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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

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with effect from 3 May 2005.**

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GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF HEALTH DEPARTEMENT VAN GESONDHEID

No. R. 432

13 May 2005

HEALTH PROFESSIONS ACT, 1974 (ACT NO. 56 OF 1974)

REGULATIONS RELATING TO THE REGISTRATION OF EMERGENCY CARE PRACTITIONERS

The Minister of Health intends, in consultation with the Health Professions Council of South Africa, in terms of section 61(1), read with sections 24 of the Health Professions Act, 1974 (Act No. 56 of 1974), to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations on the proposed regulations to the Director-General: Health, Private Bag X828, Pretoria, 0001 (for attention of the Director: Human Resource Development), within one month of the date of publication of this notice.

SCHEDULE

1. Definitions

In this Schedule any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context otherwise indicates –

“advanced life support paramedic” means an emergency care practitioner registered to provide advanced life support emergency medical care;

“basic life support paramedic” means an emergency care practitioner registered to practice under supervision to provide basic life support emergency care;

“board” means the professional board for emergency care practitioners established in terms of section 15 of the Act;

"council" means Health Professions Council of South Africa;

"emergency care practitioner" means a person registered in terms of section 17 of the Act as a paramedic basic, intermediate or advanced;

"examination" means an examination conducted by an educational and training institution approved by the board or examiners appointed by the board;

"intermediate life support paramedic" means an emergency care practitioner registered to practice independently, to provide intermediate life support emergency medical care;

"section" means a section of the Act; and

"the Act" means the Health Professions Act, 1974, (Act 56 of 1974).

2. Registration of persons as basic life support paramedics

The registrar may register as a basic life support paramedic any person who obtain a certificate for basic ambulance assistants, a certificate for ambulance emergency care assistants or a certificate for basic life support paramedics from an educational and training institution or examining body, which by resolution of the board, was approved as competent to award such a qualification.

3. Registration of persons as intermediate life support paramedics

The registrar may register as an intermediate life support paramedic any person who obtained a certificate in intermediate life support emergency medical care, a certificate for ambulance emergency assistants or a certificate for operational emergency care orderlies from an educational and training institution or examining body, which by resolution of the board, was approved as competent to award such a qualification.

4. Registration of persons as advanced life support paramedics

The registrar may register as an advanced life support paramedic any person who obtained a certificate in advanced life support emergency medical care; a certificate for critical care assistants or the National Diploma in emergency medical care, from an educational and training institution or examining body, which by resolution of the board, was approved as competent to award such a qualification.

5. Transitional arrangement

- (1) The names of persons who were registered as basic ambulance assistants in terms of the Rules published under Board Notice No. 53 of 1996, as well as the names of persons who were registered as emergency care assistants in terms of the Rules published under Board Notice No. 110 of 1996, shall with effect from date of promulgation of these regulations be transferred to the register for basic life support paramedics.
- (2) The names of persons who were registered as ambulance emergency assistants in terms of the Rules published under Board notice No. 52 of 1996, as well as the names of persons who were registered as operational emergency care orderlies in terms of the Rules published under Board Notice No. 109 of 1996, shall with effect from date of promulgation of these regulations be transferred to the register for intermediate life support paramedics.
- (3) The names of persons who were registered as paramedics in terms of the Rules published under Board Notice No. 106 of 1996, shall with effect from date of promulgation of these regulations be transferred to the register for advanced life support paramedics.

6. Repeal

Regulations promulgated under Government Notice No. R 1887 of 22 November 1996 are hereby repealed.



M E TSHABALALA-MSIMANG
MINISTER OF HEALTH

No. R. 438

13 May 2005

DEPARTMENT OF LAND AFFAIRS**SECTIONAL TITLES ACT, 1986:
AMENDMENT OF REGULATIONS**

I, Angela Thokozile Didiza, Minister for Agriculture and Land Affairs, 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.


A.T. DIDIZA**MINISTER FOR AGRICULTURE AND LAND AFFAIRS****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), and amended by Government Notice No. R. 1791 of 3 August 1990, Government Notice No. R. 2345 of 5 October 1990 (as corrected by Government Notice No. R. 2542 of 2 November 1990), Government Notice No. R. 2653 of 8 November 1991 (as corrected by Government Notice No. R. 2868 of 6 December 1991), Government Notice No. R. 1562 of 12 June 1992, Government Notice No. R. 60 of 15 January 1993, Government Notice No. R. 1659 of 30 September 1994, Government Notice No. R. 1422 of 31 October 1997, Government Notice No. R. 1357 of 19 November 1999 and Government Notice No. R. 830 of 25 August 2000.

