



STATUTORY INSTRUMENTS.

S.I. No. 181 of 2012



PROPERTY SERVICES (REGULATION) ACT 2011
(QUALIFICATIONS) REGULATIONS 2012

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The Property Services Regulatory Authority in exercise of the powers conferred on it by section 95 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 and commencement

1. (1) These Regulations may be cited as the Property Services (Regulation) Act 2011 (Qualifications) Regulations 2012.

(2) These Regulations shall come into operation on 30 May 2012.

Definitions

2. In these Regulations—

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

“awarding body” has the meaning given to it in section 2 of the Qualifications (Education and Training) Act 1999 (No. 26 of 1999);

“ECTS” means the European Credit Transfer and Accumulation System (ECTS);

“equivalent”, in relation to any matter outside the State, means equivalent in the opinion of the Authority;

“European Credit Transfer and Accumulation System (ECTS)” means the credit system for higher education used in the European Higher Education Area;

“framework of qualifications” has the meaning given to it in section 7 of the Qualifications (Education and Training) Act 1999;

“minimum qualification requirements”, in relation to an application for a licence, means—

- (a) the applicant has, in respect of the subject areas specified in the Schedule, successfully completed a course of studies which has led to the awarding to him or her, by a nationally recognised awarding body or awarding bodies, of 120 ECTS compatible higher education and training credits at levels 6 to 10 of the framework of qualifications (in this definition referred to as the “Irish framework”),

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 5th June, 2012.*

- (b) the applicant has, in another jurisdiction, in respect of the subject areas specified in the Schedule, successfully completed a course of studies which has led to the awarding to him or her, by a body or bodies in that jurisdiction that is or are equivalent to a nationally recognised awarding body or awarding bodies, credits, under a framework in that jurisdiction that is equivalent to the Irish framework, equivalent to levels 6 to 10 of the Irish framework,
- (c) the applicant has lawfully engaged in, and for periods amounting together to not less than 3 years of the 5 year period immediately preceding the making of the application, the provision of the property service for which he or she is seeking the licence, or
- (d) the applicant has such other qualifications or experience, or both, which, although not falling (or fully falling) within paragraph (a), (b) or (c), satisfies the Authority that the applicant is suitable to provide the property service for which he or she is seeking the licence.

Qualification requirements

3. For the purposes of the required levels of education, training and experience referred to in section 30(2)(a) of the Act, an application for a licence shall be accompanied by evidence acceptable to the Authority that—

- (a) in the case of an application for a property services employer licence under the Act, where the applicant is a body corporate or partnership, a principal officer of the applicant falls within the definition of “minimum qualification requirements” in Regulation 2, and
- (b) in any other case, the applicant falls within the definition of “minimum qualification requirements” in Regulation 2.

Evidence of qualifications

4. The evidence that the minimum qualification requirements have been attained shall be—

- (a) in the case of a body corporate or partnership—
 - (i) if paragraph (a) of the definition of “minimum qualification requirements” in Regulation 2 applies, a letter or certificate from an awarding body certifying that a principal officer of the body corporate or partnership has been awarded the credits referred to in that paragraph,
 - (ii) if paragraph (b) of the definition of “minimum qualification requirements” in Regulation 2 applies, a letter or certificate from a body referred to in that paragraph that is, in respect of a principal officer of the body corporate or partnership, equivalent to a letter or certificate referred to in subparagraph (i),
 - (iii) if paragraph (c) of the definition of “minimum qualification requirements” in Regulation 2 applies, evidence which satisfies

the Authority that a principal officer of the body corporate or partnership falls within that paragraph,

- (iv) if paragraph (d) of the definition of “minimum qualification requirements” in Regulation 2 applies, evidence which satisfies the Authority, as mentioned in that paragraph, in respect of a principal officer of the body corporate or partnership, and
- (v) in any case, other evidence which the Authority considers sufficient to satisfy it that a principal officer of the body corporate or partnership has attained the minimum qualification requirements,

and

(b) in the case of an individual—

- (i) if paragraph (a) of the definition of “minimum qualification requirements” in Regulation 2 applies, a letter or certificate from an awarding body certifying that the individual has been awarded the credits referred to in that paragraph,
- (ii) if paragraph (b) of the definition of “minimum qualification requirements” in Regulation 2 applies, a letter or certificate from a body referred to in that paragraph that is, in respect of that individual, equivalent to a letter or certificate referred to in subparagraph (i),
- (iii) if paragraph (c) of the definition of “minimum qualification requirements” in Regulation 2 applies, evidence which satisfies the Authority that that individual falls within that paragraph,
- (iv) if paragraph (d) of the definition of “minimum qualification requirements” in Regulation 2 applies, evidence which satisfies the Authority, as mentioned in that paragraph, in respect of that individual, and
- (v) in any case, other evidence which the Authority considers sufficient to satisfy it that that individual has attained the minimum qualification requirements.

Regulation 2

SCHEDULE

SUBJECT AREAS FOR PURPOSES OF PARAGRAPHS (a) AND (b) OF DEFINITION OF “MINIMUM QUALIFICATION REQUIREMENTS” IN REGULATION 2

1. Subject to paragraph 2, details of the subjects and the associated credits, or their equivalents in another jurisdiction, which satisfy the requirements of paragraphs (a) and (b) of the definition of “minimum qualification requirements” in Regulation 2 are specified in the Table to this paragraph.

TABLE

(1) Subjects	(2) Number of ECTS Credits
Valuations	7.5
Marketing/Practice Knowledge	30
Economics	7.5
Law	30
Property Management	20
Building Construction/Technical	7.5
Business Studies/Professional Development	7.5

2. The 110 ECTS credits referred to in the Table to paragraph 1 shall be supplemented by 10 additional ECTS credits in one or more of the subjects specified in that Table.

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



GIVEN under my Official Seal,
30 May 2012.

ALAN SHATTER,
Minister for Justice and Equality.



GIVEN under the seal of the Property Services Regulatory Authority,
30 May 2012.

THOMAS LYNCH,
Chief Executive.

GERALDINE CLARKE,
Chairperson, Property Services Regulatory Authority.

EXPLANATORY NOTE

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

These Regulations specify the minimum qualifications necessary for the grant of a licence to provide property services under the Property Services (Regulation) Act 2011.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
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