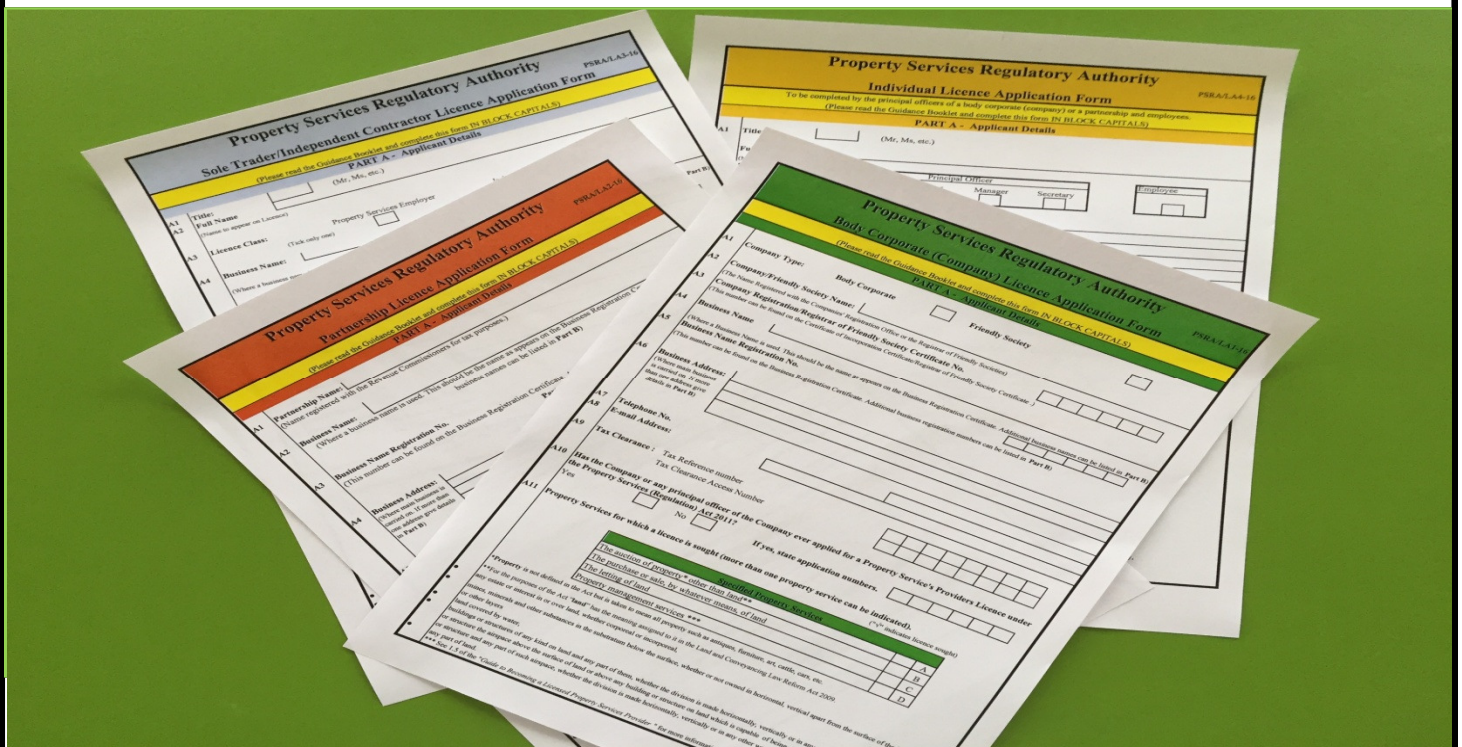


Údarás Rialála Seirbhísí Maoine



Property Services Regulatory Authority PSRA



GUIDE TO BECOMING A LICENSED PROPERTY SERVICES PROVIDER

(Auctioneer/Estate Agent, Letting Agent or Management Agent)

September 2017

Disclaimer

This guide is designed to assist those who wish to become licensed property services providers to understand the requirements of being licensed and how to complete the necessary application forms. These guidelines are not and do not purport to be a legal interpretation of the Property Services (Regulation) Act 2011 and any Regulations made under that Act.

These guidelines may be updated from time to time and the most recent version will be available on the Authority's website www.psr.ie . You can email info@psr.ie should you require any clarification on issues addressed in these guidelines.

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Summary

The Property Services Regulatory Authority (PSRA) has been established under the Property Services (Regulation) Act 2011 (*the Act*) to regulate Property Services Providers (i.e. Auctioneers/Estate Agents, Letting Agents and Management Agents). Under the Act the PSRA is the Licensing Authority for all Property Services Providers (PSPs). It is an offence to provide a property service without a licence which is punishable by an unlimited fine and up to 5 years in prison.

This Guide outlines:-

➤ **The Property Services** for which a licence is required (Chapter 1).

There are four different property services namely:

- The auction of property* other than land**.
- The purchase or sale, by whatever means, of land.
- The letting of land.
- Property management services***.

A separate licence is required for each property service.

“property service” means the provision, for consideration (payment), in the State, in respect of property located within or outside the State, of any of the following—

- (a) the auction of property other than land,
 - (b) the purchase or sale, by whatever means, of land,
 - (c) the letting of land (including a letting in conacre or for the purposes of agistment), or
 - (d) property management services,
- by—
- (i) a property services employer,
 - (ii) an employee of a property services employer,
 - (iii) a principal officer of a property services employer, or
 - (iv) an independent contractor;

“**Property**” is not defined in the Act but is taken to mean all property such as land, houses, apartments, antiques, furniture, art, cattle, cars, etc.

For the purposes of the Act “land**” has the meaning assigned to it in the Land and Conveyancing Law Reform Act 2009 and includes:

- any estate or interest in or over land, whether corporeal or incorporeal,
- mines, minerals and other substances in the substratum below the surface, whether or not owned in horizontal, vertical or other layers apart from the surface of the land,
- land covered by water,
- buildings or structures of any kind on land and any part of them, whether the division is made horizontally, vertically or in any other way,
- the airspace above the surface of land or above any building or structure on land which is capable of being or was previously

occupied by a building or structure and any part of such airspace, whether the division is made horizontally, vertically or in any other way,

- any part of land.

*** The 2011 Act defines **property management services** as meaning:

“... services in respect of the management of a multi-unit development carried out on behalf of a management body, and such services include-

- (a) administrative services, and
- (b) the procurement of or any combination of the maintenance, servicing, repair, improvement or insurance of the development of any part of the development.”

Property management services within the meaning of the Act does not mean the management of properties in respect of which the service provider provides letting services. Where a property is managed as part of the letting of the property such activity is covered by licence type **C** (the letting of land).

- **The Property Services Providers** which require a licence (Chapter 2 & 3),

Employers and Employees, who provide property services must be Licensed.

- **The Statutory Requirements** for obtaining a licence (Chapter 4),

The Licensing Requirements cover:

- Qualifications,
- Professional Indemnity Insurance,
- Accountant’s Report,
- Tax Clearance,
- Certificate of Incorporation,
- Business Name Certificate,
- Declaration,
- Licence Fee,
- Compensation Fund Contribution.

Particular attention should be paid to the “qualification” requirements.

- **How to make an Application for a Licence** (Chapter 5).

There are four different Application Forms. If the applicant is:

- A **Company** - fill out Form [PSRA/LA1-16](#)
- A **Partnership** - fill out form [PSRA/LA2-16](#)
- A **Sole Trader or Independent Contractor** - fill out Form [PSRA/LA3-16](#)
- A **Principal Officer or Employee** - fill out [PSRA/LA4-16](#)

Detailed Instructions on Completing New Application Forms is provided in Part II

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PART I

Requirements and Qualifications Necessary to Obtain a Licence

CHAPTER 1

Property Services Covered by the Act

(The Different Categories of Property Services)

- 1.1. A “*Property Service*” under the Act means:-
- The auction of property other than land.
 - The purchase or sale, by whatever means, of land.
 - The letting of land.
 - Property management services.
- 1.2. It has been decided, because of the different categories of property services involved, that a separate licence will be issued in respect of each category of property service. However, a PSP may, if all the licensing requirements are met, hold a single licence covering one or more of the different categories of property service.
- 1.3. For the purposes of the Act “**land**” has the meaning assigned to it in the Land and Conveyancing Law Reform Act 2009 and includes:
- any estate or interest in or over land, whether corporeal or incorporeal,
 - mines, minerals and other substances in the substratum below the surface, whether or not owned in horizontal, vertical or other layers apart from the surface of the land,
 - land covered by water,
 - buildings or structures of any kind on land and any part of them, whether the division is made horizontally, vertically or in any other way,
 - the airspace above the surface of land or above any building or structure on land which is capable of being or was previously occupied by a building or structure and any part of such airspace, whether the division is made horizontally, vertically or in any other way,
 - any part of land.
- 1.4. **Property** is not defined in the Act but is taken to mean all property such as land, houses, apartments, antiques, furniture, art, cattle, cars, etc.
- 1.5. The 2011 Act defines **property management services** as meaning:
- “... services in respect of the management of a multi-unit development carried out on behalf of a management body, and such services include-
- (a) administrative services, and
 - (b) the procurement of or any combination of the maintenance, servicing, repair, improvement or insurance of the development of any part of the development.”

Property management services within the meaning of the Act is typically the day-to-day tasks associated with management of a multi-unit development (such as an apartment development) and could include service charge collection and insurance and maintenance of the common areas of the development on behalf of a "management body" (an owners' management company).

Property management services within the meaning of the Act does not mean the management of properties in respect of which the service provider provides letting services. Where a property is managed as part of the letting of the property such activity is covered by licence type **C** (the letting of land).



