

## GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT No. 3 OF 2016

**The Estate Agents Act, 2000**

(Act No. 21 of 2000)

**The Estate Agents (General) Regulations, 2016**

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IN EXERCISE of the powers contained in sections *twelve* and *forty three* of the Estate Agents Act, 2000, the following Regulations are made:

## PART I

### PRELIMINARY PROVISIONS

- |                |  |
|----------------|--|
| Title          | 1. These Regulations may be cited as the Estate Agents (General) Regulations, 2016.  |
| Interpretation | 2. In these Regulations, unless the context otherwise requires—<br>“ Council ” has the meaning assigned to it in the Act;<br>“ estate agency ” means the process of selling, letting or managing real property, including negotiating the sale price or rental value of real property on behalf of a client;<br>“ estate agent ” has the meaning assigned to it in the Act;<br>“ Fund ” has the meaning assigned to it in the Act;<br>“ Institute ” has the meaning assigned to it in the Act; and<br>“ Registrar ” has the meaning assigned to it in the Act. |

## PART II

### REGISTRATION OF ESTATE AGENTS

- |                                |   |
|--------------------------------|---|
| Application for registration   | 3. (1) A person who intends to practice or carry on business as an estate agent shall apply to the Registrar in Form I set out in the First Schedule.<br>(2) The Registrar shall, within seven days of the receipt of an application under sub-regulation (1), refer the application to the Council.<br>(3) The Council shall, within fourteen days of the receipt of an application under sub-regulation (2)—<br>(a) approve the application, if the applicant meets the requirements of the Act; or<br>(b) reject the application, if the applicant does not meet the requirements of the Act.<br>(4) The Registrar may request for further information in respect of an application in Form II set out in the First Schedule.<br>(5) The Registrar shall, where an application is rejected, inform the applicant of the rejection in Form III set out in the First Schedule. |
| Qualification for registration | 4. A person qualifies for registration as an estate agent if that person—<br>(a) has attained the age of eighteen years;<br>(b) has passed a qualifying examination recognised or conducted by the Council; and<br>(c) has at least three years work experience under the supervision of a registered estate agent.   |

<p>5. The Registrar shall, where an application is approved by the Council, issue the applicant with a certificate of registration in Form IV set out in the First Schedule.</p>	<p>Issue of certificate of registration</p>
<p>6. A registered estate agent may apply to the Registrar for renewal of the certificate of registration at least ninety days before the expiry of the current certificate in Form V set out in the First Schedule.</p>	<p>Renewal of certificate of registration</p>
<p>7. An estate agent shall, where a change occurs in the registered particulars of the estate agent, notify the Registrar of the change within fourteen days of the change in Form VI set out in the First Schedule.</p>	<p>Notice of change of particulars</p>
<p>8. A certificate of registration shall not be transferred to a third party.</p>	<p>Prohibition of transfer of certificate of registration</p>
<p>9. (1) A registered estate agent who decides to discontinue practising or carrying out business as an estate agent shall notify the Registrar in Form VII set out in the First Schedule.</p>	<p>Surrender of certificate</p>
<p>(2) A person who ceases to practice or carry on business as an estate agent shall surrender the certificate of registration to the Registrar for cancellation at least fifteen days before the cessation of business.</p>	
<p>10. (1) The Registrar shall cancel or suspend the certificate of registration of an estate agent if the estate agent—</p> <ul style="list-style-type: none"> <li>(a) contravenes the conditions of the certificate of registration;</li> <li>(b) contravenes the Act;</li> <li>(c) obtained the certificate by fraud, misrepresentation or concealment of a material fact;</li> <li>(d) is found guilty of professional misconduct; or</li> <li>(e) is disqualified from practising or carrying on business as an estate agent.</li> </ul>	<p>Suspension and cancellation</p>
<p>(2) The Registrar shall, before suspending or cancelling a certificate of registration inform the holder of the certificate of registration of the intention to suspend or cancel the certificate in Form VIII set out in the First Schedule.</p>	
<p>(3) A notification of the suspension or cancellation of the certificate of registration shall be in Form IX set out in the First Schedule.</p>	
<p>11. (1) A person whose certificate of registration is destroyed or lost may apply to the Registrar for a duplicate certificate in Form X set out in the First Schedule.</p>	<p>Duplicate certificate</p>

(2) The Registrar shall, within fourteen days of receipt of an application under sub regulation (1), issue a duplicate certificate of registration to the applicant.

