



STATUTORY INSTRUMENTS.

S.I. No. 576 of 2017

PROPERTY SERVICES (REGULATION) ACT 2011 (MAINTENANCE
OF PROFESSIONAL COMPETENCE OF LICENSEES) REGULATIONS
2017

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The Property Services Regulatory Authority, in exercise of the powers conferred on it by section 79 of the Property Services (Regulation) Act 2011 (No. 40 of 2011) with the consent of the Minister for Justice and Equality, hereby makes the following Regulations:

Citation

1. (1) These Regulations may be cited as the Property Services (Maintenance of Professional Competence of Licensees) Regulations 2017.

(2) These Regulations shall come into operation on the first day of January 2018.

Definitions

2. In these Regulations —

“Act” means the Property Services (Regulation) Act 2011 (No. 40 of 2011).

“Authority” means the Property Services Regulatory Authority established pursuant to Section 9 of the Act.

“E-Learning” means a Professional Competence Scheme Programme that is generated, communicated, processed, sent, received, recorded, stored and/or displayed by electronic means or in electronic form and includes education and training provided through:

- (a) the internet or other computer network connections, sound only or sound and vision formats, or a combination thereof;
- (b) the provision of an electronic file, a CD-Rom and/or a DVD;
- (c) other technologies or formats.

“Licensee” means a licensee who is an individual and holder of a licence issued by the Authority.

“Professional Competence Scheme” means the scheme which provides for the education and training of Licensees for the purposes of ensuring the ongoing maintenance of the professional competence of Licensees.

“Professional Competence Scheme Programmes” means education and training programmes delivered by Professional Competence Scheme Accredited Providers to

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“Iris Oifigiúil” of 15th December, 2017.*

Licensees for the purposes of ensuring the ongoing maintenance of their professional competence.

“Professional Competence Scheme Accredited Providers” means bodies accredited by the Authority to deliver Professional Competence Scheme Programmes on behalf of the Authority.

“Professional Competence Scheme Category of General/Management” means Professional Competence Scheme Programmes delivered by Professional Competence Scheme Accredited Providers in the category of General/Management.

“Professional Competence Scheme Category of Legislation/Regulation” means Professional Competence Scheme Programmes delivered by Professional Competence Scheme Accredited Providers in the category of Legislation/Regulation.

“Professional Competence Scheme Cycle” means the calendar year.

“Verifiable Hour” means attendance at a Professional Competence Scheme Programme for the duration of an hour verified by certification from a Professional Competence Scheme Accredited Provider and for the purposes of these Regulations one Verifiable Hour shall be construed as including a reference to two Verifiable Half Hours.

“Verifiable Half Hour” means attendance at a Professional Competence Scheme Programme for the duration of a half hour verified by certification from a Professional Competence Scheme Accredited Provider.

Scope

3. These Regulations shall apply to Licensees, as defined in these Regulations.

Establishment, Development and Operation of the Professional Competence Scheme

4. (1) These Regulations establish the Professional Competence Scheme to be undertaken by Licensees.

(2) Only Professional Competence Scheme Accredited Providers will be entitled to deliver Professional Competence Scheme Programmes on behalf of the Authority.

(3) The Authority shall publish a list from time to time of Professional Competence Scheme Accredited Providers and Professional Competence Scheme Programmes on its website.

(4) The Authority shall from time to time specify sub categories under the Professional Competence Scheme Category of General/Management and the Professional Competence Scheme Category of Legislation/Regulation by guidelines and/or by publication on its website.

5. (1) Licensees shall be required to undertake a minimum of five Verifiable Hours of education and training by completion of Professional Competence Scheme Programmes in the Professional Competence Scheme Cycle, as follows;

- (a) A minimum of two Verifiable Hours in the Professional Competence Scheme Category of General/Management;
- (b) A minimum of two Verifiable Hours in the Professional Competence Scheme Category of Legislation/Regulation; and
- (c) Any further Verifiable Hours may be in the Professional Competence Scheme Category of General/Management or Professional Competence Scheme Category of Legislation/Regulation.

(2) In order to comply with the requirement under Regulation 5(1)(b), a Licensee shall be required in each Professional Competence Scheme Cycle to undertake, as follows;

- (a) a minimum of one Verifiable Hour of education and training by completion of Professional Competence Scheme Programmes relating to the subcategory of the Property Services (Regulation) Act 2011 and/or any regulations made under that Act, and
- (b) a minimum of one Verifiable Half Hour of education and training by completion of a Professional Competence Scheme Programme relating to the sub-category of anti-money laundering legislation.

(3) In order to comply with the requirements under Regulation 5(1) and Regulation 5(2), a maximum of one Verifiable Hour of education and training may be undertaken by a Licensee in any sub category under the Professional Competence Scheme Category of General/Management and the Professional Competence Scheme Category of Legislation/Regulation.

(4) In order to satisfy the minimum requirements under Regulation 5, a maximum of two Verifiable Hours of E-Learning may be undertaken by a Licensee.

(5) A licensee may not carry forward surplus hours accredited by Professional Competence Accredited Providers at the end of a Professional Competence Scheme cycle.

Duty of Licensees to Maintain Professional Competence

6. A Licensee shall maintain his or her professional competence on a continuous and ongoing basis pursuant to the Professional Competence Scheme.

Duty of a Licensee to Demonstrate Proof of Professional Competence to Satisfaction of the Authority

7. (1) A Licensee shall maintain certificates from Professional Competence Scheme Accredited Providers, to verify his or her completion of Verifiable Hours under the Professional Competence Scheme.

(2) A Licensee shall, whenever requested by the Authority to do so, provide the Authority with the supporting certificates from Professional Competence Scheme Providers under Regulation 7 (1).

(3) A Licensee shall, when making an application for renewal of a licence under Section 35 of the Act, make a declaration in the specified form of compliance with the Professional Competence Scheme for the preceding Professional Competence Scheme Cycle.

(4) A Licensee shall co-operate with any requirements imposed on the Licensee by these Regulations.

Modification of the requirements of the Professional Competence Scheme

8. (1) A Licensee who is issued a licence by the Authority under Section 31(1) of the Act during the Professional Competence Scheme Cycle is subject to the requirements under Regulation 5, modified on a pro rata basis in proportion to the remainder of the term in that Professional Competence Scheme Cycle.

(2) The Authority may in exceptional circumstances, on foot of an application received from a Licensee, relieve a Licensee to fulfil some or all of the obligations set out in these Regulations.

The Minister for Justice and Equality consents to the making of the foregoing Regulations.



Given under my Official Seal,
30 November 2017.

CHARLES FLANAGAN,
Minister for Justice and Equality.



Given under the seal of the Property Services Regulatory Authority,
12 December 2017.

MAEVE HOGAN,
Chief Executive, Property Services Regulatory Authority.

GERALDINE CLARKE,
Chairperson, Property Services Regulatory Authority.

EXPLANATORY NOTE

(This note is not part of the Statutory Instrument and does not purport to be a legal interpretation.)

These Regulations are made under Section 79 of the Property Services (Regulation) Act 2011. They provide for the development, establishment and operation of the scheme of education and training for the purposes of ensuring the ongoing maintenance of the professional competence of licensees in the provision of the property service which they are authorised to provide.

These Regulations may be cited as the Property Services (Regulation) Act 2011 (Maintenance of Professional Competence of Licensees) Regulations 2017.

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