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VALUERS, APPRAISERS, ESTATE AGENTS AND PROPERTY MANAGERS ACT 1981

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**VALUERS, APPRAISERS, ESTATE AGENTS
AND PROPERTY MANAGERS ACT 1981**

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LAWS OF MALAYSIA**Act 242****VALUERS, APPRAISERS, ESTATE AGENTS
AND PROPERTY MANAGERS ACT 1981**

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LAWS OF MALAYSIA**Act 242*****VALUERS, APPRAISERS, ESTATE AGENTS
AND PROPERTY MANAGERS ACT 1981**

An Act to provide for the appointment of a Director General of Valuation and Property Services and for the registration of valuers, appraisers, estate agents and property managers and for matters connected therewith.

[6 February 1981]

BE IT ENACTED by the Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

PART I**PRELIMINARY****Short title and application**

1. This Act may be cited as the Valuers, Appraisers, Estate Agents and Property Managers Act 1981 and shall apply throughout Malaysia.

Interpretation

2. In this Act, unless the context otherwise requires—

“Appeal Board” means the Appeal Board established under section 28;

*NOTE—Previously known as the Valuers, Appraisers and Estate Agents Act 1981. Change in short title *vide* section 3 of the Valuers, Appraisers and Estate Agents (Amendment) Act 2017 [Act A1550] which comes into operation on 2 January 2018—see P.U. (B) 605/2017.

“applicant” means an individual registered valuer, appraiser, estate agent or property manager, or a registered valuation, appraisal, estate agency or property management firm, as the case may be;

“authority to practice” means an authority to practice in the prescribed form issued by the Registrar under section 16;

“Board” means the Board of Valuers, Appraisers, Estate Agents and Property Managers established under section 9;

“Director General” means the Director General of Valuation and Property Services appointed under subsection 3(1);

“firm” means a body corporate, a partnership or a sole proprietorship;

“Fund” means the Fund of the Board of Valuers, Appraisers, Estate Agents and Property Managers established under subsection 12(1);

“member” means a member of the Board;

“Minister” means the Minister for the time being charged with the responsibility for finance;

“prescribed” means prescribed by rules made by the Minister or by guidelines, standards, circulars or directives issued by the Board;

“probationary estate agent” means a person who is registered under this Act as a probationary estate agent and whose name has been placed in the Register of Probationers;

“probationary property manager” means a person who is registered under this Act as a probationary property manager and whose name has been placed in the Register of Probationers;

“probationary valuer” means a person who is registered under this Act as a probationary valuer and whose name has been placed in the Register of Probationers;

“property-based business” includes a hotel, motel, hostel, plantation, quarry, marina, port, golf course, cinema, stadium, sports complex and hospital;

“property management” means the management and control of any land, building and any interest in the land or building, excluding the management of property-based businesses, on behalf of the owner for a fee;

“property manager” means a person, a firm or a company who, on behalf of the owner of any land, building and any interest therein, manages and controls such land, building and interest;

“Register” means the Register of Valuers, Appraisers, Estate Agents and Property Managers kept under paragraph 14(1)(a);

“Register of Firms” means the Register of Firms kept under paragraph 14(1)(c);

“Register of Probationers” means the Register of Probationary Valuers, Probationary Estate Agents and Probationary Property Managers kept under paragraph 14(1)(b);

“registered appraiser” means a person whose name has been entered under Part II of the Register and to whom an authority to practice has been issued by the Board under section 16;

“registered estate agent” means a person whose name has been entered under Part III of the Register and to whom an authority to practice has been issued by the Board under section 16;

“registered property manager” means a person whose name has been entered under Part IV of the Register and to whom an authority to practise has been issued by the Board under section 16;

“registered valuer” means a person whose name has been entered under Part I of the Register and to whom an authority to practice has been issued by the Board under section 16;

“Registrar” means the Registrar of the Board of Valuers, Appraisers, Estate Agents and Property Managers appointed under section 15.

PART II

APPOINTMENT, DUTIES AND POWERS OF DIRECTOR GENERAL OF VALUATION AND PROPERTY SERVICES AND OTHER OFFICERS

Director General and other officers

3. (1) There shall be appointed within the Ministry of Finance an officer to be nominated as the Director General of Valuation and Property Services and such number of Deputy Directors General, Directors and officers as may be required for the administration of this Act.

(2) After a date fixed by order of the Minister published in the *Gazette*, no person shall be appointed to hold the office of Director General, Deputy Director General or Director unless he is a registered valuer.

Functions and duties of Director General

4. (1) The functions of the Director General shall be—

(a) to carry out the duties conferred on him by this Act;

(b) to collect and collate—

- (i) such information as the Director General thinks necessary to assist officers and valuers in the making of valuation; and
- (ii) such information as the Director General thinks necessary on all or any property-related matters;

- (ba) to publish information collected and collated under paragraph (b), except where such information has been classified as confidential by, or on behalf of, the Government or any State Government;
- (bb) to provide information and advice to the Government and any State Government or any person on property-related matters;
- (bc) to provide education services, training services, research services and other services that are related to the functions of the Director General under this Act to the Government and any State Government or any person; and
- (c) generally to investigate and report to the Minister on any matter he considers likely to improve the standards of valuation, estate agency and other property services in Malaysia.

(1A) For the purposes of providing research services under paragraph (1)(bc), the Director General may—

- (a) carry out basic or applied research;
- (b) provide advisory or consultation services;
- (c) commission or employ any person to undertake the research;
- (d) disburse any grant; and
- (e) co-ordinate the carrying out of research undertaken by the Director General or any other person.

(2) The Director General shall carry out all or any of the following functions for the Government or for any State Government and may carry out such functions for any local authority, statutory body or body corporate in which the Government or the State Government has an interest and further may carry out such functions for any other person as the Minister may determine:

- (a) do the valuation of all lands and buildings including furniture, fixtures, trade stocks, plant or machinery and other effects;
- (b) do the valuation of lands and buildings required for feasibility studies, court proceedings, arbitration or other purposes;
- (c) act as estate agent including negotiating for sales, purchases, rentals and lettings by agreement, auction or tender; and
- (d) do property management, project management and the making or checking of inventories of furniture, fixtures, trade stocks, plant or machinery and other effects.

(3) With regard to paragraphs (1)(b) and (bb), the Director General may, except where such information has been classified as confidential by or on behalf of the Government or any State Government, in his discretion supply any person or class of persons with any information collected or collated by him upon payment of such fees or charges as may be prescribed by the Minister.

(3A) The information that may be supplied under subsection (3) may include—

- (a) the details of any sale or transfer of land, buildings and any interest therein;
- (b) information on the status of supply and demand of property;
- (c) information on the availability of financing for the purchasing or development of property;
- (d) information on movements in the price and rental of property;
- (e) information on property development (including development costs), property investment and property management in all or any of the sectors of the property market; and
- (f) information necessary for the development of property market indices and cost indices.

(4) With regard to the services mentioned in paragraph (1)(bc) and subsection (2), the Director General may, except where the service is rendered to the Government, charge any person or class of persons such fees and charges as may be prescribed by the Minister.

(5) The fees and charges prescribed under this section may be reduced, waived or refunded as the Minister thinks fit.

Access to lands, buildings, etc.

5. (1) The Director General or any officer authorized by him may—

- (a) when reasonably necessary for the purposes of carrying out the Director General's functions under this Act, enter at all reasonable hours into and upon any land, building or premises, and inspect the same without liability for trespass;
- (b) put either verbally or in writing to the owner or his agent or the person in occupation or charge of that land, building or premises any relevant questions to enable him to perform his functions under this Act professionally; and
- (c) inspect any books, documents and papers in the charge of any person, including a public officer, for the purpose of carrying out his functions under this Act and without charge take extracts therefrom.

(2) If after being informed of the purpose in desiring to enter and inspect the land, building or premises, or in putting the questions or in seeking to inspect such books, documents or papers relevant to the performance of his functions under this Act, the agent or person refuses or fails to allow such entry or inspection, or refuses or wilfully omits to answer to the best of his knowledge or belief any such question either verbally or in writing as the questioner may have requested, or wilfully makes any false statement in reply to that question, or refuses to allow such books, documents or papers to be inspected or extracts taken therefrom, he commits an offence and is liable on

conviction to a fine not exceeding *ten thousand ringgit or to a term of imprisonment not exceeding three months or to both.

Submission of relevant information

6. (1) The Director General may require the submission to him by any person of any relevant information necessary for the carrying out of his functions under this Act on a form within a stated period, such form and period to be prescribed by the Minister.

(2) The information required under subsection (1) shall include—

- (a) details of sales, purchases, results of auctions and tenders, lettings and leases; and
- (b) such other information as the Director General thinks necessary for the carrying out of his functions under this Act.

(3) If after being informed of the purpose in requiring the information and of the authority so to do, any person refuses to submit the required information within the prescribed period or wilfully supplies any false information, that person commits an offence and is liable on conviction to a fine not exceeding ten thousand ringgit or to a term of imprisonment not exceeding three months or to both.

Power of delegation

7. (1) For the purposes of carrying out the objects and purposes of this Act and exercising his powers, duties and functions, the Director General may, with the approval of the Minister, delegate to any officer under his administrative control any of his powers, duties and functions under this Act.

