



**AN ACT TO MAKE PROVISIONS FOR THE REGISTRATION
AND REGULATION OF VALUERS
ACT, NO. 5 OF 2015**

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ACT, NO. 5 OF 2015

I ASSENT

(DR. ALI MOHAMED SHEIN)
PRESIDENT OF ZANZIBAR
AND

THE CHAIRMAN OF THE REVOLUTIONARY COUNCIL

18th January, 2015

**AN ACT TO MAKE PROVISIONS FOR THE REGISTRATION AND
REGULATION OF VALUERS AND FOR OTHER
MATTERS RELATED THEREWITH**

ENACTED by the House of Representatives of Zanzibar

**PART I
PRELIMINARY PROVISIONS**

Short title and
Commencement.

1. This Act may be cited as The Valuers Registration Act, 2015 and shall come into operation on such date as the Minister may by notice publish in the Official Government Gazette.

Interpretation.

2. In this Act, unless the context otherwise requires:-

"Board" means a Board established under section 3 of this Act;

"Chief Valuer" means a valuer appointed under section 25 of this Act;

"Land" means the meaning prescribed by the Land Tenure Act.

"Legal Officer" as prescribed by the Attorney General's Chambers (Discharge of Duties) Act;



"Minister" means a Minister responsible for land affairs;

"President" means the President of Zanzibar and the Chairman of the Revolutionary Council;

"Person" means a natural person or body of persons whether corporate or incorporated;

"Register" means a register under the supervision of the Board as established under section 15 of this Act;

"Registered Valuer" means a person professing to practice valuation as provided under Section 23 of this Act;

"Registrar" means the Registrar appointed in accordance with the section 13 of this Act;

"Valuation Firms" means a corporate or incorporate body deals with valuation works.

"Valuation license" means license to practice valuation issued by the Board;

"A Zanzibari" means a person prescribed under the Zanzibari Act.

PART II BOARD OF VALUERS

Establishment of the Board. **3.** There is hereby established a Board to be known as "the Board of Valuers", which shall be a:

- (a) Government agency with perpetual succession and a common seal; and
- (b) capable of acquiring, holding and dispose of movable and immovable property;

Composition of the Board. **4.-(1)** The Board shall be administered by the Chairperson appointed by the President who shall have the following qualifications:-

- (a) be a Zanzibari;
- (b) hold at least first degree or equivalent qualification in valuation or related field from recognised institutions; and



- (c) has experience in the field of valuation for not less than five years.

(2) The Board shall consist of the following members:

- (a) two members from the public sector dealing with valuation works appointed by the Minister;
- (b) two registered valuers at least one should be a woman from the private sector appointed by the Minister after consultation with private sectors;
- (c) the Chief Valuer ex-official member;
- (d) the Commissioner of Zanzibar Revenue Board (ZRB); and
- (e) the State Attorney from Attorney General's Chambers.

(3) A member appointed under section 4(2) (a) and (b) of this Act, shall have experience in the field of valuation

(4) The Board shall appoint a Vice - Chairperson among its members.

(5) The Registrar of the Board shall be the Secretary of the Board and shall not be a member of the Board.

(6) The Secretary shall not be a member of the Board.

Functions of the Board.

5. The Board shall have the following functions:

- (a) to approve or reject applications for registration of valuers as provided under this Act;
- (b) to hold or cause to be held examinations of qualified persons for registration under this Act;
- (c) to approve, suspend or cancel application for valuation license;
- (d) to prescribe from time to time fees payable after the approval of the Minister under this Act;
- (e) to determine and regulate the professional conduct and ethics of valuation;



- (f) to approve and enforce standards and guidelines of valuation professional;
- (g) to promote training, research and other services that are related to the functions of the valuers;
- (h) to take disciplinary measures against licensed valuers in accordance with the provisions of this Act;
- (i) to hear and determine any dispute related with valuation; and
- (j) Any other function as prescribed by this Act or its Regulations.

Indemnity of members. **6.** A member of the Board shall not be personally liable for any act or default done or omitted to be done in good faith in the course of carrying out the responsibilities and functions of, or exercising the powers conferred upon the Board.

Remuneration. **7.** The members and Secretary of the Board shall be paid such allowances and other payment as proposed by the Board from time to time and approved by the Minister in consultation with the Public Service Commission.

