

REPRINT

VALUERS ACT 2009

As in force at: 1 October 2009

STATUS: HISTORICAL

This version is that in force at the date stated above. It does not include amendments made since that date.

For list of amendments see Endnotes

AN ACT TO ESTABLISH THE VALUERS BOARD AND PROVIDE ITS FUNCTIONS AND POWERS TO REGISTER, AND DISCIPLINE VALUERS AND TO REGULATE THEIR PROFESSIONAL STANDARDS AND PRACTICE AND TO ESTABLISH THE VALUERS ASSOCIATION OF SOLOMON ISLANDS AND PROVIDE ITS OBJECTS AND ADMINISTRATION AND RELATED MATTERS.

VALUERS ACT 2009

Table of provisions

PART 1	PRELIMINARY.....	1
1	Short title and commencement	1
2	Interpretation	1
3	Meaning of practice as valuer	2
PART 2	ESTABLISHMENT, FUNCTIONS AND POWERS OF THE VALUERS BOARD.....	2
4	Establishment of the Board	2
5	Functions and powers of the Board	3
6	Ministerial directions	3
7	Annual reports	4
PART 3	REGISTRATION OF VALUERS.....	4
8	Prohibition on practice	4
9	Prohibition on use of title as valuer	4
10	Power of registration	4
11	Effect of registration	5
12	Disqualifications	5
13	Temporary registration	5
14	Applications for registration	6
15	Register of Valuers	6
PART 4	DISCIPLINARY PROCEDURES.....	7
16	Valuers disciplinary committees	7
17	Powers of the Committee	7
18	Complaints	7
19	Valuer's response	8
20	Penalties	9
21	Notice of decisions	10
22	Re-registration	10

PART 5	APPEALS.....	10
23	Appeals to Minister	10
24	Appeals to the High Court	10
PART 6	VALUERS ASSOCIATION OF SOLOMON ISLANDS.....	11
Division 1	Establishment and Management of the Association	11
25	Establishment of the Association	11
26	Objects of the Association	11
27	Vesting of assets	13
28	Council of the Association	13
29	Members of the Association	14
30	Committees	14
31	Rules of the Association	14
Division 2	Annual Practising Licences	15
32	Valuers to be licensed	15
33	Power to issue licence	15
34	Application for licence	15
PART 7	MISCELLANEOUS.....	16
36	General penalties	16
37	Standards of conduct	16
38	Regulations	16
39	Transitional and savings	17
SCHEDULE		18

VALUERS ACT 2009

As in force at: 1 October 2009

PART 1 PRELIMINARY

1 Short title and commencement

This Act may be cited as the *Valuers Act 2009*, and commences on a date appointed by the Minister, by notice in the *Gazette*.

2 Interpretation

In this Act, unless the context otherwise requires:

“**Association**” means the Valuers Association of Solomon Islands established by section 25;

“**Board**” means the Valuers Board established by section 4;

“**committee**” means a valuers disciplinary committee appointed by section 16;

“**Council**” means the Council of the Association established by section 28;

“**licence**” means the annual practising licence issued under section 33;

“**Minister**” means the Minister responsible for this Act;

“**practice**” has the meaning given to it in section 3;

“**Register**” means the Register of Valuers established under section 15;

“**valuer**” means a person who is registered and a holder of a valid registration certificate and a licence under this Act;

“**Valuer General**” means the public officer appointed as such as the head of the Government Land Valuation Office.

3 Meaning of practice as valuer

For the purposes of this Act, a person shall be deemed to practise as a valuer, if the person, in consideration of remuneration received or to be received, whether alone or in partnership with another person:

- (a) engages in the practice of valuation of land or holds out to the public that he or she is a valuer;
- (b) renders professional service or assistance in respect of matters of principle or detail relating to valuation of land;
- (c) engages in certifying reports relating to valuation of land; or
- (d) renders any other prescribed service in relation to valuation of land.