CHAPTER 2

Property Services Providers Covered by the Act

(The Different Classes of Licensee)

2.1. The Act describes 4 classes of Property Services Provider, namely:-

- A **Property Services Employer**, (Company, Partnership and Sole Trader)
- An **Employee** of a **Property Services Employer**,
- A **Principal Officer** of a **Property Services Employer**, and
- An **Independent Contractor**.

“property service” means the provision, for consideration (payment), in the State, in respect of property located within or outside the State, of any of the following—

- (a) the auction of property other than land,
 - (b) the purchase or sale, by whatever means, of land,
 - (c) the letting of land (including a letting in conacre or for the purposes of agistment), or
 - (d) property management services,
- by—
- (i) a property services employer,
 - (ii) an employee of a property services employer,
 - (iii) a principal officer of a property services employer, or
 - (iv) an independent contractor;

2.2. A **Property Services Employer** means an employer:-

- a) whose **Employees** or **Principal Officers** provide property services on behalf of the employer (**Company** or **Partnership**), or
- b) who is an **individual** who provides a property service and whose **Employees** also provide property services on the employers behalf (referred to a **Sole Trader** in this document).

A **Property Services Employer** means any **Company**, **Partnership** or **Sole Trader** who provides property services and employs or may employ persons to do so on its behalf.

2.3. An **Independent Contractor** is an individual who provides property services but who has no **Employees** who provides such services.

2.4. A **Principal Officer**:-

- a) in relation to a **Company**, means any person who is—
 - (i) a director, manager, secretary or other similar officer of the **Company**,
 - or
 - (ii) a person purporting to act in any such capacity,
- b) in relation to a **Partnership**—
 - (i) means any person who is—
 - (I) a partner in, or a manager or other similar officer of, the **Partnership**, or

- (II) a person purporting to act in any such capacity,
- and
- (ii) if any partner in the **Partnership** is both a **Company** and a licensee or an applicant for a licence, includes any person who is—
 - (I) a director, manager, secretary or other similar officer of such partner, and
 - (II) a person purporting to act in any such capacity;

2.5. Altogether there are six distinct categories who provide property services covered by the Act (i.e. Companies, Partnerships, Sole Traders, Independent Contractors, Principal Officers and Employees).

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CHAPTER 3

Who Needs to be licensed?

- 3.1.** Subject to some limited exemptions (see Section 3 of the Property Services (Regulation) Act 2011), every person who provides property services in the State, in respect of property located within or outside the State, needs to be licensed. This includes, **Companies, Partnerships, and Sole Traders**, together with their **Principal Officers** and **Employees** who provide property services, as well as **Independent Contractors**.
- 3.2.** Under the Act it is necessary for each **Company** and **Partnership** to hold a licence. Each **Principal Officer** and **Employee** of the **Company** or **Partnership**, who is engaged in the provision of property services, must hold licences. (Similarly it is necessary for a **Sole Trader** to hold a licence. Each of his/her **Employees**, who are engaged in the provision of property services, must also hold licences.)
- 3.3.1.** For either a **Company** or **Partnership** to become a licensed Property Services Employer they must have -
- at least one **Principal Officer** who is qualified to provide the property services being licensed (see 4.2 on qualifications), and
 - at least one **Principal Officer** or **Employee** licensed to provide the property service on its behalf.

EXAMPLE

There are 4 **Principal Officers** and 7 **Employees** in a **Company**. Only 3 **Principal Officers** and 5 **Employees** provide property services. Applications must be made for a Licence for the **Company** and a Licence for the 8 people providing property services.

- 3.3.2.** One **Principal Officer** could fill both of the requirements described in 3.3.1.

EXAMPLES

There are 3 **Principal Officers** and 1 **Employee** in a **Company**. Only 1 of the **Principal Officers** and the **Employee** provide property services. The **Principal Officer** who is providing property services can also be the person whose qualification is used to enable the company to be licensed.

On the other hand if, in a similar **Company**, where only the **Employee** is licensed to provide property services then any of the three **Principal Officers** qualification can be used to enable the **Company** to be licensed. Where a **Principal Officer** is **not** qualified the **Company** cannot be licensed.

- 3.3.3.** As outlined in 3.3.1, a **Company** or **Partnership** must have a qualified **Principal Officer**. When a person ceases to be a **Principal Officer** during the licence application, for whatever reason, and that former **Principal Officer's** qualification was used to qualify the **Company** or **Partnership** then another **Principal Officer** of the Company or Partnership will need to establish that they are qualified (though not necessarily licensed).

Note: A **Company** or **Partnership** is required to notify the Authority in writing, within 30 days, of any change in **Principal Officers**.

- 3.4.** The licence held by an **Independent Contractor** or a **Sole Trader** is held both by the business and by the licensee personally. Consequently, two physical licences, (A4 paper licence and credit card sized licence), one for the business and one for the individual, will be issued on foot of the one application. However, each **Employee** of a **Sole Trader**, who provides property services, must also be licensed.

- 3.5.1.** It is of the utmost importance to note that Section 4 of the Act provides that **Principal Officers** and **Employees** cannot be licensed to provide a property service unless the **Property Services Employer**, for whom they are providing the property service, is licensed to provide that service.

- 3.5.2.** Where a property services employer ceases to be licensed, for whatever reason, then every **Employee** or **Principal Officer** of that property services employer also ceases to be licensed to provide property services on behalf of that property services employer.

- 3.6.1** A licence issued to an **Employee** or a **Principal Officer** will be issued in respect of the particular property services employer e.g. Pat is licensed to provide property services as an employee of Chris.

Where a person is an **Employee** or a **Principal Officer** for more than one property services employer then that person will need a licence for each property services employer on whose behalf they provide services i.e. if Pat also provides property services as an employee of Ger, Pat will need to be licensed for that employment separately.

Similarly if the person provides property services for one or more property services employers, they will also require a licence in respect of each employment.

- 3.6.2** Where a person is licensed to provide property services on behalf of one property services employer and submits an application to be licensed to provide property services on behalf of another property services employer, the Authority will require a statement from both property services employers confirming they are aware of the person's employment with the other property services employer as a property services provider.

Where a licensed Sole Trader/Independent Contractor makes an application as a principal officer or employee of a property services employer, the Authority will require confirmation from that property services employer that they are aware

that the individual holds a property services providers licence as a Sole Trader/Independent Contractor.

Where a licensed principal office or employee makes an application as a Sole Trader/Independent Contractor, the Authority will require confirmation from their property services employer that they are aware that the individual is making an application to provide property services as a Sole Trader/Independent Contractor.

The Authority will require these statements to ensure that all property services employers are aware if an employee of theirs is licensed or applies to be licensed to provide property services on behalf of another property services employer.

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CHAPTER 4

Licensing

4.1.1. Licensing Requirements

Every Licence Application must include:-

(a) in the case of Companies and Partnerships-

- A completed and signed Application Form (**PSRA/LA 1 -16 – Company & PSRA/LA 2 -16 – Partnership**),
- Evidence of the qualification(s) of the Principal Officer(s) being relied upon for the purpose of the application (see 4.2),
- Evidence that the required level of Professional Indemnity Insurance, which covers both the employer and employees is or will be available to the applicant (see 4.3),
- Accountant’s Report (see 4.4),
- Tax Clearance Details (see 4.5),
- Certificate of Incorporation (Corporate bodies only) (see 4.6),
- Certificate of Business Name Registration (where applicable) (see 4.7),
- Licence Fee - €1,000

(b) in the case of Sole Traders and Independent Contractors-

- A completed and signed Application Form (**PSRA/LA 3-16**),
- Evidence of the qualification(s) of the applicant (see 4.2),
- Evidence that the required level of Professional Indemnity Insurance, which covers both the employer and employees, is or will be available to the applicant (see 4.3),
- Accountant’s Report (see 4.4),
- Tax Clearance Details (see 4.5),
- Certificate of Business Name Registration (where applicable) (see 4.7),
- Licence Fee - €1,000,
- Applicant’s Photograph (Passport size with name and PPS No. on reverse side),

(c) in the case of a Principal Officers and Employees-

- A completed and signed Application Form (**PSRA/LA 4-16**),
- Evidence of the qualification(s) of the applicant (see 4.2),
- Licence Fee - €100,
- Declaration on the application form that the applicant is, or will be, covered by the employer’s Professional Indemnity Insurance,
- Applicant’s Photograph (Passport size with name and PPS No. on reverse side).

It is imperative that the “**Declaration**” which the applicant is required to make is signed and dated. The Authority is obliged to refuse an application where all the required documentation is not received.

4.1.2. While an applicant may meet the requirements set out in 4.1.1. above, a licence cannot be issued until such time as the applicant provides, in the case of a Property Services Employer, evidence of having Professional Indemnity Insurance in place and also having paid the appropriate contribution to the Compensation Fund. (see 4.10).

4.2. Qualification Requirements

4.2.1. Applicants for a Licence must meet certain “**minimum qualification requirements**” which are set out in paragraphs (a) and (b) of the Property Services (Regulation) Act 2011 (Qualifications) (Amendment) Regulations 2015 and paragraphs (c) and (d) of the Property Services (Regulation) Act 2011 (Qualifications) Regulations 2012 before a licence can be granted, namely:

Minimum Academic Qualification (See 4.2.4)

"(a) the applicant has, in respect of the subject areas specified in Column (1) of 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 –

- (i) at levels 6 to 8 of the National Framework of Qualifications, 120 ECTS compatible higher education and training credits calculated by adding together the number of credits received for subject areas specified, which credits shall not, for the purpose of calculating the number of ECTS required under this subparagraph, be less than the minimum number or greater than the maximum number of credits specified in Column (2) of the Schedule opposite the mention of the subject area in Column (1), or*
- (ii) at levels 9 and 10 of the National Framework of Qualifications, 90 ECTS compatible higher education and training credits calculated by adding together the number of credits received for a subject area specified, which credits shall not, for the purpose of calculating the number of ECTS required under this subparagraph, be less than the minimum number or greater than the maximum number of credits specified in Column (3) of the Schedule opposite the mention of the subject area in Column (1)),"*

"(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, of credits, under a framework in that jurisdiction that is equivalent to the National Framework of Qualifications, equivalent to those required under paragraph (a),"

Lawful Experience

(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

Other Qualifications or Experience

(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.