Amendment of regulation 17

2. Regulation 17 of the Regulations is hereby amended by the substitution for the heading of the following heading:

"Alienation and letting of common property"

Amendment of regulation 27

3. Regulation 27 of the Regulations is hereby amended by the addition of the following subregulation :

"(3) The application contemplated in subregulation (1)(a) must be accompanied by an amended 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."

Amendment of regulation 28

4. Regulation 28 of the Regulations is hereby amended by the addition of the following subregulations (4) and (5):

- "(4)(a) Whenever any real right to an exclusive use area vests in the body corporate as contemplated in section 27(1)(c) or section 27(4)(b) of the Act, the registrar shall upon lodgment of an application by the body corporate, nearly as practicable in the form AG in Annexure 1, issue a certificate of real right in favour of the body corporate in the form AH of Annexure 1.
- (b) If the real right to such exclusive use area is hypothecated, the registrar shall endorse the fact of the issuing of such certificate on the registry duplicate of the bond and, if the original bond is at any time lodged with the registrar's office for any purpose except cancellation, the registrar shall make a similar endorsement thereon; Provided that the issuing of such certificate shall not prejudice any claim to compensation which any person may have as a result of the vesting of such right.
- (c) The body corporate shall produce the title deed of the real right to such exclusive use area to the registrar, together with the certificate of real right, and the registrar shall thereupon endorse the fact of the issuing of such certificate on such title deed.
- (d) If the body corporate does not produce the title deed of the real right to such exclusive use area, it must submit to the registrar an affidavit stating the reasons why it has been unable to produce the title deed and the registrar shall if he or she is satisfied with the reasons, endorse the fact of the issuing of the certificate on the registry duplicate of such title deed, and if the original title deed is at any time lodged with his or her office for any purpose, the registrar shall make a similar endorsement thereon.
- (e) The registrar shall not issue the said certificate unless a certificate has been furnished by the body corporate to the effect that the provisions of section 27 of the Act in connection with the vesting of

such right have been complied with.

- (5)(a) A separate title deed as contemplated in section 27(7) of the Act may be obtained by the registered holder from the registrar upon written application accompanied by the title deed of the right to the exclusive use area concerned and such title deed must be issued, nearly as practicable, in the form A1 in Annexure 1.
- (b) If the right to the exclusive use area concerned is subject to a registered mortgage bond, that bond shall be produced to the registrar by the holder thereof, upon the request by and at the expense of the applicant.
- (c) Before issuing such title deed the registrar shall cause to be made upon the title deed to the exclusive use area concerned and upon the mortgage bond an endorsement to the effect that a separate title deed as contemplated in section 27(7) of the Act, has been substituted for the one title deed in respect of the right to the exclusive use area concerned and the registrar shall further make the necessary entries in the registers of the issue of the separate title deed and shall, if the right to the exclusive use area is mortgaged, endorse that fact upon the title deed so issued.
- (d) Any separate title deed, when issued, shall in respect of the right to the exclusive use area described therein, take the place of the title deed or deeds by which such right was previously held and the issue of such title deed shall not in any manner affect any right or obligation in connection with such right to the exclusive use area concerned."

Amendment of Annexure 1

5. Annexure 1 to the Regulations is hereby amended-

- (a) by the substitution for form G of the following form:

Form G

Prepared by me

.....
Conveyancer

.....
(State surname and initials in block letters.)

CERTIFICATE OF REAL RIGHT: EXCLUSIVE USE AREAS

[In terms of section 12 (1) (f) 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 11 (1) of the Sectional Titles Act, 1986,

*AND WHEREAS the developer has in terms of section 5 (3)(f) of the said Act delineated certain exclusive use areas on the 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 is the registered holder of the right to the undermentioned exclusive use areas 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 and local authority.

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

FORM H

Prepared by me

.....
Conveyancer

.....
(State surname and initials 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 ll.....

*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 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 extentas shown and more fully

described on Sectional 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 ll

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 95 of 1986);

- 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.....

.....
q.q. Signature of appearer

In my presence

.....
Registrar of Deeds

*Omit whichever is not applicable.

† State each unit in separate paragraph.

‡ Disclose name of town/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.

- (c) by the substitution for form O of the following form:

Form O

Prepared by me

.....
Conveyancer

.....
(State surname and initials in block letters.)

APPLICATION UNDER SECTION *22 (1), 23 (1), 24 (6), 25 (9), 26 (5) OR 27 (1) 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
addition of sections/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)/27 (1) of the Sectional Titles Act, 1986, in respect of ‡ Section No formerly section No./sections No's 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 the sections shown on the said sectional plan of *subdivision/consolidation/extension.
3. The issue of a certificate of real right in respect of a right to exclusive use as contemplated by section 27(1) (if applicable)

Signed at, on.....

.....
Signature of Owner

*Delete whichever is not applicable.