PART 2 ESTABLISHMENT, FUNCTIONS AND POWERS OF THE VALUERS BOARD

4 Establishment of the Board

- (1) This section establishes the Valuers Board consisting of the following members:
 - (a) the Valuer General, as the chairperson;
 - (b) three other members who are valuers in private practice nominated by the Council;
 - (c) a legal practitioner;
 - (d) a civil engineer;
 - (e) a chartered accountant; and
 - (f) an architect.
- (2) The Minister has the power to appoint persons nominated under subsection (1)(b) to (f).
- (3) The Schedule covers other provisions relating to the Board.

5 Functions and powers of the Board

- (1) The functions of the Board are:
 - (a) to formulate, monitor and review policies relating to registration of valuers and the practice of land valuation;
 - (b) to express and represent views on behalf of valuers or make submissions on their behalf on legislation and other matters affecting the profession of valuers or the practice;
 - (c) to make inquiries and collect information as it thinks fit for the purpose of carrying out its functions;
 - (d) to advise and communicate with public authorities, provincial governments, organisations and other persons on matters relating to the profession or practice;
 - (e) to make and publish comparative valuation data for use by valuers; and
 - (f) to take such other measures as it considers desirable in carrying out its functions under this Act.
- (2) For the purposes of carrying out its functions, the Board has the following powers:
 - (a) to regulate and control the practice of valuation;
 - (b) to grant applications for registration as valuers;
 - (c) to regulate disciplinary controls over valuers;
 - (d) to regulate professional standards of conduct for valuers;
 - (e) to monitor the activities of valuers;
 - (f) other powers given to it under this Act or any other written law.

6 Ministerial directions

For the purpose of performing its functions and powers, the Minister may, after consulting the Chairperson, give general policy directions

in the public interest to the Board; and the Board shall give effect to such directions.

7 Annual reports

- (1) The Board shall, within 6 months after the end of each year or within such further time as may be allowed by the Minister, cause to be made and transmitted to the Minister a report on its functions during the previous year.
- (2) The Minister shall cause a copy of the report to be laid before Parliament.

PART 3 REGISTRATION OF VALUERS

8 Prohibition on practice

- (1) No person, other than a valuer, shall engage in the practice of valuation or in any branch of such practice.
- (2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding 50 penalty units or a term of imprisonment not exceeding 12 months.

9 Prohibition on use of title as valuer

- (1) No person shall trade or use any title, description or abbreviation so as to represent or likely to represent himself or herself as a qualified valuer unless the person is a valuer.
- (2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding 50 penalty units or to imprisonment for a term not exceeding 12 months.

10 Power of registration

- (1) The Board may approve an application for registration with or without condition, if it is satisfied that:
 - (a) the individual applicant possesses the prescribed academic or professional qualifications for registration as a valuer;
 - (b) the individual applicant is of good character; and

- (c) the individual applicant is not disqualified for registration under section 12.
- (2) If the Board is not satisfied as to any matter specified in subsection (1), the Board shall:
 - (a) refuse the application for registration; and
 - (b) in writing, notify the applicant, including the reasons for refusing the application and the right of appeal under section 23.
- (3) When an application is granted, the Board shall:
 - (a) in the prescribed form, issue a certificate of registration to the applicant upon payment of the prescribed fee; and
 - (b) cause the name of the applicant to be entered in the Register.

11 Effect of registration

- (1) Subject to Division 2 of Part 6, a certificate of registration issued to a valuer under section 10 or 13 authorises the person to engage in the practice of valuation subject to conditions imposed by the Board.
- (2) Conditions imposed by the Board may include registration for a particular class or grade as a valuer.

12 Disqualifications

A person is not eligible to be registered as a valuer, if the person:

- (a) is certified or adjudged to be of unsound mind under the *Mental Treatment Act* (Cap. 103)
- (b) is under the age of 18 years; or
- (c) is an undischarged bankrupt.

13 Temporary registration

- (1) The Board may issue temporary registration for a period of up to 3 months to a person who is not a citizen of Solomon Islands and is required to undertake valuation in Solomon Islands.

