



MONTSERRAT

## CHAPTER 6.10

# REAL ESTATE AGENTS (REGISTRATION) ACT and Subsidiary Legislation

### Revised Edition

showing the law as at 1 January 2019

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

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## **CHAPTER 6.10**

### **REAL ESTATE AGENTS (REGISTRATION) ACT**

#### **ARRANGEMENT OF SECTIONS**

##### **SECTION**

1. Short title
2. Interpretation
3. Meaning of real estate agent
4. Application for registration
5. Permission for registration as a real estate agent
6. Real Estate Agents Register
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8. Time for Payment of registration fees and penalty for late payment
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10. Effect of refusal or failure to pay registration fee
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12. Publication of registrations in *Gazette*
13. Declaration regarding change of ownership etc.
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## **CHAPTER 6.10**

### **REAL ESTATE AGENTS (REGISTRATION) ACT**

*(Acts 1 of 1972, 7 of 1987, 11 of 1992, 9 of 2011 and 2 of 2014)*

AN ACT TO PROVIDE FOR THE REGISTRATION OF REAL ESTATE AGENTS AND THE PAYMENT OF FEES FOR SUCH REGISTRATION, AND FOR MATTERS INCIDENTAL THERETO OR CONNECTED THEREWITH.

#### **Commencement**

*[1 April 1972]*

#### **Short title**

1. This Act may be cited as the Real Estate Agents (Registration) Act.  
*(Amended by Act 7 of 1987)*

#### **Interpretation**

2. For the purposes of this Act—

**“Minister”** means the Minister with responsibility for lands;

**“Montserratian”** means—

- (a) a person who is deemed to be a Montserratian under section 107(2) of the Constitution;
- (b) a company incorporated in Montserrat, if all of its directors and more than 50% of its shareholders are Montserratian; or
- (c) a partnership registered in Montserrat, if all of its partners are Montserratian;

**“non-Montserratian”** means a person other than a Montserratian and includes—

- (a) a company incorporated in Montserrat, if any of its directors or more than 50% of its shareholders are non-Montserratian;
- (b) a company incorporated outside Montserrat;
- (c) a partnership registered in Montserrat, if any of its partners are non-Montserratian; or
- (d) a partnership registered outside Montserrat;

**“Permanent Secretary”** means the person appointed as such in the Ministry with responsibility for lands;

**“person”** includes a company or a partnership;

**“prescribed”** means prescribed by regulations made under the Act;

**“real estate agent”** has the meaning assigned to it in section 3;

**“Real Estate Agents Register”** means the Register of real estate agents to be kept by the Permanent Secretary under section 6 ;

**“registration”** includes the enrolment, entry, or insertion of a name in a roll, card, list or register, and **“registered”** shall be construed accordingly;

**“salesperson”** means a real estate salesperson, and includes a person employed, appointed or authorised by a real estate agent to trade in real estate;

**“trade”** means—

- (a) a disposition or acquisition of, or a transaction in, real estate by sale, purchase, agreement for sale, exchange, option, lease, rental or otherwise;
- (b) an offer or attempt to list real estate for the purposes of a disposition, acquisition or transaction referred to in paragraph (a); or
- (c) an act, advertisement, conduct or negotiation directly or indirectly in furtherance of a disposition, acquisition or transaction referred to in paragraph (a), or in furtherance of an offer or attempt referred to in paragraph (b),

and the verb **“trade”** has a corresponding meaning.

*(Amended by Act 2 of 2014)*

### **Meaning of real estate agent**

**3. (1)** For the purposes of this Act every person shall, subject to subsection (2), be deemed to be a real estate agent who acts, or who holds himself out to the public or to any member of the public as ready to act, for reward as an agent in respect of—

- (a) the sale or other disposal of land or of businesses (either with or without any interest in land); or
- (b) the purchase or other acquisition of land or of businesses (either with or without any interest in land); or
- (c) the leasing or letting of land,

notwithstanding that he may carry on any other business either in conjunction with the business of a real estate agent or separately therefrom.