4.2.2. While individuals, such as Sole Traders, Independent Contractors, Principal Officers and Employees, can acquire qualifications, Companies or Partnerships cannot. Consequently, Companies and Partnerships meet the “minimum

qualification requirements” for a licence by virtue of the qualifications of their Principal Officers (See 2.4 of this Guide). Where more than one licence is being applied for, more than one Principal Officer’s qualifications may be admitted e.g. one Principal Officer meets the “minimum qualification requirements” to provide property service “X”, another meets the “minimum qualification requirements” to provide property service “Y” and both of these qualifications mean that the Company or Partnership can be licensed to provide “X” and “Y”.

4.2.3. An applicant for a licence must provide evidence that the “**minimum qualification requirements**”, relevant to the licence(s) being sought, have been attained:

- (a) in the case of a Company or Partnership, by a Principal Officer of the Company or Partnership,
- and
- (b) in the case of an individual (i.e. Sole Trader, Independent Contractor, Principal Officer or Employee), by the applicant.

4.2.4. *Minimum Academic Qualification*:- For an applicant to qualify under paragraphs (a) or (b) they must satisfy the Authority that the academic qualification they hold meets the following criteria:

- has been awarded by an “**awarding body**”. An “**awarding body**” has the meaning assigned to it in the Qualifications (Education and Training) Act 1999.
- is at Level 6 or higher of the framework of qualifications.
- completed the seven specified subjects in the table below and
- attained the minimum number of European Credit Transfers in each of the seven specified subjects.

Subject	Number of ECTS Credits For Levels 6 to 8		Number of ECTS Credits for Levels 9 and 10	
	Minimum	Maximum	Minimum	Maximum
Valuations	10	20	10	20
Marketing/Practice Knowledge	15	30	10	25
Economics	5	20	5	15
Law	15	30	10	25
Property Management	10	20	5	20
Building Construction/Technical	10	20	5	15
Business Studies/Professional Management	5	20	5	15

The minimum number of credits must have been attained in a course at Levels 6 to 8 of the Framework of Qualifications in each subject and combined, the credits should total a minimum of 120 ECTs.

The minimum number of credits must have been attained in a course at Levels 9 or 10 of the Framework of Qualifications in each subject and combined, the credits should total a minimum of 90 ECTs.

Other courses may satisfy the Authority that they meet the minimum requirements under paragraphs (a) or (b). However, it is a matter for the applicant to provide documentation from the college detailing the subjects taken, the ECTs (or compatible credits) attained and the level of the course.

The Authority is satisfied that the following qualifications meet the Minimum Academic Qualifications under paragraph (a):

Awarding Body	Qualification
Athlone Institute of Technology	B. Sc Business in Real Estate
College of Commerce Rathmines	Diploma in Auctioneering and Estate Agency
Dublin Institute of Technology	Environmental Economics Diploma - now renamed B. Sc Property Economics
Dublin Institute of Technology	Diploma in Property Economics - now the B. Sc in Property Economics
Dublin Institute of Technology	Higher Certificate in Property and Facility Management
Dublin Institute of Technology	Master of Science (Real Estate)
Dublin Institute of Technology	B. Sc in Surveying
Dublin Institute of Technology	Diploma in Auctioneering Estate Agency and Valuation
Dublin Institute of Technology	Master of Science (Planning and Development)
Dublin Institute of Technology	Higher Certificate Property Studies
Dublin Institute of Technology	B. Sc Real Estate
Dublin Institute of Technology	B. Sc Property Economics
Dublin Institute of Technology	B. Sc Property Studies
Dundalk Institute of Technology	B. Sc in Building Technology
Dundalk Institute of Technology	B. Sc in Construction Technology
Dundalk Institute of Technology	B. Sc (Hons) in Building Surveying

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Awarding Body	Qualification
Galway-Mayo Institute of Technology	B. Sc (Hons) in Property Studies
Galway-Mayo Institute of Technology	National Diploma in Business Studies in Property Valuation and Estate Agency
Galway-Mayo Institute of Technology	National Diploma in Business Studies in Property Management
Galway-Mayo Institute of Technology - previously Regional Technical College Galway	National Diploma in Auctioneering, Valuation and Estate Agency
Institute of Technology Tallaght	Higher Certificate in Real Estate (Valuation, Sale and Management)
Limerick Institute of Technology	Diploma in Valuation Surveying and Estate Agency
Limerick Institute of Technology	Diploma in Valuation Surveying and Estate Management
Limerick Institute of Technology	Diploma in Property Valuation and Management
Limerick Institute of Technology	Professional Degree in Property Valuation and Management - Heriot Watt
Limerick Institute of Technology	Professional Diploma in Property Valuation and Management – LIT
Limerick Institute of Technology	B. Sc in Property Valuation and Management - Heriot Watt
Limerick Institute of Technology	B. Sc in Property Valuation and Management - Heriot Watt
Limerick Institute of Technology	Professional Diploma in Property Valuation and Management – LIT
Limerick Institute of Technology	B. Sc (Hons.) in Property Valuation and Management
Limerick Institute of Technology	Higher Certificate in Science in Property Valuation & Management
Limerick Institute of Technology	B. Sc Real Estate

The Authority is satisfied that the following qualifications meet the Minimum Academic Qualifications under paragraph (b):

Awarding Body	Qualification
Birmingham City University formerly known as the University of Central England in Birmingham	B. Sc (Hons) in Estate Management
City University London	MA in Property Valuation and Law and MSc in Real Estate Programme
De Montfort University, Leicester	B. Sc (Hons) Land Management
Northumbria University, Newcastle	BSc in Estate Management
The College of Estate Management	Diploma in Surveying
University of Aberdeen	MSc in Real Estate
University of Economics, Katowice, Poland	Masters Degree - Spatial Planning and Property Economics
University of Glamorgan (Prifysgol Morgannwg)	B. Sc Estate Management Surveying
University of Glamorgan (Prifysgol Morgannwg)	B. Sc Property Management and Valuation Auctioneering
University of Reading (College of Estate Management)	BSc (Hons) Property Management
University of Salford, Manchester	B. Sc (Honours) in Property Management and Investment
University of Ulster	B. Sc in Estate Management
University of Ulster	B. Sc Hons Property Investment, Appraisal and Development
University of Ulster	M. Sc Property Investment and Development (Renamed MSc Real Estate 2013/2014)
University of Ulster	B. Sc Hons Property Investment and Development
University of Ulster	B. Sc Hons Surveying with Specialism's (specialism's: Estate Management, Quantity Surveying and Building Surveying)
University of Ulster	B. Sc Estate Management
University of Ulster	Diploma in Estate Management
University of Ulster	Diploma in General Surveying
University of West of England Bristol	B.Sc in Real Estate (Valuation & Management)
Heriot Watt Universtiy	BSc in Real Estate Management

University College of Estate Management Reading	Diploma of Higher Education in Surveying Practice (Real Estate Pathway)
University College of Estate Management Reading	Foundation Degree in Surveying Practice (Real Estate Pathway)
University College of Estate Management Reading	BSc Real Estate Management
University College of Estate Management Reading	MSc Real Estate
University of Wales	Bachelor of Science Estate Management

Other courses may satisfy the Authority that they meet the minimum requirements under paragraphs (a) or (b). However, it is a matter for the applicant to provide documentation from the college detailing the subjects taken, the ECTS (or compatible credits) attained and the level of the course.

- 4.2.5. Experience** – For an applicant to qualify under paragraph (c) they must provide evidence of practical experience which they may have gained lawfully through working in the provision of property services for a number of years. This means having been lawfully engaged in the provision of the property service, the subject of the licence application, for three of the five years immediately preceding the making of the application.

Application for Licence A – the auction of property other than land

The evidence which the Authority will accept where the **Category of Property Service** for which a licence is sought is the **auction of property other than land**, the applicant may provide evidence of lawfully providing the service for a minimum of three of the five years immediately preceding the making of the application under any or a combination of the following:

- Licensed under the Property Services (Regulation) Act 2011 to provide this service at any time since 6th July 2012.
- Licensed under the Auctioneers and House Agents Acts 1947 to 1973. This evidence can be either as a Licence Holder, Nominee on the Licence or as a Permit Holder up to 5th July 2012.
- Evidence from the Relevant Authority (where a regulatory framework exists) in a foreign jurisdiction that the person was licensed, along with a letter from their employer in that jurisdiction with clear dates on the length of time employed and the role the applicant performed while in that employment.
- Evidence from the applicant's previous employer in a foreign jurisdiction that the applicant has provided the services for which they are seeking a licence. This should be submitted where a regulatory framework is not in place in the foreign jurisdiction.

In the case of a Company or Partnership application, the evidence submitted must be made in respect of a Principal Officer.

