
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. R. 883

14 AUGUST 2020

SECTIONAL TITLES ACT, 1986: AMENDMENT OF REGULATIONS

I, Angela Thokozile Didiza, Minister of Agriculture, Land Reform and Rural Development, 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 two months from the date of publication hereof in the Gazette.

**MS ANGELA THOKOZILE DIDIZA****MINISTER: AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**

SCHEDULE

Definitions

1. In this Schedule “the Regulations” mean 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) Whenever the registrar amends the relative sectional title deed as required by section 14(5) of the Act, he or she must endorse thereon that the amendment has been effected in accordance with an alteration, amendment or substitution of the registered sectional plan, and in the case of a substituted sectional plan, register such plan and substitute the registered sectional plan therewith.”.

Amendment of Regulation 16A

3. Regulation 16A of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

“(1) Every deed of transfer, certificate of title, certificate of registration or sectional mortgage bond shall be prepared by a 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

.....

CONVEYANCER / AUTHORISATION OF OTHER PERSON

(Use whichever is applicable)

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

.....
(Conveyancer to disclose Legal Practice Council Membership Number)".

Amendment of regulation 16B

4. 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 subregulations (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)

.....
(Attorney/Conveyancer/Notary to disclose Legal Practice Council Membership
Number)”; 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)

.....

(Disclose Legal Practice Council Membership Number)".

Amendment of Annexure 1

5. Annexure 1 to the Regulations is hereby amended –

(a) by the substitution for the certificate in forms B, C, F, G, H, 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)

.....

(Disclose Legal Practice Council Membership Number)";

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

"Form H

Prepared by me

.....

CONVEYANCER

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

.....
 (Disclose Legal Practice Council Membership Number)

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 bydated 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) 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, and finally acknowledging (here quote the * purchase price/declared value of the property where a purchase price is not applicable/purchase price and the declared value where the declared value of the property is higher than the purchase price).

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

qq Signature of appearer

In my presence

Registrar of Deeds

* Omit whichever is not applicable.

† State name of town / city or suburb or township and local authority / description of the farm.

‡ State type of sectional title deed(s) and the number(s) thereof.

§ State each unit in separate paragraph.

- The Legal Practice Council Membership Number must be disclosed together with the full name and surname of the conveyancer- appearer in the pre-amble of the Deed of Transfer.”; and

(c) by the substitution for the certificate in forms I, 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)

.....

(Disclose Legal Practice Council Membership Number)”.

Short title

6. These regulations shall be known as the Sectional Titles Amendment Regulations, 2020.

DEPARTEMENT VAN LANDBOU, GRONDHERVORMING EN LANDELIKE ONTWIKKELING

NO. R. 883

14 AUGUSTUS 2020

WET OP DEELTITELS, 1986: WYSIGING VAN REGULASIES

Ek, Angela Thokozile Didiza, Minister van Landbou, Grondhervorming en Landelike Ontwikkeling, kragtens artikel 55 van die Wet op Deeltitels, 1986 (Wet No. 95 van 1986), na raadpleging met die deeltitelregulasieraad, wysig hiermee die Regulasies afgekondig by Goewermentskennisgewing No. R. 664 van 8 April 1988, soos in die Bylae hiervan uiteengesit. Die Regulasies tree in werking twee maande vanaf die datum van publikasie hiervan in die *Staatskoerant*.



ME ANGELA THOKOZILE DIDIZA

MINISTER: LANDBOU, GRONDHERVORMING EN LANDELIKE ONTWIKKELING

BYLAE**Woordomskrywings**

1. In hierdie Bylae beteken "die Regulasies" die Regulasies afgekondig by Goewermentskennisgewing No. R. 664 van 8 April 1988 (soos verbeter deur Goewermentskennisgewing No. R. 991 van 27 Mei 1988), soos gewysig.

Wysiging van regulasie 15

2. Regulasie 15 van die Regulasies word hierby gewysig deur subregulasie (5) deur die volgende subregulasie te vervang:

"(4) Wanneer die registrateur die betrokke deeltitelbewys wysig soos by artikel 14 (5) van die Wet vereis, moet hy of sy daarop aanteken dat die wysiging aangebring is ooreenkomstig 'n verandering, wysiging of vervanging van die geregistreerde deelplan, en in die geval van 'n vervangende deelplan, derglike plan registreer en die geregistreerde deelplan daarmee vervang."

