

THE VALUATION SURVEYORS RULES

ARRANGEMENT OF RULES

Rule

1. Title
2. Interpretation
3. Correspondence
4. Application for registration
5. Fee for registration
6. Annual subscription

7. Change of address
8. Office of Board and meetings
9. Notice of meetings
10. Minutes of meetings
11. Delegation of powers
12. Co-option
13. Board's finances
14. Accounts
15. Expenditure
16. Auditors
17. Annual report, balance sheet and accounts
18. Appointment of officers of Board
19. Scale
20. Rules of professional conduct and disciplinary proceedings

FIRST SCHEDULE-Form of application for registration

SECOND SCHEDULE-Scale

THIRD SCHEDULE-Rules of professional conduct and disciplinary proceedings

SECTION 8-THE VALUATION SURVEYORS RULES
Rules made by the Board, with the approval of the Minister

Statutory
Instrument
112 of 1979
Act No.
13 of 1994

1. These Rules may be cited as the Valuation Surveyors Rules.

Title

2. In these Rules, unless the context otherwise requires-

Interpretation

"accused" means a surveyor against whom a complaint is made or whose conduct may appear to the Board to require or is under investigation;

"arrangement" means written agreement between a surveyor and his

client;

"meeting" means a meeting of the Board;

"scale" means scale of fees;

"Secretary" means secretary to the Board;

"selling" includes selling by auction, private treaty, tender or otherwise;

"surveyor" means a registered valuation surveyor;

"Treasurer" means treasurer to the Board.

3. All correspondence to the Board shall be addressed to the Secretary at P.O. Box 50027, Lusaka, or at any other postal address of the Board, as may from time to time be notified in that respect by the Board.

Correspondence

4. All applications for registration shall be made in the form set out in the First Schedule, obtainable from the Secretary, and shall be accompanied by a fee for registration.

Application for
registration

5. (1) The fee for registration shall be fifty fee units.

Fee for
registration

(2) On the refusal of any application for registration, the fee for registration thereof shall be returned to the applicant at the time of his notification by the Board of the Board's decision thereon.

(As amended by Act No. 13 of 1994)

6. There shall be paid to the Board by every surveyor on or before the 1st July in each year, such an annual subscription as the Board may from time to time determine.

Annual
subscription

7. Every surveyor shall notify the Secretary immediately of his change of address.

Change of
address

8. (1) The office of the Board and meetings shall be at such places as the Board may from time to time determine. Office of Board and meetings

(2) The Board shall meet as often as may be necessary but in any case not less than twice in every calendar year.

9. (1) The Secretary shall give to all members not less than seven days' notice of any meeting. Notice of meetings

(2) Such notice shall indicate the time and place of the said meeting.

10. The Board shall keep minutes of meetings and the Chairman shall confirm and sign, after any correction if necessary, the minutes of the previous meeting. Minutes of meetings

11. The Board may delegate any of its powers to committees consisting of such member or members as it thinks fit. Delegation of powers

12. The Board may co-opt not more than two persons to act temporarily, one as Secretary and the other as Treasurer. Co-option

13. (1) The Board shall be responsible for its financial affairs. Board's finances

(2) All moneys accrued to or received by the Board shall be paid into an account at such bank as the Board shall direct; and no sum shall be paid out of the said account except by the direction of the Board.

14. The Board shall cause true accounts to be kept of all- Accounts

(a) moneys received and expended by the Board and the purposes for which such moneys are received and expended;

(b) assets and liabilities of the Board.

15. The Board may pay out of its funds such moneys as are necessary for the work of the Board or of any committee appointed by the Board. Expenditure

- 16.** The Board shall appoint an auditor at a fee to be fixed by the Board. Auditors
- 17.** Not later than the 31st December in each year, the Board shall deliver to every surveyor a copy of an annual report and of the balance sheet and accounts up to the 30th June of that year, covering the previous twelve months, together with a copy of the auditor's report thereon. Annual report, balance sheet and accounts
- 18.** The Board may appoint a Secretary, Treasurer, and other officers of the Board on such terms and conditions as it may deem fit. Appointment of officers of Board
- 19.** A surveyor shall be entitled to charge the fees at a scale laid down in the Second Schedule: Scale
- Provided that the provisions of this rule shall not apply to a surveyor who is in the service of the Government.
- 20.** A surveyor shall comply with the rules of professional conduct set out in Part I of the Third Schedule; and in any case of any alleged breach thereof, the Board shall institute disciplinary proceedings in accordance with the rules set out in Part II of the said Schedule. Rules of professional conduct and disciplinary proceedings

FIRST SCHEDULE

(Rule 4)

FORM OF APPLICATION FOR REGISTRATION

(To be completed by a person applying for registration)

PARTICULARS

Surname.