- (2) No person shall be issued a temporary registration unless the Board is satisfied that the person:
 - (a) is qualified for registration under this Act;
 - (b) has been practising as a valuer for a period of at least 5 years immediately before the application for temporary registration under this Act; and
 - (c) where applicable, is registered as a valuer in another country for a period of not less than 5 years.
- (3) A person who intends to apply for temporary registration may apply in the prescribed form accompanied by the prescribed fee.
- (4) A temporary registration may be extended up to a further 3 months, subject to payment of temporary registration fee.
- (5) A person who is issued with a temporary registration shall not undertake any valuation unless the person has been issued with a temporary practising licence by the Council, subject to payment of the prescribed fee for the licence.

14 Applications for registration

- (1) A person who desires to be registered as a valuer may, in the prescribed form accompanied by the prescribed fee, apply to the Board to be registered as a valuer.
- (2) An application for registration may contain prescribed particulars and documents.

15 Register of Valuers

- (1) This section establishes the Register of Valuers to be maintained by the Board in such form as it may determine, in which shall be entered:
 - (a) the names, addresses and other contact details of valuers; and
 - (b) other prescribed particulars.
- (2) The Register shall:

- (a) be kept at the office of the Board; and
- (b) be available for inspection by any person during normal working hours.

(3) The Board shall, in February each year, publish the names of valuers in a newspaper having wide circulation in Solomon Islands and in the Gazette.

PART 4 DISCIPLINARY PROCEDURES

16 Valuers disciplinary committees

- (1) This section establishes the valuers disciplinary committees.
- (2) If a complaint is to be referred to a disciplinary committee under section 18(3) and (4) the Board shall, in writing, request the Minister to appoint such committee comprising:
 - (a) a legal practitioner, as the chairperson; and
 - (b) two other members.

17 Powers of the Committee

A disciplinary committee has the power to hear any disciplinary matter under this Part and to make a report, including its recommendation to the Board on the appropriate penalty to be imposed.

18 Complaints

- (1) A person, including the Council, has the right to lodge a complaint to the Board on any matter relating to the professional conduct of a valuer or the practice of valuation or matters relating to the licence.
- (2) The complaint must be in writing and set out in detail the nature and basis of the complaint.
- (3) The Board shall refer the complaint under subsection (2) to a disciplinary committee to hear the complaint.
- (4) The Board may, on its own initiative, refer one or more of the

following matters to be heard by a disciplinary committee:

- (a) the valuer is convicted of an offence under this Act or of any offence involving fraud or dishonesty under any other written law;
- (b) the valuer has been deprived of or suspended from membership of the Association or similar organisation in another country;
- (c) the valuer is no longer eligible for registration under this Act;
- (d) the valuer is alleged to have procured the registration or licence under this Act as a result of misleading, false or fraudulent representation;
- (e) the valuer has been alleged to have done a grave impropriety or gross negligence or incompetence in the performance of his or her practice or of any act, default or conduct which violates the standard of conduct and rules, or his registration or licence; or
- (f) whether or not the licence of the valuer should be varied, suspended or cancelled;
- (g) the valuer has failed to comply with any condition of his or her registration or licence.

19 Valuer's response

- (1) A committee shall send the complaint to the valuer for his or her response within the time specified by the committee.
- (2) When the response is received from the valuer, the committee may:
 - (a) dismiss the complaint, if it is frivolous or vexatious; or
 - (b) set a hearing date.
- (3) If the complaint is dismissed under subsection (2)(a), the committee must inform the Board and the complainant about the dismissal and the reasons for the dismissal.

- (4) If a hearing date is set by the committee, it must notify both parties to attend the hearing.
- (5) A committee may determine its own procedures for the purpose of this Part.
- (6) A valuer who is subject to disciplinary proceedings under this section is entitled to be represented by a legal practitioner, and be heard orally or through written submissions, including the right to make representation to the Board before it imposes a penalty under section 20.