Application for Licence B – the purchase or sale, by whatever means, of land or Licence C – the letting of land

The evidence which the Authority will accept where the **Category of Property Service** for which a licence is sought is the **sale or purchase by whatever means of land or the letting of land** the applicant may provide evidence for a minimum of three of the five years immediately preceding the making of the application under any or a combination of the following:

- Licensed under the Property Services (Regulation) Act 2011 to provide this service at any time since 6th July 2012.
- Licensed under the Auctioneers and House Agents Acts 1947 to 1973. This evidence can be either as a Licence Holder or Nominee on the Licence up to 5th July 2012.
- Employee of a licensee under the Auctioneers and House Agents Acts 1947 to 1973. This must be supported by a letter from the licensee setting out the applicant's role and the period of time the applicant was employed by the licensee.
- Evidence from the Relevant Authority (where a regulatory framework exists) in a foreign jurisdiction that the person was licensed.
- Evidence from the applicant's previous employer in a foreign jurisdiction that the applicant has provided the services for which they are seeking a licence. This should be submitted where a regulatory framework is not in place in the foreign jurisdiction.

In the case of a Company or Partnership application, the evidence submitted must be made in respect of a Principal Officer.

Application for Licence D – Property Management Services

The evidence which the Authority will accept where the **Category of Property Service** for which a licence is sought is for the provision of **property management services**, the applicant may provide evidence of lawfully providing the service for a minimum of three of the five years immediately preceding the making of the application under any or a combination of the following:

- Licensed under the Property Services (Regulation) Act 2011 to provide this service at any time since 6th July 2012.
- Letter from a Principal Officer of a "**management body**"* clearly stating the name of the development managed, the dates the service was provided and that the management body were satisfied with the service. The Authority may also seek evidence that the development is a multi-unit development within the meanings given to it in the **Property Services (Regulation) Act 2011. This evidence will be in respect of the period up to 5th July 2012.
- Evidence from the Relevant Authority (where a regulatory framework exists) in a foreign jurisdiction that the person was licensed.
- Evidence from the applicant's previous employer in a foreign jurisdiction that the applicant has provided the services for which they are seeking a licence. This should be submitted where a regulatory framework is not in place in the foreign jurisdiction.

In the case of a Company or Partnership application, the evidence submitted must be made in respect of a Principal Officer.

* A “**management body**”, in relation to a multi-unit development, means—
(a) that company or unincorporated body—
(i) which is formed for the purposes of becoming the owner of all or some of the common areas of the development, and
(ii) which manages all or some of the common areas of the development,

And

(b) any person who manages the common areas referred to in *paragraph (a)* at any time before the company or unincorporated body referred to in that paragraph starts to manage such common areas;

**“multi-unit development” is defined in the Property Services (Regulation) Act 2011 as an apartment complex, housing estate, or any other complex or estate containing residential units within the meaning of the Multi-Unit Developments Act 2011;

4.2.6 Other evidence of Qualification/Experience: - The Authority has the power to exercise its discretion under paragraph (d) to grant a licence where the applicant has failed to meet the minimum requirements set out at paragraphs 4.2.4 and 4.2.5 above. The applicant may provide any evidence of academic qualifications or experience which he/she believes should be considered when the application is being assessed. The Authority will consider any such evidence under paragraph (d).

Some examples of what the Authority would consider under paragraph (d) may include:

- A person who does not have 3 years experience of lawfully providing the property service in the last 5 but has, say, 17 years out of the last 20 and was not providing services as a result of illness, family commitments etc.
- A person may have two years experience and have attained 100 ECTS in the subjects specified in the Regulations
- A person has in excess of the minimum ECTS requirement for all but one specified subject and has insufficient ECTS in the one subject
- A person could have 110 ECTS in the specified subjects and a further 70 ECTS in other (non specified) subjects
- A person could be 1 day short of 3 years experience of lawfully providing the property service

The Authority is very conscious of the importance of maintaining appropriate qualification standards and of the need to ensure that, in the exercise of its discretion under paragraph (d), it does not permit qualifications which effectively reduce these minimum standards. For this reason it is careful to ensure that where it considers other qualifications or experience, or a combination of both, that such qualifications or experience are at least equivalent either alone or in combination to those referred to at paragraphs 4.2.4 and 4.2.5 above.

4.3. Professional Indemnity Insurance (P.I.I.) (Property Services (Regulation) Act 2011 (Professional Indemnity Insurance) Regulations 2012).

4.3.1. Applications for a Licence from a Property Services Employer or Independent Contractor must be accompanied by evidence that they have or will have P.I.I. which covers both the Property Services Employer and all Principal Officers and Employees engaged in the provision of property services.

4.3.2. PII policy or schedule should contain the following information to be accepted for our requirements:-

- Name of Company/Partnership/Sole Trader/Independent Contractor
- The business name is optional but if stated, it must be in addition to above.
- The principal address of the applicant.
- Indemnity for type of services (Auctioneer, Estate Agent, Letting Agent, Management Agent).
- Level of Indemnity (minimum €500,000 or twice annual fee income)
- Indemnity for each claim
- Indemnity with defence costs in addition
- Policy No.
- Expiry Date. [In cases where it is a rolling policy, evidence must be supplied that policy is in force]
- Retroactive Date. This date if shown on the policy/schedule must not be later than the date of issue of the first licence.

4.3.3. In some cases at the time of making the licence application an applicant may not have P.I.I. in place. In such circumstances, a letter to the Authority from an authorised insurer, indicating a willingness to provide the necessary P.I.I. to the applicant on the grant of a licence, will suffice. However, before a licence can be granted a certificate of insurance (i.e. policy or schedule), certifying that the necessary level of insurance (See 4.3.2.) has been put in place, must be provided to the Authority. Please note the policy "statement of fact" is not acceptable without a policy or schedule.

4.4. Accountant's Report

4.4.1. Companies, Partnerships, Sole Traders and Independent Contractors must at the time of making an application for a licence, supply the Authority with a report, in the specified form, by a duly qualified accountant, which states that appropriate financial systems and controls will be in place for the protection of client moneys.

The "specified form" of report which must be submitted is available on the Authority's website:

www.psr.ie/website/npsra/npsraweb.nsf/page/licenceapplications-en

A qualified accountant is a person who is a member of an organisation which is subject to supervision by the Irish Auditing and Accounting Supervisory Authority (see www.iaasa.ie) and who is not and never has been a Principal Officer or Employee of the applicant.

- 4.4.2.** There are two Accountants Reports which may be completed depending on the type of Licence the Property Services Employer is applying for. PSRA/S30 Form A -2014 should be completed where an application is made in respect of Licence types A, B or C and PSRA/S30 Form B – 2014 should be completed where an application is made in respect of Licence type D. Where an application is made in respect of Licence type D and any other category of licence, then both Reports should be completed.

With regard to Accountants Report PSRA/S30 – Form A 2014, all businesses applying for a licence for Licence types A, B or C or combination of any of these, must open a client account. Client Account is defined in the Act as:

“a current or deposit account in the name of a licensee in the title of which the word “client” appears and which is kept with a bank”.

All businesses who open a client account should ensure that the name of the client account contains at a minimum the name of the applicant and the word “client” in the title. An example would be “*Navan Property Sales Ltd*” applies for a licence which necessitates the opening of a client account. The client account name should contain at least the following “*Navan Property Sales Ltd Client*”.

Please Note: Part I of the Accountants Report should be completed by a Principal Officer of the Property Services Employer and Part II should be completed by the applicant’s Accountant.

4.5. Tax Clearance

- 4.5.1.** All property services employers and independent contractors must be tax cleared by the Revenue Commissioners. In the case of a company, **all of its directors** (including those who do not provide property services) must be tax cleared in addition to the company being tax cleared. In the case of a partnership, **all of the partners** (including those who do not provide property services) must be tax cleared in addition to the partnership being tax cleared.

Other arrangements may apply where the decision to refuse to issue a tax clearance is under appeal to the Revenue Commissioners.

On 7th December 2015, the Revenue Commissioners introduced eTax Clearance. This is an on-line based system whereby applications for tax clearance can be made. This new system also allows third party verification (such as the Authority) that tax clearance is in force in respect of the person. The eTax Clearance system will provide the Authority with confirmation that tax clearance is in place on the day it is verified. The tax clearance must be in the name of the person. Tax Clearance may be withdraw at any time by the Revenue Commissioners.

As the Revenue Commissioners will no longer be issuing paper Tax Clearance Certificates except in a number of exceptional circumstances, the Authority will request the applicants Revenue Registration Number in the case of a Company or Partnership or PPS number in respect of an Individual, along with their Tax Clearance Access Number when making an application for a licence. The

Authority will verify with the Revenue Commissioners that Tax Clearance is in place in respect of the business and directors/partners.

4.5.2. You should note the following in respect to obtaining tax clearance:

- **Joint Assessment for Tax Purposes:** The Revenue Commissioners have assured the Authority that it is possible to be tax cleared in such cases. It may require the completion of some paperwork by both jointly assessed people for the Revenue Commissioners and as each case will be slightly different it is best to address any questions to the Revenue Commissioners.
- **TC11 Certificates:** Where an applicant is relying on a TC11 Certificate instead of TC2 Tax Clearance Certificates, they must submit the TC11 along with a letter (not an email) from Revenue confirming:
"that the certificate which they have issued to you is a certificate under section 1095 (inserted by section 127(b) of the Finance Act 2002) of the Act of 1997."
- **Non- Resident Tax Clearance:** The Revenue Commissioners have informed the Authority that anyone can apply to be tax cleared regardless of where they are resident. Please note the following:
 - A **non-resident** who is **neither registered for Irish tax nor has a permanent place of business in this country** must apply to the **Non-Residents Unit**, Collector-General's Office, Sarsfield House, Limerick.
 - A **non-resident** who is **registered for Irish Tax but does not have a permanent place of business in this country** must apply for tax clearance to Dublin City Centre Revenue District, O'Connell Street, Dublin 1.
 - A **non-resident** who is **registered for Irish Tax and also has a permanent place of business in this country** must apply to the local Revenue Office where the business is located.

