



VALUERS (AMENDMENT) ACT 2016

(NO. 2 OF 2016)



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***PASSED** by the National Parliament this twenty-eighth day of April 2016.*

(This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true copy of the Bill)

Clezy Rore
Clerk to National Parliament

***ASSENTED** to in Her Majesty's name and on Her Majesty's behalf this eighteenth day of May 2016.*

Mr. Ajilon Jasper Nasiu
Acting Governor-General

Date of Commencement: see section 2

AN ACT TO AMEND THE VALUERS ACT 2009.

ENACTED BY THE NATIONAL PARLIAMENT OF SOLOMON ISLANDS.

VALUERS (AMENDMENT) ACT 2016

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VALUERS (AMENDMENT) ACT 2016

1 Short title

This Act may be cited as the *Valuers (Amendment) Act 2016*.

2 Commencement

This Act commences on the day appointed by the Minister by *Gazette* notice.

3 Valuers Act 2009 amended

This Act amends the *Valuers Act 2009* (the “**principal Act**”).

4 Amendment of section 2

(1) Section 2 of the principal Act is amended by deleting the definition of “licence”.

(2) Section 2 of the principal Act is amended by inserting each of the following definitions in alphabetical order:

“**practising licence**” means a licence issued under section 34;

“**registration**” means registration as a valuer under section 10 or 13;

“**registration certificate**” means a certificate of registration issued under section 10 or 13;”.

(3) The definition of “valuer” in section 2 of the principal Act is amended by deleting “licence” and substituting “valid practising licence”.

5 Amendment of section 3

Section 3 of the principal Act is amended by deleting “, whether alone or in partnership with another person”.

6 Amendment of section 4

- (1) Section 4(1) of the principal Act is amended by inserting the following after paragraph (a):

“(aa) a public officer who is a valuer appointed to the Board by the Valuer General, as the Secretary to the Board;”

- (2) Section 4(1)(c) to (f) of the principal Act are deleted and replaced with the following:

“(c) a legal practitioner nominated by the Valuer General; and

(d) a person nominated by the Valuer General who has a tertiary qualification in quantity surveying that is approved by the Valuer General.”

- (3) Section 4(2) of the principal Act is deleted and replaced with the following:

“(2) The members mentioned in paragraphs (b) to (d) must be appointed by the Minister in accordance with the relevant nomination.

(2A) The Valuer General must seek the views of the Council before nominating a person for membership of the Board.”

7 Amendment of section 7

Section 7(1) of the principal Act is amended by deleting “year” and substituting “calendar year”.

8 Amendment of section 10

- (1) Section 10(1) of the principal Act is amended by inserting “made under section 14” immediately after “application for registration”.

- (2) Section 10(1)(a) of the principal Act is amended by deleting “as a valuer;” and substituting “; and”.

- (3) Section 10(1)(c) of the principal Act is amended by deleting “section 12.” and substituting “section 12; and”.

- (4) Section 10(1) of the principal Act is amended by inserting the

following after paragraph (c):

“(d) the individual applicant is a citizen of Solomon Islands.”

- (5) Section 10(3)(a) of the principal Act is amended by deleting “certificate of registration” and substituting “registration certificate”.
- (6) Section 10 of the principal Act is amended by inserting the following after subsection (3):
 - “(4) If the Board does not decide an application for registration within 28 days after it is received:
 - (a) the application is taken to have been refused; and
 - (b) the applicant may appeal against the refusal under section 23.”

9 Amendment of section 11

Section 11(1) of the principal Act is amended by deleting “certificate of registration issued to a valuer under section 10 or 13” and substituting “registration certificate”.

10 Amendment of section 13

- (1) Section 13(2)(a) of the principal Act is amended by deleting “Act;” and substituting “Act; and”.
- (2) Section 13(2)(c) of the principal Act is amended by deleting “years.” and substituting “years; and”.
- (3) Section 13(2) of the principal Act is amended by inserting the following after paragraph (c):
 - “(d) holds a work permit that allows the person to work as a valuer in Solomon Islands; and
 - (e) is a member of a body equivalent to the Association in another country.”
- (4) Section 13(3), (4) and (5) of the principal Act are deleted and substituted with the following:

“(3) If the Board issues temporary registration to a person, the Board

must issue the person with a temporary registration certificate in the prescribed form on payment of the prescribed fee.

