

CHAPTER 532

THE VALUERS ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

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THE VALUERS (FORMS AND FEES) RULES

[Legal Notice 33 of 1987, Legal Notice 300 of 1995,
Legal Notice 92 of 2011, Legal Notice 107 of 2012]

1. These Rules may be cited as the Valuers (Forms and Fees) Rules.
2. The register to be maintained by the registrar in accordance with section 6 of the Act shall be in Form I set out in the First Schedule.
3. The application for registration as a valuer in accordance with section 12 of the Act shall be in Form II set out in the First Schedule.
4. The certificate of registration to be issued by the registrar in accordance with section 7 of the Act shall be in Form III set out in the First Schedule.
5. The practising certificate to be issued by the registrar to the registered valuer shall be in Form IV set out in the First Schedule.
6. The fees set out in the Second Schedule shall be payable to the Board by registered valuers in respect of matters set out therein.
7. The fees for services rendered by practising valuers shall be those set out in the Third Schedule.

FIRST SCHEDULE

[r. 2]

THE VALUERS REGISTRATION BOARD

FORM 1

<i>Entry No.</i>	<i>Min. No.</i>	<i>Date</i>	<i>Name and Qualification</i>	<i>Practising Cert.No</i>	<i>Signature</i>
1.		 Chairman Registration Member
2.					
3.					
4.					
5.					
6.					
7.					
8.					

FORM II

(r.3)

THE VALUERS REGISTRATION BOARD
APPLICATION FOR REGISTRATION

1. Main Name

(Block Capitals)

Other Names

Valuers

[Subsidiary]

(Block Capitals)

Qualifications

Postal Address

Residential Address

Telephone No.: Office House

Date of Birth

Nationality

Have you previously applied to the Board for Registration? YES/NO.

If yes, state date(s)

2. I enclose a cheque/postal order, money order/cash for Sh..... as payment of fee which I understand is not refundable (See Note 1.)

Date Applicant's Signature

FOR OFFICIAL USE ONLY

Application No.

Date acknowledged

Approved/Rejected Minute No.

Date notification sent

Gazette Notice No.

Certificate Despatched

Certificate/ Acknowledged

Registrar's Signature

Date

Date received

Receipt No.

Date

Deferred Minute

No.

Registration No.

Chairman's

signature.....

Date

Member's

signature

Date

(All particulars set out at 4-9 must be completed and the declaration at 10 signed.)

3. Educational background (state the name of institutions, dates attended, examining body and degree/diploma, etc., awarded and year).

.....
.....
.....
.....

4. Professional examinations (state examining body, registration No. sections/stages passed-see note 4: date).

.....
.....
.....
.....

Valuers

[Subsidiary]

5. Professional experience (state name and address of organization, dates, position(s) held and responsibilities).

.....
.....
.....
.....

6. Other qualifications (specify with dates).

.....
.....
.....

I am a member of the following institutions:

.....
.....
.....

7. Honours/distinctions received.

.....
.....
.....

8. Articles/publications.

.....
.....
.....

9. Are you ordinarily resident in Kenya? YES/NO.

If yes, state from what date

10. I hereby declare that the foregoing statements are true in every respect. I acknowledge that any statement contained in this application which is known by me to be false shall invalidate this application. I have read the Valuers Act, (Cap. 532). I am aware of the penalties stipulated in the Act and I understand that if registered, I shall be bound by the Act and any amendments thereto so long as my name remains in the register.

Date Applicant's Signature

NOTES

- 1. Cheques, postal orders or money orders should be crossed "Account Payee Only" and made payable to the "Valuers Registration Board".
- 2. Certified copies of your educational and professional certificate where applicable should be enclosed with this application. Original certificates when called for may be either delivered at the Board's offices or sent by registered post. No responsibility can be accepted by the Board for lost certificates.

Valuers

[Subsidiary]

- 3. Give full details of your professional experience and employment record during the last five years starting from your present appointment.
- 4. If granted exemption from any sections, stages or parts of any examination this should be stated.

FORM III (r. 4)

CERTIFICATE OF REGISTRATION

This is to certify that

.....
 is a
 REGISTERED VALUER (R.V.)
 in accordance with the provisions of the Valuers Act, (Cap. 532) In witness
 whereof the common seal has been hereto affixed.

.....
Chairman

SEAL

.....
Member

Registrar

Date

Serial No.

FORM IV (r. 5)

PRACTISING CERTIFICATE

This is to certify that

.....
 is authorised to practise as a
 VALUER
 for the period
 to
 in accordance with the Valuers Act, (Cap. 532).

.....
(Registrar)

SEAL

Date

SECOND SCHEDULE

[r. 6]

FEES

		Sh.
(i)	Application fee (s. 12(1))	200
(ii)	Application fee (s. 14(1))	1,000
(iii)	Registration fee (s. 13)	500
(iv)	Practising certificate fee (s. 13(1))	1,500
(v)	Practising certificate fee (s. 14)	2,500

Valuers

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(vi)	Restoration fee (s. 16(b))	500
(vii)	Suspension fee	300
(viii)	Duplicate of registration certificate (s. 7(5))	250
(ix)	Renewal of certificate (s. 7(4))	50
(x)	Duplicate of practising certificate	100
(xi)	Inspection of register (s. 10)	50

THIRD SCHEDULE

[r. 7]

VALUERS FEES

[L.N. 300/1995, L.N. 92/2011, L.N. 107/2012, r. 2.]

