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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. R. 427

12 MAY 2017

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” 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 1

2. Regulation 1 of the Regulations is hereby amended by the insertion after the definition of “sectional title file” the following definition:

“**Sectional Titles Schemes Management Act, 2011**” means the Sectional Titles Schemes Management Act, 2011 (Act 8 of 2011);”.

Amendment of regulation 4

3. Regulation 4 of the Regulations is hereby amended by the substitution for subparagraph (v) of paragraph (i) of the following subparagraph:

“(v) all other costs in respect of the common property which are normally recovered from the owners of units as contemplated in section 3(1)(a) of the Sectional Title Schemes Management Act, 2011.”.

Amendment of regulation 6

4. Regulation 6 of the Regulations is hereby amended by the addition of the following paragraph:

“(g) if applicable, a certificate from a land surveyor or architect stating that the sectional plan of extension of the scheme in terms of section 25 (1), complies with the section 25(2) plans filed in the deeds registry.”.

Amendment of regulation 13

5. Regulation 13 of the Regulations is hereby amended by the substitution for subregulation (4A) of the following subregulation:

“(4A) The documents, notices and correspondence referred to in subregulations (4) (a) and (c), as well as any certificates, plans, schedules 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 14

6. Regulation 14 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

“(2) The certificate of real right referred to in section 25 (6) of the Act, shall be in the form of Form R in Annexure 1, and shall be accompanied by the written consent of all the members of the body corporate and of the mortgagees of all units in the scheme, as contemplated in section 5(1)(b) of the Sectional Titles Schemes Management Act, 2011.”.

Amendment of regulation 16

7. Regulation 16 of the Regulations is hereby amended-

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

“(1)(a) Simultaneously with the establishment of a body corporate, the registrar shall issue a certificate in the form of Form W in Annexure 1: Provided that the registrar may, on application being made by a body corporate in respect of which such certificate has not been issued prior to 1 June 1981, issue such certificate, in the form of Form W, after the date of establishment of such body corporate.

- (b) (i) A draft certificate in the form prescribed in paragraph (a) shall be prepared by a conveyancer and lodged in triplicate with the registrar.
- (ii) The original certificate shall be delivered to the Chief Ombud, one copy filed in the sectional title file, and the remaining copy shall be delivered to the conveyancer.
- (c) Once a certificate has been issued in terms of paragraph (a), no further such certificate shall be issued in respect of the building concerned, but if required the registrar may issue a certified copy of the deeds registry copy of the certificate or a certificate of replacement as contemplated in paragraph (d).
- (d) (i) Where the Chief Ombud has notified the registrar in writing that the original certificate referred to in subregulation (1) (b) (ii) has been lost or destroyed, a certificate of replacement in the form of Form AO in Annexure 1 shall be prepared by a conveyancer and lodged in triplicate with the registrar.
- (ii) The original certificate of replacement shall replace the original certificate that has been lost or destroyed. The original certificate of replacement and the copies thereof must be endorsed with a deeds registry date endorsement. The original certificate of replacement and one of the copies thereof must be delivered to the conveyancer and the other copy must be filed in the sectional title file.”; and

(b) by the deletion of subregulation (3).

Repeal of regulation 30

8. Regulation 30 of the Regulations is hereby repealed.

Amendment of regulation 31

9. Regulation 31 of the Regulations is hereby amended-

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

“(1) Whenever a building or buildings are damaged or deemed to be destroyed as contemplated in section 17 of the Sectional Titles Schemes Management Act, 2011, and a scheme has been authorised as provided for in section 17(3)(a) of the said Act, the body corporate shall notify the registrar. The notification referred to in section 17(9) of the Sectional Titles Schemes Management Act, 2011, shall be in the form of Form X of Annexure 1.”;

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

“(3) The registrar shall give effect to the requirements as contemplated by section 17(3)(a)(ii) of the Sectional Titles Schemes Management Act, 2011, by making an appropriate endorsement on the relevant deeds.”; and

(c) by the substitution for subregulation (4) of the following subregulation:

“(4) The registrar shall advise the Surveyor-General and the local authority of any registration pursuant to section 17 of the Sectional Titles Schemes Management Act, 2011, which advice shall be accompanied by a copy of the sectional plan referred to in subregulation (2), in the case of the local authority, and by the original, in the case of the Surveyor-General.”.

Repeal of regulation 39

10. Regulation 39 of the Regulations is hereby repealed.

Amendment of regulation 43

11. Regulation 43 of the Regulations is hereby amended –

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

“(b) knowledge of all matters relating to the registration or cancellation of real rights in land in respect of grants, transfers, leases, subdivisions, consolidations, servitudes, bonds, mineral and

surface rights, national building regulations as made under the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), town planning schemes and the provisions of the Sectional Titles Schemes Management Act, 2011; and”;

(b) by the substitution for subregulation (2)(b) of the following subregulation:

“(b) one person nominated by the South African Geomatics Council; and”;

(c) by the substitution for subregulation (7)(b) of the following subregulation:

“(b) make arrangements with the South African Geomatics Council and the South African Council for Architects regarding date, time, place, fees and other matters incidental to conducting such examination; and”.