4.5.3. Please see "[eTax Clearance – Summary guide for Applicants](#)" issued by the Revenue Commissioners for further details on making an application for eTax clearance. This document can be found on-line at => <https://www.revenue.ie>.

4.5.4 You should be aware that the Authority may check that Licensee's are fully tax compliant during the course of the licensing year. It is important that you keep your tax affairs up to date at all times.

4.6. Certificate of Incorporation

A company must include a Certificate of Incorporation of the company with its application. This certificate may be obtained from the Companies Registration Office (CRO) and must be dated not earlier than four weeks before the making of the application. A Short Certificate of Incorporation is available from the CRO, free of charge, by visiting www.cro.ie and selecting Option 6 – "Duplicate Certificates" on their homepage.

4.7. Certificate of Registration under the Business Names Act 1963

4.7.1. Some Companies, Partnerships, etc., may conduct business under a name that is not their own name. This is generally termed a "business name" or "trading

name”. In such instances the registration of the “business/trading name” with the CRO, is obligatory under the Business Names Act. The purpose of registering “business/trading names” is to make public the identity of the owner behind the “business/trading name”. More details are available from the CRO at:

<http://www.cro.ie/ena/business-registration-business-name.aspx>. An example of a business name would be – Navan Property Sales Limited is a limited company providing property services under the name of Navan Property Sales. In this case, Navan Property Sales is the registered business name (trading name) and would be the name most commonly associated with the company by the general public. Navan Property Sales must be registered as a Registered Business Name with the Companies Registration Office by Navan Property Sales Ltd.

- 4.7.2.** A Certificate of Business Name Registration must accompany an application in respect of each “business/trading name” used. The “business/trading name” on the Certificate of Business Name Registration will also appear on the licence as well as the true name of the owner(s). A Short Certificate of Business Name Certificate is available from the CRO, free of charge, by visiting www.cro.ie and selecting Option 6 – “Duplicate Certificates” on their homepage.

4.8. Licence Fee

The licence fee is determined by the Class of Property Services Provider that the applicant belongs to and is unaffected by the category or number of services being licensed.

Class of Property Services Provider	Licence fee
Company	€1,000
Independent Contractor	€1,000
Partnership	€1,000
Sole Trader	€1,000
Principal Officer	€100
Employee	€100

A full refund of the Licence Fee will be made where an application is withdrawn (before licence issues) or is refused.

4.9. Declaration

- 4.9.1.** The person signing the declaration (the declarer) should read all of the form carefully and be satisfied that the declarations that he/she is about to make are true to the best of his/her knowledge.
- 4.9.2.** In the case of a Company, the declarer must be a Principal Officer of the Company and the declarer’s status within the Company - director, manager, secretary or other similar officer of the Company must also be included.
- 4.9.3.** In the case of a Partnership, the declarer must be a Principal Officer in the Partnership and the declarer’s status within the Partnership - manager, partner or other similar officer of the Partnership must also be included.
- 4.9.4.** In the case of a Sole Trader, Independent Contractor, Principal Officer or Employee, the declarer must be the applicant.

4.10. Compensation Fund

The Property Services Compensation Fund (*the Fund*) is established under the Act. The purpose of the Fund is to compensate a client who has sustained a financial loss due to the dishonesty of a licensee in provision of a property service. The Fund stood at over €2m at the end of 2015. The payment of the contribution to the Fund is a condition for the granting of all licences. A contribution to the Fund is not required until the Authority has almost finalised a new application in year one and so is not required to accompany a new application.

The following are the contributions required and will be requested by the Authority at the appropriate time –

Class of Property Services Provider	Fund contribution
Company	€200
Independent Contractor	€200
Partnership	€200
Sole Trader	€200
Principal Officer	€50
Employee	€50

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CHAPTER 5

How to make an Application for a Licence

- 5.1. An applicant may apply for a licence for any, or all, of the four **Categories of Property Services** (see 1.1 of this Guide) covered by the Act. The application form (see 5.2 below) to be submitted is dependant on which **Class of Property Services Provider** (Company, Partnership, Sole Trader/Independent Contractor or Principal Officer/Employee) is making the application.
- 5.2. There are **four** different application forms covering the **four** classes of Property Services Providers (See 2.1 of this Guide). While there is much in common between the forms, there are distinct differences. The use of separate forms for the different classes is to reduce the work required in making an application. If the applicant is:
- **A Company** – Complete Form PSRA/LA1 – 16 only.
 - **A Partnership** - Complete Form PSRA/LA2 - 16 only.
 - **A Sole Trader/Independent Contractor** - Complete Form PSRA/LA3 - 16 only.
 - **A Principal Officer or Employee** - Complete Form PSRA/LA4 - 16 only.
- 5.3. Detailed notes on how each of the questions on the forms is to be answered are provided at Chapter 6 to 9 as follows:
- **Company Form** - Notes at Chapter 6
 - **Partnership Form** - Notes at Chapter 7
 - **Sole Trader/Independent Contractor Form** - Notes at Chapter 8
 - **Principal Officer or Employee Form** - Notes at Chapter 9
- 5.4.1 Irrespective of the number of Property Services for which licences are being sought, an applicant only needs to complete one application form. This is dependant upon the legal entity of the applicant e.g. Company, Partnership, Sole Trader, etc. (See 2.1 of this Guide). Once an applicant has decided on the appropriate form simply download the form from the Authority's website www.psr.ie and turn to the appropriate chapter of this booklet for the notes on its completion.
- 5.5.1 Each application will be acknowledged in writing and the acknowledgement will include a reference number which should be included in all correspondence in relation to the application.
- 5.5.2 One Licence Fee applies irrespective of the number of licence types applied for.
- 5.5.3 **An applicant is prohibited from providing property services for which they are applying for until such time as they are granted a licence to do so by the Authority.**

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CHAPTER 6

Processing of Applications

In certain circumstances, such as the application form not being signed or licence application fee not being paid, the Authority will return the application to the person and point out the shortcoming in the submitted application which caused the application not to be accepted. It is important to note that no application has been made at this point. It is open to the person to address the shortcoming and to resubmit the application.

Each accepted licence application will be acknowledged and will include a reference number which should be used in correspondence in relation to the application.

The Authority may request additional documentation/information in relation to the application.

The Authority, if it proposes to refuse to issue a licence, **must** write to the applicant informing the applicant that it proposed to refuse to issue a licence and the grounds for that proposal. The applicant will be given 14 days within which to make written submissions on the Authority's proposal to refuse to issue a licence. The applicant may request a longer period and that request will be considered but may be refused. To ensure fairness of decisions, all licence applications are reviewed by a senior person in the Authority **before** a decision is made to refuse to issue a licence. The Authority will write to the applicant setting out the grounds that the licence application is being refused. The grounds will be one, or more, of the grounds which the Authority will have already notified to the applicant in its letter of "proposal to refuse".

Certain decisions of the Authority to refuse to issue a licence may be appealed to the Property Services Appeal Board (PSAB) which is an independent body. The Authority has no role in determining which decisions are appealable to the PSAB and therefore will not say if a decision is subject to appeal or not. The Authority will inform the applicant, in the notification of the licence refusal, of the contact details of the PSAB and that an appeal must be made within 30 days of being notified of the Authority's decision.

It is in the applicant's interest to submit all of the evidence which he/she wishes to have considered in order for the matter to be fully considered. There have been occasions where a person is refused a licence and subsequently produces documentation to the PSAB which had not been submitted to the Authority which may have resulted in the Authority issuing a licence.

A person is prohibited from providing property services until licensed to provide that property service.

PART II

Completing the Application Form

The answers to those questions marked with * will appear on the Register of Licensees where a licence is issued.

CHAPTER 7

Notes to Company Application Form (PSRA/LA1-16)

PART A - Applicant details

The name(s) registered with the Companies Registration Office

A1. Company Type: A Body Corporate can be either a company or a Friendly Society. In general most Livestock Marts are Friendly Societies but some are not. Where a company is registered with the Companies Registration Office, then the Body Corporate box should be ticked. Similarly where a company is registered with the Registrar of Friendly Societies, then the box for Friendly Society should be ticked.

***A2. Company/Friendly Society Name:** The company name as registered with the Companies Registration Office (CRO) or the name registered with the Registrar of Friendly Societies. This must be identical to the name which appears on the Certificate of Incorporation/Registrar of Friendly Society Certificate, which should accompany the application.

A3. Company Registration/Registrar of Friendly Society Certificate Number: The registration number which appears on the company's Certificate of Incorporation or Registrar of Friendly Society Certificate which must accompany the application.

***A4. Business Name:** This question will be left blank if a business name is not used. All business names must be registered with the Companies Registration Office under the Business Names Act 1963. The business name entered here must be identical to the name which appears on the Certificate of Registration, under the Business Names Act 1963, which must accompany the application (if the company uses a business name) and will appear on the licence as well as the company name. The certificate must show the business name is registered to the Company.

Any additional registered business names of the company should be included in Part B of the form.

A5. Business Name Registration Number: If applicable, the registration number which appears on the Certificate of Registration of the business name which accompanies the application.

Where the principal business is carried out

***A6. Business Address:** The full address from where the company provides property services (not necessarily the registered address of the company). The principal address should be entered here and where there is more than one address the other addresses must be entered in Part B of the form. The address entered here will be the address that appears on the licence.

Company contact details

A7. to A8. The relevant contact details, if any, of the company.

Company Tax Clearance details

A9. Tax Clearance details

Tax Reference Number: The correspondence Reference Number used by the Revenue Commissioners in respect of the company.