**(2)** Notwithstanding subsection (1)—

- (a) a solicitor shall not be deemed to be a real estate agent for the purposes of this Act by reason only of the fact that he may, in conjunction with his business as a solicitor, act as agent in respect of the sale or purchase or other disposal or acquisition of land or of businesses, unless he is remunerated

for so acting by a commission in addition to or instead of his professional charges;

- (b) a person who sells or offers to sell any land by auction shall not, by reason only of that fact, be deemed to be a real estate agent for the purposes of this Act.

(3) Where two or more persons carry on business jointly as real estate agents or where a person is engaged in real estate work by a real estate agent each of those persons shall be deemed to be a real estate agent.

(4) Where a company is engaged in the business of real estate agents each one of the directors of that company and every other person who is engaged in real estate work by that company shall be deemed to be a real estate agent.

(5) For the purposes of this section “**real estate work**” means to trade in real estate or carry on the business of a real estate agent or function as a salesperson.

*(Substituted by Act 11 of 1992)*

### **Application for registration**

4. (1) A person who intends to carry on business as a real estate agent in Montserrat shall apply to the Minister for permission to be registered as a real estate agent. *(Amended by Act 9 of 2011)*

(2) An application made under subsection (1) shall be submitted in duplicate in the prescribed form and shall—

(a) state—

- (i) if the applicant is an individual, the applicant’s name;
- (ii) if the applicant is a company, the names and nationality of each of its directors, shareholders and salespersons; and
- (iii) if the applicant is a partnership, the name and nationality of each partner;

(b) state the applicant’s place of business or proposed place of business in Montserrat;

(c) be accompanied by—

(i) a copy of the photograph page of—

- (A) the applicant’s passport if the applicant is an individual;
- (B) the passport of each director and salesperson if the applicant is a company; and
- (C) the passport of each partner if the applicant is a partnership;

- (ii) two recent passport size photographs of—
    - (A) the applicant if the applicant is an individual;
    - (B) each director and salesperson who is a non-Montserratian if the applicant is a company; and
    - (C) each partner who is a non-Montserratian if the applicant is a partnership;
  - (iii) a bank reference showing the applicant's financial status for at least two years before the date of the application;
  - (iv) two references in support of the application—
    - (A) one from a Montserratian or a resident of Montserrat; and
    - (B) one from a person who has known the applicant for at least three years before the date of the application;
  - (v) a statement from the relevant authority of the country of residence of—
    - (A) an applicant who is non-Montserratian if the applicant is an individual;
    - (B) each director and salesperson who is a non-Montserratian if the applicant is a company; or
    - (C) each partner who is a non-Montserratian if the applicant is a partnership,indicating that a person under sub-subparagraph (A), (B) or (C) does not have a police record or stating that details of the person's police record will be provided;
  - (vi) if the applicant is a company, a certificate of incorporation of the company and the most recent notice of directors filed and recorded at the registry of companies; and
  - (vii) if the applicant is a partnership, a certificate of registration of the partnership;
- (d) in the case of—
- (i) a Montserratian, be accompanied by a non-refundable application fee of \$500; and
  - (ii) a non-Montserratian, be accompanied by a non-refundable application fee of \$1,000; and
- (e) set out any other information required.

(3) The Minister shall submit the application to Cabinet for consideration.

**(4)** For the purposes of subsection 2(c)(iv), a referee must be a Judge, a Magistrate, a Justice of the Peace, a Commissioner for Oaths, a Notary Public, a Bank Manager or a Minister of Religion.

*(Substituted by Act 2 of 2014)*

### **Permission for registration as a real estate agent**

**<sup>1</sup>5.** The Governor acting on the advice of Cabinet may, on application, grant to a person permission in the prescribed form to be registered as a real estate agent.

*(Inserted by Act 2 of 2014)*

### **Real Estate Agents Register**

**6.** The Permanent Secretary shall keep a Real Estate Agents Register in which he shall enter—

- (a)* the name and address of real estate agents;
- (b)* the date of registration of real estate agents; and
- (c)* any other information the Permanent Secretary considers relevant.