Meetings of the Board. **8.**-(1) The Board shall hold ordinary meeting once in every three months.
(2) The Chairperson shall call an extra ordinary meeting of the Board on the request of three members of the Board and such request shall be in writing with the reasons therefor.
(3) The Board may invite any person to participate on its meeting but such person shall have no right to vote in any deliberation of the Board.

Quorum. **9.**-(1) The quorum of the meeting shall be more than half of the members of the Board.
(2) All acts, matters and things authorized to be done by the Board shall be decided by the resolution at the ordinary or extra ordinary meeting of the Board at which a quorum is present.
(3) A decision of the majority of members present and voting at a meeting of the Board shall be deemed to be a decision of the Board.
(4) Each member of the Board shall have one vote, and in the event of an equality of votes, the person presiding shall have a second or casting vote in addition to his deliberative vote.



Tenure of the Board.

10.-(1) The Chairperson shall hold his office for the duration of four years and may be reappointed for a second term.

(2) A member of the Board appointed under section 4(2) (a) and (b) of this Act, shall hold his office for the duration of three years and may be reappointed for a second term.

Cessation from the Board.

11. A person shall cease to be member of the Board if that person:

- (a) misses three consecutive meeting without notice;
- (b) has behaved in a manner that has brought ridicule or disrepute to the Board;
- (c) resigns;
- (d) is of unsound mind; or
- (e) has died.

(2) A new member who appointed shall hold office for the remainder of the term for which his predecessor was appointed.

Common Seal of the Board.

12.-(1) The Board may determine a kind of instruments to be affixed by its common seal as prescribed in the regulations.

(2) Subject to subsection (1) of this section, the instrument shall be indorsed by the Chairperson or the Vice-Chairperson or any member of the Board in the absence of Chairperson or Vice-chairperson.

PART III THE REGISTRAR AND REGISTRATION

Registrar of the Board.

13. The Minister shall appoint a Legal Officer from public service to be a Registrar of the Board.

Functions of the Registrar.

14. The Registrar shall have the following functions:

- (a) to arrange and keep minutes of the Board;
- (b) to keep and maintain the register under the directives of the Board;



- (c) to issue valuation license after approval of the Board; and
- (d) to perform other functions as may be from time to time specified by the Board.

Register of
valuers.

15.-(1) There shall be a Register of Valuers which shall be in three Parts;

- (a) Part I shall contain particulars of Registered Valuers
- (b) Part II shall contain particulars of Temporary Registered Valuers;
- (c) Part III shall contain particulars of Valuation Firms;

(2) The register shall include:

- (i) full name of valuer or name of the Valuation firm;
- (ii) registration number;
- (iii) date of entry in the register;
- (iv) address;
- (v) identification details;
- (vi) qualifications;
- (vii) category of registration;
- (viii) duration of registration;
- (ix) such other particulars as the Board may from time to time direct.

(3) Subject to subsection (1) (c) of this Section, the Register shall contain further particulars of all directors, shareholders or partners as prescribed in the Regulations of this Act.

Amendment of
register.

16.-(1) Amendment or alteration shall not be made in the Register without decision of the Board.



(2) The Board shall make an entry in the Register in the event of amendment or alteration.

Valuation License. 17.-(1) Where the name of a person has been entered in the Register, the Registrar shall issue a license in the prescribed form provided that the license shall remain the property of the Board.

(2) A license shall be valid and remain in force for one year, but renewable on the payment of the prescribed fee.

(3) In event of the license being lost or destroyed and the loss or destruction being proved to the satisfaction of the Board, the Registrar shall issue a duplicate of the license to the registered valuer or valuation firm on payment of the prescribed fee.

Publication of Register.

18. The Board shall cause to be published in the Official Gazette, as soon as may be practicable after entry in the register particulars as prescribed under section 15 of this Act.

Searches of the Register.

19. A person, on application in the prescribed form and on paying the prescribed fee, may require an official search in respect of any registered valuer or firm, and the Registrar shall issue a certificate of official search setting forth particulars of all subsisting entries in the Register.

Proof of documents.

20.-(1) In any legal proceeding a document purporting to be a certified copy of, or an extract from the Register or from any document kept or published by the Board, shall be admissible as evidence of the contents of the Register or of the document.

(2) The Board shall not be compelled in any legal proceeding to which it is not a party:

- (a) to produce the register or any document if its contents can be proved under subsection (1) of this section; or
- (b) to appear as witness to prove an entry in the register or the matters recorded in the register or any document, unless the court for special cause so orders.