(2) Any such delegation may be made in respect of any particular matter or any class of matters or generally or may be limited to any part of Malaysia

*NOTE—Previously “five thousand ringgit”—see Valuers, Appraisers and Estate Agents (Amendment) Act 1997 [Act A980].

and may be made subject to such terms and conditions as the Director General thinks fit.

(3) Any delegation under this section shall be revocable at will and shall not prevent the exercise or performance of any powers, duties or functions by the Director General.

Minister may make rules

8. The Minister may make rules as may be necessary for the better carrying out or giving effect to the provisions of this Part.

PART III

BOARD OF VALUERS, APPRAISERS, ESTATE AGENTS
AND PROPERTY MANAGERS

Board of Valuers, Appraisers, Estate Agents and Property Managers

9. (1) There shall be established a board to be called the Board of Valuers, Appraisers, Estate Agents and Property Managers which shall be a body corporate with perpetual succession and a common seal and which may sue and be sued.

(2) The Board shall consist of the following members to be appointed by the Minister:

- (a) the Director General who shall be the President of the Board;
- (b) six registered valuers from the public service;
- (c) four registered valuers who have had at least six years' professional experience as valuers and have been nominated by the Institution of Surveyors (Malaysia) or other professional body that the Board may from time to time recognize to represent valuers;

- (cc) three registered estate agents nominated by the President of the Board with at least six years experience as estate agents;
- (d) three registered valuers nominated by the President of the Board; and
- (e) three registered property managers nominated by the President of the Board.

(3) The persons referred to in paragraphs (2)(c), (cc), (d) and (e) shall be citizens and practising their profession in Malaysia.

(4) If the body referred to in paragraph (2)(c) fails to submit the panel of valuers within three months after being so requested in writing by the Minister or there is no professional body representing valuers, the Minister may make the appointments referred to in that paragraph on the advice of the Director General.

(5) In the case of the first appointees to the Board such appointees shall within six months of the Board being first established be registered under the relevant provisions of this Act as registered valuers.

(5A) In the case of the first appointees to the Board referred to in paragraph (2)(cc) such appointees shall within six months of their appointment be registered under the relevant provisions of this Act as registered estate agents.

(6) The members of the Board appointed under paragraphs (2)(b), (c), (cc), (d) and (e) shall hold office for three years or for such shorter period as the Minister may specify and shall be eligible for reappointment.

(7) If any member of the Board dies or resigns or has his appointment revoked, a new member shall as soon as practicable be appointed in his place and the member so appointed shall hold office for the remainder of the term for which his predecessor was appointed.

(8) The First Schedule shall have effect with respect to the Board.

(9) The Minister may, by order published in the *Gazette*, amend the First Schedule.

Functions of the Board

10. The functions of the Board shall be—

- (a) to keep and maintain the Register, Register of Probationers and Register of Firms;
- (b) to approve or reject applications for registration under this Act or to approve any such application subject to such conditions and restrictions as it may deem fit to impose;
- (c) to hold disciplinary proceedings in accordance with Part VII;
- (d) to hold or cause to be held examinations of persons who desire to qualify themselves for registration under this Act;
- (e) to prescribe from time to time with the approval of the Minister the fees payable under this Act including the scales of fees to be charged by valuers, appraisers, estate agents or property managers for professional advice or services rendered;
- (f) to hear and determine disputes relating to the professional conduct or ethics of valuers, appraisers, estate agents and property managers or to appoint a committee or arbitrator to hear and determine such disputes;
- (g) to determine and regulate the professional conduct and ethics of valuers, appraisers, estate agents and property managers and to set standards of professional practice;
- (h) to award scholarships to persons who undertake professional courses in valuation, estate agency or property management, or any related discipline and to award grants or donations for the promotion of the profession;
- (ha) to appoint members of the Board to sit on any board, committee or body formed for any purpose relating to the profession or to any related profession;

- (hb) to borrow or in any manner raise money for the purchase or lease of any immovable property required by the Board and to dispose of or deal with such property as the Board deems fit;
- (hc) to prescribe the rules concerning the taking out of professional indemnity insurance for valuers, appraisers, estate agents and property managers-against any class of professional liability;
- (hd) to prescribe standards, directives, circulars or guidelines to carry out the provisions of Part III to Part VIII;
- (he) to hold in trust the monies in a dispute between a registered valuer, appraiser, estate agent or property manager, and a client or third party in a contract for valuation, appraisal, estate agency or property management services, whenever the Board deems necessary;
- (i) generally, to do all such acts, matters and things as are necessary to carry out the provisions of Part III to Part VIII.

Committee

10A. (1) The Board may appoint such committees as the Board deems fit to assist it in performing its functions under this Act.

(2) A committee shall consist of two or more persons who are members of the Board or any other person as the Board deems fit.

(3) The procedure and functions of any committee appointed under subsection (1) shall be determined by the Board.

(4) The Board may, in writing, delegate to the committee any of its functions other than those which the Minister may by rules expressly require to be performed by the Board.

Examiners and other staff

11. (1) The Board may appoint examiners and such other officers and employees as it considers necessary for the discharge of its functions.

(2) The examiners and other officers and employees shall hold office for such period, receive such salaries and allowances, and be subject to such other terms and conditions of service as may be determined by the Board.

Fund of the Board

12. (1) All fees, fines and costs payable under this Act and all other moneys due to the Board under the provisions of this Act and such other sums as may be paid to the Board shall be credited to the Fund of the Board of Valuers, Appraisers, Estate Agents and Property Managers.

(2) The Fund may be applied for—

- (a) the payment of the salaries, remuneration and allowances of the staff employed by the Board;
- (b) the payment for professional and other services required by and rendered to the Board;
- (c) the payment for office equipment, stationery, furniture and other things required by the Board;
- (d) the payment to members of the Board or Appeal Board of fees and reasonable travelling and subsistence allowances for attendance at meetings of the Board or Appeal Board as may from time to time be approved by the Minister;
- (e) the payment of the expenses of registration and other expenses of administration, the expenses of any research, investigation, study, conference or seminar and the expenses for the printing or publication of forms, journals, brochures, directories, pamphlets,

advertisements and other documents connected with the Board's functions or duties;

- (f) the payment of rents, fees, dues, rates, premiums, compensations and other moneys that the Board may be required to pay;
- (g) the payment of moneys towards awards, grants and donations made by the Board;
- (h) the purchase or lease of any immovable property required by the Board; and
- (i) the carrying out of all other functions of the Board.

(3) Moneys not immediately required may be invested in any immovable property or in any investments specified under section 4 of the Trustee Act 1949 [Act 208] as the Board may determine.

Auditing of accounts

13. The accounts of the Board shall be audited not less than once in a year by an auditor appointed by the Board.

PART IV

REGISTERS

Registers

14. (1) The Board shall keep and maintain—

- (a) a Register of Valuers, Appraisers, Estate Agents and Property Managers which shall be in four Parts:
 - (i) Part I which shall contain the names, business addresses, qualifications and other particulars of registered valuers;

- (ii) Part II which shall contain the names, business addresses, qualifications and other particulars of registered appraisers;
 - (iii) Part III which shall contain the names, business addresses, qualifications and other particulars of registered estate agents; and
 - (iv) Part IV which shall contain the names, business addresses, qualifications and other particulars of registered property managers;
- (b) Register of Probationary Valuers, Probationary Estate Agents and Probationary Property Managers which shall contain the names, business addresses, qualifications and other particulars of probationary valuers, probationary estate agents and probationary property managers; and
- (c) a Register of Firms which shall be in four Parts:
- (i) Part I which shall contain the names, addresses and other particulars of firms carrying on practice as valuers;
 - (ii) Part II which shall contain the names, addresses and other particulars of firms carrying on practice as appraisers;
 - (iii) Part III which shall contain the names, addresses and other particulars of firms carrying on practice as estate agents; and
 - (iv) Part IV which shall contain the names, addresses and other particulars of firms carrying on practice as property managers.

(1A) *(Deleted by Act A980).*

(2) The Registers shall be kept and maintained at the office of the Board and shall be open to inspection by any person on payment of a fee prescribed by the Board.

(3) No amendment or alteration shall be made in the Registers without the matter having been decided upon at a meeting of the Board and the decision recorded in the minutes of such meeting and all amendments or alterations in the Registers shall be initialed by the Registrar.

(4) In the event of an order or decision cancelling, suspending or reinstating, or of any other order or decision affecting, the registration of any valuer, appraiser, estate agent or property manager, or of any probationary valuer, probationary estate agent or probationary property manager, or of any firm under the provisions of this Act, the Board shall cause an entry to be made in the appropriate Register.

(5) Every person whose name appears on the Register of Estate Agents under the deleted subsection (1A) before the coming into force of such deletion shall be deemed to be transferred to Part III of the Register.

Registrar

15. (1) The Board, with the approval of the Minister, shall appoint a Registrar of the Board of Valuers, Appraisers, Estate Agents and Property Managers on such terms and conditions of service as it thinks fit.

(2) The Registrar shall be under the general direction of the Board and shall sign all authorities to practice and record all entries required to be entered in the Registers.

Application for authority to practise

15A. A registered valuer, appraiser, estate agent or property manager shall apply to the Board for authority to practise where he intends to practise as a registered valuer or appraiser under section 19, as a registered estate agent under section 22B, or as a registered property manager under section 22I.

Authority to practice

16. (1) The Registrar shall, upon receipt of a fee prescribed by the Board with the approval of the Minister, issue to every applicant, whose application has been approved, an authority to practice in the form prescribed by the Board and subject to such conditions or restrictions as it may think fit to impose.

