

REF# 763308

5 May 2020

For attention: Ms L Masilo and Ms R Murray

Department of Human Settlements

Submitted electronically: Lisa.Masilo@dhs.gov.za & Rose.Murray@dhs.gov.za

Dear Ms Masilo and Ms Murray

SAICA COMMENT LETTER ON THE DRAFT PROPERTY PRACTITIONERS REGULATIONS, 2020

The South African Institute of Chartered Accountants (SAICA) is the home of chartered accountants in South Africa – we currently have over 45,000 members from various constituencies, including members in public practice ($\pm 30\%$), members in business ($\pm 49\%$), members in the public sector ($\pm 4\%$), members in education ($\pm 2.0\%$) and other members ($\pm 15\%$). In meeting our objectives, our long-term professional interests are always in line with the public interest and responsible leadership. SAICA is currently the only professional accountancy organisation that has been accredited by the Audit Regulator in South Africa, the Independent Regulatory Board for Auditors (IRBA).

In response to the **Draft Property Practitioners Regulations, 2020**, please find included the comments prepared by SAICA. Please note that these comments have been prepared by the Audit and Assurance Division and since our area of specialty is audit and assurance, the scope of our comment letter is primarily focused on the Draft Regulations relating to auditing and assurance matters.

We thank you for the opportunity to provide comments on this document.

Our comment letter is presented in the following sections:

- A. Inconsistencies with the Companies Act.
- B. Regulations on how the trust accounting records should be maintained
- C. Additional accounting and auditing considerations in the Property Practitioners Act not included in the Draft Regulations.
- D. Other considerations.
- E. Comments relating to the individual Draft Regulations.

Annexure 1 – Suggested regulations for sections 54(5)(a)-(c) in the Property Practitioners Act.

Please do not hesitate to contact us should you wish to discuss any of our comments. You are welcome to contact Thandokuhle Myoli (thandokuhlem@saica.co.za).

Yours sincerely

Signed electronically

Thandokuhle Myoli

Project Director: Assurance

A. INCONSISTENCIES WITH THE COMPANIES ACT

1. SAICA has identified potential inconsistencies between the Draft Property Regulations 2020 (the Draft Regulations) and the Companies Act, No. 71 of 2008 (Companies Act).
2. Regulation 4.3 states, "Where a property practitioner is exempted in terms of regulation 4.1.1 and has complied with regulation 4.2 foregoing, such property practitioner will be exempted from having to have its business and other accounts audited and will only be required to have such accounts independently reviewed by a registered accountant."
3. In the South African environment property practitioners can trade as companies, close corporations or sole proprietors. For companies, the Companies Act may require that a company be audited or independently reviewed in accordance with the requirements stipulated in the Companies Act. The requirement as per Regulation 4.3 could therefore result in the situation where a property practitioner who is registered as a company does not need to have its business and other accounts audited, yet the Companies Act may require an audit. There is therefore a conflict between the Companies Act and the Draft Regulations.
4. The application of section 5(4) of the Companies Act will result in a situation where the provisions of the Companies Act prevail over the Draft Regulations in terms of the hierarchy of legislations provided therein. For example, a property practitioner trading as a company whose public interest score is greater than 350 will be subject to an audit even though Regulation 4.3 may allow for an independent review.
5. SAICA is of the view that the audit/independent review requirements in these cases should be driven by other legislation that is applicable to the form of entity of the property practitioner's business (e.g. the Companies Act). Specific public interest considerations (e.g. the R2.5 million turnover requirement as per the PPA) should be prescribed for other forms of entities such as close corporations and sole proprietors in determining whether an audit or independent review should be performed. The Regulations should refer to the other applicable legislation.
6. The Regulations should also indicate who is eligible to perform such an audit (only a registered auditor) or an independent review (other professions such as chartered accountants may also perform independent reviews in certain circumstances). Refer to the comment on Regulation 4.3 on page 8 of this comment letter.