*(Inserted Act 2 of 2014)*

### **Annual registration of real estate agents and fees therefor**

**7. (1)** A person who intends to carry on the business of a real estate agent, and to whom the required permission has been granted under section 5 shall, within thirty days of the grant of permission and subsequently before the 15 January each year—

- (a)* present to the Permanent Secretary proof of a grant of permission for registration in the Real Estate Agents Register; and
- (b)* at the time of the presentation of proof of permission, pay to the Permanent Secretary—
  - (i)* in the case of a Montserratian, an annual registration fee of \$1,000; and
  - (ii)* in the case of a non-Montserratian, an annual registration fee of \$3,000.

*(Substituted by Act 2 of 2014)*

**(2)** Upon first registration, and in each subsequent year, the Permanent Secretary shall issue to a person a certificate of registration in the prescribed form on receipt of—

- (a)* proof of permission having been granted the person; and

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<sup>1</sup> Section 4A and 4B of Act No. 2 of 2014 renumbered as section 5 and 6 respectively and the remaining sections renumbered accordingly.

(b) the requisite fee.

*(Substituted by Act 2 of 2014)*

(3) In the case of a first registration under this Act, the registration fee shall, subject to section 8, be as follows—

(a) the whole of the annual registration fee if registration is attained between 1 January and 31 March;

(b) three quarters of the annual fee if registration is attained between 1 April and 30 June;

(c) one half of the annual fee if registration is attained between 1 July and 30 September; and

(d) one quarter of the annual fee if registration is attained between 1 October and 31 December.

### **Time for Payment of registration fees and penalty for late payment**

8. (1) All annual registration fees payable under this Act in respect of renewals of registration shall become due and payable on 1 January in each year.

(2) Any person who, under section 7, is required to pay a registration fee and who fails to pay such fee within one month of its becoming due and payable, shall, in respect of his registration for that year, pay to the Accountant General by way of a penalty and in addition to the fee payable by that person under section 7 hereof, a sum equal to such fee.

(3) All fees and penalties payable by any person under section 7 and this section shall be paid to the Accountant General before such person is registered.

### **Penalty for failure to register**

9. (1) Any person who, without being registered under section 7, describes himself in writing or holds himself out as a real estate agent, or carries on business as a real estate agent shall be guilty of an offence against this Act and shall be liable on summary conviction thereof to a fine of \$15,000 and to a further fine of \$500 for each day during which the offence continues after conviction therefor.

(2) For the avoidance of doubt it is hereby declared that any person who for reward engages in a single transaction of the nature referred to in section 3(1)(a), (b) or (c) is deemed to carry on the business of a real estate agent.

*(Amended by Act 11 of 1992)*

### **Effect of refusal or failure to pay registration fee**

10. Any person who is by section 7 required to pay a registration fee and who refuses or fails to pay the fee within one month after it becomes due and payable, is deemed not to be registered for the purposes of this Act and

shall not be entitled to sue for or recover any commission, reward or other valuable consideration in respect of any service or work performed by him as a real estate agent while he is deemed not to be registered.

### **Applications for licences under Landholding Control Act**

**11. (1)** Notwithstanding the provisions of the Landholding Control Act every application under that Act for a licence to hold land or a mortgage on land or any other interest in land in Montserrat shall contain the name and address of the real estate agent, if any, though, by or with whom any transaction in respect of that land, mortgage or other interest is negotiated.

**(2)** If any person for the purpose of obtaining a licence under subsection (1) in respect of a transaction referred to in that subsection shall, in his application for the licence, give any false or misleading information with regard to the existence or the name or address of a real estate agent involved in the transaction, any licence obtained as a result of the application shall be null and void and any land, mortgage or interest in land acquired by virtue of the licence shall be forfeited to Her Majesty the Queen.

**(3)** For the purposes of a forfeiture under subsection (2), sections 3, 4, 7, 10 and 11 of the Landholding Control Act shall apply:

Provided that, no application shall be made to the High Court for a forfeiture under this section after the expiration of five years from the date of granting of a licence which has become null and void under this section .