(1A) For the purposes of subsection (1), the authority to practice as an individual registered valuer, appraiser, estate agent or property manager shall be subject to the condition that the practice is in accordance with section 23.

(2) The authority to practice shall, subject to the provisions of this Act, expire on the 31st of December of the year in which it is issued and shall thereafter be renewable annually upon payment of the prescribed fee and upon the applicant satisfying and complying with such conditions as may be prescribed by the Board.

(3) A certificate of registration issued under the *Registration of Surveyors Act 1967 [*Act 67 of 1967*] which before the coming into force of this Act was issued to a registered Surveyor (General Practice) shall, subject to subsection 17(2), be replaced by the Board with an authority to practice without payment of the prescribed fee.

(4) An authority to practice which has been issued with errors or omissions may be recalled by the Registrar and a fresh one issued without charge.

(5) A duplicate authority to practice may be issued by the Board on application being made by a registered valuer, appraiser, estate agent or property manager and on payment of a fee prescribed by the Board and such application shall be accompanied by a statement setting out the reasons for the application.

(6) A duplicate authority to practice shall be clearly marked “Duplicate” and shall contain all particulars shown on the original copy.

* *NOTE*—This Act has since been revised as the Quantity Surveyors Act 1967 [*Act 487*].

- (7) A registered valuer, appraiser, estate agent or property manager—
- (a) who is an employee, shall, within one month of any change of employment, notify the Board in writing of the name, business address and other particulars of his former as well as his new employer;
 - (b) who is not an employee, shall, within one month of any change in the name, business address, partnership, shareholding or directorship of his practice or any change in the registered valuers, appraisers, estate agents or property managers practising under his employment or under the employment of his firm, notify the Board in writing of the change,

and such change shall be entered in the appropriate Register.

(7A) For the purposes of paragraph (7)(b), a notice given by a partner, shareholder or director of the person concerned shall be deemed to be sufficient compliance with that paragraph.

(7B) Paragraph (7)(a) shall also apply to all probationary valuers, probationary estate agents and probationary property managers and any changes shall be entered in the Register of Probationers accordingly.

(8) The Registrar may annually publish and offer for sale copies of the Registers.

PART V

VALUERS AND APPRAISERS

Registration of valuers and appraisers

17. (1) Subject to the provisions of this Act, every person shall be entitled to have his name entered under Part I or II, as the case may be, of the Register upon making application to the Board and proving to its satisfaction that—

- (a) he has attained the age of 21 years and is of sound mind, good character and has not been convicted of any offence involving fraud or dishonesty or moral turpitude during the five years immediately preceding the date of his application;
- (aa) he is not an undischarged bankrupt;
- (ab) he has not made a statement or affirmed or attested a document that is false or misleading in a material particular;
- (ac) he has not dishonestly concealed material facts;
- (ad) he has not furnished false information;
- (b) he satisfies the requirements of section 18;
- (c) he has made a declaration in the form and manner prescribed by the Board;
- (d) he has paid the fees prescribed by the Board; and
- (e) he is not under suspension from estate agency or property management practice nor has his name been cancelled from the Register.

(1A) Notwithstanding paragraph (1)(e), a person who is disqualified from estate agency or property management practice may, if the Board considers him fit to practise valuation, have his name entered under Part I of the Register as a valuer.

(2) Any registered Surveyor (General Practice) who, immediately before the coming into force of this Act, had his name registered under the *Registration of Surveyors Act 1967 shall have, upon the coming into force of this Act, his name transferred to Part I of the Register without payment of any fee:

* *NOTE*—This Act has since been revised as the Quantity Surveyors Act 1967 [Act 487].

Provided that for one year after the coming into force of this Act such person shall continue to practise under the provisions of the *Registration of Surveyors Act 1967.

(3) Any person who applies within twelve months from the date of the coming into force of this Act for registration under Part II of the Register shall be entitled to have his name so registered if he—

- (a) immediately before the date of the coming into force of this Act had been a licensed appraiser under any of the various laws relating to the licensing of appraisers in Malaysia and that generally his business as a licensed appraiser had been his principal calling apart from his business as an estate agent, and that he had served his clients generally to their satisfaction; and
- (b) satisfies or complies with paragraphs(1) (a), (c), (d) and (e).

(4) In order to be satisfied of any of the matters mentioned in subsections (1) and (3) the Board may call upon the applicant to submit to it such documents as it considers relevant.

Registration of probationary valuers

17A. (1) Subject to the provisions of this Act, every person shall be entitled to have his name entered as a probationary valuer under the Register of Probationers upon making an application to the Board and proving to its satisfaction that—

- (a) he has attained the age of 21 years and is of sound mind, good character and has not been convicted of any offence involving fraud or dishonesty or moral turpitude during the five years immediately preceding the date of his application;
- (b) he is not an undischarged bankrupt;
- (c) he satisfies the requirements of section 18;

- (d) he has made a declaration in the form and manner prescribed by the Board;
- (e) he has paid the fees prescribed by the Board; and
- (f) he has submitted all documents as may be required by the Board.

(2) The Board may require the applicant to submit any additional documents as it considers relevant in order to be satisfied of any of the matters mentioned in subsection (1).

Qualifications for registration of valuers and probationary valuers

18. (1) Subject to the provisions of this Act, no person shall be entitled to have his name entered under Part I of the Register unless he has been registered as a probationary valuer under this Act.

(2) Any person who has passed the examinations prescribed by the Board or who has obtained qualifications which the Board recognizes as equivalent to such examinations may apply to the Board to be registered as a probationary valuer.

(3) A probationary valuer shall be required to obtain the practical experience and to pass the Test of Professional Competence prescribed by the Board or any equivalent test or examination recognized by the Board.

(4) Where a probationary valuer has complied with the requirements of subsection (3), he may apply to the Board to have his name entered in the Register.

(5) Notwithstanding subsections (1), (2) and (3), a person who is a graduate member of the Property Consultancy and Valuation Surveying Section of the Institution of Surveyors (Malaysia) who has complied with the requirements of subsection (3) may apply to the Board to have his name entered in the Register.

(6) *(Deleted by Act A1550).*

Valuation practice

19. Subject to the provisions of this Act a registered valuer or appraiser who has been issued with an authority to practice by the Board shall be entitled to practise his profession and shall be authorized to undertake—

- (a) valuation of all lands and buildings and all interest therein including trees, crops, furniture, fixtures, trade stocks, plant, machinery, equipment and other effects; and
- (b) valuation of lands and buildings and all interest therein required for feasibility studies, project management, court proceedings, arbitration or other purposes.
- (c) *(Deleted by Act A1550).*

Restriction on registered appraisers

20. (1) A registered appraiser is authorized to undertake work subject to a total capital value and upon terms and conditions fixed by the Board from time to time with the approval of the Minister.

(2) The total capital value is deemed to be the total amount undertaken under one specific instruction.

(3) The Board may restrict the practise of the registered appraiser to a particular State or States.

Restrictions on valuation practice

21. (1) No person shall unless he is a registered valuer or appraiser and has been issued with an authority to practice under section 16—

- (a) practise or carry on business or take up employment under any name, style or title containing the words “Valuer”, “Appraiser”, “Land Economist”, “Property Consultant”, or the equivalent thereto in any language or bearing any other word whatsoever in

any language which may reasonably be construed to imply that he is a registered valuer or appraiser or that he is engaged in the practice or business;

(aa) *(Deleted by Act A1550).*

(ab) carry on business or take up employment as a valuer or an appraiser;

(b) display any signboard, or use, distribute or circulate any card, letter, pamphlet, leaflet, notice or any form of advertisement, implying either directly or indirectly that he is a registered valuer or appraiser;

(c) undertake for a fee or other consideration any of the work enumerated in section 19; or

(d) be entitled to recover in any court any fee, charge or remuneration for any professional advice or services rendered as a valuer or appraiser.

(2) *(Deleted by Act A1550).*

(3) *(Deleted by Act A1550).*

(4) The provisions relating to restrictions on valuation practice in subsection (1) shall apply *mutatis mutandis* to a firm.

Special authority

22. (1) Subject to subsection (2) and such policy as the Board may from time to time adopt, the President may from time to time with the approval of the Board, upon payment of the fees prescribed by the Board and on such conditions or with such restrictions as he thinks fit to impose, in writing authorize any person who is not a registered valuer to do any act or thing that the person would, but for the authorization, be prohibited or not be entitled to

do and may at any time, without assigning any reason therefor, withdraw the authorization by notice served on the person.

(2) No person shall be authorized under this section to do any such act or thing for more than a total period of one hundred and eighty days in any one calendar year.

(3) A person who does any such act or thing under and in accordance with an authorization under subsection (1) shall, notwithstanding any provision of this Act to the contrary, be deemed to be permitted to do that act or thing as if he were a registered valuer.

PART VA

ESTATE AGENTS

Registration of estate agents

22A. (1) Subject to the provisions of this Act every person shall be entitled to have his name entered under Part III of the Register upon making application to the Board and proving to its satisfaction that—

- (a) he has attained the age of 21 years and is of sound mind, good character and has not been convicted of any offence involving fraud or dishonesty or moral turpitude during the five years immediately preceding the date of his application;
- (aa) he has not made a statement or affirmed or attested a document that is false or misleading in a material particular;
- (ab) he has not dishonestly concealed material facts;
- (ac) he has not furnished false information;
- (b) he is not an undischarged bankrupt;
- (c) he satisfies the requirements of section 22D;

- (d) he has made a declaration in the form and manner prescribed by the Board;
- (e) he has paid the fees prescribed by the Board; and
- (f) he is not under suspension from valuation or property management practice nor has his name been cancelled from the Register.

