

Monday Contemplation No 23

I cannot get my FFC - What do I do???

In the past few weeks, I have been discussing the Code of Conduct. I am interrupting this discussion this week, to talk about a subject that is very frustrating for PPs. What do I do if I cannot get my FFC???

I hear every day from PPs that they have applied for their FFC and have not been able to get it from the PPRA. The obvious problem is that **your FFC is your licence to practice** and hence, if you do not have a valid FFC, then you may be acting illegally.

It is important for PPs to be aware of Section 49 of the Property Practitioners Act, which says as follows:

Mandatory time periods for issuing certificates

49. (1) **The Authority must, within 30 working days**, consider any application submitted to it in terms of this Act, which fully meets the prescribed requirements, unless the Authority, on good grounds in writing, informs the applicant of the reasons why that period is to be extended, provided that such extension may not exceed 20 working days.

(2) The **period of 30 working days** contemplated in subsection (1) commences afresh if the Authority requests the applicant to submit additional information or to correct the said application.

(3) **If the Authority has failed to comply with subsection (1)**, the application is deemed to have been approved and the Authority must, upon written request by the applicant within 10 working days, issue the applicant with the relevant certificate.

Hence:

1. **S49(1)** – the PPRA MUST consider your application for your FFC within 30 working days.

This means that if you apply for your FFC, the PPRA needs to issue your FFC within 30 working days. If your application for your FFC does not meet the requirements for the application (let us say that you are missing a document), then **the PPRA can inform you, in writing**, that the time period for issue of your FFC needs to be extended (presumably to give you time to submit any missing document). The **period of extension will be an additional 20 working days**.

2. **S49(2)** – if the PPRA requests additional information, then the PPRA has an additional period of 30 days for the issue of the FFC.

3. **S49(3)** – if you make application for your FFC and everything is in order with your application and **the PPRA does not issue your FFC within 30 working days**, in terms of S49(1), then your application is deemed to have been approved. Importantly, in my opinion, this means, that if you apply for your FFC and the PPRA does not issue it within 30 working days, then you can continue to work as a PP, quite legally, as if your FFC had been issued.

I would strongly advise you to keep copies of all your communications with the PPRA relating to your application for your FFC and also you still need to follow up with the PPRA to get your FFC issued, which the PPRA is required to do (in terms of S49(3), **within 10 working days**). In other words, do not just leave it because you have applied for your FFC and not had a response from the PPRA.

As an important footnote:

We know that if you are **currently an intern PP** and have applied for your FFC after 1 July 2023, then the PPRA has indicated that if you have **completed your NQF 4 qualification**, you can still complete your 12 months of internship and at the end of that period notify the PPRA that you have completed your internship and your logbook.

If you are still in your period of internship as at 30 June 2024, you do not need to submit your logbook when notifying the PPRA that you have completed your internship, but **MUST have it available for inspection** purposes as the PPRA has indicated that it will conduct audits relating to logbooks that have not been submitted.

Of course, where does this leave you if you have applied for your FFC and it has not been issued. As per the discussion above, if you have applied for your FFC and have been waiting for 30 working days, then in terms of S49(3), your FFC is deemed to have been approved and I believe that you can then

complete your 12 months of internship,
complete your logbook and submit the letter required
You are then in a position to write your PDE4 (despite not having your FFC issued by 30 June 2024).

This will be substantially easier than having to follow the new education requirements, which are in place from 1 July 2024.

Next week we will return to our discussion of the Code of Conduct and the PP's duties in respect of commission.