Wysiging van regulasie 16A

3. Regulasie 16A van die Regulasies word hierby gewysig deur subregulasie (1) deur die volgende subregulasie te vervang:

"(1) Elke transportakte, titelsertifikaat, sertifikaat van registrasie of deelverband moet opgestel word deur 'n transportbesorger of ander persoon kragtens enige wet daartoe gemagtig wat 'n sertifikaat in onderstaande vorm in die boonste regterkantse hoek op die eerste bladsy van die betrokke dokument moet aanbring en onderteken:

Opgestel deur my

.....

**TRANSPORTBESORGER / MAGTIGING VAN
ANDER PERSOON**

(Gebruik wat ook al van toepassing is)

.....

(Vermeld volle naam en van in blokletters)

.....

(Vermelding van Lidmaatskap Nommer van Regspraktykraad deur Transportbesorger)".

Wysiging van regulasie 16B

4. Regulasie 16B van die Regulasies word hierby gewysig deur-

(a) subregulasie (1) deur die volgende subregulasie te vervang:

"(1) Behoudens die bepalings van subregulasies (3) en (4) word 'n prokurasie, aansoek of toestemming wat benodig word vir die verrigting van 'n registrasiehandeling in 'n registrasiekantoor, en vir registrasie of liassering op rekord in 'n registrasiekantoor aangebied word, opgestel deur 'n praktiserende prokureur, wat nie noodwendig in die provinsie waarin sodanige registrasiekantoor geleë is, hoef te praktiseer nie, notaris, transportbesorger of ander persoon kragtens enige wet daartoe gemagtig, wat 'n sertifikaat in onderstaande vorm in die boonste regterkantse hoek op die eerste bladsy van die betrokke dokument moet aanbring en onderteken:

Opgestel deur my

.....

**PROKUREUR/NOTARIS/TRANSPORTBESORGER/MAGTIGING VAN
ANDER PERSOON**

(Gebruik wat ook al van toepassing is)

.....

(Vermeld volle naam en van in blokletters)

.....

(Vermelding van Lidmaatskap Nommer van Regspraktykraad deur Prokureur, Notaris en Transportbesorger)"; en

(b) subregulasie (5) deur die volgende subregulasie te vervang:

“(5) Wanneer ’n sertifikaat bedoel in subregulasie (1) deur ’n prokureur of notaris onderteken word, moet die feit dat die ondertekenaar ’n praktiserende prokureur of notaris is, bevestig word deur ’n praktiserende transportbesorger, wat die sertifikaat moet mede-onderteken deur die volgende sertifikaat daarop aan te bring en te onderteken:

Mede-onderteken deur my

.....

TRANSPORTBESORGER

.....

(Vermeld volle naam en van in blokletters)

.....

(Vermeld Lidmaatskap Nommer van Regspraktykraad)”.

Wysiging van Aanhangsel 1

5. Aanhangsel 1 tot die Regulasies word hierby gewysig –

(a) deur die sertifikaat in vorm B, C, F, G, H, J, L, M, O, P, Q, R, W, Z, AG, AH, AI, AJ, AK, en AO deur die volgende sertifikaat te vervang:

“Opgestel deur my

.....

TRANSPORTBESORGER

.....

(Vermeld volle naam en van in blokletters)

.....

(Vermeld Lidmaatskap Nommer van Regspraktykraad)”;

(b) deur vorm H deur die volgende vorm te vervang:

"Vorm H

Opgestel deur my

.....

TRANSPORTBESORGER

.....

(Vermeld volle naam en van in
blokletters)

.....