(1A) Notwithstanding paragraph (1)(f), a person who is disqualified from valuation or property management practice may, if the Board considers him fit to practise estate agency, have his name entered under Part III of the Register as an estate agent.

(2) Any person who applies within twelve months from the date of the coming into force of this Part for registration under the Register of Estate Agents shall be entitled to have his name so registered if he proves to the satisfaction of this Board that—

- (a) immediately before the date of the coming into force of this Part—
 - (i) he had been engaged in estate agency practice and that generally his business as such had been his principal calling; or
 - (ii) he was a registered valuer or appraiser and that his business as such included estate agency practice,

and that he had served his clients generally to their satisfaction;
and
- (b) satisfies or complies with the provisions of paragraphs (1)(a), (d), (e) and (f).

(3) In order to be satisfied of any of the matters mentioned in subsections (1) and (2) the Board may call upon the applicant to submit to it such documents as it considers relevant.

Estate agency practice

22B. (1) Subject to the provisions of this Act, a registered estate agent who has been issued with an authority to practice by the Board shall be entitled to practise his profession and shall be authorized to undertake estate agency practice.

(1A) A person undertakes estate agency practice if he acts as an agent, or holds himself out to the public or to any individual or firm as ready to act as an agent, for a commission, fee, reward or other consideration—

- (a) in respect of any sale or other disposal of land and buildings and of any interest therein;
- (b) in respect of any purchase or other acquisition of land and buildings and of any interest therein;
- (c) in respect of any leasing or letting of land and buildings and of any interest therein;
- (d) in making known of the availability of land, building, or any interest therein for such sale or disposal, purchase or acquisition, or leasing or letting referred to in paragraph (a), (b) or (c), as the case may be; and
- (e) in respect of any tenancy administration including rental collection, payment of outgoings, arrangement for minor repairs and handing over and taking over the possession of a property of any land and buildings and of any interest therein.

(1B) Subject to subsection (2), no registered estate agent shall carry on property management.

(2) Notwithstanding subsection (1B), the Board may permit a registered estate agent to carry on property management—

- (a) if he was permitted to do so before the coming into force of subsection (1B); and

- (b) subject to the same conditions and restrictions that the Board may have imposed upon him before the coming into force of subsection (1B).

Restrictions on estate agency practice

22c. (1) No person shall unless he is a registered estate agent and has been issued with an authority to practice under section 16—

- (a) practise or carry on business or take up employment under any name, style or title containing the words “Estate Agent”, “House Agent”, “Property Agent”, “Land Agent”, “House Broker”, “Real Estate Agency Consultant”, or the equivalent thereto, in any language or bearing any other word whatsoever in any language which may reasonably be construed to imply that he is a registered estate agent or that he is engaged in estate agency practice or business;
 - (aa) carry on business or take up employment as an estate agent;
 - (b) display any signboard or poster, or use, distribute or circulate any card, letter, pamphlet, leaflet, notice or any form of advertisement, implying either directly or indirectly that he is a registered estate agent or that he is engaged in estate agency practice or business;
 - (ba) offer for sale, rent or lease or invite offers to purchase, rent or lease any land, building and any interest therein irrespective of whether such land, building and interest is located within Malaysia or outside Malaysia:

Provided that where foreign properties are to be marketed in Malaysia, such offer or invitation shall be made by or through an estate agent practising and residing in Malaysia on behalf of a principal or an estate agent practicing or residing outside Malaysia;

- (c) undertake any of the work specified in section 22B; or
 - (d) be entitled to recover in any court any fees, commissions, charges or remuneration for any professional advice or services rendered as an estate agent.
- (2) Notwithstanding subsection (1)—
- (a) an owner of any land, building and any interest therein may sell or rent or lease or sublease, or offer to sell or rent or lease or sublease, such land, building and interest;
 - (b) a licensed auctioneer may sell or offer to sell any land, building and any interest therein by public auction;
 - (c) a holder of a power of attorney in respect of any land, building and any interest therein, acting gratuitous and for no commission, fee, reward or other consideration, may sell, purchase or rent, or offer to sell, purchase or rent, such land, building and interest; and
 - (d) a negotiator may assist the registered estate agent in the estate agency practice.

(2A) For the purpose of paragraph (2)(d), “negotiator” means a person who is employed by a registered estate agent to assist him in the estate agency practice.

(3) The provisions relating to estate agency practice in subsections (1) and (2) shall apply *mutatis mutandis* to a firm.

Qualifications for registration of estate agents and probationary estate agents

22D. (1) Subject to the provisions of this Act, no person shall be entitled to have his name entered under Part III of the Register unless he has been registered as a probationary estate agent under this Act.

(2) Any person who has passed the examinations prescribed by the Board or who has obtained qualifications which the Board recognizes as equivalent to such examinations may apply to the Board to be registered as a probationary estate agent.

(3) A probationary estate agent shall be required to obtain the practical experience and to pass the Test of Professional Competence prescribed by the Board or any equivalent test or examination recognized by the Board.

(4) Where a probationary estate agent has complied with the requirements of subsection (3), he may apply to the Board to have his name entered in the Register.

(5) *(Deleted by Act A1550).*

Registration of probationary estate agents

22E. (1) Subject to this Act, every person shall be entitled to have his name entered as a probationary estate agent in the Register of Probationers upon making application to the Board and proving to its satisfaction that—

- (a) he has attained the age of 21 years and is of sound mind, good character and has not been convicted of any offence involving fraud or dishonesty or moral turpitude during the five years immediately preceding the date of his application;
- (b) he is not an undischarged bankrupt;
- (c) he satisfies the requirements of section 22D;
- (d) he has made a declaration in the form and manner prescribed by the Board;
- (e) he has paid the fees prescribed by the Board; and
- (f) he has submitted such documents as may be required by the Board.

(2) The Board may require the applicant to submit any additional documents as it considers relevant in order to be satisfied of any of the matters mentioned in subsection (1).

PART VB

PROPERTY MANAGERS

Registration of property managers

22F. (1) Subject to the provisions of this Act, every person shall be entitled to have his name entered under Part IV of the Register upon making an application to the Board and proving to its satisfaction that—

- (a) he has attained the age of 21 years and is of sound mind, good character and has not been convicted of any offence involving fraud, dishonesty or moral turpitude during the five years immediately preceding the date of his application;
- (b) he is not an undischarged bankrupt;
- (c) he has not made a statement, or affirmed or attested a document that is false or misleading in a material particular;
- (d) he has not dishonestly concealed material facts;
- (e) he has not furnished false information;
- (f) he satisfies the requirements of section 22H;
- (g) he has made a declaration in the form and manner prescribed by the Board;
- (h) he has paid the fees prescribed by the Board; and
- (i) he is not under suspension from valuation or estate agency practice nor has his name been cancelled from the Register.

(2) Notwithstanding paragraph (1)(i), a person who is disqualified from valuation or estate agency practice may, if the Board considers him fit to practise property management, have his name entered under Part IV of the Register as a property manager.

(3) Any registered valuer or registered appraiser who, immediately before the coming into force of this Part, had his name entered under Part I or II of the Register shall, upon the coming into force of this Part, be entitled to have his name entered under Part IV of the Register without payment of any fee.

(4) Any probationary valuer who has passed the Test of Professional Competence for property managers shall be entitled to have his name entered under Part IV of the Register.

(5) Any person who has obtained qualifications which the Board recognizes and has passed the Test of Professional Competence for property managers shall be entitled to have his name entered under Part IV of the Register.

(6) Any registered estate agent shall be entitled to have his name entered under Part IV of the Register if before the date of the coming into force of this Part he was permitted to undertake property management as specified in subsection 22B(2).

(7) Any person who applies within twelve months from the date of the coming into force of this Part for registration under Part IV of the Register shall be entitled to have his name so registered if he proves to the satisfaction of the Board that—

- (a) immediately before the date of the coming into force of this Part—
 - (i) he has been engaged in property management practice or business; and
 - (ii) he has served his clients generally to their satisfaction; and

(b) he complies with the provisions of subsection (1).

(8) In order to be satisfied with any of the matters mentioned in subsections (1), (4), (5), (6) and (7), the Board may call upon the applicant to submit to it such documents as it considers relevant.

(9) A registered valuer, appraiser or estate agent permitted to carry on property management before the coming into force of this Part may, pending having his name entered under Part IV of the Register as provided for under subsection (3) or (6), continue to engage in property management practice or business within the period referred to in subsection (7).

Registration of probationary property managers

22G. (1) Subject to the provisions of this Act, every person shall be entitled to have his name entered as a probationary property manager in the Register of Probationers upon making an application to the Board and proving to its satisfaction that—

- (a) he has attained the age of 21 years and is of sound mind, good character and has not been convicted of any offence involving fraud, dishonesty or moral turpitude during the five years immediately preceding the date of his application;
- (b) he is not an undischarged bankrupt;
- (c) he satisfies the requirements of section 22H;
- (d) he has made a declaration in the form and manner prescribed by the Board;
- (e) he has paid the fees prescribed by the Board; and
- (f) he has submitted such documents as may be required by the Board.