†Disclose name of town/suburb and local authority

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

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

(d) by the addition of the following form:

Form AG

Prepared by me

.....
Conveyancer

.....
(State surname and initials in block letters.)

APPLICATION UNDER *SECTION 27(1)(d)/SECTION 24(4)(c) OF THE SECTIONAL TITLES ACT, 1986

We, and the undersigned trustees of the Body Corporate of the (name) Scheme, No

Hereby apply for the issuing of a certificate of real rights of exclusive use areas in respect of:

An exclusive use area described as No, measuring, being as such part of the common property comprising the land and the scheme known as in respect of the land and building or buildings situate at †..... as shown and more

fully described on Sectional plan No SS held under *Certificate of Real

Right/Notarial Deed of Cession No SK.....

Which right vests in the said body corporate in terms of section *27(1)(d)/27(4)(c) of the Sectional Titles Act, 1986.

Address

Trustee

Trustee

Date

*Delete that which is not applicable

†Disclose name of township/suburb and local authority

(e) by the addition of the following form:

Form AH

Prepared by me

Conveyancer

(State surname and initials in block letters.)

CERTIFICATE OF REAL RIGHT: EXCLUSIVE USE AREA

[In terms of section *27(1)(d)/27(4)(c) of the Sectional Titles Act, 1986]

WHEREAS the undermentioned exclusive use area vests in the Body Corporate of (name) No....., in terms of section *27(1)(d)/27(4)(c) of the Sectional Titles Act, 1986;

AND WHEREAS the said body corporate has applied for the issuing of a certificate of real right of exclusive use area;

NOW THEREFORE, in terms of the provisions of the Act, I, the Registrar of Deeds at hereby certify that the Body Corporate of (name) No.....

is the registered holder of:

‡An exclusive use area described as , No , measuring , being as such part of the common property comprising the land and the scheme known as in respect of the land and building or buildings situate at †..... as shown and more fully described on Sectional Plan No SS held under *Certificate of Real

Right/Notarial Deed of Cession No SK.....

Signed at on

Seal of Office

.....
Registrar of Deeds

*Delete whichever is not applicable

†Disclose name of township/suburb and local authority

‡Disclose each type of exclusive use area separately

(f) by the addition of the following form:

Form AI

Prepared by me

.....
Conveyancer

.....
(State surname and initials in block letters.)

CERTIFICATE UNDER SECTION 27(7) OF THE SECTIONAL TITLES ACT, 1986

WHEREAS has applied for the issuing of a separate title deed as contemplated in section 27(7) of the Sectional Titles Act, 1986, 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, the 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 right/s to the exclusive use area/s) 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.

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

Seal of Office

.....
Registrar of Deeds

*Delete that which is not applicable

‡Disclose each type of exclusive use area separately

Amendment of Annexure 8

6. Annexure 8 of the Regulations is hereby amended by –

(a) the substitution for paragraph (a) of rule 29(1) of the following paragraph:

“(a) At the first meeting of the trustees or soon thereafter as is possible, and annually thereafter, the trustees shall take steps to insure the buildings, and all improvements to the common property, to the full replacement value thereof, subject to negotiation of such excess, premiums and insurance rates as in the opinion of the trustees are most beneficial to the owners, against-“;

(b) the substitution for sub-rule (1) of rule 32 of the following sub-rule:

“(1) The trustees shall keep a complete record of all rules in force from time to time and shall ensure that any amendment, substitution, addition or repeal of such rules (as contemplated in section 35(5) of the Act) is submitted forthwith to the Registrar of Deeds for filing as contemplated in section 35(5)(c) of the Act.”;

(c) the substitution for paragraph (b) of rule 33(2) of the following paragraph:

“(b) The trustees shall at the written request of any owner convene a special general meeting in order to discuss and to deliberate upon the proposals contained in the notice referred to in paragraph (a), at which meeting the owners may approve, with or without amendments, such proposals by way of special resolution.”;

(d) (i) the substitution for paragraphs (g) and (h) of rule 56 of the following paragraphs :

“(g) the giving of directions or the imposing of restrictions referred to in section 39(1) of the Act;

(h) the determination of the *domicilium citandi et executandi* of the body corporate; and”; and

(ii) the addition of the following paragraph :

