

**CHAPTER 171**

## REAL ESTATE (BROKERS AND SALESMEN)

**REAL ESTATE (BROKERS AND SALESMEN)  
REGULATIONS, 1996**

## (SECTION 41)

*S.I. 106/1995**[Commencement 2nd January, 1996]*

1. These Regulations may be cited as the Real Estate (Brokers and Salesmen) Regulations, 1996. Citation.

**INTERPRETATION**

2. In these Regulations — Interpretation.

“the Act” means the Real Estate (Brokers and Salesmen) Act, 1995;

“complaint” means a complaint of professional misconduct made under section 27 of the Act.

**APPLICATION FOR MEMBERSHIP**

3. An application for membership in the Association shall be made in Form 1 of the First Schedule and shall be submitted to the Association together with — Application for membership.  
Form 1.  
First Schedule.

- (a) an application fee of \$50;
- (b) recommendations from two members certifying that to the best of the knowledge of each of the members the applicant is of good character; and
- (c) one passport size photograph of the applicant.

4. (1) The Board shall consider and make a determination with respect to any application for membership within sixty days of the submission of the application to the Registrar. Consideration of membership application.

(2) In its consideration of an application for membership, the Board may require the applicant to submit to the Registrar additional information if the Board requires that information to make a proper determination with respect to the application.

Form of  
membership  
certificate.  
Form 2.

**5.** A membership certificate shall be in Form 2 of the First Schedule.

**APPLICATION FOR REGISTRATION  
AS A BROKER OR A SALESMAN**

Application for  
registration.  
Form 3.

**6.** (1) An application for registration as a broker or salesman shall be made in Form 3 of the First Schedule and shall be submitted to the Board together with —

- (a) an application fee of \$50;
- (b) recommendations from two members certifying that to the best of the knowledge of each of the members the applicant is a fit and proper person to be registered; and
- (c) one passport size photograph of the applicant.

(2) A person applying for registration as a broker or salesman under section 15 of the Act shall also submit with the application evidence that the applicant —

- (a) is a Bahamian citizen or the holder of a certificate of permanent residence with the right to work endorsed thereon; and
- (b) is a member of a professional body in the field of real estate or is qualified to trade in real estate in a country outside The Bahamas or holds a certificate granted by the Board.

Form of  
certificate of  
registration.  
Form 4.

**7.** A certificate of registration shall be in Form 4 of the First Schedule.

Training in real  
estate.

**8.** The courses of instruction and systems of training in real estate shall be those established by the Association from time to time.

**LICENSING**

Application for  
licence.  
Form 5.

**9.** An application for a licence shall be made in Form 5 of the First Schedule and shall be submitted to the Board together with —

- (a) an application fee of \$50;
- (b) a recommendation from a real estate broker certifying that to the best of the knowledge of that broker the applicant is of good character; and
- (c) one passport size photograph.

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| <b>10.</b> A licence shall be in Form 6 of the First Schedule.   | Form of licence.<br>Form 6.                          |
| <b>11.</b> An application for renewal of a membership certificate or a certificate of registration or a licence shall be made in Form 7 of the First Schedule. | Renewal.<br><br>Form 7.                              |
| <b>12.</b> There is payable upon the renewal or replacement of a document issued under these regulations the fees set out in the Second Schedule.              | Renewal and<br>replacement fees.<br>Second Schedule. |

### DISCIPLINARY PROCEDURE

- |  |                                |
|--|--------------------------------|
| <b>13.</b> A complaint of professional misconduct shall be accompanied by an affidavit of the complainant stating the matters of fact on which the complainant relies in support of the complaint.   | Affidavit.                     |
| <b>14.</b> The Investigation Committee may require a complainant to produce to that Committee such information and documents relating to the complaint as the Committee considers necessary.   | Further<br>information.        |
| <b>15.</b> In deciding whether a complaint ought to be referred to the Disciplinary Committee, the Investigation Committee may take into account any matter in relation to the person against whom the complaint is made which may have been considered by the Investigation Committee previously but which had not been referred to the Disciplinary Committee. | Previous<br>complaints.        |
| <b>16.</b> Where a complaint is referred to the Disciplinary Committee, the Investigation Committee shall furnish the Disciplinary Committee with a summary of the facts before the Investigation Committee together with copies of all information and documents produced to the Investigation Committee by any party in relation to the complaint.             | Summary of<br>facts.           |
| <b>17.</b> (1) As soon as practicable after a complaint has been referred to them, the Disciplinary Committee shall fix a day for the hearing of the complaint and shall serve on each party a notice specifying —   | Date of hearing<br>and notice. |
| <ul style="list-style-type: none"> <li>(a) the day, time and place of the hearing; and</li> <li>(b) the complaint that is the subject matter of the hearing,</li> </ul>  |                                |
| together with a copy of the complaint and of the affidavit and other documents in support of the complaint.  |                                |

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(2) A notice under paragraph (1) shall be served not less than thirty days before the day fixed for the hearing.

