

Extract of the Property practitioners Act no.22 of 2019

Chapter 10

Consumer Protection

(Sections 67,68 & 69)

67. Mandatory Disclosure form

1. A Property Practitioner must:
 - a. not accept a mandate unless the seller or lessor of the property has provided him or her with a fully completed and signed mandatory disclosure in the prescribed form; and
 - b. provide a copy of the completed mandatory disclosure form to a prospective purchaser or lessee who intends to make an offer for the purchase or lease of a property
2. The completed mandatory disclosure form signed by all relevant parties must be attached to any agreement for the sale or lease of a property, and forms an integral part of that agreement, but if such a disclosure form was not completed, signed or attached, the agreement must be interpreted as if no defects or deficiencies of the property were disclosed to the purchaser.
3. A property practitioner who fails to comply with subsection (1) may be held liable by an affected consumer.
4. Nothing in this section prevents the Authority from taking action against a property practitioner or imposing an appropriate sanction
5. Nothing in this section prevents a consumer, for his or her own account, from undertaking a property inspection to confirm the state of the property before finalising the transaction.

68. Agreements

1. An agreement to sell and purchase or to let and hire property, or the mandatory disclosure form contemplated in section 67, must be drafted by the developer or seller, as the case may be, for his, her or its own account
2. The Authority must publish from time to time an updated version of guideline agreements on its website.

69. Consumer education and information

1. The Authority must from time to time conduct campaigns to educate and inform the general public of their rights in respect of property transactions and property practitioners of their functions, duties and obligations.
2. A property practitioner owes a buyer and a seller a duty of care.

Our Solutions

Property Defect Detectives South Africa have the solutions to the highlighted sections of the act above.

- a) For Property Practitioners to contact us in the event they want to mitigate risk pertaining a mandatory disclosure from the seller or lessor of the property by providing independent 3rd party Defect Recognition reports in the prescribed form as stated by Law.
- b) Before a potential buyer signs a offer to purchase, they can contact Property Defect Detectives South Africa to do a Property Inspection, and provide them with a list of defects and some recommendations regarding the property they want to purchase.
- c) By selecting Property Defect Detectives South Africa to perform a Property Inspection, we can provide the Seller, Buyer and Property Practitioner the duty of Care. Our Inspection reports are educative, as well as the other materials supplied after the transaction. We strive to educate the Public about Property Maintenance and Safety.