- (i) the confirmation by the auditor or accounting officer that any amendment, substitution, addition or repeal of the rules (as contemplated in section 35(5) of the Act) have been submitted to the Registrar of Deeds for filing as contemplated in section 35(5)(c) of the Act.”;
- (e) the substitution for sub-rule (2) of rule 59 of the following sub-rule:
- “(2) If there is no such chairman or if, at any meeting, the chairman of the trustees is not present within fifteen minutes after the time appointed for the holding of the meeting, or if he is unwilling or unable to act as chairman, the members present shall elect a chairman for such meeting.”;
- (f) the substitution for rule 62 of the following rule:
- “(62) On a show of hands the owner or owners of a section, or if the owner is a juristic person, its proxy, shall have one vote for each section owned: Provided that the chairman shall be entitled, in his discretion, to change the manner of voting to one by poll and not by show of hands.”;
- (g) the substitution for paragraph (vi) of rule 68(1) of the following paragraph:
- “(vi) shall not construct or place any structure or building improvement on his or her exclusive use area, without the prior written consent of the trustees, which shall not be unreasonably withheld and that the provisions of section 24 and section 25 or other relevant provisions of the Act or the rules, will not be contravened.”;
- (h) the substitution for sub-rule (2) of rule 71 of the following sub-rule :
- “(2) If such a dispute or complaint arises, the aggrieved party shall notify the other affected party or parties in writing and copies of such notification shall be served on the trustees and the managing agents, if any, and should the dispute or complaint not be resolved within 14 days of such notice, either of the parties may demand that the dispute or complaint be referred to arbitration : Provided that, if an owner declares a dispute with the body corporate, it shall be sufficient notice if notification is served on the trustees and managing agents, if any, and such owner will not be required to serve notice on each of the other owners.”;
- (i) the addition of the following sub-rule to rule 71:-
- “(8) Notwithstanding that the Arbitration Act, No. 42 of 1965, makes no provision for joinder of parties to an arbitration without their consent thereto, should a dispute arise between the body corporate and

more than one owner or between a number of owners arising out of the same or substantially the same cause of action, or where substantially the same order would be sought against all the parties against whom the dispute has been declared, such parties shall be automatically joined in the arbitration by notice thereof in the original notice of dispute given in terms of sub-rule (2).".

7. These regulations shall come into effect on the date of publication thereof in the *Gazette*.

TH2572

No. R. 438

13 Mei 2005

DEPARTEMENT VAN GRONDSAKE**WET OP DEELITELS, 1986:
WYSIGING VAN REGULASIES**

Ek, Angela Thokozile Didiza, Minister vir Landbou en Grondsake, 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 Goewermementskennisgewing No. R.664 van 8 April 1988, soos in die Bylae hiervan uiteengesit.


A.T. DIDIZA**MINISTER VIR LANDBOU EN GRONDSAKE****BYLAE****WOORDOMSKRYWINGS**

1. In hierdie Bylae beteken "die Regulasies" die regulasies afgekondig by Goewermementskennisgewing No. R.664 van 8 April 1988, (soos verbeter deur Goewermementskennisgewing No. R.991 van 27 Mei 1988), en gewysig by Goewermementskennisgewing No. R.1791 van 3 Augustus 1990, Goewermementskennisgewing No. R.2345 van 5 Oktober 1990 (soos verbeter deur Goewermementskennisgewing No. R. 2542 van 2 November 1990), Goewermementskennisgewing No. R. 2653 van 8 November 1991, (soos verbeter deur Goewermementskennisgewing No. R. 2868 van 6 Desember 1991), Goewermementskennisgewing No. R.1562 van 12 Junie 1992, Goewermementskennisgewing No. R.60 van 15 Januarie 1993, Goewermementskennisgewing No. R. 1659 van 30 September 1994, Goewermementskennisgewing No. R.1422 van 31 Oktober 1997, Goewermementskennisgewing No. R. 1357 van 19 November 1999 en Goewermementskennisgewing No. R.830 van 25 Augustus 2000.

Wysiging van regulasie 17

2. Regulasie 17 van die Regulasies word hierby gewysig deur die opskrif deur die volgende opskrif te vervang:

"Vervreemding en verhuring van gemeenskaplike eiendom"**Wysiging van regulasie 27**

3. Regulasie 27 van die Regulasies word hierby gewysig deur die invoeging van die volgende subregulasie :

"(3) Die aansoek beoog in subregulasie (1)(a) moet vergesel wees van 'n gewysigde bylae soos beoog in artikel 11(3)(b) waar die grond wat by die betrokke gemeenskaplike eiendom ingesluit word onderhewig is aan voorwaardes wat verskil van die voorwaardes wat geregistreer is by die opening van die deeltitelregister."