Cancellation of Valuation license

21.-(1) The Board may cancel valuation license at any time after being satisfied that:

- (a) a registered valuer has died;
- (b) requested his license to be cancelled;



- (c) by reason of any false or misleading information;
- (d) for professional misconduct;
- (e) been declared bankrupt or insolvent; or
- (f) failed to renew the valuation license for three years continuously.

(2) The Board shall, after cancellation direct the Registrar to remove the name of registered valuer or valuation firm from the Register.

(3) The Registrar shall notify a person whose name has been removed from the register.

(4) The Registrar shall cause to be published in the Gazette, as soon as practicable, the name, address and qualifications of a person whose name has been removed from the Register under this section.

Restoration of
name in the
Register.

22.-(1) Where the name of the registered valuer or valuation firm has been removed from the Register, the valuer or firm may request for the name to be reinstated in the Register by applying to the Board for reconsideration.

(2) The Board shall reinstate the name in the Register after being satisfied that the reason which causes the name to be removed from the Register has ceased.

Conditions and
qualifications for
registration.

23.-(1) A person shall be entitled, on making an application to the Board in the prescribed form and on the payment of the prescribed fee, to be registered Valuer under this Act, if that person:

- (a) holds at least first degree or its equivalent in valuation or related field from a recognized institution;
- (b) has experience in the field of valuation for a period of not less than one year under supervision of the Registered Valuer;
- (c) has passed a professional examination conducted by the Board or other similar institution recognized by the Board; and
- (d) has made a declaration in the form and manner prescribed in the Schedule.

(2) In case of valuation firms, one of the office holder has fulfilled conditions and qualifications as mentioned in the subsection (1) of this section.



(3) The Board may approve any such application subject to such conditions or restrictions as it may deem fit to impose.

(4) Where a person has fulfilled the requirements of subsection (1) and (2) shall be registered as Registered Valuer.

Temporary
Registered
Valuer.

24. Where a person satisfies the Board that:

- (a) the person is not ordinarily resident in Zanzibar or in case of firm it has been established outside of Zanzibar;
- (b) the person has been registered and qualify to undertake valuation business in the country of his residence; and
- (c) the person intends to be present in Zanzibar and engage in practice as a valuer for the specific work for which he has been engaged,

the Board may direct that the person to be registered as temporary registered valuer for a period not exceeding one year or for the period of the duration of the specific work which he has been engaged to do.

PART IV CHIEF VALUER

Appointment of
Chief Valuer.

25. There shall be a Chief Valuer appointed by the President and who shall be a Chief Executive Officer of the Board.

Qualification of
Chief Valuer.

26. The Chief Valuer shall have the following qualifications:

- (a) be a Zanzibari;
- (b) hold at least first degree or equivalent qualification in valuation or related field from recognised institutions; and
- (c) have experience in the field of valuation for not less than five years.

Function of the
Chief Valuer.

27. The Chief Valuer shall have the following functions:

- (a) to approve and endorse all Valuation Reports;
- (b) to prepare quarterly report on valuation activities in Zanzibar and present it to the Minister;



- (c) to prepare and submit the valuation standards, specifications and procedures to the Board;
- (d) to advise the Government on valuation activities;
- (e) to advise the Government on valuation rate in purchase and dispose of its property; and
- (f) to prepare and maintain a data base on property transaction or related data.

Submission of relevant information.

28. The Chief Valuer may require any person to submit any relevant information or document necessary for the carrying out of his functions under this Act on a prescribed form.

Delegation of Functions.

29. The Chief Valuer, in writing may delegate a specific function to any government valuer subordinate to him.

Government Valuers.

30.-(1) There shall be Government valuers working in the public sectors in the Ministries, Departments, Government Institutions and Public corporations in Zanzibar.

(2) The Government valuers shall hold at least first degree or equivalent qualification in valuation or related field from recognised institutions.

(3) The Government valuers shall practice valuation under directives and supervision of the Chief Valuer.

PART V FINANCIAL PROVISIONS

Funds of the Board.

31. The funds of the Board shall consist of:

- (a) subvention from the Government;
- (b) all such sums of money, fees, charges, grants, donations, loans and other lawful payments to the Board.

Accounts and Audits.

32.-(1) The Board shall cause to be made and kept the proper and complete books of accounts reflecting all incomes and expenses of the Board.

(2) The Board shall prepare each financial year statement of account which include:



- (a) Financial statement and statement of income and expenses; and
- (b) Such other information in respect of financial affairs of the Board.

