

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
PROPERTY VALUATION BILL**

[B 54—2013]

*(As agreed to by the Portfolio Committee on Rural Development and Land Reform
(National Assembly))*

[B 54A—2013]

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AMENDMENTS AGREED TO

PROPERTY VALUATION BILL

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CLAUSE 1

1. On page 3, after line 32, to insert the following definitions:

“Chief Operating Officer” means the individual appointed as Chief Operating Officer in terms of section 10;
“Constitution” means the Constitution of the Republic of South Africa, 1996;
2. On page 3, in line 35, to omit “includes” and to substitute “means”.
3. On page 3, from line 35, to omit the definition of “market value” and to substitute:

“market value” means the estimated amount for which the property should exchange on the valuation date between a willing buyer and a willing seller in an arm’s length transaction after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion: Provided that in determining market value for purposes of section 12(1)(a), prices paid by the State for any acquisition of property must be excluded: Provided further that in the event that no other credible data is available, prices paid by the State for any acquisition of property may be considered;
4. On page 4, in line 7, to omit “and”.
5. On page 4, in line 9, after “property;” to insert “and”.
6. On page 4, after line 9, to add the following paragraph:

(c) a right in or to such property, including an unregistered right recognised and protected by law;
7. On page 4, from line 20, to omit paragraph (a) and to substitute:

(a) process of estimating the value for a specific purpose of a particular interest in property at a particular moment in time; and

CLAUSE 2

1. On page 4, in line 37, to omit “this”.

CLAUSE 6

1. On page 5, in line 14, after “Office” to insert “of the”.
2. On page 5, in line 26, to omit “(e)” and to substitute “(d)”.

PART 2

1. On page 5, in line 39, to omit “Deputy Valuer-General” and to substitute “Chief Operating Officer”.

CLAUSE 8

1. On page 5, after line 48, to insert the following subsection:

(3) In the event of a vacancy in the position of the Valuer-General, the Minister must, subject to subsection (2), appoint an acting Valuer-General.

CLAUSE 9

Clause rejected.

CLAUSE 10

1. On page 6, in line 13, to omit “and Deputy Valuer-General”.
2. On page 6, in line 21, after “officer” to insert “and the accounting authority”.
3. On page 6, in line 22, after “officer” to insert “and accounting authority”.
4. On page 6, from line 26, to omit paragraphs (c), (d) and (e) and to substitute:
 - (c) income and expenditure of the Office of the Valuer-General;
 - (d) assets and the discharge of all liabilities of the Office of the Valuer-General; and
 - (e) proper and diligent implementation of the Public Finance Management Act.
5. On page 6, from line 33, to omit subsection (4).

NEW CLAUSE

1. That the following be a new Clause:

Appointment and Responsibilities of Chief Operating Officer

10. (1) The Minister must, subject to the provisions of the Public Service Act, appoint a Chief Operating Officer.

(2) The person appointed as Chief Operating Officer must be a South African citizen and have sufficient experience and knowledge relating to—

- (a) public administration;
- (b) public finance; or
- (c) legal and constitutional matters affecting public administration.

(3) The Chief Operating Officer is responsible for—

- (a) the organisation, control, management, effective utilisation and training of all staff;
- (b) maintenance of discipline; and
- (c) the performance of such powers and duties delegated to him or her in terms of section 19 excluding a power or duty relating to valuations.

CLAUSE 11

1. On page 6, from line 50, to omit paragraph (b) and to substitute:
 - (b) to assist in the conduct of a valuation may be a person with non-valuation qualifications, experience and competence, to the extent that such a person is necessary for assisting with any valuation.
2. On page 6, in line 54, after “valuer” to insert “and a person contemplated in subsection (2)(b)”.

CLAUSE 12

1. On page 7, in line 4, after “12” to insert “(1)”.
2. On page 7, after line 10, insert the following subsection:
 - (2) A written notice must be delivered to the owner or person in charge of a property that has been identified in terms of subsection (1), within seven working days of such identification.

CLAUSE 13

1. On page 7, from line 12, to omit subsection (1) and to substitute:
 - (1) When performing a valuation contemplated in section 12(1), an authorised valuer may, subject to any legal rights—
 - (a) make extracts from documents, written or electronic records or information;
 - (b) question any person about, any such document, written or electronic record or information;
 - (c) require the owner, tenant or occupier of the property, or the agent of the owner, to provide the authorised valuer, either in writing or orally, with particulars regarding the property which the authorised valuer reasonably requires for purposes of valuing the property;
 - (d) direct a person to disclose, either orally or in writing, any information that may be relevant for the valuation, and question any person about such information relating to the land or property;
 - (e) direct—
 - (i) a person to disclose information or to give answers to questions in terms of this subsection in writing or under oath or affirmation; or
 - (ii) that any such information or answers be recorded, relating to the property.
2. On page 7, after line 30, to insert the following subsection:
 - (2) When performing a valuation contemplated in section 12, an authorised valuer must be in possession and on request produce the identity card referred to in section 11(3).
3. On page 7, in line 31, to omit “(2)” and to substitute “(3)”.
4. On page 7, from line 36, to omit subsection (3) and to substitute:
 - (4) An authorised valuer may not enter the property contemplated in subsection (3)—
 - (a) unless the owner or occupier of such property or such has consented thereto in writing, after being informed; or

- (b) in the event of such owner or occupier refusing or failing to grant consent contemplated in paragraph (a), the valuer may obtain a court order authorising such valuer to enter such property, including any building thereon, for purposes of conducting a valuation.

CLAUSE 15

1. On page 7, in line 53, after the first “must” to insert “within six months of the date of the notice referred to in section 12(2) or such extended period as may be approved by the Valuer-General on good cause shown.”.
2. On page 8, in line 5, to omit “property and” and to substitute “property,”.
3. On page 8, in line 6, after “determined” to insert “and the methodology utilised in determining the value.”.

CLAUSE 19

1. On page 8, from line 40, to omit “Deputy Valuer-General” and to substitute “Chief Operating Officer”.
2. On page 8, in line 45, to omit “Deputy Valuer-General” and to substitute “Chief Operating Officer”.
3. On page 8, in line 47, to omit “Deputy Valuer-General” and to substitute “Chief Operating Officer”.
4. On page 9, in line 1, to omit “Deputy Valuer-General” and to substitute “Chief Operating Officer”.
5. On page 9, in line 2, to omit “Deputy Valuer-General” and to substitute “Chief Operating Officer”.
6. On page 9, in line 14, to omit “Deputy Valuer-General” and to substitute “Chief Operating Officer”.

ARRANGEMENTS OF SECTIONS

1. On page 2, in line 7, to omit “this”.
2. On page 3, in line 4, before “Valuer-General” to insert “Appointment of”.
3. On page 3, in line 4, to omit “Deputy Valuer-General” and to substitute “Chief Operating Officer”.
4. On page 3, in line 6, to omit “Deputy Valuer-General” and to substitute “Responsibilities of Valuer-General”.
5. On page 3, in line 7, to omit “Responsibilities of Valuer-General and Deputy Valuer-General” and to substitute “Appointment and Responsibilities of Chief Operating Officer”.
6. On page 3, in line 26, after “title” to insert “and commencement”.

PREAMBLE

1. On page 2, in third line, to omit “state” and to substitute “State”.
2. On page 2, in the eighth line, to omit “state” and to substitute “State”.