Tax Clearance Access Number: The number provided to the company by the Revenue Commissioners confirming tax clearance in place.

Previous licence

A10. Has the Company or any principal officer of the company ever applied for a Property Service’s Providers Licence under the Property Services (Regulation) Act 2011? Put a “√” in the appropriate box to indicate whether or not the company applied for a licence with the Authority previously.

If the answer is “YES” to question A10, you should enter the Application Number of the previous application, if known.

If insufficient space please include other details on Company headed paper.

Licence(s) being applied for

* **A11. Licence Required:** Put a “√” in the appropriate box(es) to indicate the property services for which licence(s) are being sought. Any number of the four options can be selected including all four. However, the company must have, among its **principal officers****, persons with the qualifications required to hold the licences being applied for.

Please see 1.3 and 1.4 of this Guide for information on “land” and “property”.

Please see 1.5 of this Guide for information on “property management services”.

**See definition of “principal officer” at 2.4 of this Guide.

PART B - Business names and addresses for which duplicate licences are required

Other addresses from where property services are provided

Business Name: As described at A4 (above). The different business names (other than that entered at A4) should be entered, where the company has a number of business names.

Business Address: The full address of premises from where the company provides property services. All of the places of business of the company for the purpose of the provision of property services must be entered except for:

- the address already inserted at question “A6”
- those addresses which are the subject of the provision of property services e.g. a property which is being “shown” as part of a selling or letting service
- temporary auction venues.

Business Name Registration Number: as described at A5 above. Only registration numbers other than that entered at A5 should be entered.

Each place and business name identified will be issued with a duplicate licence for display at that place as is required by law. There is no additional charge or fee for “duplicate” licences.

Further page(s) must be included, on the headed paper of the company, where there is insufficient space on this form to record all of the business names, addresses or business name registration numbers.

PART C – Details of Directors

Details of each director of the company

Director’s Name: The full name (first name(s) and family name) of directors.
[Initials must not be used – (e.g. T.; P.J.; J.K.)].

PPS No: The Personal Public Service Number of each director.

Tax Clearance Access No: The number provided to the company by the Revenue Commissioners confirming tax clearance in place in respect of the director(s).

The details of all of the company directors must be recorded, including company directors who are not engaged in providing property services.

Further page(s) may be included, on company headed paper, where there is insufficient space on the form.

PART D – Other relevant details

D1. Bankruptcy/Liquidation: Put a “√” in the appropriate box to indicate whether or not any **principal officer** (not just directors) of the company is or has been a director or shadow director of a company which has gone into liquidation during the 24 month period prior to the application or is an undischarged bankrupt.

Details: Details of the bankruptcy/liquidation and the principal officer concerned.

D2. Civil Court Action: Put a “√” in the appropriate box to indicate whether or not any **principal officer** (not just directors) of the company has been the subject of a civil court action, which is still pending or in which judgement has been obtained, as a consequence of the provision of a property

service or financial service, either personally, as a director or shadow director of a company or as a partner in a partnership within the last 5 years.

Details: Details relating to the civil action and the principal officer concerned.

D3. Conviction: Put a “√” in the appropriate box to indicate whether or not any **principal officer** (not just directors) of the company has been convicted of any offence.

Details: Details relating to the conviction and the principal officer concerned.

Contact person for this licence application

D4. to D8. relate to the person to whom any communication in relation to the application will be made. Communication could be made seeking clarification, to inform the company of a proposed course of action (issue or refusal) or any other reason. The person **does not** have to be a principal officer and can be a person outside of the company such as a solicitor or accountant. Where **D5.** is left blank, the person making the **Declaration** at the end of the form will be deemed to be the contact person. Where **D6, D7 or D8** is left blank the answer will be deemed to be the same as the answer to the corresponding question in **Part A.**

D4. Title: Dr. Mr. Ms. etc as appropriate

D5. Name: The full name of the person – first name(s) and family name.

Affirmation of accuracy of the information on the form and declarations

DECLARATION

The person signing the declaration (the declarer) should read all of the form carefully and be satisfied that the declarations that he/she is about to make are true. The declarer must be a principal officer of the company.

Name: The declarer’s name (not the company or business name) in block capitals

Status: The declarer’s status within the company - director, manager, secretary or other similar officer of the company

Signature: The declarer’s signature

Date: The date on which the declarer signed the form

A reminder of what you need to send with the application form

Checklist

Prior to sending the application form, please check that the form is fully completed and that all relevant documentation in support of the application is included.

Licence fee: €1,000 (and an additional €100 for each principal officer or employee applying for a licence where the company is paying the application

fee for these applications.) The Authority recommends that you do not send cash through the postal system.

Proof of availability of Professional indemnity insurance (P.I.I.): A statement from an insurer that they are willing to offer insurance to the applicant which meets the minimum requirements for professional indemnity insurance as set out in 4.3. The Applicant may also submit a copy of their Professional Indemnity Insurance policy, if one is in place, at the time the application is made.

Note: Evidence of the applicant having the insurance in place will be requested by the Authority before a licence can be issued.

Accountant's Report(s): A report from an accountant in the specified form that the company has/will have the necessary controls in place for the protection of clients' money. The form(s) of the accountant's report are available from the Authority's website www.psr.ie

Certified Certificate of incorporation: This certificate is obtainable from the Companies Registration Office and must be dated not earlier than 4 weeks before the date of application.

Certificate(s) of business name registration: This business name certificate is obtainable, if applicable, from the Companies Registration Office. A certificate is required for each business name used.

Evidence that the Company meets the Qualification Requirements: A principal officer of the company must be qualified to provide the property services for which an application is submitted. Please see 4.2 of this Guide for details of what evidence is required.

Declaration: As set out in the notes above

Completed Application

The completed application form and supporting documentation should be sent to: -

New Licence Applications
Property Services Regulatory Authority
Floor 2
Abbey Buildings
Abbey Road
Navan
Co. Meath
C15 K7PY

The answers to those questions marked with * will appear on the Register of Licensees where a licence

CHAPTER 7

Notes to Partnership Application Form (PSRA/LA2-16)

PART A - Applicant details

Partnership name(s)

*** A1. Partnership Name:** The partnership name as registered with the Revenue Commissioners for tax purposes.

*** A2. Registered Business Name:** This question will be left blank if a business name is not used. All business names must be registered with the Companies Registration Office under the Business Names Act 1963. The business name entered here must be identical to the name which appears on the Certificate of Registration, under the Business Names Act 1963, which must accompany the application (if the partnership uses a registered business name) and will appear on the licence as well as the partners' names. The certificate must show the business name is registered by the Partnership.

Any additional business names of the company should be included in Part B of the form.

A3. Business Name Registration Number: If applicable, the registration number which appears on the Certificate of Registration, under the Business Names Act, of the business name which accompanies the application.

Where the principal business is carried out

*** A4. Business Address:** The full address from where the partnership provides property services. The principal address should be entered here and where there is more than one address the other addresses can be entered in Part B of the form. The address entered here will be the address that appears on the licence.

Partnership's contact details

A5. to A6. The relevant details, if any, of the business.

Partnership's tax clearance details

A7. Tax Clearance:

Tax Reference Number: The correspondence Reference Number used by the Revenue Commissioners in respect of the partnership.

Tax Clearance Assessment Number: The number provided to the partnership by the Revenue Commissioners confirming tax clearance is in place.

Previous licence

A8. Has the Partnership or any of the partners ever applied for a Property Service's Providers Licence under the Property Services (Regulation) Act 2011? Put a "√" in the appropriate box to indicate whether or not the partnership applied for a licence previously with this Authority.

If the answer is "YES" to question A8, you should enter the Application Number of the previous application, if known.

If insufficient space please include other details on the Partnership's headed paper.

Licence(s) being applied for

A9. Licence Required: Put a "√" in the appropriate box(es) to indicate the property services for which licence(s) are being applied for. Any number of the four options can be selected including all four. However, the partnership must have among its principal officers** the qualifications required to hold the licences being applied for.

Please see 1.3 and 1.4 of this Guide for information on "land" and "property".

Please see 1.5 of this Guide for information on "property management services".

**See definition of "principal officer" at 2.4 of this Guide.

PART B - Business names and addresses for which duplicate licences are required

Other addresses from where property services are provided

Business Name: As described at A2 above. The different business names (other than that entered at A2) should be entered, where the partnership has a number of business names.

Business Address: The full address of premises from where the partnership provides property services. All of the places of business of the partnership for the purpose of the provision of property services must be entered except for:

- the address already inserted at question "A4"
- those addresses which are the subject of the provision of property services e.g. a property which is being "shown" as part of a selling or letting service
- temporary auction venues.

Business Name Registration Number: as described at "A3" above. Only registration numbers other than that entered at A3 should be entered.

Each place and business name identified will be issued with a duplicate licence for display at that place as is required by law. There is no additional charge or fee for these duplicate licences.

Further page(s) must be included, on the headed paper of the partnership, where there is insufficient space on this form to record all of the business names, addresses or business name registration numbers.

PART C –Details of Partners

Details of each partner in the partnership

The details of all of the partners must be recorded including the partners who are not providing a property service. Further page(s) can be included, on the headed paper of the partnership, where there are more partners.

Partner’s Name: The full name (first name(s) and family name) of a partner (initials **must not** be used even where the partner is known by those initials – e.g T.; P.J.; J.K.).

D.O.B.: The date of birth of the partner in the format ddmmccyy e.g.1 July 1974 is entered as 01071974.

PPS No: The Personal Public Service Number of the partner.

Tax Clearance Assessment No: The number provided to the partnership by the Revenue Commissioners confirming tax clearance is in place in respect of the partners.