Wysiging van regulasie 28

4. Regulasie 28 van die Regulasies word hierby gewysig deur die byvoeging van die volgende subregulasies (4) en (5):

- "(4) (a) Wanneer 'n saaklike reg van uitsluitlike gebruiksgebied vestig in die regspersoon soos beoog in artikel 27(1)(c) of artikel 27(4)(b) van die Wet, moet die registrateur, by die indiening van 'n aansoek deur die regspersoon so ver doenlik in die voorgeskrewe vorm AG in Aanhangsel 1, 'n sertifikaat van saaklike reg ten gunste van die regspersoon in die vorm AH van Aanhangsel 1 uitreik.
- (b) Indien die saaklike reg tot sodanige uitsluitlike gebruiksgebied met verband beswaar is, moet die registrateur die feit van die uitreiking van sodanige sertifikaat endosseer op die registrasieduplikaat van die verband en, indien die oorspronklike verband te eniger tyd vir enige doel behalwe kansellasië by die registrateur se kantoor ingedien word, moet die registrateur 'n soortgelyke endossement daarop aanbring : Met dien verstande, dat die uitreiking van sodanige sertifikaat geen afbreuk doen aan 'n eis vir skadevergoeding, wat 'n persoon na aanleiding van die vestiging van sodanige reg mag hê nie.
- (c) Die regspersoon moet, saam met die sertifikaat van saaklike reg, die titelbewys van die saaklike reg tot sodanige uitsluitlike gebruiksgebied, aan die registrateur voorlê en die registrateur endosseer dan die feit van die uitreiking van sodanige sertifikaat op daardie titelbewys.
- (d) Indien die regspersoon nie die titelbewys van die saaklike reg tot sodanige uitsluitlike gebruiksgebied voorlê nie, moet hy aan die

registrateur 'n beëdigde verklaring met vermelding van redes waarom hy nie in staat is om die titelbewys voor te lê nie, voorlê en die registrateur moet indien hy of sy met die redes tevrede is, die feit van die uitreiking van die sertifikaat op die registrasie-duplikaat van sodanige titelbewys, endosseer en indien die oorspronklike titelbewys te eniger tyd vir enige doel by sy of haar kantoor ingedien word, moet 'n soortgelyke endossement daarop aangebring word.

- (e) Die registrateur reik nie die bedoelde sertifikaat uit nie, tensy 'n sertifikaat deur die regspersoon verstrek is ten effekte dat daar voldoen is aan die bepalings van artikel 27 van die Wet in verband met die vestiging van sodanige reg.
- (5) (a) 'n Afsonderlike titelbewys soos beoog in artikel 27(7) van die Wet kan van die registrateur verkry word op skriftelike aansoek en moet vergesel wees van die betrokke titelbewys van die reg tot uitsluitlike gebruiksgebied, en sodanige titelbewys moet sover doenlik, in die vorm A1 in Aanhangsel 1 wees.
- (b) Indien die reg tot die betrokke uitsluitlike gebruiksgebied met 'n verband beswaar is, moet die verband deur die houer daarvan op versoek en op koste van die aansoeker aan die registrateur voorgelê word.
- (c) Alvorens so 'n titelbewys uitgereik word, moet die registrateur op die betrokke titelbewys van die reg tot uitsluitlike gebruiksgebied en op die verbandakte 'n aantekening maak tot dien effek dat bedoelde titelbewys vervang is deur een titelbewys vermeld in artikel 27(7) en die registrateur moet voorts die nodige inskrywings in die registers van die uitreiking van die afsonderlike titelbewys maak en as die reg tot uitsluitlike gebruiksgebied met verband beswaar is, daardie feit op die titelbewys so uitgereik, aanteken.
- (d) Enige afsonderlike titelbewys uitgereik, vervang met betrekking tot die reg tot uitsluitlike gebruiksgebied daarin beskryf, die titelbewys of titelbewyse waarvolgens die reg voorheen besit is en die uitreiking van sodanige titelbewys maak geen inbreuk op enige reg of verpligting in verband met die betrokke reg tot die uitsluitlike gebruiksgebied nie.”.

Wysiging van Aanhangsel 1

- 5. Aanhangsel 1 tot die Regulasies word hierby gewysig-
 - (a) deur vorm G deur die volgende vorm te vervang:

VORM G*Opgestel deur my*.....
Transportbesorger.....
*(Vermeld van en voorletters in blokletters)***SERTIFIKAAT VAN SAAKLIKE REGTE: UITSLUITLIKE GEBRUIKSGBIEDE**

[Kragtens artikel 12 (1) (f) van die Wet op Deeltitels, 1986]

*NADEMAAL (hierna die ontwikkelaar genoem) aansoek gedoen het om die registrasie van 'n deelplan ingevolge artikel 11 (1) van die Wet op Deeltitels, 1986,

*NADEMAAL (hierna die ontwikkelaar genoem) aansoek gedoen het om die registrasie van 'n deelplan van uitbreiding ingevolge artikel 11(1) van die Wet op Deeltitels, 1986,

*EN NADEMAAL die ontwikkelaar ingevolge artikel 5 (3) (f) van genoemde Wet sekere uitsluitlike gebruiksgebiede op die deelplan geskets het;

*EN NADEMAAL geen voorbehoud deur die ontwikkelaar ingevolge artikel 27 (1) (a) van genoemde Wet gemaak is nie en die regspersoon nog nie tot stand gekom het nie;

SO is dit dat ek, die Registrateur van Aktes te, hierby sertifiseer dat die ontwikkelaar die geregistreerde houer is van die reg op die hiernagemelde uitsluitlike gebruiksgebiede wat deel vorm van die gemeenskaplike eiendom en as sodanig geskets is op Deelplan No SS in die skema bekend as ‡..... geleë te †.....