Amendment of Annexure 1

12. 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.

† Follow the description of the land as indicated on the Sectional Plan.” ;

(b) by the substitution for Form D of the following form:

“Form D

SECTIONAL TITLE FILE

Sectional Title File No. SS / 20.....

Name of scheme

.....
 Place where building is situated (i.e. the description of the land as indicated on the Sectional Plan

” ;

(c) 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) or (c) are reserved and where such rights are subdivided, state each right in a separate paragraph.
 ‡ Follow the description of the land as indicated on the Sectional Plan.” ;

(d) by the substitution for the footnote to Form G, of the following footnote:

“* Delete whichever is not applicable.
 † Disclose each type of exclusive use area separately.
 ‡ Follow the description of the land as indicated on the Sectional Plan.” ;

(e) by the substitution for the footnote to Form H, of the following footnote:

“* Omit whichever is not applicable.
 † State each unit in separate paragraph.
 ‡ Follow the description of the land as indicated on the Sectional Plan.
 § Omit in the event of transfer of land.
 || State type of sectional title deed(s) and the number(s) thereof.” ;

(f) by the substitution for the footnote to Form J, of the following footnote:

“* Omit whichever is not applicable.
 ** Follow the description of the land as indicated on the Sectional Plan.

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

(g) 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 No.
....., 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 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.

† Follow the description of the land as indicated on the Sectional Plan.

‡ 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.

** Insert plan number allocated at the first phase/opening of the sectional title register.” ;

(h) by the substitution for the footnote to Form P, of the following footnote:

“* Follow the description of the land as indicated on the Sectional Plan.

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

(i) by the substitution for the footnote to Form Q, of the following footnote:

“* Follow the description of the land as indicated on the Sectional Plan.

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

(j) by the substitution for the footnote to Form R, of the following footnote:

“* State period of extension and which rights i.e. section 25 (1) (a), (b) or (c) are reserved.

** Delete whichever is not applicable.

† Follow the description of the land as indicated on the Sectional Plan.” ;

(k) by the deletion of Form V;

- (l) by the substitution for the heading of Form W, of the following heading:

“CERTIFICATE OF ESTABLISHMENT OF BODY CORPORATE IN TERMS OF THE PROVISIONS OF SECTION 2(1) OF THE SECTIONAL TITLES SCHEMES MANAGEMENT ACT 8 OF 2011” ;

- (m) by the substitution for Form X of the following form:

“Form X

The Registrar of Deeds

NOTIFICATION IN TERMS OF SECTION 17(9) OF THE SECTIONAL TITLES SCHEMES MANAGEMENT ACT 8 OF 2011

We, and, trustees of the Body Corporate of the scheme known as No., hereby give notice that in terms of section 17 of Act 8 of 2011 the building or buildings have been damaged or are deemed to have been destroyed as contemplated in section 17(1) of the said Act, on account of (state why building or buildings are damaged or deemed to be destroyed), and that the owners have by a unanimous resolution/order of court*, been authorised to rebuild and reinstate in whole/or in part* the building or buildings* and to transfer the interest of owners whose sections have been wholly or partly destroyed to the other owners.

The following documents are attached:

- (a) A copy of the unanimous resolution, certified by us; or
 (b) a copy of the order of court certified by the registrar of the court.

Postal address:

Trustee

.....

Trustee

.....

Date

* Delete that which is not applicable.

Delete (a) or (b).” ;

(n) by the substitution for Form Y of the following form:

“Form Y

The Registrar of Deeds

NOTIFICATION UNDER SECTION 49 (1) OF THE SECTIONAL TITLES ACT, 1986

We, and, trustees of the Body Corporate of the scheme known as No., hereby give notice that in terms of section 17 of the Sectional Titles Schemes Management Act 8 of 2011, the building or buildings are deemed to be destroyed on account of

(state why the building or buildings are deemed to be destroyed), and that the owners have by unanimous resolution resolved not to rebuild the building or buildings.

The following documents are attached:

- (a) A copy of the unanimous resolution of the owners that the building or buildings are deemed to be destroyed, as certified by us, *together with the written agreement of the holders of registered sectional mortgage bonds and the agreement of persons with registered real rights, as provided for in section 17(1)(b) of the Sectional Titles Schemes Management Act, 2011; or
- *(b) a copy of the order of the court that the building or buildings are deemed to be destroyed, certified by the registrar of the court; and

- (c) a copy of a unanimous resolution of the owners not to rebuild, as provided for in section 17(3)(a) of the Sectional Titles Schemes Management Act, 2011, as certified by us.

Postal address:

Trustee

.....

Trustee

.....

Date

* Delete that which is not applicable.” ;

- (o) by the substitution for the footnote to Form Z, of the following footnote:

** Omit which is not applicable.

† Insert ranking of bond.

‡ Follow the description of the land as indicated on the Sectional Plan.