(2) The Board may require the applicant to submit any additional documents as it considers relevant in order to be satisfied of any of the matters mentioned in subsection (1).

(3) Any registered estate agent who applies within twelve months from the date of coming into force of this Part for registration as a probationary property manager under the Register of Probationers shall be entitled to have his name so registered if he proves to the satisfaction of the Board that he has ten years experience as an estate agent.

Qualification for registration of property managers and probationary property managers

22H. (1) Subject to the provisions of this Act, no person shall be entitled to have his name entered under Part IV of the Register unless he has been registered as a probationary property manager under this Act.

(2) Any person who has passed the examinations prescribed by the Board or who has obtained qualifications which the Board recognizes as equivalent to such examination may apply to the Board to be registered as a probationary property manager.

(3) A probationary property manager shall be required to obtain the practical experience and to pass the Test of Professional Competence prescribed by the Board or any equivalent test or examination recognized by the Board.

(4) Where a probationary property manager has complied with the requirements of subsection (3), he may apply to the Board to have his name entered in the Register.

Property management practice

22I. (1) Subject to the provisions of this Act, a registered property manager who has been issued with an authority to practise by the Board shall be entitled

to practise his profession and shall be authorized to undertake property management practice.

(2) The property management practice referred to in subsection (1) includes the following:

- (a) enforcing the terms of leases and other agreements pertaining to the property;
- (b) preparing budgets and maintaining the financial records for the property;
- (c) monitoring outgoings for the property and making payments out of the income from the property;
- (d) advising on sale, purchase and letting decisions;
- (e) advising on insurance matters;
- (f) advising on the opportunities for the realization of development or investment potential of the property;
- (g) advising on the necessity for upgrading the property or for the merging of interests;
- (h) managing and maintaining the building and facilities attached to the building; and
- (i) making or checking of inventories of furniture, fixtures, trade stocks, plant or machinery, or other effects.

Restriction on property management practice

22J. (1) No person shall, unless he is a registered property manager and has been issued with an authority to practise under section 16—

- (a) practise or carry on business or take up employment under any name, style or title containing the words “Property Manager”,

“Managing Agent”, or the equivalent thereto in any language or bearing any other word whatsoever in any language which may reasonably be construed to imply that he is a registered property manager or he is engaged in property management practice or business;

- (b) act as a property manager;
- (c) carry on business or take up appointment or engagement as a property manager;
- (d) display any signboard or poster, or use, distribute or circulate any card, letter, pamphlet, leaflet, notice or any form of advertisement, implying either directly or indirectly that he is a registered property manager or he is engaged in property management practice or business;
- (e) undertake for a fee or other consideration any of the work enumerated in subsection 22i(2); or
- (f) be entitled to recover in any court any fee, commission, charge or remuneration for any professional advice or services rendered as a property manager.

(2) Paragraph (1)(b) shall not apply to the owner of any land, building and any interest therein who manages such land, building and interest.

(3) For the purposes of subsection (2), “owner” in relation to any land, building and any interest in the land or building means—

- (a) the registered owner;
- (b) the beneficiary of any estate or trust of a deceased person; and
- (c) a lessee whose interest is registered under the National Land Code [*Act 56 of 1965*], the Sarawak Land Code [*Sarawak Cap. 81*] and the Sabah Land Ordinance [*Sabah Cap. 68*].

(4) For the purposes of paragraphs (3)(a) and (c), a registered owner or a lessee may be an individual or a company but shall not include any shareholder in the company owning such land, building and interest in the land or building unless such land, building and interest is wholly owned by the company.

(5) The provisions relating to restrictions of property management practice as contained in subsection (1) shall apply *mutatis mutandis* to a firm.

PART VI

FIRMS

Practice by firms

23. (1) No registered valuer, appraiser, estate agent or property manager shall practise valuation, appraisal, estate agency or property management or have the right to recover in any court any fee, commission, charge or remuneration for any professional advice or services rendered by him pursuant to his practice unless he practises as a sole proprietor of a sole proprietorship, a partner of a partnership, a shareholder or director of a body corporate registered with the Board, or as an employee of such sole proprietorship, partnership or body corporate.

(1A) A sole proprietorship, partnership or body corporate may apply to the Board for registration to practise valuation, appraisal, estate agency or property management in the form and manner, and accompanied by the fee, as prescribed by the Board.

(1B) A sole proprietorship practising valuation, appraisal, estate agency or property management, as the case may be, shall not be registered by the Board unless—

- (a) the sole proprietor of the sole proprietorship is a registered valuer, appraiser, estate agent or property manager, as the case may be;
- (b) the interest in the sole proprietorship is vested solely in the sole proprietor; and

(c) the sole proprietor of the sole proprietorship satisfies all the conditions specified by the Board.

(2) A partnership or body corporate practising valuation, appraisal, estate agency or property management, as the case may be, shall not be registered by the Board unless—

(a) all partners of the partnership or all directors and shareholders of the body corporate are—

(i) in the case of a valuation practice—

(A) solely registered valuers;

(B) a combination of registered valuers, registered appraisers, registered estate agents and registered property managers ; or

(C) a combination of registered valuers and any other persons or bodies corporate;

(ii) in the case of an appraisal practice—

(A) solely registered appraisers;

(B) a combination of registered appraisers, registered valuers, registered estate agents and registered property managers; or

(C) a combination of registered appraisers and any other persons or bodies corporate;

(iii) in the case of an estate agency practice—

(A) solely registered agents;

- (B) a combination of registered estate agents, registered valuers, registered appraisers and registered property managers ; or
 - (C) a combination of registered estate agents and any other persons or bodies corporate; and
- (iv) in the case of a property management practice—
 - (A) solely registered property managers;
 - (B) a combination of registered property managers, registered valuers, registered appraisers and registered estate agents; or
 - (C) a combination of registered property managers and any other persons or bodies corporate;
- (b) the shares in the partnership or body corporate are held—
 - (i) in the case of a valuation practice, solely by registered valuers;
 - (ii) in the case of an appraisal practice, solely by registered appraisers;
 - (iii) in the case of an estate agency practice, solely by registered estate agents;
 - (iv) in the case of a property management practice, solely by registered property managers; and
 - (v) in the case of a partnership or body corporate where all partners of the partnership or all directors and shareholders of the body corporate are a combination of registered valuers, registered appraisers, registered estate agents and registered property managers and any other persons or bodies corporate—

- (A) in the case of a valuation practice, by a majority of valuers who hold the majority interest and the voting rights;
- (B) in the case of an appraisal practice, by a majority of appraisers who hold the majority interest and the voting rights;
- (C) in the case of an estate agency practice, by a majority of estate agents who hold the majority interest and voting rights; and
- (D) in the case of a property management practice, by a majority of property managers who hold the majority interest and the voting rights.

(c) it satisfies all the conditions specified by the Board.

(3) Notwithstanding subsection (2), no estate agent which is a firm may carry on property management unless all of its partners, in the case of a partnership, or all of its shareholders and directors, in the case of a body corporate, are permitted by the Board to carry on property management and it may only carry on property management of the categories of property approved by the Board.

(4) No registered valuer, appraiser or estate agent may, unless the Board so approves in writing, become or remain as a sole proprietor, partner, shareholder or director of more than one sole proprietorship, partnership or body corporate, as the case may be, practising valuation, appraisal or estate agency after this section comes into force.

(4A) No registered property manager may, unless the Board so approves in writing, become or remain as a sole proprietor, partner, shareholder or director of more than one sole proprietorship, partnership or body corporate, as the case may be, practising property management.

(4B) Notwithstanding subsection (2), (4) or (4A), the Board shall cancel the registration of a firm if the Board finds that—

- (a) the firm or any of its partners or directors breaches or fails to comply with or fails to carry out any of the terms, conditions or restrictions imposed by the Board upon granting the approval;
- (b) the composition of the partners of the partnership or the directors of the body corporate practising valuation, appraisal, estate agency or property management does not comply with the requirement in subsection (2);
- (c) the shareholding of the partnership or body corporate practising valuation, appraisal, estate agency or property management does not comply with the requirement in subsection (2);
- (d) any partner of a partnership or director of a body corporate practising valuation, appraisal, estate agency or property management, whether such a partner or a director is a registered valuer, appraiser, estate agent or property manager or otherwise, commits, or contributes to, any of the acts specified in paragraphs (a), (b) or (c); and
- (e) the firm has contravened any of the provisions of this Act or any of the rules made thereunder.

(5) Where a registered valuer, appraiser or estate agent has, before the coming into force of this section as amended, been a sole proprietor, partner, shareholder or director of more than one firm, then, within two years from the date of coming into force of this section as amended, he shall divest his equity in all except one of the firms unless the Board approves otherwise in writing.

- (6) A registered valuer, appraiser, estate agent or property manager shall—
- (a) within one month of his becoming a sole proprietor, partner, shareholder or director of a firm; or
 - (b) within one month of any change of partnership, shareholding or directorship of a firm,

as the case may be, notify the Board in writing of such occurrence or change.

(7) Where a registered valuer, registered appraiser, registered estate agent or registered property manager practising as a sole proprietor is removed from the Register or is suspended from practice, he shall within thirty days from the date of such removal or suspension, satisfy the Board that he has made suitable arrangements for making available to his client some other registered valuer, registered appraiser, registered estate agent or registered property manager, as the case may be, during the period of his removal or suspension.