Geteken te op.....

.....
*Registrateur van Aktes**Ampseël*

* Skrap wat nie van toepassing is nie.

† Vermeld elke tipe uitsluitlike gebruiksgebied afsonderlik.

‡ Vermeld naam van dorp/voorstad en plaaslike bestuur.

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

Vorm H*Opgestel deur my*

.....
Transportbesorger

.....
*(Vermeld van en voorletters in
 blokletters.)*

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 asook die vergoeding) en dat hy of sy in sy of haar voornoemde hoedanigheid hierby in volkome en vrye eiendom seeder 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 die genoemde deelplan aangeteken.

Gehou kragtens II

*2. Voeg hierin die beskrywing van die grond wat oorgedra word, die grootte daarvan en voldoen aan die bepalinge van die regulasies uitgevaardig kragtens die Registrasie van Aktes Wet, 1937 (Wet 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 aandeel in die gemeenskaplike eiendom toegedeel ooreenkomstig die deelnemingskwota soos aangedui op die genoemde deelplan.
 Gehou kragtens II

Die genoemde *eenheid/belang is onderworpe aan of word bevoordeel deur-

- § (i) die servitute, ander saaklike regte en voorwaardes, indien enige, is soos vervat in die bylae van voorwaardes bedoel in artikel 11 (3) (b) en die servitute bedoel in artikel 28 van die Wet op Deeltitels, 1986 (Wet 95 van 1986); 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 titel 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.

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 elke eenheid in 'n afsonderlike paragraaf.

‡ Vermeld naam van dorp/voorstad/plaaslike bestuur/beskrywing van plaas.

§ Laat weg in die geval van 'n oordrag van grond.

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

(c) deur vorm O deur die volgende vorm te vervang:

VORM O

Opgestel deur my

.....
Transportbesorger

.....
(Vermeld van en voorletters in blokletters.)

**AANSOEK KRAGTENS ARTIKEL *22 (1), 23 (1), 24 (6), 25 (9), 26 (5) OF 27(1)
VAN DIE WET OP DEELTITELS, 1986**

Ek, die ondergetekende, doen hierby
aansoek by die Registrateur van Aktes te om:

1. Die registrasie van die aangehegte deelplan van onderverdeling van 'n *deel / konsolidasie van dele / uitbreiding van dele / uitbreiding van skema deur die byvoeging van dele / uitbreiding van skema deur die byvoeging van grond by gemeenskaplike eiendom ingevolge die bepalings van artikel *22(1)/23(1)/24(6)/25(9)/26(5)/27(1) van die Wet op Deeltitels, 1986, ten opsigte van ‡Deel No, voorheen deel No./dele No's..... aangetoon en vollediger beskryf op Deelplan No SS....., in die skema bekend as ten opsigte van die grond en gebou of geboue geleë te † en gehou kragtens §
2. Die uitreiking van sertifikate van geregistreerde deeltitel ingevolge die bepalings van artikel *22(5)/23(5)/25(11) van gemelde Wet ten opsigte van die dele aangedui op die gemelde Deelplan van *onderverdeling/konsolidasie/uitbreiding.
3. Die uitreiking van 'n sertifikaat van saaklike regte ten opsigte van 'n reg tot uitsluitlike gebruiksgebied soos beoog in artikel 27(1) (indien van toepassing.)

Geteken te, op

.....
Handtekening van Eienaar

*Skrap wat nie van toepassing is nie.

†Vermeld naam van dorp/voorstad en plaaslike bestuur.

‡Moet aangepas word vir uitbreiding van dele en/of gemeenskaplike eiendom.

§Vermeld tipe deeltitelbewys/e en die nommer/s daarvan.

(d) deur die volgende vorm in te voeg:

VORM AG

Opgestel deur my

.....
Transportbesorger

.....
*(Vermeld van en voorletters in
blokletters)*

AANSOEK IN TERME VAN *ARTIKEL 27(1)(d) / 27(4)(c) VAN DIE WET OP

DEELTITELS, 1986

Ons, en die ondergetekende trustees van
die Regspersoon van die (naam), Skema, No.
.....