(block capitals)

First name

Date of birth sex

Address

Telephone number

TRAINING

School, Technical College or University attended (give dates):

Nature of course of study:

Professional examinations passed (give dates):

(Documentary evidence or certified copies thereof must be submitted with this application)

Membership of professional organisations (give grade of membership):

PRACTICAL EXPERIENCE

Present employment:

Name of employer

Position held Date of appointment

Nature of work undertaken

Previous employment (whole career to date):

<i>Name of employers (give dates)</i>	<i>Positions held</i>	<i>Nature of work undertaken</i>

(If more space is needed please continue on a separate sheet)

DECLARATION

I am not practising or employed in any capacity other than as stated above; nor am I associated with any firm, business, trade, office or association other than as mentioned above. Neither my professional nor general conduct has been such as to debar me from membership of any relevant professional body or institution.

I hereby solemnly and sincerely declare that the foregoing statements are true in every respect.

Declared at this day of 19

by the said

(Name of Applicant)

(Signature of Applicant)

Before me:

(Commissioner for Oaths)

To: The Secretary.
The Valuation Surveyors Registration Board,
P.O. Box 50027,
Lusaka.

FOR OFFICE USE ONLY

Date application received

Fee for registration received

Annual subscription received

Date presented to the Board

Decision

Date applicant informed

Register number

Remarks:

SECOND SCHEDULE

(Rule 19)

SCALE

PART I

1. The fees set out herein are, except where otherwise stated, exclusive of disbursements, fees for plans and copies of documents, and traveling and other expenses, which shall be paid for by the client to the surveyor in addition to the charges for professional services. Expenses
2. The scale shall be for a full and detailed report, except in the following circumstances: Reduced scale
 - (a) where a report or valuation has been made on a particular property for the same client, a reduced fee may, by prior arrangement, be charged for a further report or valuation made at a later stage;
 - (b) where instructions are held to carry out work which would normally involve charging fees under more than one scale, a reduced fee may normally be charged;
 - (c) where a full report is not required by the client, a reduced fee may, by prior arrangement, be charged. Such a fee shall not be less than fifty per centum of the normal fee.
3. (1) Where a surveyor acts for two or more parties, the charge shall be one and a half times the fee payable under the relevant scale, divisible between all the parties. Valuations
 - (2) The charge for making valuations of a fraction of an estate shall be based on the amount of the work involved.
 - (3) The fees prescribed shall not apply to structural surveys.

PART II

1. (1) Subject to the provisions of sub-paragraph (2), the fee payable to a surveyor engaged for the purpose of making valuations of unexhausted improvements shall be in accordance with the following scale: Valuations of unexhausted improvements

<i>Valuation</i>	<i>Fee</i>		
On the first K3,000	1.0 per centum
On the next K22,000	0.50 per centum
On the residue	0.25 per centum

(2) The minimum fee payable under the provisions of this paragraph shall be three hundred fee units.

2. The fee payable to a surveyor engaged for the purpose of making valuations of goodwill of a business shall be in accordance with the following scale: Valuations of goodwill of business

<i>Valuation</i>	<i>Fee</i>		
On the first K2,000	5.0 per centum
On the residue	2.5 per centum

3. (1) Subject to the provisions of sub-paragraph (2), the fee payable to a surveyor engaged by a building society for the purpose of making valuations of unexhausted improvements for a building society mortgage shall be in accordance with the scale of the building society, if any, in force. Valuations of unexhausted improvements for building society mortgage

(2) Where a surveyor refuses to accept instructions based on the scale of the building society, the fee payable to him may be by prior arrangement.