20 Penalties

- (1) When the Board receives a report of a disciplinary committee, the Board may, subject to section 19(6), impose one or more of the following penalties:
 - (a) censure the valuer;
 - (b) impose other conditions on the registration or licence;
 - (c) impose a civil penalty not exceeding 50 penalty units, which shall be payable to the Association;
 - (d) vary, suspend or cancel the registration or licence of the valuer.
- (2) If the Board cancels or suspends the registration or licence of the valuer under subsection (1)(d), the Board shall direct that the name and particulars of such person be removed from the Register until further order of the Board or in the case of suspension until such time as specified by the Board.
- (3) If the Board cancels the registration or licence of a valuer under subsection (1)(d), the Board may specify a time after which the valuer shall be eligible to apply for re-registration or a licence under this Act.
- (4) If the Board imposes any condition on or varies, suspends, or cancels any registration or licence, the Board shall publish the condition, variation, suspension or the cancellation in a newspaper having wide circulation in Solomon Islands and in the Gazette.
- (5) If the Board suspends or cancels the registration of a valuer, the

licence issued to the valuer shall be deemed to have been suspended or cancelled by operation of this subsection.

21 Notice of decisions

The Board shall, in writing, notify the valuer of its decision given under section 20 and the reasons for the decision, including the right of appeal under section 23.

22 Re-registration

Subject to section 10(2), a person whose name has been removed from the register may, in the prescribed form accompanied by the prescribed fee, apply for re-registration and the applications will be determined as if they were new applications.

PART 5 APPEALS

23 Appeals to Minister

- (1) Any person may, within 30 days from the date of the decision of the Board, appeal the decision to the Minister if the Board:
 - (a) refuses an application for registration or temporary registration;
 - (b) imposes any condition on the registration or temporary registration; or
 - (c) imposes a disciplinary penalty under section 20.
- (2) In determining the appeal, the Minister may:
 - (a) confirm or vary the decision of the Board;
 - (b) make a new decision; or
 - (c) dismiss the appeal.

24 Appeals to the High Court

- (1) A person who is aggrieved with the decision of the Minister may appeal only on question of law to the High Court.

(2) An appeal relating to disciplinary penalty under section 23(1)(c) may include the proceedings before the disciplinary committee.

Division 1 Establishment and Management of the Association

25 Establishment of the Association

This section establishes the Valuers Association of Solomon Islands, as a body corporate with perpetual succession and a common seal and has power:

- (a) to sue and be sued in its corporate name;
- (b) to own, hold and dispose of movable or immovable property; or
- (c) to do any other thing a legal entity may do or suffer.

26 Objects of the Association

The objects of the Association are:

- (a) to maintain and improve the standards of conduct and practice of valuers;
- (b) to promote the welfare and preserve and maintain the integrity of the profession, including continuing professional development and training programmes;
- (c) to protect and preserve the interests and aspirations of valuers as well as present their complaints and views to appropriate authorities for consideration;
- (d) to assist and provide the means necessary in carrying into effect the issues raised in paragraph (c);
- (e) to represent and assist in securing redress for any grievance or settling any points of dispute which any of its members may be involved in the course of their employment or practice;

- (f) to inquire into any fair and reasonable adjustment on behalf of its members in case of any charge, suspension, reduction in rank, position, grade or pay, dismissal or retirement and to make a genuine protest against any injustice meted against them in their employment;
- (g) to maintain a high standard of professional ethics and conduct within the profession;
- (h) to facilitate the exchange of information and ideas on matters affecting the profession and its related field and other occupations;
- (i) to associate, affiliate and federate with any national or international association, society or organisation having the same or similar objects;
- (j) to promote and enhance the spirit of mutual respect, loyalty and understanding between employers and its members;
- (k) to render mutual financial assistance to its members (including deceased relations) in times of need;
- (l) to acquire, hold, develop or dispose of any or all movable or immovable property and to derive capital or income from the renting or sale for the purpose of the Association;
- (m) to keep and operate a bank account in reputable banks and to deposit all moneys received on its behalf into the accounts;
- (n) to borrow an agreed sum of money which the Association may from time to time require for the performance of any of its activities;
- (o) to invest any sum of money standing to its credit in viable securities and, at any time where the need arises, to dispose of the securities;
- (p) to pay the whole or any part of the expenses incurred by members in attending meetings of the Association or of any of the committees or sub-committees appointed by the Association in that behalf;