Doen hiermee aansoek vir die uitreiking van 'n sertifikaat van saaklike regte van
uitsluitlike gebruiksgebiede ten opsigte van:

'n Uitsluitlike gebruiksgebied beskryf as No., groot
....., synde 'n gedeelte van die gemeenskaplike eiendom bevattende die grond
en die skema bekend as ten opsigte van die grond en gebou of
geboue geleë te soos aangetoon en vollediger beskryf op
Deelplan No. SS gehou kragtens * Sertifikaat van Saaklike Regte/
Notariële Akte van Sessie No. SK

Welke reg vestig in die genoemde regspersoon ingevolge artikel *27(1)(d) / 27(4)(c) van
die Wet op Deeltitels, 1986.

Adres
.....
.....

.....
Trustee

.....
Trustee

.....
Datum

*Skrap wat nie van toepassing is nie.

†Vermeld naam van dorp/voorstad en plaaslike bestuur.

(e) deur die volgende Vorm in te voeg:

VORM AH

Opgestel deur my

.....
Transportbesorger

.....
*(Vermeld van en voorletters in
blokletters)*

SERTIFIKAAT VAN SAAKLIKE REGTE : UITSLUITLIKE GEBRUIKSGBIEDE

[Kragtens artikel *27(1)(d) / 27(4)(c) van die Wet op Deeltitels, 1986]

NADEMAAL die ondergemelde uitsluitlike gebruiksgebied vestig in die Regspersoon van (naam) No. kragtens artikel *27(1)(d) / 27(4)(c) van die Wet op Deeltitels, 1986;

EN NADEMAAL die genoemde regspersoon aansoek gedoen het vir die uitreiking van 'n sertifikaat van saaklike regte tot 'n uitsluitlike gebruiksgebied;

So is dit dat ingevolge die bepalings van die Wet, ek, die Registrateur van Aktes te

..... hierby sertifiseer dat die Regspersoon van
(naam), No.

Die geregistreerde houer is van:

‡'n Uitsluitlike gebruiksgebied beskryf as , No. , groot
....., synde 'n gedeelte van die gemeenskaplike eiendom bevattende die grond
en die skema bekend as ten opsigte van die grond en gebou of
geboue geleë te † soos aangetoon en vollediger beskryf
op Deelplan No. SS gehou kragtens * Sertifikaat van Saaklike Regte/
Notariële Akte van Sessie No. SK

Geteken te op

Ampseël

.....
Registrateur van Aktes

* Laat weg wat nie van toepassing is nie.

† Vermeld naam van dorp/voorstad en plaaslike bestuur.

‡ Vermeld elke tipe uitsluitlike gebruiksgebied afsonderlik

(f) deur die volgende vorm in te voeg:

VORM AI

Opgestel deur my

.....
Transportbesorger

.....
*(Vermeld van en voorletters in
blokletters)*

SERTIFIKAAT INGEVOLGE ARTIKEL 27(7) VAN DIE WET OP DEELTITELS, 1986

NADEMAAL aansoek gedoen het om die uitreiking van 'n afsonderlike

titelbewys soos beoog in artikel 27(7) van die Wet op Deeltitels, 1986, ten opsigte van die ondergemelde uitsluitlike gebruiksgebiede, synde uitsluitlike gebruiksgebiede geregistreer op sy/haar naam gehou kragtens *Sertifikaat van Saaklike Regte: Uitsluitlike Gebruiksgebiede / Notariële Akte van Sessie van Uitsluitlike Gebruiksgebiede (vermeld nommer van titelakte) gedateer,

So is dit dat ingevolge die bepalings van genoemde Wet, ek, die Registrateur van Aktes te hierby sertifiseer dat voornoemde erfgename, eksekuteurs, administrateurs of regverkrygendes, die geregistreerde houer(s) is van sekere ‡..... (beskryf die reg/te tot die uitsluitlike gebruiksgebied/e), en dat kragtens hierdie sertifikaat (hy, sy of dit) nou en voortaan daartoe geregtig is ooreenkomstig plaaslike gebruik, maar behoudens die regte van die Staat.

Ten bewyse waarvan ek, voornoemde Registrateur, hierdie Akte onderteken en met die ampseël bekragtig het.

Geteken te op

Ampseël

.....
Registrateur van Aktes

* Skrap wat nie van toepassing is nie.

‡ Vermeld elke tipe uitsluitlike gebruiksgebied afsonderlik.