§ State which right i.e. section 25 (1) (a), (b) or (c).

**State type of sectional title deed(s), notarial deed(s) and the number(s) thereof.” ;

- (p) by the substitution for the footnote to Form AG, of the following footnote:

** Delete that which is not applicable.

† Follow the description of the land as indicated on the Sectional Plan.” ;

- (q) by the substitution for the footnote to Form AH, of the following footnote:

** Delete whichever is not applicable.

† Follow the description of the land as indicated on the Sectional Plan.

‡ Disclose each type of exclusive use area separately.” ; and

- (r) by the substitution for the footnote to Form AO, of the following footnote:

“** Follow the description of the land as indicated on the Sectional Plan”.

Repeal of Annexure 8

13. Annexure 8 to the Regulations is hereby repealed.

Repeal of Annexure 9

14. Annexure 9 to the Regulations is hereby repealed.

Short title

15. These regulations shall be known as the Sectional Titles Amendment Regulations, 2017.

DEPARTEMENT VAN LANDELIKE ONTWIKKELING EN GRONDHERVORMING

NO. R. 427

12 MEI 2017

WET OP DEELTITELS, 1986: WYSIGING VAN REGULASIES

Ek, Gugile Ernest Nkwinti, Minister van Landelike Ontwikkeling en Grondhervorming, 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 een maand vanaf die datum van publikasie hiervan in die *Staatskoerant*.



NKWINTI, G E (MP)

MINISTER VAN LANDELIKE ONTWIKKELING EN GRONDHERVORMING

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 1

2. Regulasie 1 van die Regulasies word hierby gewysig deur die volgende woordomskrywing na die woordomskrywing van '*professionele ingenieur*' in te voeg:

“**Sectional Titles Schemes Management Act, 2011**’ die ‘**Sectional Titles Schemes Management Act**’, 2011 (Wet 8 van 2011)’;”.

Wysiging van regulasie 4

3. Regulasie 4 van die Regulasies word hierby gewysig deur subparagraaf (v) van paragraaf (i) deur die volgende subparagraaf te vervang:

“(v) alle ander koste in verband met die gemeenskaplike eiendom soos bedoel in artikel 3(1)(a) van die ‘**Sectional Titles Schemes Management Act, 2011**’ wat normaalweg op die eenaars van eenhede verhaal word.”.

Wysiging van regulasie 6

4. Regulasie 6 van die Regulasies word hierby gewysig deur die byvoeging van die volgende paragraaf:

“(g) indien van toepassing, ‘n sertifikaat van ‘n landmeter of argitek waarin bevestig word dat die deelplan van die uitbreiding van die skema ingevolge artikel 25(1), gevolg gee aan die artikel 25(2) planne wat in die registrasiekantoor geliasseer is.”.

Wysiging van regulasie 13

5. Regulasie 13 van die Regulasies word hierby gewysig deur subregulasie (4A) deur die volgende subregulasie te vervang:

“(4A) Die dokumente, kennisgewings en korrespondensie in subregulasies (4) (a) en (c) bedoel, asook enige sertifikate, planne, bylaes en ander dokumente wat betrekking het op die skema as geheel en wat in 'n deeltitelleër geliasseer moet word, moet met 'n datumstempel van 'n aktekantoor geëndosseer word tydens indiening daarvan.”.

Wysiging van regulasie 14

6. Regulasie 14 van die Regulasies word hierby gewysig deur subregulasie (2) deur die volgende subregulasie te vervang:

“(2) Die sertifikaat van saaklike regte in artikel 25 (6) van die Wet bedoel, moet in die vorm van Vorm R in Aanhangsel 1 wees en moet vergesel gaan van die skriftelike toestemming van al die lede van die regspersoon en van al die verbandhouders van dele in die skema, soos beoog in artikel 5(1)(b) van die ‘Sectional Titles Schemes Management Act, 2011’.”.

Wysiging van regulasie 16

7. Regulasie 16 van die Regulasies word hierby gewysig–

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

“(1)(a) Gelyktydig met die instelling van 'n regspersoon moet die registrateur 'n sertifikaat in die vorm van Vorm W in Aanhangsel 1 uitreik: Met dien verstande dat die registrateur by aansoek van 'n regspersoon ten opsigte waarvan so 'n sertifikaat nog nie voor 1 Junie 1981 uitgereik is nie, sodanige sertifikaat, in die vorm van

Vorm W, na die datum van instelling van sodanige regspersoon kan uitreik.