1. Urban rating and agriculture:

First KSh. 2,000,000 at 1.0 per cent.

Residue at 0.25 per cent.

2. Compulsory acquisition:

First KSh. 2,000,000 at 2.0 per cent.

Residue at 0.5 per cent

3. Rental:

First KSh. 400,000 per annum at 10 per cent.

Residue at 5 per cent.

4. Plant, machinery and automobile:

First KSh. 5,000,000 at 1.5 per cent.

Residue at 0.5 per cent.

5. Furniture, fittings, equipment, trading stock and going concerns:

First KSh. 1,000,000 at 5.0 per cent.

Residue at 2.5 per cent

6. Minimum valuation fees:

Where the fees charged under item 1, 2, 3, 4 or 5 is below KSh. 15,000, minimum valuation fees payable shall be KSh. 15,000.

7. Consultancy:

A minimum of KSh. 5,000 per hour where such consultancy does not involve carrying out a valuation and compilation of a valuation report or advising on the value of property.

8. Travelling expenses and disbursements:

THE VALUERS (PROFESSIONAL MISCONDUCT) (PROCEDURE) RULES

[Legal Notice 32 of 1987]

1. These Rules may be cited as the Valuers (Professional Misconduct) (Procedure) Rules.
2. In these Rules, "professional misconduct", in relation to a charge against a registered valuer, means conduct which the Board deems, after due inquiry, to be professional misconduct.
3. (1) A registered valuer shall be guilty of professional misconduct if he—
 - (a) enters into a partnership with an unregistered person to carry on business as practising valuers;
 - (b) accept any professional valuation work which involves the giving or receiving of discounts or commissions;
 - (c) solicits instructions in any manner whatsoever or knowingly proceeds with work which is entrusted to another valuer before communicating with that valuer;
 - (d) undertakes any specialized valuation work for which he is in doubt as to the adequacy of his professional experience to undertake;
 - (e) prepares or certifies any statement which is false, incorrect or misleading by reason of the mis-statement, omission or suppression of a material fact or otherwise;
 - (f) deviates from the schedule of fees prescribed by the Board by charging less or more than the charges laid down without notifying the Board of his intention to do so, and the reasons for and extent of such deviation and receiving the Board's sanctions thereto;
 - (g) tenders or quotes fees outside the scales laid down by the Board;
 - (h) being a registered valuer in employment accepts professional work on his own account without the knowledge and consent of his employer unless his contract of service expressly authorises him to do so;
 - (i) undertakes or accepts instructions for professional work on the basis that if successful results is not attained, a reduction of the fees laid down in the scales of charges will be made or that no fees will be charged;
 - (j) commissions another registered valuer and pays less than the agreed fees;
 - (k) advertises or publicly offers his services by means of circulars, displays or otherwise;
 - (l) conducts himself in a manner which the Board may deem incompetent, dishonourable or grossly negligent in connection with the work performed by him;
 - (m) offers, expresses or communicates to the public any criticism or adverse comment on the professional services or conduct of another registered valuer;
 - (n) gives expert evidence in courts or before other judicial bodies if he has financial interest, however remote, in the proceedings other than proper and reasonable fees payable for the services.
- (2) A registered valuer will be held responsible for the acts of members of his staff so far as they relate to matters coming within the scope of his professional practice.
4. An inquiry into the conduct of a registered valuer may be instituted by the Board upon the Board's initiative or upon complaint addressed to the Board in writing made by or on behalf of any person alleging professional misconduct on the part of a registered valuer.
5. The Board may require the complainant to file further particulars of any of the matters complained of and may require the complaint or any part thereof to be verified by affidavit.

[Subsidiary]

6. Upon receipt of a complaint against a registered valuer, the Board shall notify the valuer complained against, giving the grounds of the complaint under cover of registered letter sent to his last known address.

7. (1) The Board shall cause a statement to be prepared setting out the allegation of professional misconduct to be investigated.

(2) The registrar shall transmit to each member of the Board and to the valuer whose conduct is subject of investigation a copy of the statement prepared in pursuance of subparagraph (1).

8. (1) The registrar shall give notice of the date, time and place fixed for the inquiry to the valuer whose conduct is the subject of inquiry.

(2) Where a valuer whose conduct is the subject of inquiry fails to appear either personally or by his advocate at the time and place fixed in the notice served to him, the inquiry may proceed notwithstanding his absence.

(3) The Board may of its own motion or upon a request by the valuer whose conduct is the subject of the inquiry adjourn the hearing upon such terms as it thinks fit.

9. (1) The chairman of the Board shall take or cause to be taken a note of all the proceedings before the Board or may direct that a record of any proceedings before it shall be taken down in shorthand.

(2) Any party to an inquiry before the Board shall be entitled to inspect the record and any party entitled to be heard in any appeal under the Act shall be entitled to be supplied with a copy of the proceedings upon payment of the copying charges presented by the Board.