(8) The registered valuer, registered appraiser, registered estate agent or registered property manager shall, when making available to his client some other registered valuer, registered appraiser, registered estate agent or registered property manager under subsection (7)—

- (a) instruct the other registered valuer, registered appraiser, registered estate agent or registered property manager to—
 - (i) take over the management of his firm; and
 - (ii) receive and account for all sums of money due to the firm and held by him or his firm on behalf of his clients; and
- (b) hand over to the other registered valuer, registered appraiser, registered estate agent or registered property manager all documents, books of accounts, records and vouchers and any other document in his possession or control.

(9) Where a registered valuer, registered appraiser, registered estate agent or registered property manager practising under a partnership arrangement is removed from the Register or suspended from practice, he shall, within thirty days from the date of such removal or suspension, satisfy the Board that he has made suitable arrangement to hand over all his clients and all relevant documents in his possession to his partner.

(10) Where a registered firm is removed from the Register of Firms or all its partners or directors are suspended from practice, the partners or directors shall, within thirty days from the date of such removal or suspension, satisfy the Board that they have made suitable arrangements for making available to their clients some other registered valuation, appraisal, estate agency or

property management firm, as the case may be, during the period of their removal or suspension.

(11) The partners or directors of a registered firm shall, when making available to their clients some other registered valuer, registered appraiser, registered estate agent or registered property manager under subsection (10)—

- (a) instruct the other registered valuer, registered appraiser, registered estate agent or registered property manager to—
 - (i) take over the management of their firm; and
 - (ii) receive and account for all sums of money due to the firm and held by them or their firm on behalf of their clients; and
- (b) hand over to the other registered valuer, registered appraiser, registered estate agent or registered property manager all documents, books of accounts, records and vouchers and any other document in their possession or control.

(12) Where a registered valuer, appraiser, estate agent or property manager fails to comply with subsection (7) or (10), the Board may appoint another registered valuer, appraiser, estate agent or property manager, as the case may be, to manage his firm if the Board considers that his firm needs to be maintained in the public interest or in the interest of his clients or profession.

(13) A registered valuer, appraiser, estate agent or property manager appointed under subsection (12) shall—

- (a) use his best endeavours to carry on and conduct the business in a proper and efficient manner;
- (b) receive and account for all sums of money due to the firm or held by him; and
- (c) make available for the Board's inspection the whole of the accounting or other records of the firm.

(14) Where the registered valuer, appraiser, estate agent or property manager practising as a sole proprietor is dead, all rights to operate or otherwise deal with any banking account in the name of the valuer, appraiser, estate agent or property manager or his firm shall, notwithstanding anything to the contrary in this Act, vest in the personal representative of the registered valuer, appraiser, estate agent or property manager and shall be exercisable as from the death of the registered valuer, appraiser, estate agent or property manager to its conclusion subject to the approval and supervision of the Board.

(15) For the purpose of subsection (14), “banking account” means a bank account into which clients’ money has been paid.

PART VII

DISCIPLINARY AND OTHER PROCEEDINGS

Cancellation, suspension and admonishment

24. (1) Subject to the provisions of this Part, if a valuer, appraiser, estate agent or property manager, or a probationary valuer, probationary estate agent or probationary property manager whose name has been placed in the Register or the Register of Probationers, as the case may be —

- (a) has been convicted of any offence involving fraud or dishonesty or moral turpitude;
- (b) has been found to have obtained his registration or authority to practice under this Act by fraud or misrepresentation;
- (c) has his qualification under section 18, 22D or 22H withdrawn or cancelled by the authority through which it was acquired or by which it was awarded;
- (d) has contravened or failed to comply with any of the provisions of this Act or of any of the rules made thereunder;

- (e) has not observed any conditions or restrictions subject to which he is registered;
- (f) has refused or neglected to comply with any order of the Board acting under any of the provisions of this Act or of any of the rules made thereunder;
- (g) has been found guilty by the Board of any professional misconduct or of any act or conduct which in the opinion of the Board is infamous or disgraceful;
- (h) has allowed any unauthorized person to carry on valuation, appraisal, estate agency or property management business in his name;
- (i) has carried on by himself, directly or indirectly, any profession, trade, business or calling which is incompatible with valuation, appraisal, estate agency or property management practice; or
- (j) has sold, leased, sublet, transferred or otherwise permitted any other person to use his authority to practise issued to him under this Act,

the Board may make an order—

- (i) cancelling his registration under the appropriate Part of the appropriate Register;
- (ii) suspending his practice for a period not exceeding three years;
- (iii) admonishing him and recording such admonishment in the appropriate Register;
- (iv) admonishing him or imposing a fine not exceeding ten thousand ringgit or both and recording such admonishment or fine in the appropriate Register;

- (v) imposing a fine not exceeding twenty-five thousand ringgit and recording such fine in the appropriate Register and that he be suspended from practice until the fine is paid;
- (vi) prohibiting him from applying to the Board for registration until all the conditions specified by the Board have been complied with-;
- (vii) warning him; or
- (viii) dismissing the charge.

(1A) Where the Board makes an order under paragraphs(1)(ii) to (v), the Board may, in addition, order the person against whom the order is made to pay to the Board the costs of the proceedings not exceeding five thousand ringgit, and such fine and costs shall be recoverable as a debt payable to the Board.

(2) The Board shall not make any order under subsection (1) or (1A) unless—

- (a) there has been a hearing at which not less than ten members of the Board are present; and
- (b) an opportunity of being heard, with or without the assistance of counsel, has been given to the person facing disciplinary action.

(2A) No order of suspension of practice or cancellation of registration shall be effective—

- (a) where no appeal is filed, until after the expiry of the appeal period; or
- (b) where an appeal is filed, until the Appeal Board affirms the decision.

(3) Any order made by the Board under paragraphs (1)(i) and (ii) shall be published in such newspaper or any other media including the electronic media

as the Board may deem fit if no appeal against the order has been lodged under sections 27 and 29 within forty days of the date of the making of the order.

(3A) Any order made by the Board under paragraphs (1) (iii), (iv) and (v) may be published in such publication as the Board may deem fit if no appeal against the order is lodged under section 27 within forty days of the date of the making of the order.

(4) If an appeal has been lodged and subsequently withdrawn the order shall be published within twenty-one days of the date of the receipt of the notice withdrawing the appeal.

(5) If the appeal is pursued and the decision of the Appeal Board contains a cancellation of registration or suspension of practice order such order shall be published within twenty-one days of the order made.

Removal from Register

25. (1) There shall be removed from the Register or the Register of Probationers, as the case may be, the name and particulars of any registered valuer, appraiser, estate agent or property manager, or probationary valuer, probationary estate agent or probationary property manager —

- (a) who has applied in writing for such removal;
- (b) who has died;
- (c) who has been certified by a Government medical officer as being of unsound mind or by reason of some other infirmity of body, mind or any other reason, is incapable of effectively performing the functions of a registered valuer, appraiser, estate agent or property manager;
- (ca) who has been adjudged a bankrupt;
- (d) who has failed to renew his authority to practice within three months of the expiry thereof or has failed to comply with any of the conditions of renewal; or

(e) whose registration has been cancelled under section 24.

(2) Any person whose name is removed from the Register or the Register of Probationers shall, within fourteen days after the date of notification of the Board's decision by registered post, surrender to the Board his authority to practice or, in the case of a probationary valuer, probationary estate agent or probationary property manager, surrender his letter of registration to the Board and any person who fails to do so commits an offence.

(3) There shall be removed from the Register of Firms the name and particulars of any firm—

(a) which has applied in writing for such removal;

(b) which has contravened or failed to comply with any of the terms or conditions of its registration;

(c) which has been dissolved or deregistered under the law under which it was incorporated or registered; or

(d) where any of the circumstances specified in paragraphs (1)(ca), (d) and (e) arises.

Reinstatement

26. (1) Any person whose name has been removed from the Register or the Register of Probationers, as the case may be, pursuant to an order under paragraph 24(1)(i) shall, if his appeal has been allowed, forthwith be reinstated.

(2) Any person whose practice has been suspended under paragraph 24(1)(ii) and who has been admonished under paragraph 24(1)(iii) shall, if his appeal has been allowed, forthwith have the particulars of the suspension or the admonishment removed from the Register or the Register of Probationers, as the case may be.

(3) Any person whose name has been removed from the Register or the Register of Probationers, as the case may be, under paragraph 24(1)(c) shall be reinstated if he has notified the Board and the Board is satisfied with the change of circumstances removing his disability under that paragraph.

(4) Any person whose name has been removed from the Register or the Register of Probationers, as the case may be, under paragraphs 25(1)(a), (c) and (d) may be reinstated as soon as he has applied to be reinstated and upon payment of such fees, arrears and charges, and upon satisfying such other conditions, as may be prescribed by the Board.

Appeal

27. (1) Any person—

- (a) who has been refused registration by the Board;
- (b) who has been registered but is dissatisfied with any terms, conditions or restrictions imposed by the Board;
- (c) who having been registered is dissatisfied with any order made by the Board under section 24; or
- (d) whose reinstatement under section 26 has been refused by the Board,

may within thirty days of being notified of such refusal, restriction or order, appeal to the Appeal Board which may thereupon make such orders as it may deem just or proper including any directions as to the cost of the appeal.