Register

12. (1) The Registrar shall maintain a Register of Estate Agents which shall specify —

- (a) the names and addresses of registered estate agents;
- (b) the applications rejected and reasons therefor;
- (c) the notices issued under these Regulations; and
- (d) any other information relevant for purposes of the Act.

(2) The Registrar may cause alterations to be made to the Register in accordance with the purposes of the Act.

(3) The Register referred to in sub-regulation (1) shall be open for inspection by the members of the public during normal business hours upon payment of the fee set out in the Second Schedule.

### PART III

#### MEMBERSHIP OF INSTITUTE

Application for membership

13. A person who intends to be registered as an estate agent shall apply to the Registrar for membership of the Institute in Form XI set out in the First Schedule upon payment of the fee set out in the Second Schedule.

Classes of membership

14. The Institute shall consist of the following classes of membership:

- (a) full membership;
- (b) associate membership;
- (c) student membership; and
- (d) honorary membership.

Membership certificate

15. The Council shall issue a certificate to a person registered as a member of the Institute in Form XII set out in the Schedule.

Annual subscription

16. (1) A member shall pay to the Institute an annual subscription applicable to the class of membership to which the member belongs, on or before the 1st February of each year.

(2) The Council shall not renew the membership of a member who fails to pay the annual subscription within the period specified under sub-regulation (1).

### PART IV

#### MANAGEMENT AND ADMINISTRATION OF COMPENSATION FUND

Prohibition of practice without compensation fund certificate

17. (1) A registered estate agent shall not practice or carry on business as an estate agent without a compensation fund certificate.

(2) A person who contravenes sub-regulation (1) commits an offence and is liable, upon conviction, to a fine not exceeding two thousand five hundred penalty units or imprisonment for a period not exceeding two years, or to both.

Compensation  
fund  
certificate

18. (1) A registered estate agent shall pay into the Compensation Fund such contribution as the Council

shall specify for purposes of the compensation Fund.

(2) The Registrar shall issue a compensation fund certificate to an estate agent who has—

- (a) contributed to the Compensation Fund in accordance with sub-regulation (1).
- (b) a valid certificate of registration;
- (c) a valid fidelity bond or fidelity insurance policy in such amount as the Council shall specify;
- (d) complied with section *twenty-eight* of the Act; and
- (e) not been found guilty of a default in respect of which compensation has been paid to a person under section *thirty-three* of the Act.

(3) Notwithstanding paragraph (e) of sub-regulation (2), the Registrar shall issue a compensation fund certificate to an estate agent who undertakes, to the satisfaction of the Council, to pay into the Fund the amount paid out as compensation to a person in respect of the default of that estate agent.

Change of  
detail

(4) A compensation fund certificate shall be in Form XIII set out in the First Schedule.

19. A compensation fund certificate shall, where a change occurs in the particulars relating to the certificate, notify the Registrar within fourteen days of the in Form XIV set out in the First Schedule.

Prohibition  
of transfer of  
compensation  
fund  
certificate

20. A compensation fund certificate shall not be transferred to a third party.

Cancellation  
of  
compensation  
fund  
certificate

21. (1) The Council shall cancel a compensation fund certificate issued to an estate agent if—

- (a) the estate agent is disqualified from holding a compensation fund certificate under regulation 18; or
- (b) if the business of the estate agent is wound up.

(2) An estate agent whose compensation fund certificate is

cancelled under sub-regulation (1) shall surrender the compensation fund certificate to the Registrar.

Display of  
certificates

PART VI  
GENERAL PROVISIONS

22. A registered estate agent shall display the following in a conspicuous place at the estate agent's business premises:

Appeals

- (a) the certificate of registration;
- (b) the membership certificate; and
- (c) the compensation fund certificate.

23. (1) A person who is aggrieved with the decision of the Registrar may appeal to the Council within thirty days of the decision in Form XV set out in the First Schedule.

