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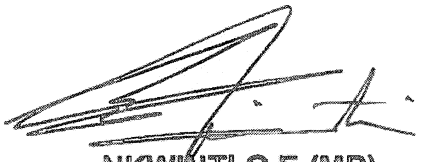
GOVERNMENT NOTICE

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

No. R. 548 **30 June 2015**

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

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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 13

2. Regulation 13 of the Regulations is hereby amended-

(a) by the substitution in subregulation (4) for paragraph (*a*) of the following paragraph:

"(*a*) the documents referred to in section 11(3) of the Act, with the exception of the certificates of registered sectional title, the owner's copy of the title deed of the land, the bond, the title deed of any real right registered over the land and the certificates of real rights contemplated by sections 11(3) (*fB*) and 11(3)(*fC*);"; and

(b) by the substitution for subregulation (4A) of the following subregualtion:

"(4A) The documents, notices and correspondence referred to in subregulation (4) (*a*) and (*c*), as well as any certificates, plans, schedules, rules and other documents relating to the scheme as a whole and which must be filed in a sectional title file, must be endorsed with a deeds registry date endorsement upon the lodgement thereof.".

Amendment of regulation 16C

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

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

Amendment of regulation 28

4. Regulation 28 of the Regulations is hereby amended-

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

"(1) The exclusive use areas referred to in section 5(3)(*f*) of the Act shall, where there is more than one area, be numbered and described in separate paragraphs in the certificate of real rights of exclusive use areas issued under any provision of the Act."; and

(b) 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:

(a) the certificate of real right issued in terms of section 25 (2) (*f*), if such transfer is as a result of a reservation to extend a scheme in terms of section 25 (1) of the Act; or

(b) the schedule of conditions referred to in section 11 (3) (b), if such transfer is effected in terms of section 27 (3) of the Act; or

(c) annexure A if the exclusive use area has been granted under the Sectional Titles Act, 1971,

and the Registrar shall notify the Surveyor-General in respect of the endorsing of the said schedule of conditions, or annexure A, as the case may be.".

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Amendment of Annexure 1

5. Annexure 1 to the Regulations is hereby amended –

(*a*) by the substitution for the footnote to form C of the following footnote:

" * Omit whichever is inapplicable.
† State name of township/suburb/local authority/description of farm.";

(*b*) by the substitution for form F of the following form:

"**Form F**

Prepared by me
.....
CONVEYANCER
.....
(State full name and surname in block letters.)

CERTIFICATE OF REAL RIGHT UNDER SECTION 12 (1) (e) OF THE SECTIONAL TITLES ACT, 1986

Whereas ..... (hereinafter called the developer) has applied for the registration of a sectional plan in terms of section 11 (1) of the Sectional Titles Act, 1986,
*AND WHEREAS the developer has reserved for *himself/herself the right to extend the scheme as contemplated in section 25 (1) of the Act;
*AND WHEREAS no reservation was made by the developer in terms of section 25 (1) of the Act and the body corporate has not yet been established;
NOW, therefore, in pursuance of the provisions of the said Act, I, the Registrar of Deeds at ..... do hereby certify that the developer or *his/her successor in title is the registered holder of the right to erect and complete from time to time within a period of ..... for *his/her personal account † ..... on the specified portion of the common property as indicated on the plan referred to in section 25 (2) (*a*) of the Act, filed in this office, and to:-

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* divide such building or buildings into a section or sections and common property, and to confer the right to exclusive use over a portion of such common property upon the owner or owners of one or more sections in the scheme known as ..... in respect of the land and building or buildings situated at ‡ ..... and shown on Sectional Plan No SS. ..... ;

* delineate exclusive use areas on or in specific parts of the land and buildings in terms of section 5(3)(*f*) and to confer the right of exclusive use over such areas upon the owner or owners of one or more sections in the scheme known as ....., in respect of the land and building or buildings situate at † ..... and shown on Sectional Plan No. SS .....

Signed at ....., on .....

.....

Registrar of Deeds

(Seal of Office)

* Delete whichever is not applicable.

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

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

(*c*) by the substitution for form G of the following form:

"Form G

Prepared by me

.....

CONVEYANCER

.....

(State full name and surname in block letters.)