4. (1) Subject to the provisions of sub-paragraph (2), the fee payable to a surveyor engaged for the purpose of making valuations of unexhausted improvements for an annual rental shall be in accordance with the following scale: Valuations of unexhausted improvements for annual rental

Valuation of-				Fee
<i>(a) Agricultural property:</i>				
On the first K600	..	..	..	10.5 per centum
On the next K1,400		..	..	5.5 per centum
On the residue ..	..	..		2.5 per centum
<i>(b) Other property:</i>				
On the first K600	..	..	..	7.5 per centum
On the next K1,400		..	..	4.5 per centum

On the next K3,000	..	..	3.0 per centum
On the residue ..	..	..	2.0 per centum

(2) The minimum fee payable to a surveyor engaged for the purpose of making valuations of any agricultural property for an annual rental shall be three hundred fee units.

(3) The maximum fee payable to a surveyor engaged for the purpose of making valuations of any property other than agricultural property for a letting for a period of less than one year shall be by prior arrangement.

5. The fee payable to a surveyor engaged for the purpose of making valuations for probate shall be in accordance with the scale specified in paragraph 1 of this Part. Valuations for probate

6. The fee payable to a surveyor engaged for the purpose of making valuations of unexhausted improvements for rating purposes shall be on the basis of time occupied, dependent upon the circumstances of each case and the nature of the work involved, agreed by prior arrangement. Valuations of unexhausted improvements for rating purposes

7. (1) The fee payable to a surveyor engaged for the purpose of making valuations of any work for the compulsory acquisition of property, including negotiating where required, for a settlement, shall be in accordance with the following scale: Valuations of work for compulsory acquisition of property

	<i>Amount</i> K				<i>Fee units</i>	
On 400	300	
On 600	380	
On 800	460	
On 1,000	550	
On 1,200	590	
On 1,400	630	
On 1,600	670	
On 1,800	720	
On 2,000	760	
On 2,400	800	
On 2,800	840	
On 3,200	880	
On 3,600	920	
On 4,000	970	
On 4,400	1,010	
On 4,800	1,050	
On 5,200	1,090	
On 5,600	1,130	
On 6,000	0	..	..	..	1,180	

On 6,400	..	..	..	..	1,220
On 6,800	..	..	..	..	1,260
On 7,200	..	..	..	..	1,300
On 7,600	..	..	..	..	1,340
On 8,000	..	..	..	..	1,390
On 8,400	..	..	..	..	1,430
On 8,800	..	..	..	..	1,470
On 9,200	..	..	..	..	1,510
On 9,600	..	..	..	..	1,550
On 10,000	..	..	..	..	1,600
On 10,400	..	..	..	..	1,640
On 10,800	..	..	..	..	1,680
On 11,200	..	..	..	..	1,720
On 11,600	..	..	..	..	1,760
On 12,000	..	..	..	..	1,810
On 12,400	..	..	..	..	1,850
On 12,800	..	..	..	..	1,890
On 13,200	..	..	..	..	1,930
On 13,600	..	..	..	..	1,970

	<i>Amount</i>				<i>Fee units</i>
	K				
On 14,000	2,020
On 14,400	2,060
On 14,800	2,100
On 15,200	2,140
On 15,600	2,180
On 16,000	2,230
On 16,400	2,270
On 16,800	2,310
On 17,200	2,350
On 17,600	2,390
On 18,000	2,440
On 18,400	2,480
On 18,800	2,520
On 19,200	2,560
On 19,600	2,600
On 20,000	2,650
On 22,000	2,860
On 24,000	3,070
On 28,000	3,490
On 32,000	3,910
On 36,000	4,330
On 40,000	4,750
On the residue	1 per centum

(2) For the purposes of calculating the fee chargeable under the

provisions of this paragraph, where the works for which the fee is chargeable are negotiated by the surveyor, the cost of such works and any amount set-off in respect of betterment shall be added to the amount of the settlement.

(3) The scale specified in this paragraph shall not apply to any surveyors acting either as arbitrators or umpires.

(4) The fee payable to a surveyor engaged for the purpose of attending any court, or appearing before any umpire, arbitrator or advisory board, shall be by prior arrangement.

(5) Where compensation is between any two consecutive amounts specified in sub-paragraph (1), the fee on the next higher amount shall apply, if the settlement is for a sum under K2,000; and the fee on the next lower amount, plus one per centum of the residue, if the settlement is for a sum exceeding K2,000.