Inspection of documents.

**18.** (1) Every party to whom a notice under regulation 17(1) is given shall serve on the Disciplinary Committee and on every other party to the hearing, not less than fourteen days before the day fixed for the hearing, a list of all documents on which the first mentioned party intends to rely.

(2) Any party may inspect the documents on the list furnished under paragraph (1) and on the request of a party requiring a document and on payment of the proper charge a copy of a document shall be furnished by the party in possession of the document within three days after receipt of the request.

Private hearing.

**19.** The Disciplinary Committee shall hear all complaints in private, unless the person whose conduct is being investigated requests otherwise, but shall pronounce their findings in public.

Absence of party.

**20.** (1) If any party fails to appear at a hearing in answer to a notice issued by the Disciplinary Committee, the Committee, upon proof of service on that party of the notice of hearing, may proceed to hear and determine the complaint in the absence of that party.

(2) The Disciplinary Committee may proceed with the hearing of a complaint notwithstanding that the complainant is absent or is no longer desirous of proceeding if they consider that the professional misconduct alleged in the complaint is of such a nature that it is in the interest of the Real Estate (Brokers and Salesmen) profession to proceed with the complaint.

Adjournments.

**21.** The Disciplinary Committee may of their own motion, or on the application of any party, adjourn the hearing upon such terms as to costs as the Committee thinks fit.

Right to counsel and attorney and evidence.

**22.** (1) Every party to a hearing has a right to be represented by a counsel and attorney, to adduce evidence and to make submissions.

(2) Any evidence given at a hearing may be given by affidavit or orally.

(3) The Disciplinary Committee may receive and give such weight as it thinks fit to any evidence which the Committee considers to have any probative value notwithstanding that such evidence would not otherwise be admissible in a court of law.

**23.** (1) The chairman of the Disciplinary Committee, or any other person whose services have been made available to the Committee, shall take notes of the hearing and any party to the hearing may inspect those notes.

Notes of hearing.

(2) The Disciplinary Committee shall furnish the Board with notes of the hearing taken under paragraph (1) and its recommendations in respect to the complaint.

**MISCELLANEOUS**

**24.** (1) Any notice required to be given under these Regulations shall be served personally or by registered mail addressed to the person to whom the notice is to be given at that person’s business or residential address.

Service of notices.

(2) Service of a notice that has been sent by registered mail shall be considered to have been made on the seventh day after it was sent.

**25.** The financial year of the Association shall be the year beginning the 1st day of January and ending the 31st day of December.

Financial year.

**FIRST SCHEDULE (Regulation 3)**

**FORM 1**

**MEMBERSHIP APPLICATION**

REGISTRATION NUMBER

SURNAME ..... GIVEN NAMES .....

<sup>1</sup> MR./MRS./MISS .....

RESIDENTIAL ADDRESS .....

.....

DATE OF BIRTH ..... PLACE OF BIRTH .....

COUNTRY OF .....

CITIZENSHIP .....

<sup>1</sup> Delete where not applicable

PLACE OF EMPLOYMENT .....

BUSINESS ADDRESS .....

TELEPHONE (BUSINESS) .....(RESIDENCE) .....

ADDRESS TO WHICH CORRESPONDENCE SHOULD BE SENT<sup>2</sup> BUSINESS/RESIDENCE .....

I .....

hereby apply for enrolment as a member of the Bahamas Real Estate Association under the Real Estate (Brokers and Salesmen) Act, 1995.

SIGNATURE ..... DATE .....

RECOMMENDATION

We certify that ..... has attained the age of eighteen years, is of good character and is qualified to be enrolled as a member of the Bahamas Real Estate Association and fulfils the requirements under the Real Estate (Brokers and Salesmen) Act, 1995.

PROPOSER ..... SECONDER .....

NAME ..... NAME .....

PLACE OF EMPLOYMENT .....

PLACE OF EMPLOYMENT .....

ADDRESS ..... ADDRESS .....

MEMBERSHIP NUMBER .....

MEMBERSHIP NUMBER .....

