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**GENERAL NOTICES • ALGEMENE KENNISGEWINGS**

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**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT****NOTICE 118 OF 2016****1. INVITATION FOR PUBLIC COMMENTS ON THE DRAFT REGULATIONS TO AMEND THE REMUNERATION AND ALLOWANCES OF APPRAISERS PRESCRIBED IN TERMS OF SECTION 103 OF THE ADMINISTRATION OF ESTATES ACT, 1965**

1.1 The Department of Justice and Constitutional Development invites interested parties to submit written comments on the proposed amendment of the remuneration and allowances of appraisers prescribed in terms of the Administration of Estates Act, 1965 (Act No 66 of 1965) (the Act), which is attached hereto as Annexure A. The proposed amendment and a note, explaining the background of the proposed amendment, are also available on the website of the Department at the following address: <http://www.justice.gov.za>.

1.2 The comments on the proposed adjustment must be submitted not later than 30 April 2016, marked for the attention of Ms Connie van Vuuren, and –

(i) if they are forwarded by post, be addressed to –

The Director-General: Justice and Constitutional Development  
Private Bag X81  
Pretoria  
0001;

(ii) if they are delivered by hand, be delivered at –

SALU Building, Room 2330  
315 Thabo Sehume Street  
Pretoria;

(iii) if they are delivered by email, be emailed to [cvanvuuren@justice.gov.za](mailto:cvanvuuren@justice.gov.za); or

(iv) if they are faxed, be faxed to 0866489479.

1.3 For further information, please do not hesitate to contact Ms Connie van Vuuren at 012 406 4762.

**2. BACKGROUND NOTE**

2.1 Appraisers are remunerated in terms of regulations 9,10 and 11 of the Regulations made in terms of section 103 (1) of the Act and the current tariffs came into effect in 2011.

2.2 During the review process the Department took the average annual CPI into consideration when making its recommendations to amend the tariffs.

2.3 Proposed insertions are indicated by means of underlining and proposed deletions are indicated by means of square brackets in bold.

## ANNEXURE A

**No. R.**

**2016**

### **REGULATIONS UNDER SECTION 103 OF THE ADMINISTRATION OF ESTATES ACT, 1965 (ACT No. 66 OF 1965)**

The Minister of Justice and Correctional Services has under section 103 of the Administration of Estates Act, 1965 (Act No. 66 of 1965), made the regulations in the Schedule.

#### **SCHEDULE**

##### **Definition**

1. In these regulations "the Regulations" means the regulations published under Government Notice No. R. 473 of 24 March 1972, as amended by Government Notice Nos. R. 817 of 13 May 1977, R. 1209 of 13 June 1980, R. 2542 of 20 November 1981, R. 2482 of 1 November 1985, R. 655 of 11 April 1986, R. 2738 of 11 December 1987, R. 610 of 31 March 1989, R. 1208 of 9 June 1989, R. 1921 of 17 August 1990, R. 1602 of 1 July 1991, R. 1627 of 12 July 1991, R. 1539 of 13 August 1993, R. 64 of 14 January 1994, R. 1341 of 12 August 1996, R. 365 of 7 March 1997, **[and]** R. 1002 of 12 October 2001 and R.954 of 18 November 2011.

##### **Amendment of regulation 9 of the Regulations**

2. Regulation 9 of the Regulations is hereby amended by the substitution for subregulations (1) and (2) of the following subregulations:

"(1) Every appraiser is entitled to remuneration according to the following tariff in respect of every separate or continuous appraisal made by him or her for the purposes of the Act:

- (a) Valuations of R10 000 or less: **[R246.20]** R323.
  - (b) Valuations exceeding R10 000 up to and including R20 000: **[R281.40]** R370.
  - (c) Valuations exceeding R20 000 up to and including R300 000: **[R 281.40]** R370 for the first R20 000 and **[R3, 90]** R5, 10 per R1 000 or part thereof thereafter.
  - (d) Valuations exceeding R300 000 up to and including R800 000: **[R1 371.80]** R1 800 for the first R300 00 and **[R2, 60]** R3, 40 per R1 000 or part thereof thereafter.
  - (e) Valuations exceeding R800 000: **[R2 690.80]** R3530 for the first R800 000 and **[R1, 80]** R3, 40 per R1 000 or part thereof thereafter.
- (2) The tariff fee must be increased by 20 percent subject to a maximum of **[R65.10]** R85 for every separate or continuous appraisalment when an appraiser values any property and the Master or the Commissioner for the South African Revenue Service desires particulars of the property including the completion of any prescribed form.”.

### **Amendment of regulation 10 of the Regulations**

3. Regulation 10 of the Regulations is hereby amended by the substitution in paragraph (a) of subregulation (1) for the expression **[“R3,50”]** of the expression “the tariffs as provided for in the Transport Handbook on Tariffs for the use of a vehicle with an engine capacity of between 1551 -1750cc issued by the Department of Transport”.

### **Substitution of regulation 11 of the Regulations**

4. The following regulation is hereby substituted for regulation 11 of the Regulations:

“11. In addition to the remuneration and transport allowance set out in regulations 9 and 10, the following allowances may be claimed:

- (a) For time spent in travelling to and from the place of appraisalment: **[R44]** R58 per completed hour, but not exceeding **[R439.70]** R577, 00 per day.
- (b) For necessary detention while the appraiser is not engaged in the appraisalment: **[R44]** R58 per completed hour, but not exceeding **[R439.70]** R577, 00 per day. ”.

**Transitional provision**

5. These regulations apply only to appraisements made on or after the date of commencement of these regulations.

**Commencement**

6. These regulations come into operation on the date of publication thereof in the *Gazette*.