### **Publication of registrations in *Gazette***

**12.** The Accountant General shall cause to be published in the *Gazette*—

- (a)* in the month of February in every year, a list in alphabetical order of persons who have as at 31 January in that year registered their names as real estate agents; and
- (b)* as soon as practicable after any such registration, the name and address of any person registering his name as a real estate agent after 31 January in any year.

### **Declaration regarding change of ownership etc.**

**13. (1)** A company and partnership carrying on the business of a real estate agent shall make a declaration to the Permanent Secretary in the prescribed form of its intention to change—

- (a)* the ownership of the company or partnership; and
- (b)* in the case of a company, any of its directors, shareholders or salespersons.

**(2)** If a change under subsection (1) will transform a company or partnership from Montserratian to a non-Montserratian or from a non-Montserratian to a Montserratian, the company or partnership shall obtain

the approval of the Governor acting on the advice of Cabinet before the change is effected.

(3) If a change under this section is effected—

- (a) any permission to be registered granted to the company or partnership before its transformation is cancelled; and
- (b) the company or partnership shall apply under section 4 for permission to be registered.

(4) If a company or partnership contravenes this section a director or shareholder of the company or a partner of the partnership commits an indictable offence and is liable to a fine of \$50,000 or to two years imprisonment or to both the fine and imprisonment.

*(Substituted by Act 2 of 2014)*

### **Regulations**

14. The Governor acting on the advice of Cabinet may make Regulations to give effect to the provisions of this Act and in particular for—

- (a) prescribing forms for use under this Act;
- (b) providing criteria by which permission would be granted to be registered as a real estate agent.

*(Inserted by Act 11 of 1992 and amended by Act 9 of 2011)*

### **Shareholding to be declared**

15. (1) A company or partnership carrying on the business of a real estate agent shall make a declaration to the Permanent Secretary in the prescribed form of its intention to change—

- (a) the ownership of the company or partnership; or
- (b) in the case of a company, any of its directors, shareholders or salespersons.

(2) If a change under subsection (1) will transform a company or partnership from Montserratian to a non-Montserratian or from a non-Montserratian to a Montserratian, the company or partnership shall obtain the approval of the Governor acting on the advice of Cabinet before the change is effected.

(3) If a change under subsection (1) is effected—

- (a) permission to be registered granted to the company or partnership before its transformation is cancelled; and
- (b) the company or partnership shall apply under section 4 for permission to be registered.

(4) If a company or partnership contravenes this section a director or shareholder of the company or a partner of partnership commits an

indictable offence and is liable to a fine of \$50,000 or to two years imprisonment or to both the fine and imprisonment.

*(Substituted by Act 2 of 2014)*

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**REAL ESTATE AGENTS (REGISTRATION) REGULATIONS – SECTION 14**

*(S.R.O. 12/1993 and Acts 9 of 2011 and 2 of 2014)*

**Commencement**

*[18 February 1993]*

**Short title**

1. These Regulations may be cited as the Real Estate Agents (Registration) Regulations.

**Criteria for grant of permission to be registered as real estate agents**

2. In deciding whether to grant to a person permission to be registered as a real estate agent, the Governor acting on the advice of Cabinet shall take into account the following criteria, in addition to any other relevant considerations:

- (a) Educational Background:* Applicant must have a sound educational background, capable of handling correspondence, maintaining accounts and competent to read maps and survey maps;
- (b) Knowledge of Government Policies and Programmes:* Applicant must have a sound knowledge of Government policies and programmes with regard to real estate and should be conversant with the legislation governing taxation especially with property tax;
- (c) Character and Financial Standing:* An applicant must be a person of integrity and sound reputation with satisfactory financial standing;
- (d) Net assets:* The net assets of an applicant who is—
  - (i) a Montserratian must not be less than \$20,000; and
  - (ii) a non-Montserratian must not be less than \$100,000,as certified by the Comptroller of the Inland Revenue Department;
- (e) Place of Business:* An applicant must have a suitable place of business or suitable proposed place of business in Montserrat.