(2) The Council shall, within thirty days of receiving an appeal under sub-regulation (1), confirm, set aside or vary the decision of the Registrar and inform the appellant in Form XVI set out in the First Schedule.

(3) A person aggrieved by the decision of the Council may appeal to the Minister within thirty days of receipt of the decision.

Offences

(4) A person aggrieved with the decision of the Minister may appeal to the High Court within thirty days of receipt of the decision.

24. (1) A person who—

- (a) makes or causes to be made, an unauthorised entry, alteration or erasure in the Register or on a certificate issued under these Regulations;
- (b) procures registration or any certificate for oneself or for any other person, by means of fraud, misrepresentation or concealment of any material fact;
- (c) employs an estate agent—
  - (i) who is suspended;
  - (ii) whose name has been removed from the Register;
  - or
  - (iii) who is disqualified under the Act;

Fees

commits an offence and is liable, upon conviction, to a fine not exceeding two thousand five hundred penalty units or to imprisonment for a period not exceeding two years, or to both.

25. The fees set out in the Second Schedule are payable in respect of the matter specified in that Schedule.

FIRST SCHEDULE  
(Regulation 3, 5, 7 and 10)

Form I  
(Regulation 3(1))  
(To be completed in triplicate)



Zambia Institute of Estate Agents

**The Estate Agents Act, 2000**  
(Act No. 21 of 2000)

**The Estate Agents (General) Regulations, 2015**

APPLICATION FOR REGISTRATION AS ESTATE AGENT					
Please complete in block letters	Shaded fields for official use only	Application No.			
		Date and Time			
<i>Information Required</i>		<i>Information Provided</i>			√
<b>PART I PARTICULARS</b>					
1.	(a) Surname (block capitals)				
	(b) Other names				
2.	Sex (Tick (√) where applicable)	Male	Female		
3.	Date of birth (dd/mm/yyyy)				
4.	Place of birth	Town	Country		
5.	Nationality				
6.	(a) National Registration Card No				
	(b) Place of issue				
	(c) Date of issue (dd/mm/yyyy)				
7.	Address				
8.	(a) Physical address				
	(b) Postal address				
	Contact details				
	(a) Telephone No.				
	(b) Fax No.				
	(c) Mobile phone No.				
	(d) Email address				
<b>EDUCATIONAL BACKGROUND</b>					
9.	School, Technical College or University attended (give dates)				
10.	Course of study				
11.	Professional examination passed (give dates)				
12.	Membership of professional organisations (give grade of membership)				

<b>PART II EMPLOYMENT RECORD</b>				
13.	Present employment			
	(a) Name of Employer			
	(b) Position held			
	(c) Date of appointment			
	(d) Nature of work undertaken			
14.	Previous employment (whole career to date)			
	Name of Employer	Date/Period Employed	Positions held undertaken	Nature of work undertaken
15.	<b>Appendices</b>			
	Certified copies of all certificates are enclosed			
	Application fee enclosed			

**DECLARATION**

I declare that the information furnished by me in this application is true, correct and complete to the best of my knowledge.

I understand that any incorrect, misleading or untrue information or the withholding of any relevant information may affect my registration as an estate agent.

.....  
*Name of applicant* *Signature*

.....  
*Date*

FOR OFFICIAL USE ONLY

Received by: .....  
*Officer (Name and Signature)* *Date*

Application Fee Received: ..... Receipt No.: .....

Date presented to the Registrar: .....

Decision: .....

Date applicant informed of decision: .....

Fee for registration received: .....

Registration number: .....

Remarks: .....  
 .....

OFFICIAL STAMP
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Zambia Institute of Estate Agents

**The Estate Agents Act, 2000**  
(Act No. 21 of 2000)

**The Estate Agents (General) Regulations, 2015**

**REQUEST FOR INFORMATION**

(1) Here insert full names of applicant To: (1) .....  
Address: .....

Reference No.: .....

You are requested to furnish the following information or documents in respect of your application for registration as an estate agent:

- (a) .....
- (b) .....
- (c) .....
- (d) .....

within ..... days of this notice, if you fail to furnish the requested information, your application will be treated as invalid and shall be rejected.

Dated this ..... day of ....., 20.....

