



ESTATE AGENCY AFFAIRS BOARD
OF SOUTH AFRICA

Education and Training
Processes, Policies, Guidelines &
Procedures

Policy Number:	
Author:	

POLICY NAME:	POLICY AND PROCEDURE FOR DEALING WITH ESTATE AGENTS WHO, DUE TO PHYSICAL OR OTHER INCAPACITATION, ARE UNABLE TO SIT FOR OR WRITE THE PROFESSIONAL DESIGNATION EXAMINATION (PDE)
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1. Definitions

Term	Definition
EAAB	The Estate Agency Affairs Board
Physical disorder, disability or impairment	Any type of physical or other disorder, disability or impairment that negatively impacts upon, or severely limits, a person's ability to write or undertake the PDE.
PDE	The Professional Designation Examination, whether for non-principal or principal estate agents, conducted by the EAAB in accordance with the provisions of regulation 4(3) of the Standard of Training of Estate Agents Regulations, 2008, published in Government Gazette No. 31125 on 4 June 2008.

2. Purpose of the policy

This policy creates a feasible alternative to the writing of the PDE. The policy shall apply to currently registered estate agents who hold a valid fidelity fund certificate issued by the EAAB and who, due to proven physical or other disability or impairment, are unable to sit for, or write, the PDE. This policy is designed to assist qualifying applicants and to relieve them of any disadvantage that might otherwise accrue should they not be able timeously to pass the PDE.

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3. Scope of the Policy

This policy applies to registered estate agents who hold a valid fidelity fund certificate issued by the EAAB and who are able satisfactorily to prove to the EAAB that, due to physical or other disability or impairment, they are unable to sit for, or write, the PDE.

3. Procedure

3.1 Administration

3.1.1 Special written application to be made by applicant

Applicants wishing to apply for the alternative to the sitting for, and writing of, the PDE by reason of physical or other disability or impairment are required to address a special written application to the EAAB for this purpose.

Such written application shall:

- 3.1.1.1 include a certified copy of the applicant's identity document as well as a copy of the current fidelity fund certificate issued to the applicant by the EAAB;
- 3.1.1.2 clearly and concisely indicate the nature of the physical or other disability or impairment that prevents the applicant from sitting for, or writing, the PDE; and
- 3.1.1.3 be accompanied by an original medical certificate recently issued by a practicing medical practitioner, which medical certificate shall:

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- 3.1.1.3.1 succinctly indicate the precise nature of the physical or other disability or impairment that prevents the applicant from sitting for, or writing, the PDE; and
- 3.1.1.3.2 confirm that, in the professional opinion of the medical practitioner concerned, the applicant is not able to sit for, or write, the PDE.

3.1.2 Medical certificate must comply with the Ethical and Professional Rules of the Medical and Dental Professions Board of the Health Professions Council of South Africa

The medical certificate referred to in 3.1.1.3 shall, insofar as possible, comply with the Ethical and Professional Rules of the Medical and Dental Professions Board of the Health Professions Council of South Africa by containing the following information:

- 3.1.2.1 the name, address and qualification(s) of the relevant medical practitioner;
- 3.1.2.2 the full names of the patient (applicant);
- 3.1.2.3 the date and time when the patient (applicant) was examined by the medical practitioner, if applicable;
- 3.1.2.4 whether the medical certificate is issued as a result of personal observations by the practitioner during an examination, or as the result of information received from the patient (applicant) and which is based on acceptable medical grounds;
- 3.1.2.5 a brief description of the patient's (applicant's) illness, disorder or disability, in layman's terminology;

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- 3.1.2.6 an indication of whether the patient (applicant) is permanently indisposed for the purposes of writing the PDE or whether the patient (applicant) may be able, in due course, to write the PDE; and
- 3.1.2.7 the date of the issue of the medical certificate.

3.1.3 Consideration of the application

After receipt of a written application from the applicant requesting a special arrangement as an alternative to writing the PDE, as referred to in 3.1.1, by the EAAB such application shall, as soon as practically possible, be considered by the Chief Executive Officer of the EAAB, or any other person(s) delegated in writing by the Chief Executive Officer for this function.

The Chief Executive Officer, or the delegated functionary(ies), having specific regard to the content of the medical certificate, as referred to in 3.1.1.3, shall decide whether the applicant should be granted the latitude of a special arrangement as an alternative to writing the PDE. The applicant shall be informed, in writing, of such decision as soon as possible after the decision is taken.

3.1.4 The special arrangement

Should the application for a special arrangement as an alternative to undertaking the PDE be successful, the applicant shall be requested in writing, and shall be obliged, to lodge, within such reasonable time period the Chief Executive Officer of the EAAB, or the delegated functionary(ies), may determine, a Portfolio of Evidence for assessment. The applicant shall, in addition, be required to undergo an oral examination as more fully set forth in 5 below.