(6) For the purpose of calculating the fees payable under the provisions of sub-paragraph (5), fractions of K200 shall be deemed to be K200.

8. (1) Subject to the other provisions of this paragraph, the fee payable to a surveyor engaged for the purpose of making valuations of furniture, fixtures, trading stocks and effects, shall be in accordance with the following scale:

Valuations of furniture, fixtures, etc.

<i>Amount</i>	<i>Fee</i>
On the first K1,400	5.5 per centum
On the residue	2.5 per centum

(2) The fee payable under the provisions of sub-paragraph (1) shall be inclusive of the fee for making or checking inventories of any furniture, fixtures, trading stocks and effects, if required, for which it is payable.

(3) The fee payable to a surveyor engaged for the purpose of making valuations of antiques, works of art, fine art, or other similar objects shall be by prior arrangement.

(4) The minimum fee payable under the provisions of this paragraph shall be three hundred fee units.

9. (1) Subject to the other provisions of this paragraph, the fee payable to a surveyor engaged for the purpose of making valuations of plant and machinery or vehicles shall be in accordance with the following scale:

Valuations of plant and machinery or vehicles

<i>Amount</i>	<i>Fee</i>
On the first K1,200	2.5 per centum
On the next K10,800	1.5 per centum
On the next K18,000	1.0 per centum
On the next K70,000	0.5 per centum

(2) The fee payable under the provisions of this paragraph for the

valuations of plant and machinery or vehicles exceeding K100,000 shall be by prior arrangement.

(3) The minimum fee payable under the provisions of this paragraph shall be three hundred fee units.

10. (1) The fee payable to a surveyor engaged for the purpose of making valuations of fixtures, fittings, or contents of the items specified in column 1 shall be at the rate set out directly opposite thereto in column 2, which is the percentage of the valuation of the item:

Valuations of fixtures, etc., of hotels, etc.

Column 1

Column 2

Item

Fee

Hotels, restaurants, rest-houses or cafes 5.5 per centum

Bars or off-licence premises . . . 7.5 per centum

(2) The fee payable under the provisions of sub-paragraph (1) shall be based on the gross amount of the valuation as settled.

(3) The fee payable to a surveyor engaged for the purpose of making valuations of trading stock on any licensed premises shall be by prior arrangement.

11. (1) The fee payable to a surveyor engaged for the purpose of making valuations of live and dead farming stocks, agricultural plant or fixtures, or of growing crops or other residual improvements, shall be in accordance with the following scale:

Valuations of live and dead farming stocks, etc.

Valuation

Fee

On the first K400 . . . 7.0 per centum

On the next K1,600 . . . 4.0 per centum

On the next K18,000 . . . 2.0 per centum

On the residue . . . 1.0 per centum

(2) Such fee as is referred to in sub-paragraph (1) shall be based on the gross amount of the valuation of the property in respect of which it is payable.

(3) The fee payable to a surveyor engaged for the purpose of preparing or adjusting dilapidation, disturbance or other deterioration of any such property as is referred to in sub-paragraph (1) shall be on the basis of time occupied.

(4) The minimum fee payable under the provisions of sub-paragraph (1) shall be three hundred fee units.

12. (1) Subject to the provisions of sub-paragraph (3), the fee payable to a surveyor engaged for the purpose of preparing schedules for a landlord and settling the amount, if required, shall be in accordance with the following scale:

Dilapidations

Amount

Fee

On the first K2,000 . . . 8.0 per centum

On the residue . . . 5.0 per centum or 5.0 per centum

of the cost of works executed by the lessee (whichever is the greater)

(2) The fee payable to a surveyor engaged for acting on behalf of a tenant in connection with a schedule for an amount claimed by the landlord shall be in accordance with the following scale:

<i>Amount</i>	<i>Fee</i>
On the first K1,000	8.0 per centum
On the residue	5.0 per centum

(3) Where the amount claimed by the landlord is not quantified, the fee payable under the provisions of this paragraph shall be based on the estimated cost of complying with the landlord's schedule.

(4) The minimum fee payable to a surveyor under the provisions of this paragraph shall be three hundred fee units.