- (q) to pay all costs or other payments relating to the discharge of any of the functions or activities assigned by the Association;
- (r) to generally do such things as are desirable or essential in matters affecting the employment and other educational welfare and training of its members and to secure effective participation of its members in the administration and development of the institutions where they are employed or trained; and
- (s) to do all other things as are incidental to or connected with the effective and efficient or proper carrying into effect any or all of the objects of the Association.

27 Vesting of assets

All assets and liabilities of the Association shall vest in the Association.

28 Council of the Association

- (1) The Council of the Association consists of the following members:
 - (a) a President;
 - (b) a Vice-President;
 - (c) a Secretary;
 - (d) a Treasurer; and
 - (e) 3 other members.
- (2) The members are elected for a term of up to 3 years at an annual general meeting of the Association.
- (3) In carrying out the functions and powers of the Association, the Council shall:
 - (a) act as the executive body and manage the affairs of the Association; and
 - (b) exercise the functions, duties and powers of the Association

given to it under this Act or any other written law.

29 Members of the Association

- (1) A person shall be a member of the Association upon registration of the person as a valuer.
- (2) The Association has the power to admit other persons who are not valuers:
 - (a) as associate members; or
 - (b) as honorary members.

30 Committees

The Council has the power to appoint any committee to carry out any function given to it by the Council.

31 Rules of the Association

The Council may make rules to give effect to the provisions of this Part, and in particular:

- (a) the authentication of any document;
- (b) the election and removal of officers;
- (c) the resignation and filling of vacancy;
- (d) the annual subscription;
- (e) the requirements for admitting persons as associate or honorary members;
- (f) the procedures for determining membership; and
- (g) matters to give effect to the objects of the Association or this Part.

Division 2 Annual Practising Licences

32 Valuers to be licensed

- (1) A person registered under Part 3 shall not undertake any valuation unless the person has an annual practising licence issued by the Council.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding 50 penalty units or to imprisonment not exceeding 12 months.

33 Power to issue licence

- (1) The Council may issue a licence, with or without condition, authorising a valuer to undertake the practice.
- (2) The Council may issue a licence for a period of not less than one year and not more than 3 years, subject to payment of the prescribed annual licence fee.
- (3) The annual licensing fee shall be paid before the end of February of each year to the Association.
- (4) If the annual licensing fee is not paid pursuant to subsection (3), the licence is deemed to have been cancelled by virtue of this subsection.
- (5) Section 32(2) applies to a contravention of subsection (4).

34 Application for licence

- (1) A valuer may apply, in the prescribed form accompanied by the prescribed fee, to the Council for a licence or renewal of the licence.
- (2) The application shall include:
 - (a) a certified copy of the registration certificate;
 - (b) the name of the company, business or firm;
 - (c) the principal place of business, including any other place of business;

- (d) for renewals, a copy of the existing licence; or
- (e) any other prescribed particulars.

PART 7 MISCELLANEOUS

36 General penalties

A person who is convicted of an offence under this Act where no specific penalty is provided under this Act or regulations is liable on conviction to a fine not exceeding 50 penalty units or to imprisonment for a term not exceeding 12 months.

37 Standards of conduct

- (1) The Board may, in consultation with the Council, issue standards and rules relating to the practice of valuation and professional conduct and ethics of valuers.
- (2) Breach of standards and rules may be used as a ground for disciplinary proceedings under this Act.

38 Regulations

The Board may, with the approval of the Minister, make regulations to give effect to the provisions of this Act, and in particular to make regulations prescribing:

- (a) the form and fees for the purpose of this Act, including scale of professional fees for valuers;
- (b) the qualifications for registration as valuers;
- (c) the manner in which registers and other records are to be maintained; and
- (d) any other procedures for appeal or discipline for the purpose of this Act;
- (e) penalties for offences created by regulations to a fine not exceeding 20 penalty units, or to imprisonment not exceeding 12 months;

- (f) any other matter or thing which may be or is required to be prescribed under this Act.