- (b) (i) 'n Konsepsertifikaat in die vorm soos voorgeskryf in paragraaf (a) moet deur 'n transportbesorger opgestel word en in triplikaat by die registrateur ingedien word.
- (ii) Die oorspronklike sertifikaat moet aan die hoofombud besorg word, een afskrif daarvan moet in die deeltitellêr geliasseer word, en die ander afskrif moet aan die transportbesorger besorg word.
- (c) Wanneer 'n sertifikaat ingevolge paragraaf (a) uitgereik is, word geen verdere sodanige sertifikaat ten opsigte van die betrokke gebou uitgereik nie maar die registrateur kan, indien nodig, 'n gewaarmerkte afskrif van die registrasiekantoor se afskrif van sodanige sertifikaat of 'n vervangende sertifikaat soos bedoel in paragraaf (d) uitreik.
- (d) (i) Indien die hoofombud die registrateur skriftelik in kennis stel dat die oorspronklike sertifikaat bedoel in subregulasie (1) (b) (ii) verlore of vernietig is, moet 'n vervangende sertifikaat in die vorm van Vorm AO in Aanhangsel 1 deur 'n transportbesorger opgestel word en in triplikaat by die registrateur ingedien word.
- (ii) Die oorspronklike sertifikaat wat verlore of vernietig is, word deur die oorspronklike vervangende sertifikaat vervang. Die oorspronklike vervangende sertifikaat en die afskrifte daarvan moet met 'n datum stempel van die registrasiekantoor geëndosseer word. Die oorspronklike vervangende sertifikaat en een afskrif daarvan moet aan die transportbesorger besorg word, en die ander afskrif moet in die deeltitelleêr geliasseer word.”; en

(b) deur subregulasie (3) te skrap.

Herroeping van regulasie 30

8. Regulasie 30 van die Regulasies word hierby herroep.

Wysiging van regulasie 31

9. Regulasie 31 van die Regulasies word hierby gewysig–

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

“(1) Die regspersoon moet wanneer 'n gebou of geboue beskadig is of geag word vernietig te wees soos bedoel in artikel 17 van die 'Sectional Titles Schemes Management Act, 2011' en 'n skema soos bedoel in artikel 17(3)(a) van gemelde Wet gemagtig is, die registrateur in kennis stel. Die kennisgewing waarna verwys word in artikel 17(9) van die 'Sectional Titles Schemes Management Act, 2011', moet in die vorm van Vorm X in Aanhangsel 1 wees.”;

(b) deur subregulasie (3) deur die volgende subregulasie te vervang:

“(3) Die registrateur moet gevolg gee aan die vereistes bedoel in artikel 17(3)(a)(ii) van die 'Sectional Titles Schemes Management Act, 2011' deur 'n toepaslike aantekening op die betrokke titelbewyse te maak.” en

(c) deur subregulasie (4) deur die volgende subregulasie te vervang:

“(4) Die registrateur moet die Landmeter-generaal en die plaaslike bestuur in kennis stel van enige registrasie ingevolge artikel 17 van die 'Sectional Titles Schemes Management Act, 2011', welke kennisgewing in die geval van die plaaslike bestuur vergesel moet gaan van 'n afskrif van die deelplan in subregulasie (2) bedoel en, in die geval van die Landmeter-generaal, die oorspronklike bylae.”.

Herroeping van regulasie 39

10. Regulasie 39 van die Regulasies word hierby herroep.

Wysiging van regulasie 43

11. Regulasie 43 van die Regulasies word hierby gewysig–

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

“(b) kennis van alle aangeleenthede met betrekking tot die registrasie of kansellasië van saaklike regte oor grond ten opsigte van grondbriewe, oordragte, huurkontrakte, onderverdelings, konsolidasie, serwitute, verbande, mineraal- en oppervlakteregte, nasionale bouregulasies uitgevaardig ingevolge die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (Wet No. 103 van 1977), dorpsbeplanningskemas en die bepalinge van die ‘Sectional Titles Schemes Management Act, 2011’; en”;

(b) deur subregulasie (2)(b) deur die volgende subregulasie te vervang:

“(b) een persoon genomineer deur die Suid-Afrikaanse Geomatikaraad; en”;

(c) deur subregulasie (7)(b) deur die volgende subregulasie te vervang:

“(b) reëlins met die Suid-Afrikaanse Geomatikaraad en die Suid-Afrikaanse Raad vir Argitekthe te tref met betrekking tot die datum, tyd, plek, gelde en ander aangeleenthede bykomstig tot die aflê van sodanige eksamen; en”.

Wysiging van Aanhangsel 1**12. Aanhangsel 1 tot die Regulasies word hierby gewysig –**

(a) deur die voetnota in Vorm C deur die volgende voetnota te vervang:

** Laat weg wat nie van toepassing is nie.

† Volg die omskrywing van die grond soos aangedui op die Deelplan.” ;

(b) deur Vorm D deur die volgende vorm te vervang:

“Vorm D

DEELTITELLÊER

Deeltitellêer No. SS/ 20

Naam van skema
 Plek waar gebou geleë is (d.w.s. omskrywing van die grond soos
 aangedui op die Deelplan)

” ;

(c) deur die voetnota in Vorm F deur die volgende voetnota te vervang:

“* Skrap wat nie van toepassing is nie.

† Vermeld watter regte, d.i. artikel 25 (1) (a), (b) of (c) voorbehou word en
 vermeld elke reg in 'n aparte paragraaf indien sodanige reg
 onderverdeel is.

