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## GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

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### DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM DEPARTEMENT VAN LANDELIKE ONTWIKKELING EN GRONDHERVORMING

No. R. 196

14 March 2013

#### SECTIONAL TITLES ACT, 1986: AMENDMENT OF REGULATIONS

I, Gugile Ernest Nkwinti, Minister of Rural Development and Land Reform, acting in terms of section 55 of the Sectional Titles Act, 1986 (Act No. 95 of 1986), after consultation with the sectional titles regulation board, hereby amend the Regulations promulgated by Government Notice No. R. 664 of 8 April 1988, as set out in the Schedule hereto. The Regulations will come into operation one month from the date of publication hereof in the *Gazette*.



NKWINTI G E (MP)

MINISTER OF RURAL DEVELOPMENT AND LAND REFORM

## SCHEDULE

### Definitions

1. In this Schedule “the Regulations” means the Regulations promulgated by Government Notice No. R. 664 of 8 April 1988 (as corrected by Government Notice No. R. 991 of 27 May 1988), as amended.

### Amendment of regulation 15

2. Regulation 15 of the Regulations is hereby amended by the substitution for subregulation (4) of the following subregulation:

“(4) The registrar must, on the lodgement of an application by the body corporate or developer, amend the relative sectional title deed as required by section 14 (5) of the Act, and endorse thereon that the amendment has been effected in accordance with an alteration, amendment or substitution of the registered sectional plan.”.

### Amendment of regulation 16B

3. Regulation 16B of the Regulations is hereby amended-

(a) by the substitution for subregulation (1) of the following subregulation:

“(1) Subject to the provisions of subregulation (3) and (4) a power of attorney, application or consent required for the performance of an act of registration in a deeds registry, and tendered for registration or filing of record in a deeds registry, shall be prepared by a practising attorney, not necessarily practising in the province in which such deeds registry is situate, notary conveyancer or other person empowered thereto by any act, who shall make and sign a certificate in the undermentioned form in the upper right hand corner on the first page of the document concerned:

“Prepared by me

.....  
 ATTORNEY/NOTARY/CONVEYANCER/AUTHORISATION  
 OF OTHER PERSON  
 (Use whichever is applicable)

.....  
 (State full name and surname in block letters)”; and

(b) by the substitution for subregulation (5) of the following subregulation:

“(5) When a certificate referred to in subregulation (1) is signed by an attorney or notary, the fact that the signatory is a practising attorney or notary shall be confirmed by a practising conveyancer, who shall countersign the certificate by making and signing the following certificate thereon:

“Countersigned by me

.....  
 CONVEYANCER

.....  
 (State full name and surname in block letters)”.

#### **Amendment of regulation 16C**

4. Regulation 16C of the Regulations is hereby amended by the substitution for subparagraph (d)(ii)(aa) of the following subparagraph:

“(d)(ii)(aa) that the necessary authority has been obtained for the signing of such document in a representative capacity on behalf of a company, close corporation, church, association, society, trust, other body of persons or an institution, whether created by statute or otherwise;”.

**Substitution of regulation 27**

5. Regulation 27 of the Regulations is hereby amended-

(a) by the substitution for subregulation (3) of the following subregulation:

“(3) The application contemplated in subregulation (1)(a) must be accompanied by a substituted schedule as contemplated in section 11 (3)(b) of the Act, where the land to be incorporated into the communal scheme concerned is subject to conditions which are different from the conditions registered at the opening of the sectional title register.”; and

(b) by the addition of the following subregulation:

“(4)(a) The substituted schedule referred to in subregulation (3) must contain all the conditions and endorsements appearing in the section 11(3)(b)-schedule already filed in the sectional title register (existing schedule), as well as the conditions and endorsements appearing in the title deed of the land that is to be incorporated into the communal scheme.

(b) The existing and substituted schedules must both be kept in the sectional title register and the existing schedule must be endorsed to the effect that it has been replaced by the substituted schedule.”.

**Amendment of regulation 28**

6. Regulation 28 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

“(2) Simultaneously with the transfer of a right to an exclusive use area referred to in sections 25 (1), 27 (3) and 60 (3) of the Act, the registrar shall make an endorsement under his or her signature on the certificate of real right issued in terms of section 25(2)(f), if such transfer is effected in terms of section 25(1) of the Act, and on the schedule of conditions referred to in section 11 (3) (b) of the Act, if such transfer is effected in terms of sections 27 (3) or 60 (3), and shall notify the surveyor-general accordingly”.

### Amendment of regulation 31

7. Regulation 31 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

“(2) The notification to the registrar pursuant to subregulation (1) shall be accompanied by\_

- (a) a sectional plan which shall exclude reference to any section or part of a section which has been destroyed; and
- (b) the affected title of the owner of the unit or holder of any real rights together with the consent of the holder of any mortgage bond or holder of any real rights for disposal thereof.”.

### Amendment of Annexure 1

8. Annexure 1 to the Regulations is hereby amended –

- (a) by the substitution for the certificate in forms B, C, F, G, J, L, M, O, P, Q, R, W, Z, AG, AH, AI, AJ, AK, and AO of the following certificate:

“Prepared by me

.....

CONVEYANCER

.....

(State full name and surname in block letters);

- (b) by the substitution for the footnote to form F of the following footnote:

\* Delete whichever is not applicable.

† State which rights, i.e. section 25(1)(a), (b), (c) are reserved, together with its extent, and where such rights are subdivided, state each right in a separate paragraph.