B. REGULATIONS ON HOW THE TRUST ACCOUNTING RECORDS SHOULD BE MAINTAINED

7. The Draft Regulations do not give detail on how the property practitioner should administer and maintain the trust accounting records. Refer to Annexure 1 for the recommended regulations in this regard to give effect to sections 54(5)(a)-(c) of the PPA.
8. SAICA recommends that the Department of Human Settlements should also consult with the Estate Agents Affairs Board (EAAB), the Banking Association of South Africa (BASA) and the Independent Regulatory Board of Auditors (IRBA) as to any additional matters that should be included in this regard.

**C. ADDITIONAL ACCOUNTING AND AUDITING CONSIDERATIONS IN THE
PROPERTY PRACTITIONERS ACT NOT INCLUDED IN THE DRAFT REGULATIONS**

9. Section 55(4)(a)(i)-(iii) requires that a property practitioner keep accounting records that are necessary to fairly reflect and explain the state of affairs of the property practitioner's business as well as the trust account(s).
10. Currently, neither the PPA nor the Draft Regulations give guidance to the property practitioner as to the financial reporting framework that should be used in order to prepare the accounting records of the business (e.g. International Financial Reporting Standards (IFRS) or IFRS for Small and Medium Enterprises) and the trust accounting records (e.g. refer to the suggested additional Regulations that could form the basis of a compliance framework, provided in Annexure 1). It is most likely that different financial reporting frameworks will be used for the two sets of accounting records.
11. SAICA recommends that the Draft Regulations should be amended to include the recognised financial reporting frameworks for the business accounting records as well as a compliance framework for the trust account(s). The suggested additional Regulations that could form the basis of a compliance framework are provided in Annexure 1. An audit, according to the pronouncements in terms of the Auditing Profession Act (APA) can only be performed if there is an acceptable financial reporting framework. Therefore, it is of paramount importance that the Regulations give guidance on the recognised financial reporting frameworks.
12. Section 55(4)(b) further requires that the trust accounts and the business accounts stipulated in Section 55(4)(a) be audited by an auditor within six months after the final date of the financial year of the property practitioner. While we agree with the definition of an audit as included in the PPA, as that definition covers all pronouncements issued in terms of the APA, we believe further guidance should be included in the Regulations as to the nature of the engagements that may be performed by auditors.
13. At a minimum, the Regulations should include the following guidance for the different types of assurance engagements that may be performed for property practitioners under the PPA:
 - 13.1 When performing an assurance engagement on the trust accounting records of a property practitioner, the auditor will be performing a compliance engagement in order to express an assurance conclusion on whether the trust accounts of the property practitioner for the financial year end under consideration were maintained, in all material respects, in accordance with sections 54 and 55 of the PPA. For such engagements, the auditor will be required to use the International Standard on Assurance Engagements 3000 (Revised), *Assurance Engagements other than Audits or Reviews of Historical Financial Information*. The detailed procedures to be performed on property practitioners trust accounts should be determined in consultation with IRBA.
 - 13.2 When performing an audit engagement on the business accounting records of a property practitioner, the auditor performs the engagement in order to provide an opinion on whether the financial statements are prepared, in all material respects, in accordance with the applicable financial reporting framework. In such engagements, the auditor will be required to use the International Standards on Auditing (ISAs).
 - 13.3 When performing an independent review engagement of the business accounting records, the practitioner¹ expresses a conclusion that is designed to enhance the degree of

¹ Not necessarily a registered auditor. The Regulations should prescribe which other profession may also perform independent review engagements. Refer to the comment on Regulation 4.3 on page 8 of this comment letter.

confidence of intended users regarding the preparation of an entity's financial statements in accordance with an applicable financial reporting framework. The practitioner's conclusion is based on the practitioner obtaining limited assurance. The practitioner's report includes a description of the nature of a review engagement as context for the readers of the report to be able to understand the conclusion. The auditor performs this engagement in accordance with the requirements of International Standard on Review Engagements 2400 (ISRE 2400) (Revised), *Engagements to Review Historical Financial Statements*.