SIGNATURE ..... SIGNATURE .....

DATE ..... DATE .....

**APPLICANTS ARE REQUIRED TO ENCLOSE THE FOLLOWING:**

- (a) Application fee of \$50.00.
- (b) Passport size photograph.

<sup>2</sup> Delete where not applicable

FOR OFFICE USE

DATE ..... APPLICATION APPROVED .....  
 ..... DEFERRED/DENIED ..... CERTIFICATE #  
 ..... DATE ISSUED  
 AMOUNT RECEIVED .....

**FORM 2 (Regulation 5)**

MEMBERSHIP CERTIFICATE

THE BAHAMAS REAL ESTATE ASSOCIATION  
 NASSAU, BAHAMAS

By virtue of the Real Estate (Brokers and Salesmen) Act, 1995 The Bahamas Real Estate Association hereby grants membership in the Association to

**(Name of Member)**

Given under the Seal of the Bahamas Real Estate Association at Nassau, Bahamas this day of , 199

Seal .....  
 ..... President ..... Secretary  
 Licence No. .... Certification Date .....  
 Effective ..... Expires .....

**FORM 3 (Regulation 6)**

APPLICATION FOR REGISTRATION AS A REAL ESTATE  
 BROKER OR SALESMAN

SURNAME ..... GIVEN NAMES ..... <sup>3</sup>MR./MRS./MISS  
 RESIDENTIAL ADDRESS .....  
 .....  
 DATE OF BIRTH ..... PLACE OF BIRTH .....  
 COUNTRY OF CITIZENSHIP .....  
 PLACE OF EMPLOYMENT .....  
 BUSINESS ADDRESS .....  
 TELEPHONE (BUSINESS) ..... (RESIDENCE) .....  
 ADDRESS TO WHICH CORRESPONDENCE SHOULD BE  
 SENT<sup>4</sup> BUSINESS/RESIDENCE .....  
 .....

<sup>3</sup> Delete where not applicable  
<sup>4</sup> Delete where not applicable

APPROVED BODY .....

DATE OF ADMISSION TO APPROVED BODY .....

CERTIFICATE .....

IF A PERMANENT RESIDENT OF THE BAHAMAS, PERIOD OF RESIDENCE .....

I .....

hereby apply for registration as a real estate<sup>5</sup> broker/salesman under the Real Estate (Brokers and Salesmen) Act, 1995.

SIGNATURE ..... DATE .....

RECOMMENDATION

We certify that ..... is a fit and proper person to be registered as a<sup>6</sup> broker/salesman and fulfils the requirements of the Real Estate (Brokers and Salesmen) Act, 1995.

PROPOSER	SECONDER
NAME .....	NAME .....
PLACE OF EMPLOYMENT .....	PLACE OF EMPLOYMENT .....
PLACE OF EMPLOYMENT .....	PLACE OF EMPLOYMENT .....
ADDRESS .....	ADDRESS .....
MEMBERSHIP NUMBER .....	MEMBERSHIP NUMBER .....
MEMBERSHIP NUMBER .....	MEMBERSHIP NUMBER .....
SIGNATURE .....	SIGNATURE .....
DATE .....	DATE .....

**APPLICANTS ARE REQUIRED TO ENCLOSE THE FOLLOWING:**

- (a) Application fee of \$50.00.
- (b) Passport size photograph.
- (c) Letter from the secretary of the approved body confirming that the applicant is a member in good standing or certificate that the applicant is qualified to trade in real estate.
- (d) Proof of citizenship or permanent residence.

<sup>5</sup> Delete where not applicable

<sup>6</sup> Delete where not applicable

FOR OFFICE USE

DATE ..... APPLICATION APPROVED .....  
 ..... DEFERRED/DENIED ..... CERTIFICATE #  
 ..... DATE ISSUED  
 AMOUNT RECEIVED .....

**FORM 4 (Regulation 7)**

CERTIFICATE OF REGISTRATION

THE BAHAMAS REAL ESTATE ASSOCIATION  
 NASSAU, BAHAMAS

By virtue of the Real Estate (Brokers and Salesmen) Act, 1995 The Bahamas Real Estate Association hereby grants registration as a<sup>7</sup> to

**(Name of Applicant)**

Given under the Seal of the Bahamas Real Estate Association at Nassau, Bahamas this day of , 199

Seal .....

President

Secretary

Licence No. .... Certification Date .....

Effective ..... Expires .....