13. (1) Subject to the other provisions of this paragraph, the fee payable to a surveyor engaged for the purpose of making or checking inventories of furniture and other effects shall, according to the circumstances of each case, including the status of the surveyor, be by prior arrangement. Inventories

(2) The fee payable under the provisions of this paragraph for acting between two or more parties shall be one and a half times the fee payable under the provisions of sub-paragraph (1), divisible between all the parties.

(3) In cases involving dilapidations, an additional fee shall be payable under the provisions of this paragraph; and shall be in accordance with the scale specified in paragraph 12 of this Part.

14. The fee payable to a surveyor engaged for the purpose of preparing reports on the condition of property shall be on the basis of time occupied. Reports on
condition of
property

15. (1) Subject to the provisions of sub-paragraph (5), the fee payable to a surveyor engaged for the purpose of making assessments of buildings for insurance shall be in accordance with the following scale: Assessments of
buildings and
chattels for
insurance

<i>Amount</i>	<i>Fee</i>
On the first K10,000	0.25 per centum
On the next K90,000	0.15 per centum
On the next K300,000	0.1 per centum

(2) The fee payable to a surveyor engaged for the purpose of making assessments of chattels for insurance shall be in accordance with the scale specified in, and there shall apply the same considerations as apply to, paragraph 8 of this Part.

(3) The fee payable under the provisions of sub-paragraph (1), for an assessment exceeding K400,000, shall be by prior arrangement.

(4) The fee payable under the provisions of sub-paragraph (2) shall not be inclusive of the fee for negotiations with brokers or insurance companies, if any, which shall be on the basis of time occupied.

(5) The minimum fee payable under the provisions of this paragraph shall be three hundred fee units.

16. (1) Subject to the other provisions of this paragraph, the fee payable as commission to a surveyor engaged for the purpose of selling the items specified in column 1 shall be at the rate or as directly set out opposite thereto in column 2: Sales

<i>Column 1</i>	<i>Column 2</i>
<i>Item</i>	<i>Fee</i>
1. Furniture, trading stock, or chattels	7.5 per centum of the amount realised
2. Plant and machinery	By prior arrangement but not exceeding 7.5 per centum of the amount realised
3. Live and dead farming stock, except horses, pedigree live-stock, bulls, rams, boars and poultry	(a) 2.5 per centum of the amount realised on live farming stock
	(b) By prior arrangement but not exceeding 7.5 per centum of the amount realised on dead farming stock
4. Horses, pedigree livestock, bulls, rams, boars and poultry	5.0 per centum of the amount realised

(2) The fee payable under the provisions of this paragraph shall not be inclusive of the costs of advertising or other expenses.

(3) The minimum fee payable under the provisions of this paragraph shall be one thousand two hundred and fifty fee units.

(4) In the case of a sale by auction, where bids fail to reach the reserve price or are bought in by or on behalf of the vendor, the fee payable under the provisions of this paragraph shall be one half of the corresponding fee specified in sub-paragraph (1), based on the reserve or buying-in price.

17. The fee payable to a surveyor engaged for the purpose of dealing with town and country planning work shall be on the basis of time occupied. Dealing with town and country planning work

18. In those case where charges are to be assessed on the basis of Charges for

time occupied by a surveyor in connection with the work for which he is engaged, the fee payable to the surveyor shall be at an hourly rate agreed, by prior arrangement, not exceeding sixteen thousand kwacha per hour, depending on the circumstances and nature of the work involved.

19. An additional charge may, by prior arrangement, be made by a surveyor for time spent by the surveyor in travelling in connection with the work for which he is engaged; such a charge shall be assessed in accordance with the rate set out in paragraph 18 of this Part.
(As amended by Act No. 13 of 1994)

THIRD SCHEDULE

(Rule 20)

RULES OF PROFESSIONAL CONDUCT AND DISCIPLINARY PROCEEDINGS

PART I

RULES OF PROFESSIONAL CONDUCT

- | | |
|--|---|
| 1. No surveyor shall conduct himself in such a manner as to prejudice his professional status or the reputation of the Board. | Conduct |
| 2. No surveyor shall be connected in any way with any occupation or business which is incompatible with the work of a surveyor. | Connection with occupation or business incompatible with work of surveyor |
| 3. Every surveyor shall- | Clash of interests |
| (a) when acting for a client whose interests conflict with his own, disclose the relevant facts to his client; and | |
| (b) ensure that neither he personally nor any firm or company carrying on practice as surveyors of which he is a partner or director acts for two or more parties with conflicting interests without disclosing the relevant facts to those parties. | |
| 4. (1) Subject to the provisions of sub-paragraph (2), no surveyor | No acceptance |

shall, in his professional capacity accept, otherwise than for the benefit of discount of a client, any trade or other commercial discount or commission.