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CERTIFICATE OF REAL RIGHT: EXCLUSIVE USE AREAS

[In terms of sections 12 (1) (*f*), 25 and 27 of the Sectional Titles Act, 1986]

*WHEREAS ..... (hereinafter called the developer) has applied for the registration of a sectional plan in terms of section 11 (1) of the Sectional Titles Act, 1986,

*WHEREAS ..... (hereinafter called the developer) has applied for the registration of a sectional plan of extension in terms of section 25 of the Sectional Titles Act, 1986,

*WHEREAS the right to extend the scheme vests with the body corporate in terms of section 25 (6) of the Sectional Titles Act, 1986,

*AND WHEREAS the *developer / body corporate has in terms of section 5 (3) (*f*) of the said Act delineated certain exclusive use areas on the draft sectional plan;

*AND WHEREAS no reservation was made by the developer in terms of section 27 (1) (*a*) of the said Act and the body corporate has not yet been established;

NOW, therefore, I, the Registrar of Deeds at ....., do hereby certify that the *developer / body corporate is the registered holder of the right to the following exclusive use areas, namely †....., forming part of the common property and delineated as such on Sectional Plan No. SS ..... in the scheme known as ..... situated at ‡.....

Signed at ..... , on .....

.....

Registrar of Deeds

(Seal of Office)

* Delete whichever is not applicable.

† Disclose each type of exclusive use area separately.

‡ Disclose name of town/suburb/local authority/description of farm.";

(*d*) by the substitution for form I of the following form:

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"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) / 27 (7) (*a*) 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);

* certificate of right to an exclusive use area for purposes of obtaining a separate title deed referred to in section 27(7)(*a*) in respect of .....(furnish particulars of right/s to exclusive use area/s).

.....

Applicant

.....

Date and place

* Omit whichever is not applicable.

** State type of sectional title deed and the number thereof.";

(*e*) by the substitution for the footnote to form J of the following footnote:

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" * Omit whichever is not applicable.

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

† State type of sectional title deed(s) and the number(s) thereof.";

(*f*) by the substitution for form O of the following form:

"Form O

Prepared by me

.....

CONVEYANCER

.....

(State full name and surname in block letters.)

APPLICATION UNDER SECTION *22 (1), 23 (1), 24 (6), 25 (9) OR 26 (5) OF THE SECTIONAL TITLES ACT, 1986

I, the undersigned ....., do hereby apply to the registrar of deeds at ..... for:

1. The registration of the attached sectional plan of subdivision of a *section/consolidation of sections/extension of sections/extension of scheme by the addition of sections and/or exclusive use areas/extension of scheme by the addition of land to the common property in terms of the provisions of section *22 (1)/ 23 (1)/ 24 (6)/ 25 (9)/ 26 (5) of the Sectional Titles Act, 1986, in respect of ‡Section No. ....., formerly Section No./Section Nos. ..... 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 situate at †..... and held under § .....

2. The issue of certificates of registered sectional title in terms of the provisions of section *22 (5)/ 23 (5)/ 25 (11) of the aforesaid Act in respect of

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the sections as shown on the said sectional plan of *extension/subdivision/consolidation.

3. The issue of a certificate of real right in respect of a right to exclusive use as contemplated by section 25 (11) (if applicable).

Signed at ..... on .....

.....

Signature of Owner

* Delete whichever is not applicable.

† Insert name of town/suburb/local authority/description of farm.

‡ To be adapted for extension of sections and/or exclusive use areas and/or common property.

§ State type of sectional title deed(s) and the number(s) thereof.";

(*g*) by the substitution for the footnote to form P of the following footnote:

"* State name of township/suburb/local authority/description of farm.
† State type of sectional title deed(s) and the number(s) thereof.";

(*h*) by the substitution for the footnote to form Q of the following footnote:

"* Insert name of township/suburb/local authority/description of farm.
† State type of sectional title deed(s) and the number(s) thereof.";

(*i*) by the substitution for form R of the following form:

"Form R

Prepared by me

.....

CONVEYANCER

.....

(State full name and surname in block letters.)