PART D - Other Relevant Information

D1. Bankruptcy/Liquidation: Put a “√” in the appropriate box to indicate whether or not any **principal officer** (not just the partners) of the partnership is an undischarged bankrupt or has been a director or shadow director of a company which has gone into liquidation during the 24 month period prior to the application.

Details: Details of the bankruptcy/liquidation and the principal officer concerned

D2. Civil Court Action: Put a “√” in the appropriate box to indicate whether or not any **principal officer** (not just the partners) of the partnership has been the subject of a civil court action, which is still pending or in which judgement has been obtained, as a consequence of the provision of a property service or financial service, either personally, as a director or shadow director of a company or as a partner in a partnership within the last 5 years.

Details: Details relating to the civil action and the principal officer concerned

D3. Conviction: Put a “√” in the appropriate box to indicate whether or not any **principal officer** (not just the partners) of the partnership has been convicted of any offence.

Details: Details relating to the conviction and the principal officer concerned.

Contact person for this licence application

D4. to D8. relate to the person to whom any communication in relation to the application will be made. Communication could be made seeking clarification,

to inform the partnership of a proposed course of action (issue or refusal) or any other reason. The person does not have to be a principal officer and can be a person outside of the partnership such as a solicitor or accountant. Where D5 is left blank, the person making the **Declaration** at the end of the form will be deemed to be the contact person. Where D6, D7 or D8 is left blank the answer will be deemed to be the same as the answer to the corresponding question in **Part A**.

D4. Title: Dr. Mr. Ms. etc as appropriate

D5. Name: The full name of the person – first name(s) and family name.

Affirmation of accuracy of the information on the form and declarations

DECLARATION

The person signing the declaration (the declarer) should read all of the form and be satisfied that the declarations that s/he is about to make are true. The declarer must be a principal officer of the partnership.

Name: The declarer's name (not the partnership or business name) in block capitals

Status: The declarer's status within the partnership –partner or manager in the partnership.

Signature: The declarer's signature

Date: The date on which the declarer signed the form

A reminder of what you need to send with the application form

Checklist for a Partnership

Prior to sending the application form, please check that it is fully completed and that all relevant documentation in support of the application is included.

Licence fee: €1,000 (and an additional €100 for each principal officer or employee where the partnership is paying the application fee for these applications.) The Authority recommends that you do not send cash through the postal system.

Proof of availability of Professional Indemnity Insurance (P.I.I.): A statement from an insurer that they are willing to offer insurance to the applicant which meets the minimum requirements for professional indemnity insurance as set out in 4.3. The Applicant may also submit a copy of their Professional Indemnity Insurance policy, if one is in place, at the time the application is made.

Note: Evidence of the applicant having the insurance in place will be requested by the Authority before a licence can be issued and it is not necessary to send in that evidence until requested.

Accountant's Report(s): A report from an accountant in the specified form that the partnership has/will have the necessary controls are in place for the protection of clients' money. The form(s) of the accountant's report are available from the Authority's website www.psr.ie

Certificate of business name registration: The Certificate of Registration, under the Business Names Act, is obtainable, if applicable, from the Companies Registration Office. A certificate is required for each business name used.

Evidence that the partnership meets the Qualification Requirements: A principal officer of the partnership must be qualified to provide the property services for which an application is submitted. See 4.2 of this Guide for details of what evidence is required.

Declaration: As set out in the notes above

Completed Application

The completed application form and supporting documentation should be sent to: -

New Licence Applications
Property Services Regulatory Authority
Floor 2
Abbey Buildings
Abbey Road
Navan
Co. Meath.
C15 K7PY

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The answers to those questions marked with * will appear on the Register of Licensees where a licence

CHAPTER 8

Notes to Sole Trader/Independent Contractor Application Form **(PSRA/LA3-16)**

(Sole Traders and Independent Contractors are Individuals who provide Property Services. A difference is a Sole Trader may have Employees who provide property services and an Independent Contractor cannot.)

Name(s) to appear on licence

***A1. Title:** Dr. Mr. Ms. etc as appropriate

***A2. Full Name:** The full name (first name(s) and family name) of an applicant (initials **must not** be used even where the person is known by those initials – e.g T.; P.J.; J.K.)

***A3. Licence Class:** Put a “√” in the appropriate box to indicate the appropriate licence class.

“independent contractor” means an individual who provides a property service where—

(a) no employee of the individual provides such service on behalf of the individual, and

(b) in the case of an individual who is a partner in a partnership, no other principal officer provides such service on behalf of the individual, and whether or not the individual engages in any other business.

“property services employer” means a person (referred to in this definition as “the employer”)—

(a) who is an individual who provides a property service where an employee of the employer may also provide such service on behalf of the employer, or

(b) whose employees or principal officers provide a property service on behalf of the employer, and whether or not the employer engages in any other business.

There are other application forms for property services employers who are body corporates (companies) or partnerships – this form is for property services employers who are individuals and for independent contractors.

***A4. Business Name:** This question will be left blank if a business name is not used. The business name entered here must be identical to the name which appears on the Certificate of Registration, under the Business Names Act 1963, which must accompany the application (if the applicant uses a business name) and will appear on the licence as well as the applicant’s name.

Any additional business names of the applicant should be included in Part B of the form.

Business name registration

A5. Business Name Registration Number: If applicable, the registration number which appears on the Certificate of Registration, under the Business Names Act, of the business name which accompanies the application.

Where the principal business is carried out

***A6. Business Address:** The full address from where the person provides property services. The principal address should be entered here and where there is more than one address the other addresses can be entered in Part B of the form.

Business contact details

A7. to A8. The relevant contact details, if any, of the business.

Personal details

A9. Date of birth: The applicant's date of birth in the format ddmmccyy e.g.1 July 1974 is entered as 01071974.

A10. PPS No. The applicant's Personal Public Service Number.

Tax clearance details

A11. Tax Clearance:

Tax Reference Number: The correspondence Reference Number used by the Revenue Commissioners in respect of the applicant.

Tax Clearance Assessment Number: The number provided to the applicant by the Revenue Commissioners confirming tax clearance is in place.

Previous licence

A12. Have you ever applied for a Property Service's Providers Licence under the Property Services (Regulation) Act 2011? Put a "√" in the appropriate box to indicate whether or not you applied for a licence previously with this Authority.

If the answer is "YES" to question A12, you should enter the Application Number of the previous application, if known.

Licence(s) being applied for

***A13. Licence Required:** Put a "√" in the appropriate box(es) to indicate the property services for which licence(s) are being applied for. Any number of the four options can be selected including all four. However, the applicant must hold the qualifications required to hold the licences being applied for.

Please see 1.3 and 1.4 of this Guide for information on "land" and "property".

Please see 1.5 of this Guide for information on "property management services".

PART B - Business addresses for which duplicate licences are required

Other addresses from where property services are provided

Business Name: As described at “A4” above. The different business names (other than that entered at “A4”) should be entered, where the person has a number of business names.

Business Address: The full address of premises from where the applicant intends to provide property services. All of the places of business of the applicant for the intended purpose of the provision of property services must be entered except for:

- the address already inserted at question “A6”
- those addresses which are the intended subject of the provision of property services e.g. a property which is being “shown” as part of a selling or letting service
- temporary auction venues.

Business Name Registration Number: as described at “A5” above. Only registration numbers other than that entered at “A5” should be entered.

Each place and business name identified will be issued with a duplicate licence for display at that place as is required by law. There is no additional charge or fee for duplicate licences.

Further page(s) must be included, on the headed paper of the business, where there is insufficient space on this form to record all of the business names, addresses or business name registration numbers.

PART C - Other Relevant Information

C1. Bankruptcy/Liquidation: Put a “√” in the appropriate box to indicate whether or not the applicant is an undischarged bankrupt or has been a director or shadow director of a company which has gone into liquidation during the 24 month period prior to the application.

Details: Details of the bankruptcy/liquidation.

C2. Civil Court Action: Put a “√” in the appropriate box to indicate whether or not the applicant has been the subject of a civil court action, which is still pending or in which judgement has been obtained, as a consequence of the provision of a property service or financial service, either personally, as a director or shadow director of a company or as a partner in a partnership within the last 5 years.

Details: Details relating to the civil action.

C3. Conviction: Put a “√” in the appropriate box to indicate whether or not the applicant has been convicted of any offence.

Details: Details relating to the conviction.

Contact person for this licence application

Questions C4. to C8. relate to the person to whom any communication in relation to the application will be made. Communication could be made seeking clarification, to inform the applicant of a proposed course of action (issue or refusal) or any other reason. The person does not have to be the applicant and can be a person outside of the business such as a solicitor or accountant. Where any of these answers are left blank the answer will be deemed to be the same as the answer to the corresponding question in **Part A**.

Affirmation of accuracy of the information on the form and declarations

DECLARATION

The applicant must sign this declaration and cannot delegate this to another person.

The applicant, before signing the declarations, should read all of the form and be satisfied that the declarations that s/he is about to make are true.

Signature: The applicant's signature

Date: The date on which the declaration was signed

A reminder of what you need to send with the application form

Checklist

Prior to sending the application form, please check that it is fully completed and that all relevant documentation in support of the application is included.

Licence fee: €1,000 (and an additional €100 for each employee where the Property Services Employer is paying the application fee for these applications.) The Authority recommends that you do not send cash through the postal system.

Proof of availability of Professional Indemnity Insurance (P.I.I.): A statement from an insurer that they are willing to offer insurance to the applicant which meets the minimum requirements for professional indemnity insurance as set out in 4.3. The Applicant may also submit a copy of their Professional Indemnity Insurance policy, if one is in place, at the time the application is made.

Note: Evidence of the applicant having the insurance in place will be requested by the Authority before a licence can be issued and it is not necessary to send in that evidence until requested.

