

Appraisers and House Agents Act (CHAPTER 16)

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APPRAISERS AND HOUSE AGENTS ACT (CHAPTER 16)

REVISED EDITION 2000

(30th December 2000)

An Act to provide for the licensing of appraisers and house agents.

[22/2000]

[1st July 1906]

Short title

1. This Act may be cited as the Appraisers and House Agents Act.

[22/2000]

Definition of appraiser

2. Every person who values or appraises —

(a) any estate or property, lands, tenements or hereditaments, or any interest in possession or reversion, remainder or contingency in any estate or property, movable or immovable; or

(b) any goods, merchandise or effects of whatsoever kind or description,

for or on expectation of any hire, gain, fee or reward or valuable consideration to be paid to him therefor, shall be deemed to carry on the business of an appraiser, and shall be an appraiser within the meaning of this Act.

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Definition of house agent

3. Every person, firm or company who —

(a) as an agent for any other person, for or in expectation of any fee, gain or reward of any kind, advertises for sale or letting any furnished house or part of any furnished house;

- (b) by any public notice or advertisement or by any inscription in or upon any house, shop or place used or occupied by him, or by any other ways or means, holds himself out to the public as an agent for selling or letting furnished houses; or
- (c) lets or sells or makes or offers or receives any proposal or in any way negotiates for the selling or letting of any furnished house or part of any furnished house,

shall be deemed to be a person using and exercising the business, occupation and calling of a house agent, and shall be a house agent within the meaning of this Act.

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Appraisers to be licensed

4. Every appraiser shall take out a licence in Form A in the Schedule.

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[\[22/2000\]](#)

House agents to be licensed

5. Every person, firm or company carrying on the business of a house agent shall take out a licence in Form B in the Schedule.

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[\[22/2000\]](#)

Power to grant licences

6.—(1) The Comptroller of Property Tax is empowered to grant licences under the provisions of this Act.

(2) Every licence granted under this Act shall be granted under the hand of the Comptroller of Property Tax.

(3) The issue of any licence shall be notified as soon as possible in the *Gazette*.

(4) On every such licence there shall be paid in money by the person taking out or renewing the licence to the Comptroller of Property Tax such fee as may be prescribed by the Minister in respect of the class of licence to which the licence belongs.

(5) No licence shall be granted or renewed under this Act until such fee has first been paid.

(6) The Minister may, from time to time, prescribe such fees as are referred to in subsection (4) by order to be published in the *Gazette* and may prescribe different fees for different classes of licences.

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Licences

7.—(1) Every licence to be taken out under the authority of this Act shall contain and set forth —

- (a) the purpose, trade or business for which the licence is granted;
- (b) the true name and place of abode of the person taking it out;
- (c) the true date or time of granting the licence; and
- (d) the principal place of business at which the trade or business for which the licence is granted shall be carried on.

(2) Every licence shall expire on 31st December and shall be renewed annually 10 days at least before the expiration of the licence.

(3) Any person who —

- (a) having had such a licence continues to carry on the trade or business for which the licence was granted in the year next ensuing its expiration and omits to renew it; and
- (b) carries on a trade or business required by this Act to be licensed without taking out a licence,

shall, except as provided in this Act, each be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

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Exemption of officers of courts in levies not exceeding \$100

8. It shall not be necessary for any Sheriff, bailiff or other officer of a court, acting under the authority of the court and appraising any goods or chattels, whatever may be the value, or selling any goods or chattels, whether under writ of seizure and sale, distress or other writ or order —

- (a) to levy a sum not exceeding \$100, exclusive of expenses; or
- (b) where the property to be sold is not expected to exceed \$100,

to take out a licence as an appraiser under this Act.

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[22/2000]

Exceptions

9. This Act shall not extend to require —

- (a) any agent employed in the management of landed estates to take out a

licence under this Act for that purpose;

- (b) any advocate and solicitor who as such has in force a practising certificate to take out in addition thereto a licence as a house agent; or
- (c) any appraiser having a licence in force under this Act to take out in addition thereto a licence as a house agent.

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[\[22/2000\]](#)

Refusal and cancellation of licences

10. The Comptroller of Property Tax may refuse any application for a licence or to renew any licence, and may cancel the licence of any person who has been convicted of any offence under this Act or who has failed to account for or pay over any moneys or property which have come into his possession or control as such licensed person.

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[\[22/2000\]](#)

Evidence of misconduct

11. The judgment of any court of competent jurisdiction whether civil or criminal, having the effect of finding that any licensed person —

- (a) is liable or responsible for any money or property come into his possession or control as a licensed person under circumstances amounting to a breach of trust or duty;
- (b) has committed any offence as a house agent; or
- (c) has paid or agreed to pay to his employer any part of his charges or expenses by way of return commission when the employer is a person accountable to any other person for the proceeds of the sale,

shall be ground for the cancellation of his licence.

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[\[22/2000\]](#)

Offences triable by District Court

12. Any offence punishable under this Act may be tried by a District Court.

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Power to make regulations

13. The Minister may make regulations necessary for or convenient to carrying out the provisions of this Act, including but not limited to the length of notice to be given and the manner of advertising sales on the instructions of mortgagees acting under powers of