**FORM 5 (Regulation 9)**

APPLICATION FOR LICENCE

SURNAME ..... GIVEN NAMES .....<sup>8</sup>MR./MRS./MISS

RESIDENTIAL ADDRESS .....

DATE OF BIRTH ..... PLACE OF BIRTH .....

BUSINESS ADDRESS .....

TELEPHONE (BUSINESS) ..... (RESIDENCE) .....

ADDRESS TO WHICH CORRESPONDENCE SHOULD BE SENT<sup>9</sup> BUSINESS/RESIDENCE .....

I .....  
 hereby apply for a licence from the Bahamas Real Estate Association and confirm that —.

<sup>7</sup> insert real estate broker or real estate salesman, as the case may be.

<sup>8</sup> Delete where not applicable

<sup>9</sup> Delete where not applicable

1. I am<sup>10</sup> a member in good standing/not a member  
 If applicable, ..... membership number .....  
 Certificate of Registration number .....
  2. I am<sup>11</sup> a citizen of The Bahamas/ a permanent resident of The Bahamas.  
 If not a citizen of The Bahamas, country of citizenship  
 Permanent resident number
- DATE ..... SIGNATURE .....

RECOMMENDATION

I certify that ..... has attained the age of eighteen years, is of good character and is a fit and proper person to obtain a Licence from the Bahamas Real Estate Association.

PROPOSER NAME .....

MEMBERSHIP NUMBER .....

LICENCE NUMBER .....

PLACE OF EMPLOYMENT .....

ADDRESS .....

SIGNATURE ..... DATE .....

**APPLICANTS ARE REQUIRED TO ENCLOSE THE FOLLOWING:**

- (a) Application fee of \$50.00.
- (b) One passport size photograph.
- (c) Proof of citizenship/permanent residence.

FOR OFFICE USE

DATE ..... APPLICATION APPROVED .....

..... DEFERRED/DENIED ..... CERTIFICATE #

..... DATE ISSUED

AMOUNT RECEIVED .....

<sup>10</sup> Delete where not applicable  
<sup>11</sup> Delete where not applicable

**FORM 6 (Regulation 10)**

LICENCE

THE BAHAMAS REAL ESTATE ASSOCIATION  
NASSAU, BAHAMAS

By virtue of the Real Estate (Brokers and Salesmen) Act, 1995 The Bahamas Real Estate Association hereby grants a licence to practise as a<sup>12</sup> to

**(Name of Licensee)**

Given under the Seal of the Bahamas Real Estate Association at Nassau, Bahamas this day of , 199

Seal .....

President

Secretary

Licence No ..... Certification Date .....

Effective ..... Expires .....

**FORM 7 (Regulation 11)**

APPLICATION FOR RENEWAL OF  
<sup>13</sup>MEMBERSHIP/REGISTRATION/LICENCE

<sup>14</sup>MEMBERSHIP/REGISTRATION/LICENCE NUMBER .....

.....

SURNAME ..... GIVEN NAMES .....<sup>15</sup>MR./MRS./MISS

RESIDENTIAL ADDRESS .....

PLACE OF EMPLOYMENT .....

BUSINESS ADDRESS .....

TELEPHONE (BUSINESS) ..... (RESIDENCE) .....

ADDRESS TO WHICH CORRESPONDENCE SHOULD BE SENT <sup>16</sup>BUSINESS/RESIDENCE .....

<sup>12</sup> insert real estate broker or real estate salesman, as the case may be.

<sup>13</sup> Delete where not applicable

<sup>14</sup> Delete where not applicable

<sup>15</sup> Delete where not applicable

<sup>16</sup> Delete where not applicable

I, .....  
 hereby apply for a <sup>17</sup>membership certificate/certificate of registration/licence  
 renewal for the year from The Bahamas Real Estate Association.

DATE ..... SIGNATURE .....

**APPLICANT IS REQUIRED TO ENCLOSE THE FOLLOWING —**

Membership/registration/licence renewal fee of \$50.00.

**SECOND SCHEDULE (Regulation 12)**

*S.I. 10/2008.*

**RENEWAL AND REPLACEMENT FEES**

1. Fee for renewal of a membership certificate, certificate of registration and annual licence —
 

(a) Developers	\$1,000.00
(b) Brokers	\$400.00
(c) Brokers Appraisers	\$400.00
(d) Salesmen	\$300.00
(e) Salesmen Appraisers	\$300.00
(f) Appraisers	\$300.00
(g) Auctioneers	\$300.00
  
2. Fee for replacement of membership certificate, certificate of registration or licence \$25.00

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<sup>17</sup> Delete where not applicable