.....

*Registrar*  
*Zambia Institute of Estate Agents*



Zambia Institute of Estate Agents

**The Estate Agents Act, 2000**

(Act No. 21 of 2000)

**The Estate Agents (General) Regulations, 2015**

**NOTICE OF REJECTION OF APPLICATION**

- (1) Here insert the full names and address of applicant *To:* (1) .....
- (2) Here insert the reference No. of the application REFERENCE NO. (2) .....
- (3) Here insert the type of application You are notified that your application for (3) registration/renewal of registration as an estate agent has been rejected on the following grounds:
  - (a).....
  - (b).....
  - (c).....
  - (d).....

Dated this ..... day of ....., 20.....

.....  
*Registrar*  
*Zambia Institute of Estate Agents*

Form IV  
(Regulation 5)



Zambia Institute of Estate Agents

**The Estate Agents Act, 2000**  
(Act No. 21 of 2000)  
**The Estate Agents (General) Regulations, 2015**

**REGISTRATION NO.:** .....

**CERTIFICATE OF REGISTRATION OF ESTATE AGENT**

Surname: .....

First Name(s) .....

Name of firm/business: .....

Address.....

Given on the ..... day of ..... 20 .....

Date of expiry: .....

This is to certify that the person named on this Certificate has complied with the provisions of section 12 of the Estates Agents Act, 2000.

.....  
*Chairperson*  
*Zambia Institute of Estate Agents*

.....  
*Registrar*  
*Zambia Institute of Estate Agents*

Date: .....

Date: .....

NOTE:

This Certificate is only valid if it bears the seal of the Zambia Institute of Estate Agents.

Form V  
(Regulation 6)

(To be completed in triplicate)



Zambia Institute of Estate Agents

**The Estate Agents Act, 2000**

(Act No. 21 of 2000)

**The Estate Agents (General) Regulations, 2015**

<b>APPLICATION FOR RENEWAL OF REGISTRATION AS AN ESTATE AGENT</b>			
<b>Please complete in block letters</b>		Shaded fields for official use only	Application No.
			Date and Time
<i>Information Required</i>		<i>Information Provided</i>	
1.	(a) Surname		✓
	(b) Other names		
2.	Registration No.		
3.	Address		
	(a) Physical address		
	(b) Postal address		
4.	Contact details		
	(a) Telephone No.		
	(b) Fax No.		
	(c) Mobile phone No.		
	(d) Email address		
5.	Have you since your registration as an estate agent been convicted of an offence under any law within or outside Zambia? If yes, specify details: Nature of offence: ..... Date of conviction: ..... Sentence: .....		
6.	State any particulars which have changed since your last registration ..... ..... .....		
<b>DECLARATION</b>			
I declare that the information furnished by me in this application is true, correct and complete to the best of my knowledge.			
I understand that any incorrect, misleading or untrue information or the withholding of any relevant information may affect the renewal of registration as an estate agent.			
.....		.....	
<i>Name of applicant</i>		<i>Signature</i>	

.....  
*Date*

**FOR OFFICIAL USE ONLY**

Received by: .....  
*Officer (Name and Signature)* *Date*

Application Fee Received: ..... Receipt No.: .....

Date presented to the Registrar: .....

Decision: .....

Registration No.: .....

File No.: .....

Remarks: .....  
.....

OFFICIAL STAMP
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Zambia Institute of Estate Agents

Form VII  
(Regulation 9(1))

**The Estate Agents Act, 2000**  
(Act No. 21 of 2000)

**The Estate Agents (General) Regulations, 2015**

**NOTICE OF INTENTION TO SURRENDER CERTIFICATE OF REGISTRATION**

- To:* THE REGISTRAR
- (1) Here insert the registration No. REFERENCE NO. (1) .....
- (2) Here insert the full names of the holder I (2) .....  
notify your office that on the ..... day of .....,  
20....., I intend to surrender my certificate of registration  
because of the following reasons: (4)
- (3) Here insert physical and postal address of the applicant (a).....  
(b).....  
(c).....
- (4) Here give reasons for surrendering of certificate Dated this ..... day of ....., 20.....