D. OTHER CONSIDERATIONS

14. Trust audits for property practitioners may in some respects be similar to trust audits for legal practitioners. We urge the Property Practitioners Regulatory Authority to work closely with IRBA in identifying some of the key principles from the IRBA's *Guide for Registered Auditors: Engagements on Legal Practitioners Trust Accounts* that may be applicable to the audit of property practitioners trust accounts.
15. SAICA also encourages greater cooperation between the Legal Practice Council and the Property Practitioners Regulatory Authority in order to create consistency in the manner in which trust accounts are administered in South Africa. This may go a long way in assisting the two bodies to combat fraudulent activities in trust accounts and to co-ordinate some of their activities. Some of these areas may include the treatment of interest from trust accounts, dealings with BASA in terms of confirming trust account bank balances and interest amounts etc.
16. There is inconsistency in the determiner used to refer to property practitioners in the Draft Regulations. In some regulations "his, her or its" is used, and in others only "its" is used. Property practitioners can be natural or juristic persons so the former is more correct, but there should at least be consistency across the Regulations.
17. Section 54(7) of the PPA needs clarification and may possibly require an amendment. The section refers to an "audited statement prepared by an auditor fully stating out the state of affairs..." In terms of the ISAs, the auditor prepares an 'auditor's report,' therefore, the term 'audited statement' is not correct. The property practitioner is responsible for preparing the statement fully setting out the state of affairs. The auditor reports on this statement. In other sections of the PPA, such as section 53(6), the correct term has been used, therefore, changing this to an 'audited statement' creates confusion. SAICA suggests the following wording for section 54(7) of the PPA:

Despite subsection (5), the Authority may on good cause at any time order a property practitioner by notice in writing to cause the accounting records contemplated in subsection 5(a) to be audited as contemplated in subsection 5(d) and to submit the auditor's report to the Authority within a period stated in such notice, but not less than 30 days.

E. COMMENTS RELATING TO THE INDIVIDUAL DRAFT REGULATIONS

Suggested changes included below are denoted as ~~strike through~~ for recommended deletions and underlined words for recommended insertions.

REGULATION	ISSUES AND CONSIDERATIONS	SUGGESTED CHANGE
Definitions	“Independent review” is not defined in the Regulations:	<u>Independent review – An independent review is a limited assurance engagement where the practitioner performs primarily inquiry and analytical procedures to obtain sufficient appropriate evidence as the basis for a conclusion on the financial statements as a whole, expressed in accordance with the requirements of International Standard on Review Engagements 2400 (ISRE 2400) (Revised). An Independent Review is performed by a practitioner who was not involved in the preparation of the financial statement.</u>
Regulations 2 and 3: Objection to exemption granted under the provisions of the Property Practitioners Act, 2019 (PPA)	Two forms have been included in the Regulations relating to the objections to exemptions granted under the PPA; namely: <ul style="list-style-type: none"> - Form E2; and - A form included under Regulation 3. 	If there are different forms that should be used to enforce the objection as per section 4(4)(a) of the PPA, the Regulations should clarify under which instances the different forms are used. Otherwise, one of the forms should be included, preferably, the form under Regulation 3.