Accountant's Report(s): A report from an accountant in the specified form that the applicant has/will have the necessary controls in place for the protection of clients' money. The form(s) of the accountant's report are available from the Authority's website www.psr.ie

Certificate of business name registration: The Certificate of Registration under the Business names Act is obtainable, if applicable, from the Companies Registration Office. A certificate is required for each business name used.

Evidence of qualification: The minimum qualifications are set out in 4.2 of this Guide.

Photograph: A recent passport sized photograph with the applicant's name and Personal Public Services Number on the reverse

Declaration: As set out in the notes above

Completed Application

The completed application form and supporting documentation should be sent to: -

New Licence Applications
Property Services Regulatory Authority
Floor 2
Abbey Buildings
Abbey Road
Navan
Co. Meath
C15 K7PY

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The answers to those questions marked with * will appear on the Register of Licensees where a licence

CHAPTER 9

Notes to Principal Officer/Employee Application Form **(PSRA/LA4-16)**

PART A - Applicant details

Details to appear on the licence

***A1. Title:** Dr. Mr. Ms. etc. as appropriate

***A2. Full Name:** The full name (first name(s) and family name) of the applicant (initials must not be used even where the director is known by those initials – e.g T.; P.J.; J.K.)

***A3. Status:** Put a “√” in **the** appropriate box to indicate the applicant’s status in the property services employer. The options are partner (in a partnership); director (in a company); manager (in a partnership or company); secretary (in a company); or employee if none of the foregoing apply.

Contact details to be used for this application

A4. Address: The full address that the applicant wishes to use for the application. This can be a private or work address and will **not** appear on the licence.

A5. to A6. The relevant details, if any, of the applicant.

Personal details

A7. Date of Birth: The applicant’s date of birth in the format ddmccyy e.g. 1st July 1974 is entered as 01071974.

A8. PPS No. The applicant’s Personal Public Service Number.

Licence(s) being applied for

A9. Have you ever applied for a Property Service’s Providers Licence under the Property Services (Regulation) Act 2011? Put a “√” in the appropriate box to indicate whether or not the applicant applied for a licence previously with this Authority.

A10. If the answer is “YES” to question A9, you should enter the Application Number of the previous application, if known.

Licence(s) being applied for

* **A11. Licence Required:** Put a “√” in the appropriate box(es) to indicate the property services for which licence(s) are being applied for. Up to four options can be selected.

Please see 1.3 and 1.4 of this Guide for information on “land” and “property”.

Please see 1.5 of this Guide for information on “property management services”.

PART B – Property Services Employer details and declaration**

Professional Indemnity Insurance and other details of the Property Services Employer

***B1. Property Services Employer’s name:** The name of the company, partnership or individual on whose behalf the applicant will be providing property services. This must be the name that the employer is licensed/has applied to be licensed under.

B2. Employers Licence/Application No.: The Licence or Application number of the company, partnership or property services employer on whose behalf the applicant will be providing property services.

B3. Property Services Employer Address: The full principal business address of the Property Services Employer.

B4. Property Services Employer’s Declaration. A declaration by the employer that the applicant is covered by the employer’s professional indemnity insurance policy.

Name: The declarer’s full name (not the company, partnership or business name) in block capitals. The declarer should be, in the case of a company or partnership, a principal officer in the company or partnership and in any other case the individual business owner.

Signature: The declarer’s signature.

Status: The declarer’s status within the business – this should be, in the case of a company, director/manager or secretary; in the case of a partnership, partner or manager and in any other case the individual business owner.

Date: The date on which the declarer signed the declaration

****Property Services Employer** in this form means:

- (a) in relation to an employee the property services employer,
- (b) in relation to a principal officer in a partnership the partnership, and
- (c) in relation to a principal officer in a company the company.

PART C - Other Relevant Information

C1. Bankruptcy/Liquidation: Put a “√” in the appropriate box to indicate whether or not the applicant is an undischarged bankrupt or has been a director or shadow director of a company which has gone into liquidation during the 24 month period prior to the application.

Details: Details of the bankruptcy/liquidation

C2. Civil Court Action: Put a “√” in the appropriate box to indicate whether or not the applicant has been the subject of a civil court action, which is still pending or in which judgement has been obtained, as a consequence of the provision of a property service or financial service, either personally, as a director or shadow director of a company or as a partner in a partnership within the last 5 years.

Details: Details relating to the civil action

C3. Conviction: Put a “√” in the appropriate box to indicate whether or not the applicant has been convicted of any offence.

Details: Details relating to the conviction.

Affirmation of accuracy of the information on the form and declarations

DECLARATION

The applicant must sign this declaration and cannot delegate this requirement to another person. The applicant, before signing the declarations, should read all of the form and be satisfied that the declarations that s/he is about to make are true.

Signature: The applicant's signature

Date: The date on which the declaration was signed

A reminder of what you need to send with the application form

Checklist

Prior to sending the application form, please check that it is fully completed and that all relevant documentation in support of the application is included.

Licence fee: €100. Where the company, partnership or property services employer has made this payment on behalf of the applicant, there is no need to submit any further payment in respect of the Licence Fee for this application. The Authority recommends that you do not send cash through the postal system.

Evidence of qualification: The minimum qualifications are set out in 4.2 of this Guide.

Photograph: A recent passport sized photograph with the applicant's name and Personal Public Services Number (PPSN) clearly written on the reverse.

Part B declaration: Professional Indemnity Insurance (PII) is mandatory for all licensees. Employees and Principal Officers must be included in the property services employer's PII cover and the declaration in Part B by the property services employer meets the Authority's requirements in that regard.

Declaration: As set out in the notes above

Completed Application

The completed application form, payment and supporting documentation should be sent to the following address:

New Licence Applications
Property Services Regulatory Authority
Floor 2
Abbey Buildings
Abbey Road
Navan
Co. Meath
C15 K7PY



Appendix

Common errors made when applying for a Licence

Qualifications

The Applicant gives details of academic achievement or experience in a C.V. or cover letter and does not give any supporting documentation. A C.V. or claims made without supporting documentation are not accepted as evidence of achievement or experience.

Evidence of being a member of an industry representative body is not accepted as evidence of achievement or experience.

Professional Indemnity Insurance (PII)

The PII Letter of Offer/Policy submitted must be in the name of the applicant as entered at Part A of the application. If the application is made in the name of “*Navan Estates Limited*”, the PII should be in the name of “*Navan Estates Limited*” **and not** in any other name – a policy in the name of “*Navan Estates*” is not accepted as showing “*Navan Estates Limited*” is covered.

The PII Letter of Offer/Policy does not state the business services to be covered or does not include the services for which the applicant is applying. The PII documentation should state the type of service covered. If an application is made to provide Licence types A, B, C and D, then the business covered by the Insurance should state:

Business Covered: The auction of property other than land
 The purchase or sale, by whatever means, of land
 The letting of land
 Property Management Services

The PII Letter of Offer/Policy does not state the Level of Indemnity or that it is at least €500,000.

The PII Letter of Offer/Policy does not state “*defence costs in addition*” to the Level of Indemnity or “*defence costs not included*”.

The PII Policy does not clearly state the expiry date of the policy.

Accountant’s Report

The Accountant and/or applicant amend the wording of the Accountant’s Report - apart from where changes are permitted. The explanatory note to the Accountant’s Report set out where amendments are permitted.

Client Account Name at section (b) of Part I – Applicant’s Declaration and at section (4) of Part II – Accountant’s Declaration is not completed correctly. The client account name should include the name of the applicant and the word “client” in its title. For example, the application is made in the name of “*Navan Estates Limited*”. The client account should include, at a minimum, “*Navan Estates Limited Client*” in its title.

The Accountant signs the declaration before the applicant - the Accountant cannot make a declaration that they are satisfied that the Applicant's declaration is true when the Applicant has not yet made the required declaration.

Tax Clearance

The tax clearance details provided with the application are those of another business/person and do not relate to the business or the directors or partners in a company or partnership. Where tax clearance details have been received in one name and the name of the applicant/director/partner on the application form is in another name then the person must provide the Authority with evidence of their change of name e.g. marriage certificate, change of name by deed poll etc.

Certificate of Incorporation (Company's only)

The Certificate of Incorporation should be in the name of the applicant and be dated no earlier than 4 weeks before the date of the application. For example, an application is made by "*Navan Estates Limited*" on 10th February 2016 then the Certificate of Incorporation should be in the name of "*Navan Estates Limited*" and must be issued by the Companies Registration Office (CRO) no earlier than 13th January 2016. A duplicate Certificate of Incorporation can be obtained (free of charge) from the Companies Registration Office website, www.cro.ie by selecting option 6 – "Get a Duplicate Certificate".

Copies of Certificates of Incorporation which have been certified by the Applicant's Accountant or Solicitor are not acceptable (unless issued by the CRO no earlier than 4 weeks before the application).

Business Name Registration

The Business Name, if applicable, must be registered to the Applicant. In the case of a company or partnership, the Business Registration Name must be registered to the name of the applicant as entered at Part A of the Application Form. If the Business Registration Name is to anyone other than the applicant, it will not be accepted by the Authority as being registered to the applicant.

Application Form

The Authority will not accept any application form when the following has not been received or completed:

- Applicants Declaration is not signed.
- In the case of an application from an employee or principal officer, the declaration at Part B of the application form is not completed and signed by a Principal Officer.
- Payment in respect of the Licence Fee is not submitted with the Application Form (including incomplete cheques or post dated cheques).
- The payee name on the payment is not correct. All payments should be made out to the "Property Services Regulatory Authority" or "PSRA". The Authority's bank will not accept payments made out to any other payee.

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