*(Amended by Acts 9 of 2011 and 2 of 2014)*

**Forms**

3. The forms prescribed for use under the Act are those that are set out in the Schedule.

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## SCHEDULE FORMS

*(Substituted by Act 2 of 2014)*

### FORM 1

### REAL ESTATE AGENTS (REGISTRATION) ACT

*(Section 4)*

#### APPLICATION FOR REGISTRATION AS A REAL ESTATE AGENT

#### Instructions

1. The application form must be submitted in duplicate.
2. Please complete all applicable sections.
3. If a question does not apply, this may be indicated by filling the space with the phrase **“not applicable”** or **“N/A”**.
4. If the space provided is not sufficient, please provide the additional information as an attachment to the application form and label it appropriately.
5. The application must be submitted to the Permanent Secretary, Ministry of Agriculture, Lands, Housing and the Environment.

#### 1. APPLICANT

Title:    ☐ Mr.        ☐ Mrs.        ☐ Ms.        ☐ Dr.        ☐ Other

Name of Applicant: .....

Date of Birth/ .....

Incorporation/Registration\*: .....

Place of .....

Birth/Incorporation/Registration\*: .....

Registration No./Certificate No.: .....

Marital Status: .....

Nationality (*if naturalised, attach a copy of the naturalisation certificate and state previous nationality as well*)

Passport Type and Number:

Immigration Status in Montserrat:

#### If applicant is a company:

(a) list the name and nationality of each director of the company

Director

.....

.....

Nationality

.....

.....

|                                                                                                                                                                       |                                                                                            |                                               |                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|-----------------------------------------------|-----------------------------------------------|
| (b) list the name and nationality of each shareholder in the company and the number of shares held                                                                    | <u>Shareholder</u><br>.....<br>.....<br>.....                                              | <u>Nationality</u><br>.....<br>.....<br>..... | <u>Shares held</u><br>.....<br>.....<br>..... |
| (c) list the name of each salesperson                                                                                                                                 | .....<br>.....                                                                             |                                               |                                               |
| <b>If applicant is a partnership:</b>                                                                                                                                 | <u>Partner</u>                                                                             | <u>Nationality</u>                            |                                               |
| list the name and nationality of each partner                                                                                                                         | .....<br>.....                                                                             | .....<br>.....                                |                                               |
| <b>2. REGISTERED ADDRESS* &amp; (PROPOSED) PLACE OF BUSINESS</b>                                                                                                      |                                                                                            |                                               |                                               |
| Street and Number:                                                                                                                                                    | .....                                                                                      |                                               |                                               |
| Town:                                                                                                                                                                 | .....                                                                                      |                                               |                                               |
| Zip or Postal Code:                                                                                                                                                   | .....                                                                                      |                                               |                                               |
| Country:                                                                                                                                                              | .....                                                                                      |                                               |                                               |
| Telephone No.                                                                                                                                                         | .....                                                                                      |                                               |                                               |
| Email:                                                                                                                                                                | .....                                                                                      |                                               |                                               |
| Time at the above address:<br>(list residential or registered addresses in full for the previous five years, if they are different from above and give related dates) | .....                                                                                      |                                               |                                               |
| Place of business/proposed place of business* in Montserrat:                                                                                                          | .....<br>.....<br>.....                                                                    |                                               |                                               |
| <b>3. PROFESSIONAL AND EDUCATIONAL BACKGROUND (to be completed for each director and salesperson or partner if applicant is a company or a partnership)</b>           |                                                                                            |                                               |                                               |
| State occupation or profession:                                                                                                                                       | .....                                                                                      |                                               |                                               |
| Give details of professional qualifications:                                                                                                                          | .....                                                                                      |                                               |                                               |
| Give details of your educational background:                                                                                                                          |                                                                                            |                                               |                                               |
| <u>Educational Institution</u>                                                                                                                                        | <u>Qualifications (including years of attendance and level of qualifications obtained)</u> |                                               |                                               |
| .....                                                                                                                                                                 | .....                                                                                      |                                               |                                               |
| .....                                                                                                                                                                 | .....                                                                                      |                                               |                                               |