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	Both forms appear to address the objection granted under section 4(4)(a) of the PPA.	
Regulation 2: Objection to exemption granted under the provisions of the Property Practitioners Act, 2019 (PPA)	There is a duplication of the heading for Form E2.	FORM E2 FORM E2
Regulation 4.1 Exemption from Trust Accounts Pursuant to the provisions of section 23(1) of the Act, the following is prescribed...	Regulation 4.1 currently makes reference to section 23(1) of the PPA. However, section 23(1) of the PPA makes reference to exemption from an audit in cases where the turnover of the property practitioner is less than R2.5 million. Regulation 4.1 is intended to address scenarios where property practitioners are exempted from keeping trust accounts. The appropriate reference should be made to section 23(2)(a) of the PPA.	4.1 Pursuant to the provisions of section 23 (1) <u>(2)(a)</u> of the Act, the following is prescribed...
Regulation 4.1.1.3, "...that property practitioner submits to the authority [, at the time of applying for a fidelity fund certificate,] an affidavit in the form of [Annexure E1 attached hereto] in terms of which affidavit the property practitioner asserts that..."	Form E1, <i>Application for exemption from provisions of the Property Practitioners Act</i> , has been included in Schedule 1 to Regulation 42. Another form should be created and annexed to the Regulations to address those matters pertaining to Regulation 4.1.1.3 and the reference to Annexure E1 should be deleted.	that property practitioner submits to the authority [, at the time of applying for a fidelity fund certificate,] an affidavit in the form of [Annexure E1 attached hereto] in terms of which affidavit the property practitioner asserts that...
Regulation 4.2 "Where a property practitioner is exempted in terms of regulation 4.1.1, provided that such property practitioner has had any previously existing trust account reviewed in	This regulation contradicts section 54(5)(b) of the PPA which requires every property practitioner to have their trust accounts audited within six months of the financial year end. Therefore, all	4.2 Where a property practitioner is exempted in terms of regulation 4.1.1, provided that such property practitioner has had any previously existing trust account reviewed in terms of section

REGULATION	ISSUES AND CONSIDERATIONS	SUGGESTED CHANGE
terms of section 23(1) or audited in terms of section 54(1) to (7) up to the date on which such trust account was closed, such property practitioner will not be required to again have such account reviewed or audited.”	<p>trust accounts should be audited in terms of this section of the PPA.</p> <p>The section 23(1) exemption of the PPA only applies to the business accounting records of the property practitioners that have a turnover that is less than R2.5 million.</p> <p>Therefore, under no circumstances would property practitioners have had trust accounts that were previously subject to an independent review.</p>	23 (1) or audited in terms of section 54(1) to(7) up to the date on which such trust account was closed, such property practitioner will not be required to again have such account reviewed or audited.
Regulation 4.3 “Where a property practitioner is exempted in terms of regulation 4.1.1 and has complied with regulation 4.2 foregoing, such property practitioner will be exempted from having to have its business and other accounts audited and will only be required to have such accounts independently reviewed by a registered accountant.”	<ol style="list-style-type: none"> 1. Other accounts – the term “other accounts” is not consistent with the term used in the PPA. The Regulation should rather make reference to the business accounting records. 2. Registered accountant – the term “registered accountant” should be defined in the Regulations to give further guidance as to who is eligible to perform independent reviews. For property practitioners trading as companies, they will need to comply with the Companies Regulations. According to Regulation 29(4) of the Companies Regulations, an independent review of a company’s annual financial statements must be carried out – <ol style="list-style-type: none"> a. In the case of a company whose public interest score for the particular financial year was at least 100, by a registered auditor, or a member in good standing of 	4.3 Where a property practitioner is exempted in terms of regulation 4.1.1 and has complied with regulation 4.2 foregoing, such property practitioner will be exempted from having to have its business <u>accounting records</u> and other accounts audited and will only be required to have <u>the business accounting records</u> such accounts independently reviewed. by a registered accountant

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	<p>a professional body that has been accredited in terms of section 33 of the Auditing Professions Act; or</p> <p>b. In the case of a company whose public interest score for the particular financial year was less than 100, by –</p> <p>i. A person contemplated in paragraph (a); or</p> <p>ii. A person who is qualified to be appointed as an accounting officer of a close corporation in terms of section 60 (1), (2) and (4) of the Close Corporations Act, 1984.</p> <p>The above criteria apply to companies. Property practitioners in South Africa may trade as companies, close corporations and sole proprietors. SAICA recommends that eligibility criteria should be included in the Regulations as to who may perform an independent review for close corporations and sole proprietors. Reference to Companies Regulation 29(4) should be made for property practitioners trading as companies.</p> <p>Furthermore, Regulation 29(5) of the Companies Regulations prohibits an independent review of a company's annual financial statements being carried out by an independent accounting professional who was involved in the preparation of the said annual financial statements. The same</p>	