- (4) The Board may extend a temporary registration for additional periods of up to 3 months each on payment of the prescribed fee.
- (5) To avoid doubt, a person who is issued temporary registration must obtain a practicing licence before engaging in the practice of valuation.
- (6) If the Board refuses an application for temporary registration, the applicant may appeal against the refusal under section 23.
- (7) If the Board does not decide an application for temporary registration within 28 days after it is received:
 - (a) the application is taken to have been refused; and
 - (b) the applicant may appeal against the refusal under section 23.”

11 Amendment of section 15

Section 15(3) of the principal Act is deleted.

12 Amendment of sections 18 and 20

Sections 18 and 20 of the principal Act are amended by deleting all references to “licence” and substituting “practising licence”.

13 Repeal and replacement of section 23

Section 23 of the principal Act is repealed and replaced with the following:

“23 Appeal to Minister

- (1) A person may appeal to the Minister against any of the following decisions:
 - (a) a decision of the Board to refuse an application for registration;
 - (b) a decision of the Board to impose a condition on a registration;

- (c) a decision of the Board to impose a disciplinary penalty under section 20;
 - (d) a decision of the Council to refuse an application for a practising licence;
 - (e) a decision of the Council to impose a condition on a practising licence.
- (2) The appeal must be made within 30 days after the date of the decision.
- (3) In deciding the appeal, the Minister may:
- (a) confirm the decision; or
 - (b) vary the decision; or
 - (c) make a new decision.
- (4) The Minister must decide the appeal in accordance with the provisions of this Act applicable to the original decision.”

14 Repeal of section 32

Section 32 of the principal Act is repealed.

15 Repeal and replacement of sections 33 and 34

Sections 33 and 34 of the principal Act are repealed and replaced with the following:

“33 Application for practising licence

- (1) A person may apply to the Council for a practising licence.
- (2) The application must:
- (a) be made in the prescribed form; and
 - (b) include the following:
 - (i) a certified copy of the applicant’s registration certificate;

- (ii) if the applicant is employed, the name of the applicant's employer;
 - (iii) the applicant's principal place of business and any other place of business;
 - (iv) if the application is for renewal of a practising licence, a copy of the applicant's existing licence;
 - (v) any other information specified in the prescribed form.
- (3) A person may apply for a practising licence at any time.
- (4) However, in order to be listed in the notice published under section 34A for a year, a person must apply for a practising licence before the last day in February of that year.

34 Power to issue practising licence

- (1) The Council may issue a practising licence if:
- (a) the licence application is made in accordance with section 33(2); and
 - (b) the applicant pays the prescribed licence fee.
- (2) A practising licence may be issued subject to conditions.
- (3) A practising licence is valid for the period, of at least 12 months but not more than 3 years, specified in it.
- (4) If the Council does not decide an application for a practising licence within 28 days after it is received:
- (a) the application is taken to have been refused; and
 - (b) the applicant may appeal against the refusal under section 23.

34A List of licensed valuers

By 31 March each year, the Council must publish in the *Gazette* a list of licensed valuers as at a specified date."

16 Amendment of section 38

- (1) Section 38 of the principal Act is amended by deleting “The Board may, with the approval of the Minister,” and substituting “The Minister may”.
- (2) Section 38 of the principal Act is amended by deleting “prescribing” and substituting “prescribing any of the following”.
- (3) Section 38(c) of the principal Act is amended by deleting “maintained; and” and substituting “maintained;”.
- (4) Section 38 of the principal Act is amended by inserting the following after paragraph (e):

“(ea) allowances for members of the Board;

(eb) the way in which valuers must calculate and estimate land valuations;”

17 Amendment of Schedule

- (1) Clause 1(2) of the Schedule to the principal Act is repealed.
- (2) Clause 3(2)(a) of the Schedule to the principal Act is amended by deleting “licence” and substituting “practising licence”.
- (3) Clause 6(3) of the Schedule to the principal Act is deleted and replaced with the following:

“(3) The quorum for a meeting of the Board is 4 members.”
- (4) Clause 6(5) of the Schedule to the principal Act is deleted and replaced with the following:

“(5) The Secretary to the Board must keep accurate minutes of each meeting of the Board.”
- (5) Clause 10 of the Schedule is repealed and replaced with the following:

“10 External assistance

The Board may engage any appropriately qualified person to

provide assistance or advice in the performance of its functions.”