‡ Volg die omskrywing van die grond soos aangedui op die Deelplan.” ;

(d) deur die voetnota in Vorm G deur die volgende voetnota te vervang:

“* Skrap wat nie van toepassing is nie.

† Vermeld elke tipe uitsluitlike gebruiksg gebied afsonderlik.

‡ Volg die omskrywing van die grond soos aangedui op die Deelplan.” ;

(e) deur die voetnota in Vorm H deur die volgende voetnota te vervang:

“* Laat weg wat nie van toepassing is nie.

† Vermeld elke eenheid in 'n afsonderlike paragraaf.

‡ Volg die omskrywing van die grond soos aangedui op die Deelplan.

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

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

(f) deur die voetnota in Vorm J deur die volgende voetnota te vervang:

** Laat weg wat nie van toepassing is nie.

** Volg die omskrywing van die grond soos aangedui op die Deelplan.

† Vermeld tipe deeltitelbewys/e en die nommer/s daarvan.”;

(g) deur Vorm O deur die volgende vorm te vervang:

“Vorm O

Opgestel deur my

.....

TRANSPORTBESORGER

(Vermeld volle naam en van in
blokletters.)

**AANSOEK KRAGTENS ARTIKEL *22 (1), 23 (1), 24 (6), 25 (9) OF 26 (5)
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 No.
..... van * onderverdeling van 'n deel/konsolidasie van
dele/uitbreiding van dele/uitbreiding van skema deur die byvoeging van
dele en/of uitsluitlike gebruiksgebiede/uitbreiding van 'n skema deur die
byvoeging van grond by gemeenskaplike eiendom ingevolge die
bepalings van artikel *22 (1)/23 (1)/24 (6)/25 (9)/26 (5) van die Wet op
Deeltitels, 1986, ten opsigte van †Deel No., voorheen
deel No./dele Nos. aangetoon en volledig 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 reg ten opsigte van 'n reg tot uitsluitlike gebruiksgebied soos beoog in artikel 25 (11) (indien van toepassing).

Geteken te op

.....

.....

Handtekening van Eienaar

* Skrap weg wat nie van toepassing is nie.

† Volg die omskrywing van die grond soos aangedui op die Deelplan.

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

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

** Vermeld plan nommer toegeken met eerste fase / opening van deeltitel register.” ;

(h) deur die voetnota in Vorm P deur die volgende voetnota te vervang:

“* Volg die omskrywing van die grond soos aangedui op die Deelplan.

† Vermeld tipe Deeltitelbewys/e en die nommer/s daarvan.” ;

(i) deur die voetnota in Vorm Q deur die volgende voetnota te vervang:

“* Volg die omskrywing van die grond soos aangedui op die Deelplan.

† Vermeld tipe deeltitelbewys/e en die nommer/s daarvan.” ;

(j) deur die voetnota in Vorm R deur die volgende voetnota te vervang:

“* Vermeld tydperk van uitbreiding en watter regte, d.i. artikel 25 (1) (a),

(b) of (c) voorbehou is.

** Skrap wat nie van toepassing is nie.

† Volg die omskrywing van die grond soos aangedui op die Deelplan.” ;

(k) deur die skraping van Vorm V;

(l) deur die opskrif in Vorm W deur die volgende opskrif te vervang:

**“SERTIFIKAAT VAN INSTELLING VAN 'N REGSPERSOON
Kragtens die bepalinge van Artikel 2(1) van die
'SECTIONAL TITLES SCHEMES MANAGEMENT ACT 8 OF 2011' ”;**

(m) deur Vorm X deur die volgende vorm te vervang:

“Vorm X

Die Registrateur van Aktes

**KENNISGEWING KRAGTENS ARTIKEL 17(9) VAN DIE 'SECTIONAL
TITLES SCHEMES MANAGEMENT ACT 8 OF 2011'**

Ons, en, trustees van die Regspersoon van die skema bekend as No., gee hierby kennis dat ingevolge artikel 17 van die 'Sectional Titles Schemes Management Act, 2011' die gebou of geboue beskadig is of geag word vernietig te wees soos bedoel in artikel 17(1) van gemelde Wet, deurdat (vermeld waarom die gebou of geboue beskadig is of geag word vernietig te wees), en dat die eienaars by eenparige besluit/hofbevel* gemagtig is om die gebou of geboue* in geheel/gedeeltelik* te herbou en te herstel en om die belang van eienaars wie se dele in geheel of gedeeltelik vernietig is aan die ander eienaars oor te dra.

Die volgende dokumente is aangeheg:

- (a) 'n Afskrif van die eenparige besluit, deur ons gesertifiseer, of
- (b) 'n Afskrif van die hofbevel gesertifiseer deur die griffier van die Hof.

Posadres:

 Trustee

 Trustee

 Datum

* Skrap wat nie van toepassing is nie.