(2) Subject to the provisions of sub-paragraph (1), a surveyor may accept a commercial discount or commission in respect of goods or services ordered by him on behalf of a client, provided full disclosure of the acceptance is made to the client.

5. No surveyor shall-

Improper
inducement

- (a) offer to provide, whether to a prospective client or a third party, any gift or favour in money or money's worth, designed to secure instructions for work;
- (b) with the object of securing instructions or supplanting a fellow surveyor, knowingly attempt to compete with that surveyor on the basis of fees or commissions;
- (c) pay any fees or commissions to persons other than other surveyors for introduction of a client;
- (d) act or offer to act in any capacity in relation to any matter which is the subject of judicial or quasi-judicial proceedings, either on the footing that no charge shall be made unless the proceedings are successful or on the footing that the amount of the charge shall be related to the degree of success attained.

6. No surveyor shall solicit instructions for work in any manner whatsoever:

Touting

Provided that the provisions of this paragraph shall not, in the case of a regular client, apply unless the surveyor knew or ought to have known that the work in question had already been entrusted to another surveyor.

7. Every surveyor shall-

Separate bank
accounts

- (a) keep in one or more bank accounts, separate from his own, his firm's or his company's bank account as the case may be, any moneys held by or entrusted to him, his firm or his company in any capacity, other than that of beneficial owner; and
- (b) at the due time, account to all the parties entitled thereto for all moneys held as aforesaid, less any legitimate deduction therefrom.

8. No surveyor shall carry on practice as a surveyor under any such name, style or title as to prejudice his professional status or the reputation of the Board.

No prejudicial
name, style or
title

9. Every surveyor shall ensure that the form, content and method of

Publication or

publication or distribution of any advertisement, article, leaflet, brochure or other publicity material of any kind whatsoever, published, issued or authorised by him are neither misleading to the public nor such as to prejudice his professional status or the reputation of the Board.	distribution of advertisement, etc.
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PART II

RULES OF DISCIPLINARY PROCEEDING

- | | |
|---|------------------------------------|
| 1. The conduct of any accused shall be considered by the Board of its own accord or upon a complaint made by or on behalf of any person aggrieved by reason of the alleged misconduct and, if deemed necessary, further inquired into by the Board. | When Board may institute inquiry |
| 2. The Board may require a complainant to file further particulars of any of the matters of which he complains and may require the complaint or any part thereof to be verified by an affidavit. | Complaints |
| 3. The Board shall, by notice sent to the accused by registered post, addressed to his place of business appearing in the register or to his last known address, inform the accused of the complaint made against him; and shall call upon the accused to file within ten days of the date of posting such notice his explanation, verified by an affidavit, in answer to the complaint. | Explanation in answer to complaint |
| 4. The Board may summon before it any accused and may call upon him to produce any document, valuation, paper, drawing, or other writing in his possession or under his control in any way relating to or concerning the complaint or matter under investigation; and shall hear any relevant evidence and inspect any relevant documents which the complainant or the accused may desire to adduce. | Power to subpoena accused |
| 5. The accused shall, in a case in which his conduct is complained of or appears to the Board to require or is under investigation, have the right to appear before the Board and to be heard, either in person or through his legal practitioner, and may call such evidence and produce such documents as may be relevant to the case. | Appearance of accused |
| 6. Should the accused not appear in a case in which his conduct is complained of or appears to the Board to require or is under investigation and not file an explanation thereof, the inquiry may proceed forthwith. | Non-appearance of accused |
| 7. At any inquiry held under the provisions of these Rules, all verbal evidence shall be taken on oath. | Evidence on oath |

8. The Board may, after having duly inquired into the conduct of any accused who is found guilty of a breach of the rules of professional conduct- Penalties

- (a) take no further action against the accused;
- (b) caution the accused;
- (c) suspend the registration of the accused; or
- (d) strike out of the register the name of the accused.