold office for two years from the effective date of their respective appointments or for such shorter period as the Minister may specify in the instrument of appointment and shall be eligible for reappointment.
- (4) At every meeting of the Board the quorum shall be formed by a simple majority of the total membership of the Board and the Chairman shall have a casting as well as a deliberative vote.
- (5) If the Chairman is absent from a meeting the members who are present shall elect from amongst themselves a person to preside at that meeting and the person so elected shall have all the powers and duties of the Chairman for the purpose of that meeting.
- (6) The Chief Valuation and Estates Management Officer shall discharge the executive functions of the Board.
- (7) In the event of a vacancy on the Board, howsoever arising, the Minister may appoint another person to fill the vacancy for the remainder of the former member's term of office.
- (8) The Board shall meet at least three times in each year.
- (9) Subject to the provision of this Act, the Board shall determine its own procedure.

5. Power of Board to make rules

The Board may, with the approval of the Minister, make rules for all or any of the following purposes—

- (a) the definition of unprofessional conduct, the mode of inquiry into and the method of dealing with such conduct and the penalties which may be imposed upon a registered person found guilty of such conduct;
- (b) prescribing the scale of fees to be charged by registered persons for professional advice, services rendered and work done;
- (c) prescribing terms and conditions subject to which articulated pupils may be engaged; and
- (d) the maintenance and improvement of the status of land economy surveyors, valuers, estate agents and auctioneers in Malawi.

Part IV – Registration

6. Register

The Board shall keep a register in which the name of every person, immediately on his being accepted for registration by the Board, shall be registered, showing against his name such particulars as the Board shall from time to time deem necessary, and the Board shall enter in such register all changes of registration particulars.

7. Registration within six months of coming into operation of this Act

Every person who has attained the age of twenty-two years may, upon making application for registration within six months after the coming into operation of this Act and upon payment of the prescribed registration fee, be registered as a land economy surveyor, valuer, estate agent or auctioneer provided that he proves to the satisfaction of the Board that his professional and general conduct has been such as not, in the opinion of the Board, to debar him from registration and that he—

- (a) for the period of six months immediately preceding the coming into operation of this Act, was publicly and *bona fide* performing the work of a land economy surveyor, valuer, estate agent or auctioneer in Malawi; or
- (b) is a full member of the Surveyors Institute of Malawi.

8. Qualification for registration after six months from coming into operation of this Act

- (1) No person shall after the expiration of a period of six months from the date of the coming into operation of this Act be registered as a land economy surveyor, valuer, estate agent or auctioneer, unless he shall at the date of his application for registration have attained the age of twenty-two years and paid the prescribed registration fee, and either—
 - (a) shall have passed a qualifying examination approved by the Board and have had not less than two years post qualification practical experience or articulated pupilage in the work of a land economy surveyor, valuer, estate agent or auctioneer to the satisfaction of the Board; or
 - (b) shall satisfy the Board that he possesses a qualification which, in the opinion of the Board, furnishes a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of the work of land economy surveyor, valuer, estate agent or auctioneer.
- (2) Notwithstanding subsection (1), the Board shall not register any person as a land economy surveyor, valuer, estate agent or auctioneer, unless it is satisfied that his professional and general conduct has been such as should not, in the opinion of the Board, debar him from registration.

9. Suspension

The Board shall have the power to—

- (a) suspend a registered person; or
- (b) strike out of the Register the name of a registered person, who shall have been found guilty of unprofessional conduct as defined by rules made under [section 4](#).

Part V – Miscellaneous

10. Appeals

Any person aggrieved by any decision of the Board may appeal to the Minister, whose decision in the matter shall be final and shall not be subject to appeal to, or review or question by, any court and the Minister shall not be required to assign any reasons therefor.

11. Offences

A person who, without the authority of the Board in that behalf, given generally or specially—

- (a) makes any material entry in the Register;
- (b) alters or changes any entry in the Register in any material particular;
- (c) gives false information to the Board or to any person knowing it to be false or having cause to believe that it is false with a view to securing his registration or the registration of another person, whether or not he or that other person is registered,

shall be guilty of an offence.

12. Penalty

A person guilty of an offence under this Act for which no other penalty is provided shall be liable to a fine of K2,000 and to imprisonment for one year.

13. Regulations

The Minister may make regulations for carrying this Act into effect, and without prejudice to the generality of the foregoing, such regulations may provide for the payment of expenses incurred by the Board in the execution of its powers and the performance of its duties under this Act, and for the application of any revenue received by the Board.