Skrap (a) of (b).” ;

(n) deur Vorm Y deur die volgende vorm te vervang:

“Vorm Y

Die Registrateur van Aktes

KENNISGEWING INGEVOLGE ARTIKEL 49 (1) VAN DIE WET OP DEELTITELS, 1986

Ons, en trustees van die Regspersoon van skema bekend as No., gee hierby kennis dat die gebou of geboue ingevolge artikel 17 van die ‘Sectional Titles Schemes Management Act, 2011’ geag word vernietig te wees deurdat (vermeld waarom die gebou of geboue geag word vernietig te wees) en dat die eienaars by eenparige besluit besluit het om nie die gebou of geboue te herbou nie. Die volgende dokumente is aangeheg:

(a) ’n Afskrif van die eenparige besluit van die eienaars dat die gebou of geboue geag word vernietig te wees, soos deur ons gesertifiseer,* tesame met die skriftelike toestemming van die houers van geregistreerde deelverbande en die toestemming van persone met geregistreerde saaklike regte, soos bepaal in artikel 17(1)(b) van die ‘Sectional Titles Schemes Management Act, 2011’ ; of

*(b) ’n afskrif van die hofbevel dat die gebou of geboue geag word vernietig te wees, gesertifiseer deur die griffier van die Hof; en

(c) 'n afskrif van 'n eenparige besluit van die eienaars om nie te herbou nie, soos bepaal in artikel 17(3)(a) van die 'Sectional Titles Schemes Management Act, 2011', deur ons gesertifiseer.

Posadres:

 Trustee

 Trustee

 Datum

* Skrap wat nie van toepassing is nie.” ;

(o) deur die voetnota in Vorm Z deur die volgende voetnota te vervang:

** Laat weg wat nie van toepassing is nie.

† Voeg rangskikkingklousule in.

‡ Volg die omskrywing van die grond soos aangedui op die Deelplan.

§ Vermeld welke reg, d.i. artikel 25 (1) (a), (b) of (c).

** Vermeld tipe deeltitelbewys(e), notariële aktes en die nommer(s) daarvan.”;

(p) deur die voetnota in Vorm AG deur die volgende voetnota te vervang:

** Skrap wat nie van toepassing is nie.

† Volg die omskrywing van die grond soos aangedui op die Deelplan.”;

(q) deur die voetnota in Vorm AH deur die volgende voetnota te vervang:

** Laat weg wat nie van toepassing is nie.

† Volg die omskrywing van die grond soos aangedui op die Deelplan.

‡ Vermeld elke tipe uitsluitlike gebruiksgebied afsonderlik.”; en

(r) deur die voetnota in Vorm AO deur die volgende voetnota te vervang:

“**Volg die omskrywing van die grond soos aangedui op die Deelplan.”.

13. Herroeping van Aanhangsel 8

Aanhangsel 8 van die regulasies word hierby herroep.

14. Herroeping van Aanhangsel 9

Aanhangsel 9 van die regulasies word hierby herroep.

Kort titel

15. Hierdie Regulasies heet die Deeltitel Wysigingsregulasies, 2017.

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. R. 428

12 MAY 2017

DEEDS REGISTRIES ACT, 1937 (ACT NO. 47 OF 1937): AMENDMENT OF REGULATIONS

In terms of section 9(9) of the Deeds Registries Act, 1937 (Act No. 47 of 1937), I, Gugile Ernst Nkwinti, Minister of Rural Development and Land Reform, hereby approves the regulations contained in the Schedule as made by the Deeds Registries Regulations Board under section 10 of the said Act.

The regulations will come into operation on the following dates:

- (a) The amendment to regulations 41 and 65, in clauses 3 and 4 hereof, will come into operation on the date of the coming into operation of the Deeds Registries Amendment Act, 2017; and
- (b) The amendment of the other 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" mean the Regulations promulgated by Government Notice No. R. 474 of 29 March 1963, as amended.

Amendment of regulation 24

2. Regulation 24 of the Regulations is hereby amended by the addition of the following subregulation after subregulation (3):

"(4) Deeds, powers and other documents if executed outside the Republic, must disclose the place, country and date of execution thereof."

Amendment of regulation 41

3. Regulation 41 of the Regulations is hereby amended by the substitution for subregulation (7) the following subregulation:

"(7) Any waiver of preference in respect of a registered real right in land (including rights mentioned in section sixty-six of the Act which may be contingent) to or in favour of a registered or registrable mortgage bond or lease shall, if such bond or lease has been registered, be contained in a notarial deed, and if such bond or lease has not been registered be contained in a notarial deed or in such bond or lease as the owner of such right may elect. Every waiver registered in terms hereof shall be duly noted on the owner's title to such right, and in the case of a registered bond or lease on such bond or lease."