(2) The Board shall give effect to any order made by the Appeal Board.

Appeal Board

28. (1) For the purpose of this Act there shall be established an Appeal Board consisting of a person qualified for appointment as a Judge of a High Court as Chairman who shall be appointed by the Yang di-Pertuan Agong after

consultation with the Chief Justice of the Federal Court, and two other persons nominated by the Chairman from a panel of members who shall be appointed by the Yang di-Pertuan Agong.

(2) A member of the Appeal Board shall unless he sooner resigns his office or has his appointment revoked, hold office for such term as may be specified in the instrument appointing him and shall be eligible for reappointment.

(3) The Board shall provide the Appeal Board with such secretarial services as are necessary for the Appeal Board to fulfil its functions.

Procedure for appeal

29. (1) A notice of appeal referred to in section 27 shall be made in the prescribed form.

(2) On receipt of the notice of appeal the President of the Board or in his absence, the member delegated by the President so to do, shall cause to be prepared within three months of the receipt of such notice a record of the proceedings of the Board and a statement setting out the grounds on which the Board arrived at its decision.

(3) Upon receiving the record of proceedings and the grounds of decision of the Board the Chairman of the Appeal Board shall convene a meeting of the Appeal Board to hear the appeal.

(4) The Appeal Board after hearing the appeal may, on a majority decision, confirm or vary the decision of the Board.

(5) The Appeal Board shall at its discretion determine its own procedure and the costs of and incidental to the appeal.

(6) The decision of the Appeal Board shall be final.

PART VIII

GENERAL

Offences**30. (1)** Any person who—

- (a) procures or attempts to procure registration or an authority to practice under this Act by knowingly making or producing or causing to be made or produced any false or fraudulent declaration, certificate, application or representation whether in writing or otherwise;
- (b) wilfully makes or causes to be made any falsification in the Register or Register of Probationers or Register of Firms;
- (c) forges, alters or counterfeits any certificate, testimonial, order or authority to practice under this Act;
- (d) utters or uses any forged, altered or counterfeit authority to practice under this Act knowing the same to be forged, altered or counterfeited;
- (e) impersonates a registered valuer, registered appraiser, registered estate agent or registered property manager;
- (f) buys or fraudulently obtains an authority to practice under this Act issued to another person;
- (g) *(Deleted by Act A1550).*
- (h) not being a person acting under the immediate personal direction and supervision of a registered valuer, registered appraiser, registered estate agent or registered property manager carries out or undertakes to carry out any work provided under section 19, 22B or 22i;
- (i) acts in contravention of section 21, 22C or 22j; or

(j) aids and abets in the commission of an offence under this Act,

commits an offence and is liable on conviction to a fine not exceeding three hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both and he shall be liable to a further penalty of one thousand ringgit for each day during the continuance of such offence.

(2) Any person who, without any lawful authority—

(a) acts as a valuer, appraiser, estate agent or property manager for any party or acts in any capacity as a valuer, appraiser, estate agent or property manager whether the primary or principal object of his business is valuation, appraisal, estate agency or property management or whether any incidental part of his business is valuation, appraisal, estate agency or property management; or

(b) wilfully or falsely pretends to be, or takes or uses any name, title, addition or description implying that he is duly qualified or authorized to act as, a valuer, appraiser, estate agent or property manager, or that he is by law so qualified or authorized,

commits an offence and is liable on conviction to a fine not exceeding three hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both.

(3) No costs, commission, fee, reward or any other consideration in respect of anything done by an unauthorized person in respect of any act which is an offence under subsections (1) or (2) shall be recoverable in any court.

Powers to investigate

30A. (1) A police officer not below the rank of an Inspector shall have the powers to investigate the commission of any offence under this Act or any rules made under this Act.

(2) The provisions of the Criminal Procedure Code [Act 593] shall apply to a police officer not below the rank of an Inspector in relation to any

investigation in respect of any offence under this Act or any rules made under this Act, except that the power to arrest without a warrant under the Criminal Procedure Code in any seizable offence may not be exercised by the police officer.

Search by warrant

30B. (1) If it appears to a Magistrate, upon written information on oath and after such enquiry as he considers necessary, that there is reasonable cause to believe that an offence under this Act or any rules made under this Act is being or has been committed on any premises, the Magistrate may issue a warrant authorizing any police officer not below the rank of Inspector, or any person named in the warrant—

- (a) to enter the premises at any reasonable time, by day or by night, with or without assistance, and if need be by force;
- (b) to search for and seize at the premises any signboard, card, letter, pamphlet, leaflet, notice or other device representing or implying that the person is a registered valuer, appraiser, estate agent or property manager, and any other document, article or item that is reasonably believed to furnish evidence of the commission of such offence; and
- (c) to detain any person found in the premises until the premises has been searched, if necessary.

(2) Where, by reason of its nature, size or amount, it is not practicable to remove any signboard, card, letter, pamphlet, leaflet, notice, device, document, article or item seized under this section, the seizing officer or person shall, by any means, seal such signboard, card, letter, pamphlet, leaflet, notice, device, document, article or item in the premises or container in which it is found.

(3) A person who, without lawful authority, breaks, tampers with or damages the seal referred to in subsection (2) or removes any signboard, card, letter, pamphlet, leaflet, notice, device, document, article or item under seal or attempts to do so commits an offence.

Search and seizure without warrant

30c. If a police officer not below the rank of Inspector in any of the circumstances referred to in section 30B has reasonable cause to believe that by reason of delay in obtaining a search warrant under that section the investigation would be adversely affected or evidence of the commission of an offence is likely to be tampered with, removed, damaged or destroyed, such officer may enter such premises and exercise in, upon and in respect of the premises all the powers referred to in section 30B in as full and ample a manner as if he were authorized to do so by a warrant issued under that section.

List of things seized

30d. (1) Except as provided in subsection (2), where any signboard, card, letter, pamphlet, leaflet, notice, device, document, article or item is seized under section 30B or 30C, the seizing officer or person shall prepare a list of the things seized and immediately deliver a copy of the list signed by him to the occupier of the premises which have been searched, or to his agent or servant, at those premises.

(2) Where the premises are unoccupied, the seizing officer or person shall whenever possible post a list of the things seized conspicuously on the premises.

Penalty for other offences

31. (1) Any person who commits any offence under this Act for which no other penalty is expressly provided is liable on conviction to a fine not exceeding two hundred thousand ringgit.

(2) If a firm fails to comply with any of the provisions of this Act the sole proprietor, every partner and every director, or other similar officer thereof commits the same offence and is liable to the same penalty as the firm unless he proves that the offence was committed without his knowledge, consent or connivance or was not attributable to any neglect on his part.

Protection against suit and legal proceedings

31A. No action, suit, prosecution or other proceedings shall lie or be brought, instituted or maintained in any court against the Board, any Committee appointed by the Board, any members of the Board, any members of the Committee appointed by the Board or any person or officer of the Board authorized or appointed to act for or on behalf of the Board in respect of any act, neglect or default done or committed by it or him in good faith, or any omission by it or him in good faith, in such capacity.

Board may make rules

32. The Board may with the approval of the Minister make rules as may be necessary for the better carrying out or giving effect to the provisions of Part III to Part VIII.

Saving as to right of Government

33. Nothing in this Act contained shall apply to anything done or omitted to be done by or under the authority of the Government or of any State Government.

Consequential amendments to the *Registration of Surveyors Act 1967

34. The *Registration of Surveyors Act 1967 shall be amended in the manner specified in the Second Schedule one year after the coming into force of this Act.

Repeal

35. The written laws specified in the Third Schedule shall be repealed to the extent specified therein one year after the coming into force of this Act.

* *NOTE*—This Act has since been revised as the Quantity Surveyors Act 1967 [Act 487].

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FIRST SCHEDULE

[Subsection 9(8)]

1. (1) The following persons shall be disqualified from being appointed to or being members of the Board—

- (a) a person who is of unsound mind or is otherwise incapable of performing his duties;
- (b) a bankrupt.

(2) A member of the Board appointed under paragraphs 9(2)(b), (c), (cc) and (d) shall vacate his office if he fails to attend three consecutive meetings of the Board without the permission in writing of the President or if he becomes disqualified under paragraph (1).

2. (1) The Board shall meet not less than once in three months at such place as the President may appoint.

(2) The President shall call a meeting of the Board on the request of two members of the Board and such request shall be in writing with the reasons therefor.

(3) At any meeting of the Board the President shall preside, and in his absence the members shall elect one of their member to preside over the meeting.

(4) The quorum of the Board shall be eight.

(5) If on any question to be determined by the Board there is an equality of votes, the President or, in the case where the President is absent, the member presiding over the meeting, shall have a casting vote.

(6) Subject to paragraphs (4) and (5) the Board shall determine its own procedure.

(7) The Board shall cause proper records of its proceedings to be kept.

3. (1) The Board shall have a common seal which shall bear such device as the Board may approve and such seal may from time to time be broken, changed, altered and made anew by the Board as the Board may think fit.

(2) Until a seal is provided by the Board under this paragraph, a stamp bearing the description “Board of Valuers, Appraisers and Estate Agents” may be used and shall be deemed to be the Common Seal.

(3) The Common Seal shall be kept in the custody of the President and shall be authenticated by the President or other member acting in the absence of the President, and any document purporting to be sealed with the said seal, authenticated as aforesaid shall, until the contrary is shown, be deemed to have been validly executed.