Wysiging van Aanhangsel 8

6. Aanhangsel 8 tot die Regulasies word hierby gewysig deur-

(a) paragraaf (a) van reël 29(1) deur die volgende paragraaf te vervang:

“(a) By die eerste vergadering van die trustees of so spoedig daarna as wat dit moontlik is en jaarliks daarna moet die trustees die nodige stappe doen om die geboue en alle verbeterings aan die gemeenskaplike eiendom te verseker vir die volle vervangingswaarde daarvan, onderhewig aan onderhandeling van sodanige bybetalings, premies en versekeringstariewe wat in die opinie van die trustees die mees voordeligste vir die eienaars is, teen-“;

(b) subreël (1) van reël 32 deur die volgende reël te vervang:

- "(1) Die trustees moet volledig rekord hou van alle reëls wat van tyd tot tyd van krag is en moet verseker dat enige wysiging, vervanging, byvoeging of herroeping van sodanige reëls (soos bedoel in artikel 35(5) van die Wet) onverwyld ingedien word by die Registrateur van Aktes vir die liassering daarvan soos beoog in artikel 35(5)(c) van die Wet.";
- (c) paragraaf (b) van reël 33(2) deur die volgende paragraaf te vervang:
- "(b) Die trustees moet op skriftelike versoek van enige eienaar 'n spesiale algemene vergadering belê ten einde die voorstelle vervat in die kennisgewing bedoel in paragraaf (a) te bespreek en daaroor te besin, by welke vergadering die eienaars sodanige voorstelle, met of sonder wysigings, by wyse van 'n spesiale besluit kan goedkeur.";
- (d) (i) paragrawe (g) en (h) van reël 56 deur die volgende paragrawe te vervang :
- "(g) die gee van opdragte of oplê van beperkings in artikel 39(1) van die Wet bedoel;
- (h) die bepaling van die *domicilium citandi et executanti* van die regspersoon; en";
- (ii) deur die byvoeging van die volgende paragraaf :
- "(i) die bevestiging deur die ouditeur of rekeningkundige beamppte dat enige wysiging, vervanging, byvoeging of herroeping van die reëls (soos bedoel in artikel 35(5) van die Wet) ingedien is by die Registrateur van Aktes vir die liassering daarvan soos beoog in artikel 35(5)(c) van die Wet.";
- (e) subreël (2) van reël 59 deur die volgende reël te vervang:
- "(2) Indien daar geen sodanige voorsitter is nie, of indien by 'n vergadering die voorsitter van die trustees nie teenwoordig is binne 15 minute na die tyd vasgestel vir die hou van die vergadering nie of indien hy nie bereid of in staat is om as voorsitter op te tree nie, moet die teenwoordige lede 'n voorsitter vir sodanige vergadering kies.";
- (f) reël 62 deur die volgende reël te vervang:
- "(62) Met die opsteek van hande het die eienaar of eienaars van 'n deel of, indien die eienaar 'n regspersoon is, sy gevolmagtigde, een stem vir elke deel wat besit word : Met dien verstande dat die voorsitter by magte is om na goeë dunks die stemprosedure te wysig na stemming per stembrief in plaas van deur die opsteek van hande.";

- (g) subparagraaf (vi) van reël 68(1) deur die volgende subparagraaf te vervang:

“(vi) mag ‘n eienaar geen struktuur of verbetering aan die gebou op sy of haar uitsluitlike gebruiksgebied oprig of aanbring sonder die voorafverkreë skriftelike goedkeuring van die trustees nie, welke goedkeuring nie onredelik weerhou mag word nie en die bepalinge van artikel 24 en artikel 25 of ander relevante bepalinge van die Wet of die reëls nie oortree word nie.”;

- (h) subreël (2) van reël 71 deur die volgende subreël te vervang:

“(2) Indien sodanige geskil ontstaan, moet die benadeelde party die ander geaffekteerde party of partye skriftelik in kennis stel en afskrifte van sodanige kennisgewing moet op die trustees en besturende verteenwoordigers, indien enige, bedien word en sou die geskil of klag nie binne 14 dae vanaf sodanige kennisgewing bygelê word nie, kan enige van die partye vereis dat die geskil of klag vir arbitrasie verwys word. Met dien verstande dat, indien ‘n eienaar ‘n geskil met die regspersoon verklaar, dit voldoende sal wees indien kennisgewing aan die trustees en besturende verteenwoordigers, indien enige, gegee is en sal dit nie van sodanige eienaar vereis word om kennisgewing aan elke ander eienaar te gee nie.”;

- (i) die volgende subreël in reël 71 in te voeg:

“(8) Nieteenstaande dat die Wet op Arbitrasie, No. 42 van 1965, geen voorsiening maak vir die voeging van partye tot ‘n arbitrasie sonder hulle toestemming nie, sou ‘n geskil ontstaan tussen die regspersoon en meer as een eienaar, of tussen ‘n aantal eienaars voortspruitend uit dieselfde of substansieël dieselfde oorsaak, of waar substansieël dieselfde bevel teen al die partye teen wie die geskil verklaar is verlang sou word, sodanige partye outomaties gevoeg sal wees in die arbitrasie by kennisgewing daarvan in die oorspronklike kennisgewing kragtens subreël (2)”.

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