



REPORT OF THE REGULATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES ON ITS DELIBERATIONS ON THE REAL ESTATE (DEALERS AND DEVELOPERS) (AMENDMENT) REGULATIONS, 2016

Members of the Honourable House are reminded that on the 25th day of May, 2016, the Minister without Portfolio in the Office of the Prime Minister, and the Leader of the House, having obtained suspension of the Standing Orders, moved the following resolution:

BE IT RESOLVED that, notwithstanding Standing Order No. 68(3) and in accordance with Standing Order No. 73, this Honourable House appoints a Regulations Committee comprising the following Members:

Mr. Franklin Witter, - **Chairman**
Hon. Rudyard Spencer, CD
Hon Floyd Green
Mrs. Marisa Dalrymple-Philibert
Mr. James Robertson
Dr. Lynvale Bloomfield
Dr. Dayton Campbell
Ms. Denise Daley
Mr. Victor Wright

On the 31st January, 2017, a motion was moved in the House of Representatives enabling the Committee to proceed with the matters referred to it from the stages reached prior to prorogation.

Members are further reminded that on 16th March, 2017, the Chairman of the Regulations Committee, Mr. Franklin Witter, having obtained suspension of the Standing Orders, moved:

BE IT RESOLVED that the Real Estate (Dealers and Developers) (Amendment) Regulations, 2016, under **the Real Estate (Dealers and Developers) Act**, which was laid on the Table of the House on the 16th day of March, 2017, be referred to the Regulations Committee of the House of Representatives for consideration and report.

Your Committee held one (1) meeting on the 4th April, 2017, in consideration of the matter, (*Appendix 1*). Representatives from the Ministry of Economic Growth and Job Creation and the Real Estate Board were invited to assist your Committee in our deliberations. Your Committee now has the honour to present our findings and recommendations.

1. OVERVIEW

Standing Order 73 (1) of the Standing Orders of the House of Representatives states that the Regulations Committee shall have the duty of considering all such regulations as defined in the **Interpretation Act** that are laid before the House and are subject to negative resolution. Your Committee is required to bring to the special attention of the House, any regulation or draft –

- (a) which involves the expenditure of public moneys or imposes or fixes fees for licences or for services;
- (b) which cannot be challenged in the Courts on the ground that it is *ultra vires*, or is only temporarily so challengeable;
- (c) the making of which appears to constitute an unusual or unexpected use of the powers conferred by the Act under which it was made;
- (d) which purports to have retrospective effect although the Act under which it was made does not in terms give the Minister such power;
- (e) the publication or the laying before the House of which appears to have been unduly delayed;

- (f) as respects which there has been unjustifiable delay in notifying the Speaker that the instrument has come into operation before it was laid before the House; or
- (g) the purport or form of which appears to require elucidation.

2. FINDINGS AND RECOMMENDATIONS

Background

Your Committee was told that the amendments to the Real Estate (Dealers and Developers) (Amendment) Regulations, 2016 were aimed at increasing a number of fees to be paid by real estate practitioners. These include fees for (i) application for registration as a dealer or salesman, (ii) licence to engage in the practice of real estate, (iii) application to register as a developer and renewal of application and (iv) discharge of the Real Estate Board's Charge. We were informed that these increases to its fee structure have become necessary due to the rising operational costs being faced by the Real Estate Board, in the absence of further financial support from Central Government. The revenue derived from the amended fees would therefore provide the Real Estate Board with the financial support needed to more efficiently and effectively discharge its duties.

Recommendation

Your Committee examined the Real Estate (Dealers and Developers) (Amendment) Regulations, 2016 and wishes to report our decision to the Honourable Senate.

Your Committee, having taken into consideration all the matters, has no objection to the Regulations.

3. ACKNOWLEDGEMENTS

Your Committee wishes to express sincere gratitude to the Clerk to the Houses of Parliament and staff for their invaluable assistance and kind courtesies extended during the meeting.

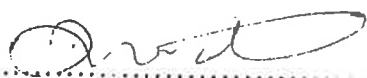
Appendix 1

ATTENDANCE

One (1) Meeting

	Present	Absent	Apology
Mr. Franklin Witter – Chairman	1	0	0
Hon. Rudyard Spencer	0	1	0
Hon. Floyd Green	0	1	0
Mrs. Marisa Dalrymple-Philibert	1	0	0
Mr. James Roberston	0	1	1
Dr. Lynvale Bloomfield	1	0	0
Dr. Dayton Campbell	0	1	0
Ms. Denise Daley	0	1	0
Mr. Victor Wright	0	1	0

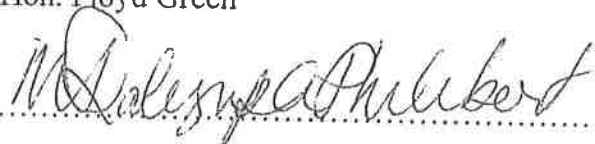
SIGNATURES



Mr. Franklin Witter - Chairman

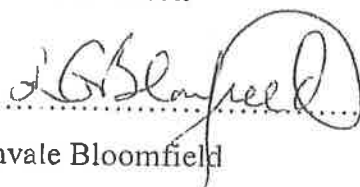
Hon. Rudyard Spencer

Hon. Floyd Green



Mrs. Marisa Dalrymple-Philibert

Mr. James Robertson



Dr. Lynvale Bloomfield

Dr. Dayton Campbell

Ms. Denise Daley

Mr. Victor Wright