39 Transitional and savings

- (1) At the commencement of this Act, any person who is a valuer and undertaking valuation practice is deemed to have been registered and licensed under this Act.
- (2) A person who is mentioned in subsection (1) shall, within 12 months of the commencement of this Act, apply to the Board for registration and (if the Council is not in operation) for a licence.
- (3) A person who fails to comply with subsection (2) shall be deemed not to be a registered or licensed person under this Act at the end of the 12 month period specified under subsection (2).

SCHEDULE

(Section 4)

OTHER PROVISIONS RELATING TO THE BOARD

Acting chairperson

1. (1) If the Chairperson is absent from duty or unable to perform the function of the Chairperson, the person acting as the Valuer General shall act as Chairperson.
- (2) If the Chairperson is absent from a meeting, the members present may select a member to preside at that meeting.

Terms of appointment

2. A member may be appointed for a period of up to 3 years and is eligible for re-appointment.

Resignation and removal

3. (1) A member of the Board may resign his or her office in writing addressed to the Minister, and transmitted through the Chairperson, and the resignation is effective from the date it is received by the Minister.
- (2) The Minister may remove a member if the member -
 - (a) is no longer registered or a holder of a licence under this Act;
 - (b) is serving a sentence of imprisonment;
 - (c) has been convicted of an offence under this Act or any other offence which the Minister is of the opinion will affect membership of the person on the Board;
 - (d) is being adjudicated as a bankrupt;
 - (e) is, for any other good reason, unable to perform his or her office as a member of the Board.

Replacement member

4. If a member resigns or is removed from office and a vacancy occurs in the Board, a person may be appointed for the remainder of the period for which the previous member was appointed.

Funds of the Board

5. The funds of the Board shall consist of any other moneys received by or on behalf of the Board.

Meetings

6. (1) The Board shall meet at least once every 2 months, and such meeting shall be held at such places and times and on such days as the Board may determine.
- (2) The Chairperson may at any time call a special meeting of the Board within 7 days of the receipt of a written requisition of at least 3 members.
- (3) A quorum of the Board shall be 5 members.
- (4) The decision of the Board shall be by a majority of votes, and the Chairperson or the person presiding has an ordinary vote and a casting vote to be exercised when there is a tie.
- (5) Minutes in proper form of each meeting shall be kept.

Exemption from personal liability

7. No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board.

Allowances

8. The Chairperson and members are entitled to allowances and other expenses (whether by way of honourarium or fees) determined by the Minister.

Members are not public officers

9. The office of Chairperson or a member of the Board shall not be a

public office for the purposes of Chapter XIII of the Constitution.

Secretary to the Board

10. The Permanent Secretary may designate a public officer as Secretary to the Board.

ENDNOTES

1 KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
It = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION

Valuers Act 2009 (No. 4 of 2009)

Assent date	8 May 2009
Gazetted	8 May 2009*
Commenced	8 May 2009*

[*Note: The date of publication in the Gazette and the Commencement date have been validated by s4 of the Constitution (Amendment and Validation) Act 2023 and s91 of the Legislation Amendment, Repeal and Validation Act 2023]

Penalties Miscellaneous Amendments Act 2009 (No. 14 of 2009)*

Assent date	29 July 2009
Gazetted	1 October 2009
Commenced	1 October 2009

[*Note: An error in the formulation in s6(a) of Act No. 14 of 2009 renders the consequent amendments to the Valuers Act 2009 void. This has been rectified in amendments to Act No. 14 of 2009 by the Legislation Amendment, Repeal and Validation Act 2023 and are reflected in both Acts No. 4 and No. 14 of 2009 as at 5 February 2023]

3 LIST OF AMENDMENTS

s 35	rep by Act No. 14 of 2009
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