(3) Within three months of closing of every financial year the accounts including the financial statement of the Board in respect of the financial year shall be submitted to the Controller and Auditor General or any Auditor recognized and approved by the Controller and Auditor General for auditing.

Budget.

33. The Board shall prepare and submit to the Minister its budget for approval not less than three months before the end of each financial year.

Annual Report.

34. The Board shall prepare or cause to be prepared and submit to the Minister within three months after the close of each financial year an annual report which shall provide detailed information regarding the exercise of the functions and powers of the Board during the year which it relates and shall include:

- (a) a copy of audited accounts of the Board together with the Auditors report and accounts;
- (b) an annual performance report of the Board;
- (c) a performance report of the Minister's directives to the Board during the year; and
- (d) any other relevant information.

PART VI MISCELLANEOUS

Effect of registration.

35. Every person whose name has been entered in the Register shall, so long as his name remains in the Register, be entitled to adopt and use the title "Registered Valuer".

Unregistered persons not to practice as valuer.

36.-(1) An individual shall not carry on business as a practicing valuer unless he is a registered valuer.

(2) A firm shall not carry on business of valuation unless one of the office holder is a Registered Valuer.

(3) A firm which is established out of Zanzibar can only conduct valuation business by collaboration with a valuer who is Registered by the Board.



Suspension of practicing license.

37. If a registered valuer found to have been guilty of an act or omission amounting to professional misconduct or activities contrary to the public interest the Board may suspend the valuer's practicing license for such period as the Board may specify.

Powers of the Minister.

38. The Minister may issue directives to the Board on matters related to valuation to the extent that such directives are not inconsistent with this Act.

Rules and Regulations.

39.-(1) The Minister may make Regulations as he considers necessary or desirable to give effect to the provisions of this Act.

(2) Regulations may be prepared to give effect to the purposes and procedures of this Act, in particular to specified matters including:-

- (a) prescribe fees payable under this Act from time to time; and
- (b) forms of instrument to be used.

Offences.

40.-(1) A person who:

- (a) fraudulently makes or causes or permits to be made, any false or incorrect entry in the application or any copy thereof; or
- (b) fraudulently procures registration under this Act; or
- (c) knowingly or willfully makes any statement which is false in a particular material, or which is misleading, with a view to gaining any advantage, concession or privilege under this Act, whether for himself or for any other person,

commits an offence and upon conviction shall be liable to a fine of not less than Five Hundred Thousand Tanzania Shillings or imprisonment for a term of not less than six months or both.

(2) A person who refuses to submit the required information within the prescribed period or willfully supplies any false information, commits an offence and is liable on conviction to a fine not less than Tanzania Shilling Three hundred Thousand or to a term of imprisonment not exceeding three months or both.

(3) A person who practices valuation without being registered under this Act, shall commit an offence and shall be liable to not less than One Million Tanzania Shillings or imprisonment not less than one year or both.

(4) A person who intentionally fails to exercise his duty conferred upon him under any provision of this Act upon which punishment is not provided thereof, shall be liable to a



fine of not less than five Hundred Thousand Tanzania Shillings or imprisonment for a term of not exceeding three months or both.

Appeal.

41. A person aggrieved by a decision of the Board:-

- (a) refusing to register his name;
- (b) removing his name from the register;
- (c) suspending his registration under this Act; or
- (d) refusing to restore his name on the register,

may, within twenty-eight days of receiving the written decision of the Board, appeal to the Regional Magistrate Court against the decision of the Board.

Saving.

42. Nothing in this Act shall prejudice any interest, right, power or privilege in relation to valuation practiced before the commencement of this Act.

Transitional period.

43. All valuers or valuation firms that have been practicing valuation works in Zanzibar before the commencement of this Act shall be registered upon submission of application and approval on sample of their works to the Board.



SCHEDULE

THE REVOLUTIONARY GOVERNMENT OF ZANZIBAR

THE VALUERS REGISTRATION ACT


[Under Section 23 (1) (d)]

Mr./Mrs./Miss..... of is hereby registered
as a Valuer in accordance with the provision of section 23 of the Valuers Registration Act,
2015.

Given at Zanzibar this day of 20.....

.....
**CHAIRMAN
VALUER'S BOARD**

PASSED in the House of Representatives in the date ofMarch, 2015.


**YAHYA KHAMIS HAMAD
CLERK OF THE HOUSE OF REPRESENTATIVES
ZANZIBAR**