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CERTIFICATE OF REAL RIGHT UNDER SECTION 25 (6) OF THE SECTIONAL TITLES ACT, 1986

Whereas the right to extend the scheme vests with the body corporate of ..... under the provisions of section 25 (6) of the Act:

Now, therefore, I, the Registrar of Deeds at ..... in pursuance of the provisions of the said Act, do hereby certify that the said body corporate is the registered holder of the right to erect and complete from time to time: * ..... on the specified portion of the common property as indicated on the plan referred to in section 25 (2) (a) of the Act filed in this office, and to –

** divide such building or buildings into a section or sections and common property and to confer the right of exclusive use over portions of such common property upon the owner or owners of one or more sections in the scheme known as ....., in respect of the land and building or buildings situate at † ..... and shown on Sectional Plan No. SS ..... ;

** delineate exclusive use areas on or in specific parts of the land and buildings in terms of section 5(3)(f) and to confer the right of exclusive use over such areas upon the owner or owners of one or more sections in the scheme known as ....., in respect of the land and building or buildings situate at † ..... and shown on Sectional Plan No. SS .....

Signed at ..... on .....

.....

Registrar of Deeds

Seal of Office

* State which rights i.e. section 25 (1) (*a*), (*b*) or (*c*) are reserved.

** Delete whichever is not applicable.

† State name of township/suburb/local authority/description of farm."; and

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(*j*) by the substitution for form AI of the following form:

"Form AI

Prepared by me

.....

CONVEYANCER

.....

(State full name and surname in block letters.)

CERTIFICATE UNDER SECTION * 15B (5) / 27 (7) OF THE SECTIONAL TITLES ACT, 1986

WHEREAS ..... has applied for the issuing of:-

* a certificate of registered sectional title / certificate of right to an exclusive use area / certificate of right referred to in section 25 (1) of the Sectional Titles Act, 1986, in respect of his/her ..... (state extent of the share) undivided share in respect of the undermentioned *unit / right to an exclusive use area / right referred to in section 25 (1);

* a separate title deed as contemplated in section 27 (7) in respect of the undermentioned exclusive use areas, being exclusive use areas registered in his/her name held by virtue of *Certificate of Real Rights: Exclusive Use Areas / Notarial Deed of Cession of Exclusive Use Areas (state No. of title deed) ..... dated .....;

NOW THEREFORE, in terms of the provisions of the said Act, I, Registrar of Deeds, at ..... hereby certify that the said ..... heirs, executors, administrators, or successors in title, or assigns is/are the registered holder/s of certain ‡..... (describe the unit / right/s to the exclusive use area/s / right referred to in section 25(1)) and that by virtue of these presents (he, she or it) is now and henceforth shall be entitled thereto conformably to local custom, the State, however, reserving its rights.

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In witness whereof I, the said Registrar, have signed this Deed, and have caused the seal of office to be affixed thereto.

Signed at ....., on .....

.....

Registrar of Deeds

(Seal of Office)

* Delete whichever is not applicable.

‡ Disclose each unit / type of exclusive use area / section 25(1) right separately.".

Amendment of Annexure 8

6. 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, may be made or accepted: Provided further that an owner in breach of rule 64 may not nominate any person as a trustee.";

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(b) by the substitution in rule 15 for subrule (5) of the following subrule:

"(5) An owner shall be entitled to attend, on invitation, any meeting of the trustee, but shall not in his or her capacity as such be entitled to vote thereat";

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

"(4Aa) After the expiry of a financial year and until they become liable for contributions in respect of the ensuing financial year, owners are liable for contributions in the same amounts and payable in the same instalments as were due and payable by them during the expired financial year: Provided that the trustees may, if they consider it necessary and by written notice to the owners, increase the contributions due by the owners by a maximum of 10 per cent excluding capital expenditure to take account of the anticipated increased liabilities of the body corporate. Such increase shall be ratified or changed after the Annual General Meeting by the trustees once the body corporate has approved or amended the schedule of income and expenditure."; and

(d) by the substitution for rule 70 of the following rule:

"70. If an owner—

(*a*) fails to repair or maintain his or her section in a state of good repair as required by section 44 (1) (*c*) of the Act; or

(*b*) fails to maintain adequately any improvement on any area of the common property allocated for his or her exclusive use,

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and if any such failure persists for a period of thirty days after the giving of written notice by the trustees or the managing agent to repair or to maintain, as the case may be, the body corporate shall be entitled to remedy the owner's failure and to recover, subject to section 37(1)(*b*), the reasonable cost of doing so from such owner.".

Short title

7. These regulations shall be known as the Sectional Titles Amendment Regulations, 2015.