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:

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"(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 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) 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.