(Vermeld Lidmaatskap Nommer van
Regspraktykraad)**TRANSPORTAKTE**

Hierby word bekend gemaak:

Dat •..... voor my verskyn het te behoorlik daartoe gemagtig deur 'n volmag aan hom of haar verleen deur gedateer die dag van en geteken te en genoemde komparant het verklaar dat— (Voeg hier in die gepaste uiteensetting van die aard en datum van die transaksie of die omstandighede wat 'n transport nodig maak) en dat hy of sy in sy of haar voornoemde hoedanigheid hierby in volkome en vrye eiendom sedeer en transporteer aan en ten gunste van

*1. 'n Eenheid bestaande uit—

(a) Deel No. soos aangetoon en vollediger beskryf op Deelplan No. SS in die skema bekend as ten opsigte van die grond en gebou of geboue geleë te †..... van welke deel die vloeroppervlakte, volgens voormelde deelplan vierkante meter groot is; en

(b) 'n onverdeelde aandeel in die gemeenskaplike eiendom in die skema, aan genoemde deel toegedeel ooreenkomstig die deelnemingskwota soos op genoemde deelplan aangeteken.

Gehou kragtens ‡.....

- *2. Voeg hier in die beskrywing van grond wat oorgedra word, die grootte daarvan en voldoen aan bepalings van die regulasies, uitgevaardig kragtens die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), met betrekking tot die uitstrekkingsklousule en die voorwaardes waaraan die eenheid onderhewig is.
- *3. Alle reg, titel en belang (vermeld hier die aandeel wat vervreem word indien dit nie die volle belang is nie) in die grond en gebou of geboue in die skema bekend as geleë te †..... welke belang bestaan uit § Deel No. groot soos aangetoon en vollediger beskryf op Deelplan No. SS. en *'n onverdeelde aandeel/onverdeelde aandele in die gemeenskaplike eiendom toegedeel ooreenkomstig die deelnemingskwota soos aangedui op die genoemde deelplan.
Gehou kragtens ‡.....
Die genoemde *eenheid/belang is onderworpe aan of word bevoordeel deur—
- (i) die serwitute, ander saaklike regte en voorwaardes, indien enige is, * soos vervat in die bylae van voorwaardes bedoel in artikel 11 (3) (b) en die serwitute bedoel in artikel 28 van die Wet op Deeltitels, 1986 (Wet No. 95 van 1986) / geëndosseer op die deelplan en die serwitute bedoel in artikel 19 van die Wet op Deeltitels, 1971 (Wet No. 66 van 1971); en
- (ii) enige verandering aan die gebou of geboue of aan 'n deel of aan die gemeenskaplike eiendom aangetoon op die genoemde deelplan.
- (iii) (Voeg in die spesiale voorwaardes geëndosseer teen die tittle soos daarin opgeneem.)
- Derhalwe word afstand gedoen van al die regte, titel en belang wat die transportgewer voorheen op genoemde eiendom gehad het en gevolglik ook erken dat die transportgewer geheel en al van die besit daarvan onthef is en nie meer daartoe geregtig is nie en dat, kragtens hierdie akte, genoemde transportnemer nou daartoe geregtig is, behoudens die regte van die Staat en erken hy/sy ten slotte(voeg hier in die * koopprijs/verklarende waarde van die eiendom waar 'n koopprijs nie van toepassing is nie/koopprijs en die verklarende waarde

waar die verklarende waarde van die eindom meer is as die verkoopprys).

Onderteken, verly en met die ampseël bekragtig te

op

q q Handtekening van komparant

In my teenwoordigheid

Registrateur van Aktes

* Laat weg wat nie van toepassing is nie.

† Vermeld naam van dorp / stad of voorstad of dorpsgebied en plaaslike bestuur / beskrywing van plaas.

‡ Vermeld tipe deeltitelbewys(e) en die nommer(s) daarvan.

§ Vermeld elke eenheid in 'n afsonderlike paragraaf

- Die Lidmaatskap Nommer van die Regspraktykraad moet tesame met die volle naam en van van die transportbesorger-komparant in die aanhef van die Transportakte verskyn."; en

(c) deur die sertifikaat in vorm I, AL, en AM deur die volgende sertifikaat te vervang:

"Opgestel deur my

.....

PROKUREUR/NOTARIS/TRANSPORTBESORGER

(Gebruik wat ook al van toepassing is)

.....

(Vermeld volle naam en van in blokletters)

.....

(Vermeld Lidmaatskap Nommer van Regspraktykraad)".

Kort titel

6. Hierdie Regulasies heet die Deeltitel Wysigingsregulasies, 2020.