

**VALUERS REGISTRATION (AMENDMENT)
ACT, 1977**

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 94, 1977.

An Act to amend the Valuers Registration Act, 1975, with respect to the definition of "real estate valuer" and with respect to certain other matters. [Assented to, 20th October, 1977.]

BE

Valuers Registration (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Valuers Registration (Amendment) Act, 1977". Short title.

2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act. Commencement.

(2) Schedule 1 (9), and section 3 in its application to Schedule 1 (9), shall commence on the day on which section 24 of the Valuers Registration Act, 1975, commences.

3. The Valuers Registration Act, 1975, is amended in the manner set forth in Schedule 1. Amendment of Act No. 92, 1975.

SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE VALUERS REGISTRATION ACT, 1975.

- (1) (a) Section 4 (1), definition of "real estate valuer"—

Omit the definition, insert instead :—

"real estate valuer" means a person who values land for a fee or reward which is paid or payable either to him or to a person (including the Crown or an instrumentality or agency of the Crown) who employs him, whether in the capacity of employee or agent or in any other capacity;

SCHEDULE

Valuers Registration (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE VALUERS REGISTRATION ACT,
1975—*continued.*

(b) Section 4 (3)—

After section 4 (2), insert :—

(3) A person who carries out a valuation of land in the course of, and incidentally to, the performing of services as an architect, an engineer, a surveyor or a quantity surveyor is not a real estate valuer with respect to that valuation if any fee or reward paid or payable in respect of those services is wholly or principally attributable to the performing of services other than the carrying out of that valuation.

(2) Section 13 (1)—

Omit “A person”, insert instead “Subject to section 15, a person”.

(3) (a) Section 15—

Omit “, or renewal of registration,” wherever occurring.

(b) Section 15—

Omit “, except in the case of an application for renewal,” wherever occurring.

(c) Section 15 (1)—

Omit “or cause his registration to be renewed, as the case may require”.

SCHEDULE

Valuers Registration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE VALUERS REGISTRATION ACT,
1975—*continued.*

(d) Section 15 (2) (c)—

Omit “or cause his registration to be renewed,
as the case may require,”.

(e) Section 15 (2) (c)—

Omit “in either case”.

(4) (a) Section 16 (2)—

Omit “section 15”, insert instead “this section”.

(b) Section 16 (5)–(7)—

After section 16 (4), insert :—

(5) Unless the board is of the opinion that a person who has duly applied for renewal of registration as a practising real estate valuer is no longer sufficiently competent in valuing land to continue to practise as a real estate valuer on his own account, the board shall cause that registration to be renewed.

(6) Where the board is of the opinion that a person who has duly applied for renewal of registration as a practising real estate valuer is no longer sufficiently competent in valuing land to continue to practise as a real estate valuer on his own account, the board shall either—

- (a) cause his registration as a practising real estate valuer to be renewed subject to such limitations on his right to practise as it thinks fit; or

SCHEDULE

Valuers Registration (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE VALUERS REGISTRATION ACT,
1975—*continued.*

- (b) cause him to be registered as a non-practising real estate valuer.

(7) Where a person duly applies for renewal of registration as a practising real estate valuer and his registration is subject to limitations on his right to practise, the board shall, if it is of the opinion that the person is now sufficiently experienced and competent to practise as a real estate valuer on his own account, cause his registration to be renewed without those limitations, but if the board is not of that opinion, it shall either—

- (a) cause his registration as a practising real estate valuer to be renewed subject to those limitations or to such other limitations on his right to practise as it thinks fit; or
- (b) cause him to be registered as a non-practising real estate valuer.

(5) Section 16A—

After section 16, insert :—

Removal or variation of limitations during currency of registration.

16A. The board may, at any time during the currency of the registration of a person as a practising real estate valuer, cancel or vary any limitation imposed by the board on his right to practise as a real estate valuer.

SCHEDULE

Valuers Registration (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE VALUERS REGISTRATION ACT,
1975—*continued.*

(6) Section 17 (3)—

After section 17 (2), insert :—

(3) Where the board cancels or varies under section 16A any limitation imposed on a person's right to practise as a real estate valuer, it may amend the person's certificate of registration accordingly, but the cancellation or variation has effect whether or not the certificate has been so amended.

(7) (a) Section 18 (b)—

Omit "and".

(b) Section 18 (c)—

Omit "15 (2) (d).", insert instead "15 (2) (d) or section 16 (6) (b) or (7) (b); and".

(c) Section 18 (d)—

After section 18 (c), insert :—

(d) the decision of the board to cancel or vary under section 16A any limitation on that person's right to practise as a real estate valuer.

(8) Section 23 (1) (b1)—

After section 23 (1) (b), insert :—

(b1) by the decision of the board to vary under section 16A any limitation on his right to practise as a real estate valuer;

SCHEDULE

Valuers Registration (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE VALUERS REGISTRATION ACT,
1975—*continued.*

(9) Section 24 (3)—

After section 24 (2), insert :—

(3) A person shall not advertise that he or any person employed by him, whether in the capacity of an employee or in any other capacity, is prepared to value land, either for fee or reward or for no fee or reward, unless he or, as the case may be, the person so employed is registered as a practising real estate valuer.

Penalty for a contravention of this subsection :
\$500.