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4. The Portfolio of Evidence

The Portfolio of Evidence referred to in 3.1.4 shall fully and accurately describe the precise nature of the estate agency services rendered and activities performed by the applicant on a day-to-day basis and shall be supported by authenticating documentary evidence.

The applicant shall, in addition, be obliged in such Portfolio of Evidence to:

- 4.1 indicate in a signed statement that the applicant has read and fully understands the Code of Conduct for Estate Agents and that the applicant agrees to abide by the provisions thereof; and
- 4.2 provide a summary of the main legislative acts that the applicant believes that estate agents should generally be aware of and, also, furnish an indication of the implication of the relevant legislation as it impacts upon estate agents.

5. The oral examination

5.1 Assessment of the Portfolio of Evidence

After the Portfolio of Evidence is received from the applicant it shall be duly assessed by the Chief Executive Officer and/or the delegated functionary(ies) referred to in 3.1.4. If, in the discretion of such assessor(s), the Portfolio of Evidence is found to be satisfactory the applicant shall be invited, in writing, to attend an oral examination.

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5.2 Conduct of the oral examination

The oral examination shall be conducted by two or more competent persons holding at least management-level positions at the EAAB, appointed by the Chief Executive Officer for this purpose. The duly appointed examiners shall be obliged mechanically to record each such oral examination and to maintain and keep full and accurate minutes of each such oral examination.

5.3 The questions to be posed at the oral examination

The questions forming an integral part of the oral examination shall, as far as possible, be based on the relevant PDE study material for non-principal or principal estate agents, as the case may be. Past PDE question papers, marking schedules and model answers may be used by the examiners when conducting the oral examination.

The examiners may, in addition, discuss with and question the applicant on any other relevant or material matters necessary to satisfy themselves that the applicant is a fit and proper person to be granted an exemption from writing the PDE.

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6. The outcome of the oral examination

6.1 Consensus of the examiners required

On the conclusion of the oral examination the examiners shall conscientiously deliberate on the matter. If the consensus of the examiners is that the applicant has demonstrated sufficient knowledge, ability and competence and is also a fit and proper person, the applicant may be granted an exemption from writing the PDE, whether for principal or non-principal estate agents, as the case may be. If the consensus of the examiners, however, is that the grant of a PDE exemption to the applicant is not warranted, such exemption shall be refused.

6.2 Full and cogent reasons for the decision of the examiners to be provided

Full and cogent written reasons for either the grant or the refusal of a PDE exemption to the applicant shall be drafted by the examiners and dated and signed by them. Such written reasons shall be retained with the application made by the applicant for record purposes.

6.3 Applicant to be advised of the decision of the examiners

The applicant shall be advised, in writing, of the decision of the examiners as soon as practically possible after the conclusion of the oral examination.

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6.4 Appeal against a decision of the examiners

- 6.4.1 An applicant who wishes to note an appeal against the outcome of any stage of an application for the grant of an alternative to writing the PDE (“the appellant”) shall be required to lodge a written Notice of Appeal with the EAAB’s Education and Training Department within seven working days after having received a written notification of the result of the application from the EAAB.
- 6.4.2 The appellant shall date and sign the written Notice of Appeal which shall contain the full names, identity number, postal address, e-mail address, telephone number and facsimile number of the appellant.
- 6.4.3 The appellant shall be required specifically to indicate, in the written Notice of Appeal, the grounds of appeal relied on as well as the reasons why the appellant believes that outcome at any stage of the application for the grant of an alternative to writing the PDE was incorrect.
- 6.4.4 The Education and Training Department shall be required to refer the Notice of Appeal, together with all documentation relevant to a full and proper consideration of the appeal, to the EAAB’s Secretariat to enable the appeal to be placed on the agenda for consideration by the EAAB’s Education and Training Committee, as soon as practically possible after receipt thereof.
- 6.4.5 After duly considering the appeal the Education and Training Committee shall, by resolution of the Committee, decide whether or not the appeal should be upheld or refused and shall furnish cogent reasons for such decision. The appellant shall be

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advised accordingly, in writing, by the EAAB's Secretariat as soon as practically possible after the decision on the appeal is taken.

7. Fee payable in respect of the special application

The fee payable by the applicant to the EAAB for the consideration of the special application, the assessment of the Portfolio of Evidence and, where applicable, the conduct of the oral examination, shall be determined annually in advance by the Education and Training Committee of the EAAB for each financial year.

No application made in terms of this policy for a special arrangement as an alternative to the writing of the PDE shall be considered until satisfactory proof of payment of the fee has been provided to the EAAB by the applicant.

The fee levied by the EAAB for the consideration of the special arrangement application, the assessment of the Portfolio of Evidence and, where applicable, the conduct of the oral examination, shall be non-refundable.

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