.....  
*Signature of Holder*

**FOR OFFICIAL USE ONLY**

Received by: .....  
*Name of officer* *Signature*

Date: ....., 20 .....

OFFICIAL  
STAMP

**ENDORSEMENT OF REGISTRATION**

This Notice has, this ..... day of ....., 20 .....,  
been entered in the Register.

.....  
*Registrar*  
*Zambia Institute of Estate Agents*



Form IX  
(Regulation 10(3))



Zambia Institute of Estate Agents

**The Estate Agents Act, 2000**  
(Act No. 21 of 2000)

**The Estate Agents (General) Regulations, 2015**

**NOTICE OF SUSPENSION OR CANCELLATION**

- (1) Here insert the full names and address of holder To (1) .....  
 (2) Here insert the Registration No. you are notified that your registration as an Estate Agent has been suspended/cancelled on the following grounds:  
 (a) .....  
 (b) .....  
 (c) .....  
 (d) .....

Dated this ..... day of ....., 20.....

OFFICIAL  
STAMP

.....  
*Registrar*  
*Zambia Institute of Estate Agents*

**ENDORSEMENT OF REGISTRATION**

This Notice, has this ..... day of ..... 20....., been entered in the Register.

.....  
*Chairperson*  
*Zambia Institute of Estate Agents*

Form X  
(Regulation 11(1))



Zambia Institute of Estate Agents

**The Estate Agents Act, 2000**  
(Act No. 21 of 2000)

**The Estate Agents (General) Regulations, 2015**

<b>APPLICATION FOR DUPLICATE CERTIFICATE OF REGISTRATION</b>			
<b>Please complete in block letters</b>	Shaded fields for official use only	Application No.	
		Date and Time	
<i>Information Required</i>	<i>Information Provided</i>		√
1. (a) Surname			
(b) Other names			
2. Registration No.			
3. Address			
(a) Physical address			
(b) Postal address			
4. Contact details			
(a) Telephone No.			
(b) Fax No.			
(c) Mobile phone No.			
(d) Email address			
5. <b>Appendix</b> Affidavit of loss, destruction or otherwise of original registration			
Name of applicant (individual or authorised representative):			
Signature : .....		Date: .....	
<b>FOR OFFICIAL USE ONLY</b>			
Received by: .....		Date: .....	
<i>Officer (Name and Signature)</i>		<i>Date</i>	
Amount Received: .....		<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">                     OFFICIAL STAMP                 </div>	
Receipt No.: .....			
File No.: .....			
Remarks: .....			

Form XI

(Regulation 13)

(To be completed in triplicate)



Zambia Institute of Estate Agents

**The Estate Agents Act, 2000**

(Act No. 21 of 2000)

**The Estate Agents (General) Regulations, 2015**

<b>APPLICATION FOR MEMBERSHIP</b>			
<b>Please complete in block letters</b>	Shaded fields only for official use	Application No.	
		Date and Time	
<i>Information Required</i>	<i>Information Provided</i>	<input checked="" type="checkbox"/>	
<b>PART I PARTICULARS</b>			
1.	(a) Surname (block capitals)		
	(b) Other names		
2.	Sex (Tick (✓) where applicable)	Male	Female
3.	Date of birth (dd/mm/yyyy)		
4.	Place of birth	Town	Country
5.	Nationality		
6.	(a) National Registration Card No		
	(b) Place of issue		
	(c) Date of issue (dd/mm/yyyy)		
7.	Address		
	(a) Physical address		
	(b) Postal address		
8.	Contact details		
	(a) Telephone No.		
	(b) Fax No.		
	(c) Mobile phone No.		
	(d) Email address		
9.	Type of membership (Tick (✓) where applicable)	Full Membership	Associate Membership
		Student Membership	Honorary Membership
<b>EDUCATIONAL BACKGROUND</b>			
10.	School, Technical College or University attended (give dates)		
11.	Course of study		
12.	Professional examination passed (give dates)		
13.	Membership of professional organisations (give grade of membership)		