|  |
|--|
|  |
|--|

|                                                                                                                                                                                              |                                                                                                                                                                                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Are you a member of any professional body?                                                                                                                                                   | <input type="checkbox"/> No<br><input type="checkbox"/> Yes<br><i>(If yes, please give details, including year of membership and current membership status)</i>                                                          |
| Do you have any previous experience in the conduct of real estate transactions or knowledge of how such transactions are to be conducted?                                                    | <input type="checkbox"/> No<br><input type="checkbox"/> Yes<br><i>(If yes, please give details)</i>                                                                                                                      |
| Are you familiar with the laws and regulations governing the conduct of the real estate business in Montserrat?                                                                              | <input type="checkbox"/> No<br><input type="checkbox"/> Yes                                                                                                                                                              |
| <b>4. FINANCIAL POSITION AND DETAILS</b>                                                                                                                                                     |                                                                                                                                                                                                                          |
| Do your net assets amount to or exceed:                                                                                                                                                      |                                                                                                                                                                                                                          |
| <ul style="list-style-type: none"> <li>in the case of a Montserratian, \$20,000?</li> <li>in the case of a non-Montserratian, \$100,000?</li> </ul>                                          | <input type="checkbox"/> No<br><input type="checkbox"/> Yes                                                                                                                                                              |
| Have you or your spouse ever*/Has the company or partnership ever*:<br><i>(to be also completed for each director and salesperson or partner if applicant is a company or a partnership)</i> |                                                                                                                                                                                                                          |
| <ul style="list-style-type: none"> <li>been declared bankrupt?</li> <li>been the subject of a bankruptcy petition?</li> <li>received a judgment against you in a civil court?</li> </ul>     | <input type="checkbox"/> Yes <input type="checkbox"/> No<br><input type="checkbox"/> Yes <input type="checkbox"/> No<br><input type="checkbox"/> Yes <input type="checkbox"/> No<br><i>(If yes, please give details)</i> |
| <b>5. DETAILS OF OFFENCES</b> <i>(to be completed for each director and salesperson or partner if applicant is a company or a partnership)</i>                                               |                                                                                                                                                                                                                          |
| Have you ever been convicted in a Court of Law of an offence in any country?                                                                                                                 | <input type="checkbox"/> No<br><input type="checkbox"/> Yes<br><i>(If yes, please give details)</i>                                                                                                                      |
| <b>6. BANK REFERENCE</b>                                                                                                                                                                     |                                                                                                                                                                                                                          |
| Name of Bank:                                                                                                                                                                                | .....                                                                                                                                                                                                                    |
| Name of Banker:                                                                                                                                                                              | .....                                                                                                                                                                                                                    |
| Address:                                                                                                                                                                                     | .....                                                                                                                                                                                                                    |
| Telephone No.:                                                                                                                                                                               | .....                                                                                                                                                                                                                    |
| Fax No.:                                                                                                                                                                                     | .....                                                                                                                                                                                                                    |

**7. PERSONAL REFERENCES**

|                      |                        |
|----------------------|------------------------|
| Name of .....        | Name of Referee: ..... |
| Referee: .....       | Address: .....         |
| Address: .....       | .....                  |
| .....                | Telephone No.: .....   |
| Telephone No. ....   | Fax No.: .....         |
| Fax No.: .....       | Email address: .....   |
| Email address: ..... | Nationality/ .....     |
| Nationality/ .....   | Citizenship: .....     |
| Citizenship: .....   |                        |

**8. OTHER DETAILS**

Describe any land/property owned .....  
in Montserrat .....