Amendment of regulation 65

4. Regulation 65 of the Regulations is hereby amended-

(a) by the substitution for subregulation (2) of the following subregulation:

“(2) Powers must specify the date and place of execution thereof, and if executed outside the Republic, also the name of the country.”;

(b) by the deletion of subregulation (6);

(c) by the deletion of subregulation (7);

(d) by the substitution for subregulation (8) of the following subregulation:

“(8) If at any time written notice is received from the mandant by the Registrar in charge of a Deeds Registry in which an original power has been registered after 1 January 1919, cancelling the same, the Registrar in charge of such Deeds Registry shall forthwith cause a suitable note of such cancellation to be made on the power, and shall sign or initial such note. The Registrar shall also, in case a copy had been issued for use in another Deeds Registry prior to the date of the coming into operation of the Deeds Registries Amendment Act, 2017, forthwith give notice, in writing, of such cancellation to the Registrar in charge thereof who, upon receipt of such notice, shall note thereon the time and date of receipt thereof and acknowledge the same, in writing, and shall further cause a suitable note of the cancellation to be made on the copy of the power, and sign or initial such note.”;

(e) by the substitution for subregulation (9) of the following subregulation:

“(9) A copy of any power accepted in terms of this regulation prior to the date of the coming into operation of the Deeds Registries Amendment Act, 2017, shall serve all the purposes of the original until the notice specified in the preceding sub-regulation has been received by the Registrar in charge of the Deeds Registry in respect of which the same was issued.”; and

(f) by the substitution for subregulation (10) of the following subregulation:

“(10) Any copy of a power certified under the hand and seal of a Registrar of or Master of a High Court in any of the Provinces and lodged in any Deeds Registry prior to the date of the coming into operation of the Deeds Registries Amendment Act, 2017, or under the hand and seal of a Registrar of Deeds, which copy shall have been lodged in a Deeds Registry prior to 1 January 1919, shall also be recognized for such purposes: Provided that when it is sought by virtue of any copy of a power referred to in this subregulation to perform any act before a Registrar of Deeds there shall be produced to the Registrar concerned a letter or certificate, signed by the officer in charge of the office or Registry, as the case may be, from which such copy was issued, dated not more than twenty-one days prior to the date of production thereof, evidencing that no notification of revocation of the original power had been received up to the date of such letter or certificate.”.

Amendment of regulation 68

5. Regulation 68 of the Regulations is hereby amended by the substitution for subregulation (11) the following subregulation:

“(11) If the registered holder of a mortgage or notarial bond (which has been lost, destroyed or is unserviceable) or his or her duly authorised agent desires to procure cancellation of the bond, and has made written application duly witnessed to the Registrar to cancel such bond, and has complied, *mutatis mutandis*, with the provisions of subregulations (1), (2) and (3) of this regulation, the Registrar shall, if he or she is satisfied that no good reason to the contrary exists, cancel the registration duplicate of such bond, and such cancellation shall be deemed to be a cancellation of such bond notwithstanding that the original of such bond was not submitted for cancellation.”.

Short title

6. These regulations shall be known as the Deeds Registries Amendment Regulations, 2017.

DEPARTEMENT VAN LANDELIKE ONTWIKKELING EN GRONDHERVORMING

NO. R. 428

12 MEI 2017

REGISTRASIE VAN AKTES WET, 1937 (WET NO. 47 VAN 1937): WYSIGING VAN REGULASIES

Kragtens artikel 9(9) van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), keur ek, Gugile Ernst Nkwinti, Minister van Landelike Ontwikkeling en Grondhervorming, hiermee die regulasies soos in die Bylae vervat, uitgevaardig deur die Registrasieregulasieraad kragtens artikel 10 van bedoelde Wet, goed.

Die regulasies tree in werking op die volgende datums:

- (a) Die wysigings van regulasies 41 en 65, in klousules 3 en 4 hiervan, tree in werking op datum van inwerkingstreding van die Wysigingswet op Registrasie van Aktes, 2017; en
- (b) Die wysiging van die ander regulasies tree in werking een maand vanaf die datum van publikasie hiervan in die *Staatskoerant*.



NKWINTI, G E (MP)

MINISTER VAN LANDELIKE ONTWIKKELING EN GRONDHERVORMING

BYLAE

Woordomskrywing

1. In hierdie Bylae beteken “die Regulasies” die regulasies uitgevaardig by Goewermentskennisgewing No. R. 474 van 29 Maart 1963, soos gewysig.

Wysiging van Regulasie 24

2. Regulasie 24 van die Regulasies word hierby gewysig deur na subregulasie (3) die volgende subregulasie by te voeg:

“(4) Aktes, volmagte en ander dokumente wat buite die Republiek verly is, moet die plek, land en datum van verlyding daarvan vermeld.”.

Wysiging van Regulasie 41

3. Regulasie 41 van die Regulasies word hierby gewysig deur subregulasie (7) deur die volgende subregulasie te vervang:

“(7) Enige afstand van voorrang ten opsigte van 'n geregistreerde saaklike reg op grond (met inbegrip van regte genoem in artikel ses-en-sestig van die Wet wat voorwaardelik mag wees) aan of ten gunste van 'n geregistreerde of registreerbare verbandakte of huur moet, as sodanige verband of huur geregistreer is, opgeneem word in 'n notariële akte, en as sodanige verband of huur nie geregistreer is nie, opgeneem word in 'n notariële akte, of in sodanige verband of huur as wat die eienaar van sodanige reg mag verkies. Elke afstand ingevolge hiervan geregistreer, moet behoorlik op die eienaar se titel van sodanige reg aangeteken word, en in die geval van 'n geregistreerde verband of huur, op sodanige verband of huur.”.

