

Monday Contemplation No 17

Do I need to register with the PPRA? A Summary

Over the last three weeks, I have discussed the various tasks that, if you perform any of them, would require you to register as a property practitioner (PP) with the Property Practitioners Regulatory Authority (PPRA). In this week's Contemplation, I will provide a **comprehensive summary** of the last three week's discussion.

1. A PP can be a natural person (human being) or a juristic person (like a company or a trust).
2. The PP will be charging for their services.
3. The PP provides certain services on the instructions of or on behalf of another person. These services include:
 1. Assisting with the sale, purchase, letting or management of property by auction or any other means. This also includes the sale or management of any business undertaking.
 2. Negotiating in connection with the sale, purchase, management or letting of property.
 3. Canvassing sellers or purchasers, lessors or lessees.
 4. Collecting or receiving any money in terms of a lease of a property or business undertaking. This would also include providing services to procure a tenant for a property or business undertaking, as well as any services to manage that property or business undertaking.
 5. Provides, procures, facilitates, secures or otherwise obtains or markets financing for or in connection with the management, sale or lease of a property or a business undertaking, including a provider of bridging finance and a bond broker. If you are a bond originator or provide bridging finance, you need to be registered as a PP and have a FFC.
 6. Acts or provides services as intermediary or facilitator with the primary purpose to, or to attempt to effect the conclusion of an agreement to sell and purchase, or hire or let, as the case may be, a property or business undertaking.
 7. If you sell your own property you are not considered to be a PP, as you need to act on someone's behalf. An attorney or candidate attorney is also not considered to be a PP. An attorney can operate as a property practitioner through the medium of their legal practice. The attorney cannot be in partnership with anyone other than their legal partners and they cannot be a director of a "estate agency" for the purposes of providing any service that would be provided by a property practitioner.
 8. Selling, by auction or otherwise, or markets, promotes or advertises any part, unit or section of, or rights or shares, including time share and fractional ownership, in a property or property development.
 9. Managing property on behalf of another, for remuneration.

10. Includes a trust in respect of which the trustee, for the acquisition of gain on the account of the trust, directly or indirectly in any manner holds out that it is a business which, on the instruction of or on behalf of any other person, performs any act of a PP.

11. If you are a director of a company or member of a close corporation that is a property practitioner.

12. Any person employed by a property practitioner where the person employed performs the services of a property practitioner, for example, canvasses, sells, lets, collects money, offers a property management service and so on.

13. Any trustee of a trust which is a property practitioner.

14. Any person who is employed by a property practitioner and that person is employed to manage, supervise or control the day-to-day operations of a that property practitioner.

If you perform any of these activities, you need register with the PPRA as a property practitioner and hold a valid FFC.