**9. SUPPORTING DOCUMENTATION**

I/We attach to the application:

*(in the case of an individual applicant)*

- a copy of the photograph page of the individual's passport
- 2 recent passport size photographs of the individual
- a bank reference showing the individual's financial status for at least two years before the date of the application
- a police record from the country of residence of an individual who is non-Montserratian
- a fee of \$500 in the case of an individual who is Montserratian, and \$1,000 in the case of an individual who is non-Montserratian

*(in the case of a company applicant)*

- a copy of the photograph page of the passport of each of the company's directors and salespersons
- 2 recent passport size photographs of each of the company's directors and salespersons
- a bank reference showing the company's financial status for at least two years before the date of the application
- a police record from the country of residence of each of the company's directors and salespersons who is non-Montserratian
- a certificate of incorporation of the company and the most recent notice of directors filed and recorded at the registry of companies
- a fee of \$500 in the case of a company that is Montserratian, and \$1,000 in the case of a company that is non-Montserratian

*(in the case of a partnership applicant)*

- a copy of the photograph page of the passport of each partner
- 2 recent passport size photographs of each partner
- a bank reference showing the partnership's financial status for at least two

- years before the date of the application
- a police record from the country of residence of each partner who is non-Montserratian
- a certificate of registration of the partnership
- a fee of \$500 in the case of a partnership that is Montserratian, and \$1,000 in the case of a Partnership that is non-Montserratian.

#### **10. DECLARATION AND UNDERTAKING**

I/We certify that the details and information provided in this application are true and accurate to the best of my/our knowledge and no information has been intentionally omitted or provided to mislead the Governor acting on the advice of Cabinet in the determination of this application.

I/We hereby authorise the Government of Montserrat to contact all relevant authorities and referees and authorise the said authorities and referees to provide the Government of Montserrat with whatever information the Government may request.

If I/we am/are granted approval to be registered as a real estate agent and granted a Certificate of Registration, I/we undertake to abide by all laws and regulations governing the real estate business in Montserrat and to observe all conventions, practices and usages of real estate business as they exist in Montserrat.

Dated the ..... day of ....., 20....

.....  
Signature of Applicant/Authorised Representative  
\* *Delete as necessary*

#### **FOR OFFICIAL USE ONLY**

|                                                                                              |                                                                                |
|----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| Date application received: .....                                                             | Application approved: <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Received by: .....                                                                           | Cabinet Decision No.: .....                                                    |
| Supporting documentation checked: <input type="checkbox"/> Yes <input type="checkbox"/> No   | Date of Cabinet Decision: .....                                                |
| Requisite application fee included: <input type="checkbox"/> Yes <input type="checkbox"/> No | Signed: .....                                                                  |
| Fee amount: \$.....                                                                          | Permanent Secretary, MALHE                                                     |
| Receipt Issued: <input type="checkbox"/> Yes <input type="checkbox"/> No                     | Date: .....                                                                    |
| Receipt No.: .....                                                                           |                                                                                |



FORM 2

REAL ESTATE AGENTS (REGISTRATION) ACT

*(Section 5)*

PERMISSION FOR REGISTRATION AS A REAL ESTATE AGENT

**Permit No..... of 20.....**

.....(*Name of Applicant*).....of ..... is granted permission by  
virtue of Cabinet Decision ..... to carry on business as a Real Estate Agent in  
Montserrat.

Conditions

- (1) This permit is revocable if the company or partnership transforms from a Montserratian to a non-Montserratian or from a non-Montserratian to a Montserratian.
- (2) ...

Dated this ..... day of ..... 20.....

.....

**GOVERNOR**

## FORM 3

## REAL ESTATE AGENTS (REGISTRATION) ACT

## (SECTION 7)

## CERTIFICATE OF REGISTRATION AS A REAL ESTATE AGENT

Certificate No..... of 20.....

I hereby certify that .....(*Name of Applicant*).....of ..... was registered as  
a Real Estate Agent, under section 7 of the Real Estate Agents (Registration) Act  
(Cap. 6.10) on the ..... day of ....., 20.....

This certificate expires on the ..... day of ....., 20.....

Given this ..... day of ....., 20.....

.....  
**PERMANENT SECRETARY**

FORM 4

REAL ESTATE AGENTS (REGISTRATION) ACT

(SECTION 15)

NOTICE OF INTENTION TO CHANGE OWNERSHIP OF A COMPANY/PARTNERSHIP\*

**Name of Company/Partnership** .....  
**Registration No./Certificate No.** .....  
**Real Estate Certificate No.** .....