<b>PART II EMPLOYMENT RECORD</b>			
14.	Present employment		
	(a) Name of Employer		
	(b) Position held		
	(c) Date of appointment		
	(d) Nature of work undertaken		
15.	Previous employment (whole career to date)		
	Name of Employer	Date/Period Employed	Positions held
			Nature of work undertaken
	(if more space is needed, please continue on a separate sheet)		
16.	<b>Appendices</b>		
Certified copies of all certificates are enclosed Application fee enclosed  <b>DECLARATION</b> I declare that the information furnished by me in this application is true, correct and complete to the best of my knowledge. I understand that any incorrect, misleading or untrue information or the withholding of any relevant information may affect my registration as a member of the Institute. <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%; text-align: center;">                         .....  <i>Name of applicant</i> </div> <div style="width: 45%; text-align: center;">                         .....  <i>Signature</i> </div> </div> <div style="text-align: center; margin-top: 10px;">                         .....                          Date                     </div>			
<b>FOR OFFICIAL USE ONLY</b>			
Received by: ..... <div style="display: flex; justify-content: space-between; width: 80%; margin: 0 auto;"> <span><i>Officer (Name and Signature)</i></span> <span><i>Date</i></span> </div>			
Application Fee Received: ..... Receipt No.: ..... Date presented to the Registrar: ..... Decision: ..... Date applicant informed of decision: ..... Fee for registration received: ..... Registration number: ..... Remarks: ..... .....			
<div style="border: 1px solid black; width: 100px; height: 40px; margin: 0 auto; display: flex; align-items: center; justify-content: center;">                         OFFICIAL STAMP                     </div>			

Form XII  
(Regulation 15)



Zambia Institute of Estate Agents

**The Estate Agents Act, 2000**  
(Act No. 21 of 2000)

**The Estate Agents (General) Regulations, 2015**

**REGISTRATION NO.:** .....

**CERTIFICATE OF MEMBERSHIP**

Surname: .....

First Name(s) .....

Name of firm/business: .....

Address.....

Given on the ..... day of ..... 20 .....

Date of expiry: .....

This is to certify that the person named on this Certificate has complied with the provisions of section 12 of the Estates Agents Act, 2000.

.....

*Chairperson*  
*Zambia Institute of Estate Agents*

.....

*Registrar*  
*Zambia Institute of Estate Agents*

Date: .....

Date: .....

NOTE:

This Certificate is only valid if it bears the seal of the Zambia Institute of Estate Agents.



Form XV  
(Registration 23(1))



Zambia Institute of Estate Agents

**The Estate Agents Act, 2000**

(Act No. 21 of 2000)

**The Estate Agents (General) Regulations, 2015**

**NOTICE OF APPEAL**

To: THE COUNCIL/MINISTER

- (1) Here insert the Registration No. IN THE MATTER OF (1) .....
- (2) Here insert the full names of the holder I (2) .....of (3) .....
- (3) Here insert residential address of appeal against the following decision of the Registrar/ Council the holder made on the ..... day of ....., 20 .....
- (4) Here insert the decision made (4) .....
- ..... on the following grounds:
- (a).....
- (b).....
- (c).....
- (d).....

Dated at ..... this ..... day of ....., 20.....

.....  
*Signature of Appellant*

\*Delete whichever is not applicable

**FOR OFFICIAL USE ONLY**

This appeal has, this ..... day of ....., 20 .....  
been lodged with the Council/Minister of Local Government and  
Housing.

.....  
*Name of receiving officer*

.....  
*Signature*

.....  
*Position*

.....  
*Date*

## SECOND SCHEDULE

*(Regulation 27)*

## PRESCRIBED FEES

	<i>Item</i>	<i>Fee Units</i>
1.	Individual membership	556
2.	Individual membership per year	2,778
3.	Sole trader per year	5,556
<b>4.</b>	<b>Business name application</b>	556
5.	Partnership application	1,112
6.	Partnership companies full membership	11,112
7.	Local corporate company processing	1,389
8.	Local corporate company membership	13,889
9.	Francise International company processing	8,334
10.	Francise international company membership	83,334
11.	Foreign international company processing	166,667
12.	Foreign international company membership	16,667
13.	Student application fees	2,778

S. KAMPYONGO,  
*Minister of Local Government  
and Housing*

LUSAKA

11th January, 2015

[MLGH/4/15/12]