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	<p>principle should apply in the case of a close corporation or sole proprietor to ensure that the independent reviewer is a practitioner who was not involved in the preparation of the financial statements.</p> <p>3. Independent review – the term “independent review” should be defined in the Regulations. Refer to the suggested definition above.</p>	
<p>Regulation 5.3 “The Authority must –</p> <p>5.3.2 develops guidelines for the regularization of property practitioners to promote compliance to the Act;</p> <p>5.3.3 close corporations whose membership comprises solely natural persons; or</p> <p>5.3.4 trusts whose beneficiaries and trustees comprise solely natural persons.”</p>	<p>Regulation 5.3.2 needs two editorial changes.</p> <p>The two sub-paragraphs (5.3.3 and 5.3.4) seem out of place and need to be given more context or deleted.</p>	<p>5.3.2 develops guidelines for the <u>regularisation</u> regularization of property practitioners to promote compliance to the Act;</p> <p>5.3.3 and 5.3.4 to be updated or deleted.</p>
<p>Regulation 8(f) “Comments furnished to the Authority by the respondent in terms of paragraph (a) shall not be used against him or her in any legal proceedings relating to the complaint.”</p>	<p>Regulation 8(a) does not refer to comments by the respondent, but to the actual complaint being lodged by the complainant. The appropriate reference should be to Regulation 8(e).</p>	<p>8(f) Comments furnished to the Authority by the respondent in terms of paragraph (a) <u>(e)</u> shall not be used against him or her in any legal proceedings relating to the complaint.</p>
<p>Regulation 8(t) Upon completion of the mediation proceedings, the mediator must within seven working days issue a certificate of outcome to the complainant, respondent and the Authority</p>	<p>This sentence is incomplete.</p>	<p>This Regulation needs to be updated.</p>

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Regulation 17(a) "Every property practitioners who is a natural person shall – iv) where the candidacy period has exceeded two years, the candidate property practitioner shall pay the same levy applicable to every property practitioner mentioned in 17.(a)(i) or 17.(a)(ii), N.B.	Two editorial changes need to be made.	Regulation 17(a) Every property practitioners who is a natural person shall – iv) where the candidacy period has exceeded two years, the candidate property practitioner shall pay the same levy applicable to every property practitioner mentioned in 17.(a)(i) or 17.(a)(ii); N.B.
Regulation 20(a) "The Authority must only consider a claim against the Fidelity Fund if – (iv) recommendation for the rejection or approval of the claim to the board of the Authority; (v) furnishes reasons for the rejection or approval of the claim;"	SAICA does not understand the reasons for including these two sub-paragraphs.	These paragraphs should be updated or deleted if they are not necessary.
Regulation 20(b) and (c): " (b) The claim relates to – (c) Should be revised as follows: The authority must hold an inquiry consisted of..."	These sub-paragraphs are incomplete.	These sub-paragraphs should be updated or deleted if they are not necessary.
Regulation 23(a) "A property practitioner must lodge an application for the renewal of his, her or its Fidelity Fund certificate before 31 October each year."	A Fidelity Fund Certificate (FFC) is valid for a period of three years according to section 47(1) of the PPA. Why, then do property practitioners need to lodge an application for renewal before 31 October each year?	The Regulations should be aligned with the PPA.