Notice is given that (*name of company/partnership\**) intends to change the ownership of the company/partnership.

Notice is given that the new ownership of the company/partnership will vest in:

| Name  | Address | Nationality | Shares Currently Held | Shares to be Held |
|-------|---------|-------------|-----------------------|-------------------|
| ..... | .....   | .....       | .....                 | .....             |
| ..... | .....   | .....       | .....                 | .....             |

The (*name of new ownership of company/partnership\**) has/has not\* been declared bankrupt/been the subject of a bankruptcy petition /received a judgment against it in a civil court\*

The (*name of new ownership of company/partnership\**) has/has never\* been convicted in a Court of Law of an offence in any country.

Dated this ..... day of ..... 20.....

.....  
Name and Signature of Authorised Representative

*\*Delete if not applicable*

## FORM 5

## REAL ESTATE AGENTS (REGISTRATION) ACT

## (SECTION 15)

## NOTICE OF INTENTION TO CHANGE DIRECTOR OF A COMPANY

Name of Company .....

Registration No. ....

Real Estate Certificate No. ....

Notice is given that *(name of company/partnership)* intends to appoint the following person(s) as director(s):

| Name  | Address | Nationality | Shares held |
|-------|---------|-------------|-------------|
| ..... | .....   | .....       | .....       |
| ..... | .....   | .....       | .....       |

*(Name of new director)* has/has not\* been declared bankrupt/been the subject of a bankruptcy petition /received a judgment against it in a civil court.\*

*(Name of new director)* has/has never\* been convicted in a Court of Law of an offence in any country.

Notice is given that it is intended that the following person(s) will cease to hold office as director(s) of *(name of company/partnership)*:

| Name  | Nationality | Address |
|-------|-------------|---------|
| ..... | .....       | .....   |
| ..... | .....       | .....   |

Dated this ..... day of ..... 20.....

.....  
Name and Signature of Authorised Representative

\*Delete if not applicable

FORM 6

REAL ESTATE AGENTS (REGISTRATION) ACT

*(Section 15)*

NOTICE OF INTENTION TO CHANGE SALES PERSON OF A COMPANY

**Name of Company** .....

**Registration No.** ..

**Real Estate Certificate No.** .....

.....

.....

Notice is given that (name of company/partnership) intends to appoint the following persons as salespersons:

| Name  | Address |
|-------|---------|
| ..... | .....   |
| •     | .....   |
| ..... |         |
| •     |         |

Notice is given that it is intended that the following persons will cease to hold office as salespersons of (name of company/partnership):

| Name  | Address |
|-------|---------|
| ..... | .....   |
| •     | .....   |
| ..... |         |
| •     |         |

Dated this ..... day of ..... 20.....

.....  
Name and Signature of Authorised Representative

\_\_\_\_\_

## FORM 7

## REAL ESTATE AGENTS (REGISTRATION) ACT

## (Section 15)

## NOTICE OF INTENTION TO CHANGE SHAREHOLDERS OF A COMPANY

**Name of Company** .....  
**Registration No.** .....  
**Real Estate Certificate No.** .....

Notice is given that it is intended that the shares held by the following persons in (name of company/partnership) be reduced/increased:\*

| Name  | Nationality | Shares currently held | Shares to be held |
|-------|-------------|-----------------------|-------------------|
| ..... | .....       | .....                 | .....             |
| ..... | .....       | .....                 | .....             |

**or**

Notice is given that it is intended that the following persons shall cease to hold shares in (name of company/partnership):\*

| Name  | Nationality | Shares held |
|-------|-------------|-------------|
| ..... | .....       | .....       |
| ..... | .....       | .....       |

Notice is given that (name of company/partnership) intends to issue shares to the following persons:

| Name  | Nationality | Shares to be held |
|-------|-------------|-------------------|
| ..... | .....       | .....             |
| ..... | .....       | .....             |

Dated this ..... day of ..... 20.....

.....  
Name and Signature of Authorised Representative

\*Delete as necessary".