‡ State name of township/suburb and local authority”;

(c) by the substitution for form H of the following form:

**“Form H**

Prepared by me

CONVEYANCER

(State full name and surname in block letters.)

**DEED OF TRANSFER**

Be it hereby made known:

That ..... appeared before me at ....., being duly authorized thereto by a power of attorney granted to him or her by .....dated the ..... day of ..... and signed at ..... and the said appearer declared that—

(Here insert an appropriate recital of the nature and date of the transaction or the circumstances necessitating transfer as well as the compensation) and that he or she in his or her capacity as aforesaid, do, by these presents, cede and transfer, in full and free property, to and on behalf of.....

\*1. A unit consisting of—

(a) Section No. .... as shown and more fully described on Sectional Plan No. SS ..... in the scheme known as ..... in respect of the land and building or buildings situated at ‡..... of which section the floor area according to the said sectional plan is ..... square metres in extent; and

(b) an undivided share in the common property in the scheme apportioned to the said section in accordance with the participation quota as endorsed on the said sectional plan.

Held by virtue of  
 ||.....

\*2. Here insert the description of the land to be conveyed, the extent thereof, and comply with the provisions of the regulations promulgated under the Deeds Registries Act, 1937 (Act No. 47 of 1937), with reference to the extending clause and the conditions governing the unit.

\*3. All the right, title and interest (here insert the share to be alienated if not the full interest) in the land and building or buildings in the scheme known as ..... situated at ‡..... which interest consisting of †Section No. .... in extent ..... as shown and more fully described on Sectional Plan No. SS ..... in extent ..... as shown and more fully described on Section Plan No. SS ..... and \*undivided share/undivided shares in the common property apportioned in accordance with the participation quota as endorsed on the said sectional plan.

Held by virtue of  
 ||.....

The said \*unit/interest is subject to or shall benefit by—

- §(i) the servitudes, other real rights and conditions, if any, \* as contained in the schedule of conditions referred to in section 11 (3) (b) and the servitudes referred to in section 28 of the Sectional Titles Act, 1986 (Act No. 95 of 1986) / endorsed on the sectional plan and the servitudes referred to in section 19 of the Sectional Titles Act , 1971 (Act No. 66 of 1971); and
- (ii) any alteration to the building or buildings or to a section or to the common property shown on the said sectional plan.
- (iii) (Insert the special conditions endorsed against the title deed contained therein.)

Wherefore all the rights, title and interest which the transferor heretofore had to the unit aforesaid is renounced, and in consequence it is also acknowledged that the transferor is entirely dispossessed of, and disentitled to, the same, and that, by virtue of these presents the aforesaid transferee now is entitled thereto, the State however, reserving its rights.

Signed, executed and sealed at ..... on  
.....

qq Signature of appearer

In my presence

Registrar of Deeds

\* Omit whichever is not applicable.

† State each unit in seperate paragraph.

‡ State name of township/suburb/local authority/description of farm.

§ Omit in the event of transfer of land.

|| State type of sectional title deed(s) and the number(s) thereof”;

- (d) by the substitution for the certificate in forms AL, and AM of the following certificate:

“Prepared by me

.....  
ATTORNEY/NOTARY/CONVEYANCER

(Use whichever is applicable.)

.....  
(State full name and surname in block letters)”; and

- (e) by the substitution for form I of the following form:

**“Form I**

Prepared by me

Attorney/Notary/Conveyancer  
(Use whichever is applicable.)



(State full name and surname in block letters)

Registrar of Deeds  
.....

**APPLICATION UNDER SECTION 15B(5) OF THE SECTIONAL TITLES ACT, 1986**

I, ..... \*owner/joint owner of ..... (furnish particulars of \* unit / real right of extension / real right of exclusive use area) held by me, by virtue of \*\* ..... hereby apply for a \*certificate of registered sectional title / certificate of right to an exclusive use area / certificate of right referred to in section 25(1) in respect of my ..... (state extent of the share) share in the aforesaid \* unit / right to an exclusive use area / right referred to in section 25(1).

Applicant

Date and place

\* Omit whichever is not applicable.

\*\* State type of deed and the number thereof".

**Amendment of Annexure 8**

9. Annexure 8 to the Regulations is hereby amended –

(a) by the substitution for rule 7 of the following rule:

**"Nominations**

7. Nominations by owners for the election of trustees at any annual general meeting shall be given in writing, accompanied by the written consent of the person nominated, so as to be received at the domicilium of the body corporate not later than 48 hours before the meeting: Provided that trustees are also capable of being elected by way of nominations with the consent of the nominee given at the meeting itself should insufficient written nominations be received to comply with rule 4 (1) : Provided further that no nomination or appointment as trustee, of a person in breach of rule 64(1) or 64(2), may be made or accepted.”;

(b) by the substitution in rule 13 for paragraph (g) of the following paragraph:

“(g) if he is in arrears for more than 60 days with any levies and contributions payable by him in respect of his unit or exclusive use area (if any) and if he fails to bring such arrears up to date within 7 days of being notified in writing to do so.”;

(c) by the deletion of subrule (4A) of rule 31; and

(d) by the insertion in rule 31 after subrule (4A) of the following subrule:

“(4B) The trustees may from time to time, when necessary, make special levies upon the owners or call upon them to make special contributions in respect of all such expenses as are mentioned in rule 31(1) above (which are not included in any estimates made in terms of rule 31(2) above), and such levies and contributions may be made payable in one sum or by such instalments and at such time or times as the trustees shall think fit.”.

**Short title**

10. These regulations shall be known as the Sectional Titles Amendment Regulations, 2013.