REGULATION	ISSUES AND CONSIDERATIONS	SUGGESTED CHANGE
Regulation 27(b) "Immediately after appointing an auditor in terms of section 54 (1) (b) of the Act, a property practitioner must in writing provide the Authority with the following information relating to such auditor –... (vi) mobile telephone number"	The requirement relating to mobile telephone numbers should be reconsidered as some practitioners may not be comfortable with sharing them.	The divulging of mobile telephone numbers should be made optional and should not be a mandatory requirement.

ANNEXURE 1 – SUGGESTED REGULATIONS FOR SECTIONS 54(5)(a)-(c) IN THE PROPERTY PRACTITIONERS ACT

Introduction

These are suggested Regulations recommended by SAICA to be incorporated in the final Regulations in order to give guidance to property practitioners on how sections 54(5)(a), 54(5)(b), 54(5)(c) of the PPA can be complied with. These additional Regulations could form the basis of a “compliance” framework against which the auditors could assure the trust accounts.

54(5)(a) “keep separate accounting records of all monies deposited by him, her or it in his, her or its trust account and of all monies invested by him, her or it in any savings or other interest-bearing accounts contemplated in subsection (2).”

1. The accounting records shall distinguish, in readily discernible form, between business account transactions and trust account transactions.
2. Trust money shall in no circumstances be deposited in or credited to a business banking account. Trust money found in a business banking account at any time shall be transferred to a trust banking account without undue delay. A property practitioner shall be deemed to have complied sufficiently with this regulation if he, she or it makes the transfer from its business banking account to its trust banking account at the earliest working day.
3. Money other than trust money found in a trust banking account at any time shall be transferred to a business banking account without undue delay. A property practitioner shall be deemed to have complied sufficiently with this regulation if he, she or it makes transfers from his, her or its trust banking account to his, her or its business banking account at least once a month.

54(5)(b) “balance his, her or its books and records relating to any account contemplated in paragraph (a) at intervals of not more than one month, and cause them as well as all his, her or its business accounts or any other account into which monies are deposited in connection with any property transaction to be audited by the same auditor contemplated in subsection (1)(b), within six months after the final date of the financial year of the property practitioner concerned;”

1. The property practitioner shall write up his, her or its accounting records and balance them at intervals of not more than one month. The property practitioner shall be deemed to comply with this regulation if its accounting records have been written up and balanced by the last day of the following month.

54(5)(c) “administer the accounts referred to in subsections (1) and (2) in the prescribed manner.”

1. The property practitioner shall report to the Authority forthwith in writing any loss, theft or destruction of any accounting records.

2. The property practitioner shall, in the case of accounting records being computerised, make monthly backups which shall be kept in a safe, fireproof place remote from the property practitioner's premises or, in the case of accounting records that are in the form of manual books of account, shall ensure that, outside normal business hours, such records are kept in a safe place.
3. If the property practitioner keeps any of his, her or its accounting records in electronic form, the property practitioner shall:
 - 3.1 Provide adequate precautions against loss of the records as a result of damage to or failure of the media in which the records are maintained; and
 - 3.2 Ensure that the records are at all times capable of being retrieved to a readable and printable form, including by converting the records from legacy to later systems or software from time to time.
4. The property practitioner shall, where he, she or it utilises electronic banking in respect of payments from the trust account, keep a proper audit trail, which shall include verification of the payee's banking account details.
5. The property practitioner's accounting records shall not, save with the prior written consent of the Authority, and except for electronic records in terms of Regulation 3 and backups of computerised records, be maintained at any place other than his, her or its main office or branch office, but in the latter instance, only insofar as they relate to any part of its practice conducted at that branch.
6. When making a transfer from his, her or its trust banking account to its business banking account, the property practitioner shall ensure that:
 - 6.1 The amount transferred is identifiable and does not exceed the amount due to him, her or it;
 - 6.2 The trust creditor from whose account the transfer is made is identified; and
 - 6.3 The balance of any amount due to him, her or it remaining in his, her or its trust banking account is capable of identification, with corresponding entries appearing in his, her or its trust ledger.
7. The property practitioner shall, within a reasonable time after the performance or earlier termination of any mandate, account to his, her or its client in writing and retain a copy of each such account for not less than ten years; each account shall contain details of:
 - 7.1 All amounts received by him, her or it in connection with the matter concerned, appropriately explained;
 - 7.2 All disbursements and other payments made by him, her or it in connection with the matter;
 - 7.3 All fees and other charges charged to or raised against the client and, where any fee represents an agreed fee, a statement that such fee was agreed upon and the amount so agreed;
 - 7.4 The amount owing to or by the client.
8. The property practitioner shall ensure that all money received by him, her or it on account of any person is deposited intact into his, her or its trust banking account on the date of its receipt or the