Wysiging van regulasie 65

4. Regulasie 65 van die Regulasies word hierby gewysig–

(a) deur subregulasie (2) deur die volgende subregulasie te vervang:

“(2) Volmagte moet die datum en plek van verlyding daarvan vermeld, en indien dit buite die Republiek verly is, ook die land.”;

(b) deur subregulasie (6) te skrap;

(c) deur subregulasie (7) te skrap;

(d) deur subregulasie (8) deur die volgende subregulasie te vervang:

“(8) As te eniger tyd deur die verantwoordelike Registrateur van 'n Registrasiekantoor waar die oorspronklike volmag geregistreer is na 1 Januarie 1919, skriftelike kennisgewing van die lasgewer ontvang word dat dit gerojear is, moet die verantwoordelike Registrateur van sodanige Registrasiekantoor dadelik 'n gepaste aantekening van sodanige rojering laat aanbring op die volmag, en moet hy of sy sodanige aantekening onderteken of parafeer. Die Registrateur moet ook, ingeval 'n afskrif vir gebruik in 'n ander Registrasiekantoor uitgereik is voor die datum van inwerkingstreding van die Wysigingswet op Registrasie van Aktes, 2017, dadelik van sodanige rojering skriftelik kennis gee aan die Registrateur aan die hoof daarvan, wat by ontvangs van sodanige kennisgewing daarop die datum en tyd van ontvangs daarvan moet aanteken en die ontvangs daarvan skriftelik moet erken en ook 'n gepaste aantekening van die rojering moet laat maak op die afskrif van die volmag en sodanige aantekening moet onderteken of parafeer.”;

(e) deur subregulasie (9) deur die volgende subregulasie te vervang:

“(9) 'n Afskrif van enige volmag wat aangeneem is ooreenkomstig hierdie regulasie voor die datum van inwerkingstreding van die Wysigingswet

op Registrasie van Aktes, 2017, moet dien vir al die doeleindes van die origineel totdat die kennisgewing wat aangedui is in die onmiddellik voorafgaande subregulasie, ontvang is deur die verantwoordelike Registrateur van die Registrasiekantoor ten opsigte waarvan dit uitgereik is.”; en

(f) deur subregulasie (10) deur die volgende subregulasie te vervang:

“(10) Enige afskrif van 'n volmag, gesertifiseer onder handtekening en seël van 'n Registrateur of Meester van die Hoë Hof in enige provinsie en ingedien in 'n Registrasiekantoor voor die datum van inwerkingstreding van die Wysigingswet op Registrasie van Aktes, 2017, of onder handtekening en seël van 'n Registrateur van Aktes, welke afskrif voor 1 Januarie 1919, in 'n Registrasiekantoor ingedien is, word ook vir sodanige doeleindes erken; met dien verstande dat, wanneer ingevolge enige afskrif van 'n volmag soos in hierdie subregulasie genoem, verlang word om voor 'n Registrateur van Aktes enige handeling te verrig, aan die betrokke Registrateur 'n brief of sertifikaat oorgelê moet word geteken deur die verantwoordelike amptenaar van die kantoor of Registrasiekantoor, na gelang van die geval, vanwaar sodanige afskrif uitgereik is, gedateer hoogstens een-en-twintig dae voor die datum waarop dit oorgelê word, waarin hy of sy te kenne gee dat hy of sy tot op die datum van sodanige brief of sertifikaat geen kennisgewing van die herroeping van die oorspronklike volmag ontvang het nie.”.

Wysiging van Regulasie 68

5. Regulasie 68 van die Regulasies word hierby gewysig deur subregulasie (11) deur die volgende subregulasie te vervang:

“(11) As die geregistreerde houer van 'n verband of notariële verband (wat verlore geraak het, vernietig is of onbruikbaar geword het) of sy of haar behoorlik gemagtigde agent begeer om die rojering van die verband te verkry en skriftelik aansoek, behoorlik deur getuies onderteken, gedoen het by die Registrateur om die rojering van sodanige verband, en *mutatis mutandis* voldoen het aan die bepalings van subregulasies (1), (2) en (3) van hierdie

regulasie, moet die Registrateur, as hy of sy oortuig is dat daar geen goeie rede bestaan waarom hy of sy dit nie sou doen nie, die registrasieduplikaat van sodanige verband rojeer, en sodanige rojering word geag 'n rojering van sodanige verband te wees nieteenstaande dat die oorspronklike van sodanige verband nie vir rojering voorgelê is nie.”.

Kort titel

- 6. Hierdie regulasies heet die Aktesregistrasie Wysigingsregulasies, 2017.**

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