SECOND SCHEDULE

[Section 34]

*REGISTRATION OF SURVEYORS ACT 1967

Provision	Amendment
Section 2	<ol style="list-style-type: none"> 1. Delete the definition of “Surveyor”. 2. Delete the definition of “General Practice Surveyor”.
Subsection 3(2)	<ol style="list-style-type: none"> 1. Substitute for the word “two” in paragraph (b) the word “three”. 2. Delete paragraph (c). 3. Substitute for paragraph (e) the following new paragraph (e): <p style="margin-left: 40px;">“(e) three registered Quantity Surveyors who are Federal Citizens and who have had at least six years professional experience practising their profession in Malaysia and who are in private practice on the nomination of the Council of the Institution of Surveyors (Malaysia) or other professional body that the Board may from time to time recognize to represent Quantity Surveyors;”.</p> 4. Substitute for the full stop appearing at the end of paragraph (g) a semi-colon. 5. Insert immediately after paragraph (g) the following new paragraph (h)— <p style="margin-left: 40px;">“(h) one member on the nomination of the Board of Valuers and Appraisers from among members of that Board established under the Valuers and Appraisers Act 1981 [Act 242].”.</p>

* NOTE—This Act has since been revised as the Quantity Surveyors Act 1967 [Act 487].

Provision	Amendment
Subsection 3(2A)	Delete.
Section 4	Insert the word “quantity” before the words “surveying profession” in paragraph (f).
Subsection 5(2)	Delete.
Subsection 6(2)	Delete the words “(including the branch or branches of surveying to which the qualifications relate)” in paragraph (a).
Subsection 7(1)	Substitute for the words “‘Building Surveyor, ‘Valuer’, ‘Appraiser’, ‘Land Economist’” appearing immediately after the words “‘Quantity Surveyor’,” in paragraph (a) the words “‘Building Economist’, ‘Building Cost Consultant’”.
Section 7A	Delete the words “or general practice” wherever they appear.
Section 8	Delete.
Subsection 10(2)	Substitute the following therefor: “(2) Subject to the provisions of this Act, any person who— (a) is a provisionally registered surveyor; (b) has obtained the practical experience as prescribed under paragraph (1)(b); and (c) is a Member of the Institution of Surveyors (Malaysia) or has obtained a qualification which the Board considers to be equivalent thereto, shall be entitled on application to be registered as a Surveyor.”.

Provision	Amendment
Section 20	Insert the words “a person qualified for appointment as” before the words “a Judge of the High Court”.
Section 27	Insert the words “, Building Surveyors, Valuers, Appraisers” immediately after the words “Land Surveyors”.
Schedule	<ol style="list-style-type: none">1. Substitute for the word “seven” in subparagraph 2(3) the word “six”.2. Insert immediately after the words “in connection with” appearing in paragraph 4 the word “quantity”.
Wherever the word “Surveyor” or “Surveyors” appears except in paragraph 3(2)(b), paragraph 7(1)(a) and section 27	Insert “Quantity” before the word.

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THIRD SCHEDULE

[Section 35]

Written Law	Extent Repealed
(a) Appraisers Enactment of the Malay States [<i>F.M.S. Cap. 80</i>]	The whole.
(b) Appraisers Enactment (<i>F.M.S. Cap. 80</i>) as applied to the Federal Territory, Perlis and Terengganu [<i>P.U.(A) 62/1974, F.M. Ord. 30 of 1961, F.M. Ord. 55 of 1955</i>]	The whole.
(c) Appraisers Enactment [<i>Johore En. 4</i>]	The whole.
(d) Enactment No. 8 (Auctioneers) [<i>Kedah En. 8</i>]	In so far as it relates to house agent.
(e) Appraisers Enactment 1911 [<i>Kelantan En. 3 of 1911</i>]	The whole.
(f) Miscellaneous Licences Ordinance [<i>Sarawak Cap. 72</i>]	In so far as it relates to valuers.
(g) Auctioneers' Licences Ordinance [<i>S.S. Cap. 198</i>]	In so far as it relates to house agent.

LAWS OF MALAYSIA**Act 242****VALUERS, APPRAISERS, ESTATE AGENTS
AND PROPERTY MANAGERS ACT 1981**

LIST OF AMENDMENTS

Amending law	Short title	In force from
Act A598	Valuers and Appraisers (Amendment) Act 1984	07-09-1984
Act A980	Valuers, Appraisers and Estate Agents (Amendment) Act 1997	31-01-1997
Act A1056	Valuers, Appraisers and Estate Agents (Amendment) Act 1999	09-09-1999
Act A1404	Valuers, Appraisers and Estate Agents (Amendment) Act 2011	19-08-2011
Act A1550	Valuers, Appraisers and Estate Agents (Amendment) Act 2017	02-01-2018

LAWS OF MALAYSIA

Act 242

VALUERS, APPRAISERS, ESTATE AGENTS AND PROPERTY MANAGERS ACT 1981

LIST OF AMENDMENTS

Section	Amending authority	In force from
Long title	Act A598	07-09-1984
	Act A1550	02-01-2018
1	Act A598	07-09-1984
	Act A980	31-01-1997
	Act A1404	19-08-2011
	Act A1550	02-01-2018
2	Act A598	07-09-1984
	Act A980	31-01-1997
	Act A1404	19-08-2011
	Act A1550	02-01-2018
4	Act A598	07-09-1984
	Act A980	31-01-1997
	Act A1056	09-09-1999
	Act A1404	19-08-2011
5	Act A980	31-01-1997
	Act A1056	09-09-1999
6	Act A980	31-01-1997
	Act A1056	09-09-1999
Part III	Act A598	07-09-1984
	Act A1550	02-01-2018
9	Act A598	07-09-1984
	Act A980	31-01-1997
	Act A1550	02-01-2018

Section	Amending authority	In force from
10	Act A598	07-09-1984
	Act A980	31-01-1997
	Act A1404	19-08-2011
	Act A1550	02-01-2018
10A	Act A1404	19-08-2011
12	Act A598	07-09-1984
	Act A980	31-01-1997
	Act A1404	19-08-2011
	Act A1550	02-01-2018
Part IV	Act A598	07-09-1984
	Act A980	31-01-1997
14	Act A598	07-09-1984
	Act A980	31-01-1997
	Act A1550	02-01-2018
15	Act A598	07-09-1984
	Act A1550	02-01-2018
15A	Act A980	31-01-1997
	Act A1550	02-01-2018
16	Act A598	07-09-1984
	Act A980	31-01-1997
	Act A1404	19-08-2011
	Act A1550	02-01-2018
17	Act A598	07-09-1984
	Act A980	31-01-1997
	Act A1404	19-08-2011
	Act A1550	02-01-2018
17A	Act A1404	19-08-2011
	Act A1550	02-01-2018
18	Act A598	07-09-1984
	Act A980	31-01-1997
	Act A1550	02-01-2018

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Section	Amending authority	In force from
19	Act A980	31-01-1997
	Act A1404	19-08-2011
	Act A1550	02-01-2018
21	Act A598	07-09-1984
	Act A980	31-01-1997
	Act A1404	19-08-2011
	Act A1550	02-01-2018
Part VA	Act A598	07-09-1984
22A	Act A980	31-01-1997
	Act A1404	05-08-2011
	Act A1550	02-01-2018
22B	Act A980	31-01-1997
	Act A1550	02-01-2018
22C	Act A980	31-01-1997
	Act A1404	19-08-2011
	Act A1550	02-01-2018
22D	Act A980	31-01-1997
	Act A1550	02-01-2018
22E	Act A1404	19-08-2011
	Act A1550	02-01-2018
Part VB	Act A1550	02-01-2018
22F	Act A1550	02-01-2018
22G	Act A1550	02-01-2018
22H	Act A1550	02-01-2018
22I	Act A1550	02-01-2018
22J	Act A1550	02-01-2018

Section	Amending authority	In force from
Part VI	Act A598	07-09-1984
	Act A980	31-01-1997
23	Act A598	07-09-1984
	Act A980	31-01-1997
	Act A1404	19-08-2011
	Act A1550	02-01-2018
24	Act A598	07-09-1984
	Act A980	31-01-1997
	Act A1404	19-08-2011
	Act A1550	02-01-2018
25	Act A598	07-09-1984
	Act A980	31-01-1997
	Act A1404	19-08-2011
	Act A1550	02-01-2018
26	Act A980	31-01-1997
	Act A1550	02-01-2018
27	Act A980	31-01-1997
28	Act A980	31-01-1997
29	Act A980	31-01-1997
	Act A1404	19-08-2011
30	Act A598	07-09-1984
	Act A980	31-01-1997
	Act A1404	19-08-2011
	Act A1550	02-01-2018

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Section	Amending authority	In force from
30A	Act A1550	02-01-2018
30B	Act A980 Act A1550	31-01-1997 02-01-2018
30C	Act A980 Act A1550	31-01-1997 02-01-2018
30D	Act A980 Act A1550	31-01-1997 02-01-2018
31	Act A980 Act A1404	31-01-1997 19-08-2011
31A	Act A980 Act A1550	31-01-1997 02-01-2018
32	Act A980	31-01-1997
First Schedule	Act A598 Act A980	07-09-1984 31-01-1997
Third Schedule	Act A598	07-09-1984