first banking day following its receipt on which it might reasonably be expected that it would be banked.

9. The property practitioner shall ensure that any amount withdrawn by him, her or it from an investment account is deposited promptly by him, her or it into his, her or its trust banking account.
10. The property practitioner shall ensure that the total amount of money in his, her or its trust banking account, trust investment account and trust cash at any date shall not be less than the total amount of the credit balances of the trust creditors shown in his, her or its accounting records.
11. The property practitioner shall ensure that no account of any trust creditor is in debit.
12. The property practitioner shall employ and maintain a system to ensure that the requirements of these regulations are not infringed when amounts are transferred from his, her or its trust banking account to his, her or its business banking account.
13. The property practitioner shall immediately report in writing to the Authority should the total amount of money in his, her or its trust bank account be less than the total amount of credit balances of the trust creditors shown in his, her or its accounting records, together with a written explanation of the reason for the debit and proof of rectification.
14. The property practitioner shall immediately report in writing to the Authority should an account of any trust creditor be in debit, together with a written explanation of the reason for the debit and proof of rectification.
15. Withdrawals from the property practitioner's trust banking account shall be made only:
 - 15.1 To or for a trust creditor, or
 - 15.2 As transfers to the practitioner's business banking account, provided that such transfers shall be made in respect of money due to the property practitioner; and provided that no transfer from his, her or its trust banking account to his, her or its business banking account is made in respect of any disbursement unless:
 - 15.2.1 The disbursements have actually been made and debited by the property practitioner; or
 - 15.2.2 A contractual obligation has arisen on the part of the property practitioner to pay the disbursement; or
 - 15.2.3 Fees and disbursements have been correctly debited in his, her or its accounting records.
16. Any cheque drawn on the practitioner's trust banking account shall be made payable to or to the order of a payee specifically designated.
17. Payments from the trust banking account of the property practitioner shall only be by cheque or electronic transfer.
18. The property practitioner shall extract at intervals of not more than three calendar months, and in a clearly legible manner, a list showing all persons on whose account money is held or has been received and the amount of all such moneys standing to the credit of each such person, who shall be identified therein by name, and shall total such list and compare the said total with the total of the balance standing to the credit of the property practitioner's trust banking account, investment account.
 - 18.1 The balance listed in respect of each such account shall also be noted in some permanent, prominent and clear manner in the ledger account from which that balance was extracted.
 - 18.2 Each such list shall be part of the accounting records of the property practitioner to be retained for the five-year period referred to in section 55(1) of the Act.

19. The property practitioner shall:
 - 19.1 Immediately notify the Authority in writing of the name and address of the bank or banks at which his, her or its trust banking account or accounts are kept and shall thereafter notify the Authority immediately of any change in the name and address of such bank or banks;
 - 19.2 Whenever so required by the Authority, furnish the Authority within ten days, or such longer period as the Authority may stipulate, a signed statement issued by the bank or banks with which his, she or it keeps his, her or its trust banking account or accounts and a signed statement issued by the bank with which the property practitioner keeps any investment account, certifying the amount of the balance of such trust banking account or accounts or investment account at such date or dates as may be specified by the Authority.
20. The property practitioner shall, unless otherwise instructed, pay any amount due to a client within a reasonable time.