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## PROKLAMASIE

van die

Staatspresident van die Republiek van Suid-Afrika

No. R. 29, 1988

### REGULASIES BETREFFENDE GRONDBESIT IN DORPE

Kragtens die bevoegdheid my verleen by artikel 48 (1) van die Ontwikkelingstrust en Grond Wet, 1936 (Wet 18 van 1936), en by artikel 25 (1) van die Swart Administrasie Wet, 1927 (Wet 38 van 1927), gelees met artikel 21 (1) van die Ontwikkelingstrust en Grond Wet, 1936, vaardig ek hierby die regulasies uiteengesit in die Bylae hiervan, uit.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Agtste dag van Februarie Eenduisend Negehonderd Agt-en-tigtyg.

P. W. BOTHA,  
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

G. VAN N. VILJOEN,  
Minister van die Kabinet.

### BYLAE

#### HOOFSTUK 1

#### WOORDOMSKRYWING EN TOEPASSING

##### Woordomskrywing

1. (1) In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

“algemene plan” ’n algemene plan van ’n dorpsgebied of gedeelte van ’n dorpsgebied wat kragtens die Opmetingswet deur ’n landmeter-generaal goedgekeur is;

“dorpsgebiedeienaar” die eienaar bedoel in artikel 46 (1) van die Registrasie van Aktes Wet, 1937 (Wet 47 van 1937);

“eienaar” ’n eienaar soos omskryf in paragraaf (a) van die woordomskrywing van eienaar in die Registrasie van Aktes Wet, 1937 (Wet 47 van 1937);

## PROCLAMATION

by the

State President of the Republic of South Africa

No. R. 29, 1988

### REGULATIONS CONCERNING LAND TENURE IN TOWNS

Under the powers vested in me by section 48 (1) of the Development Trust and Land Act, 1936 (Act 18 of 1936), and by section 25 (1) of the Black Administration Act, 1927 (Act 38 of 1927), read with section 21 (1) of the Development Trust and Land Act, 1936, I hereby make the regulations set out in the Schedule hereto.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Eighth day of February, One thousand Nine hundred and Eighty-eight.

P. W. BOTHA,  
State President.

By Order of the State President-in-Cabinet:

G. VAN N. VILJOEN,  
Minister of the Cabinet.

## SCHEDULE

### CHAPTER I

#### DEFINITIONS AND APPLICATION

##### Definitions

1. (1) In these regulations, unless the context otherwise indicates—

“Act” means the Development Trust and Land Act, 1936 (Act 18 of 1936);

“deed of grant rights” means the rights referred to in Chapter II;

“diagram” means a diagram approved by a surveyor general in terms of the Land Survey Act;

“erf” means an erf, lot, plot or stand shown on a diagram or a general plan;

“erf” ‘n erf, lot, plot of standplaas aangedui op ‘n kaart of algemene plan;

“grondbriefregte” die regte bedoel in Hoofstuk II;

“herroep regulasies” die bepalings herroep by regulasie 12 (1);

“informele gebied” grond—

- (a) in ‘n gebied waar hierdie regulasies van toepassing is;
- (b) geleë buite ‘n dorpsgebied; en
- (c) wat kragtens regulasie 7 deur die Minister aange-wys is;

“kaart” ‘n kaart wat deur ‘n landmeter-generaal kragtens die Opmetingswet goedgekeur is;

“landmeter” ‘n persoon wat kragtens die Wet op Professionele Landmeters en Tegniese Opmeters, 1984 (Wet 40 van 1984), as ‘n professionele landmeter geregistreer is en wie se naam aangeteken is in die register bedoel in artikel 7 (4) (a) van genoemde Wet;

“landmeter-generaal” ‘n landmeter-generaal soos omskryf in die Opmetingswet;

“Minister” die Minister van Onderwys en Ontwikkelingshulp, en sluit dit ‘n beampte in die Departement van Ontwikkelingshulp in aan wie die Minister, behoudens artikel 4 (4) van die Wet, die betrokke bevoegdheid of funksie oorgedra het;

“ministeriële kaart” ‘n kaart wat deur die Minister goedgekeur is;

“ministeriële plan” ‘n plan van ‘n dorpsgebied of ‘n gedeelte van ‘n dorpsgebied wat deur die Minister goedgekeur is;

“Opmetingswet” die Opmetingswet, 1927 (Wet 9 van 1927);

“perseel” ‘n perseel aangedui op ‘n ministeriële kaart of ‘n ministeriële plan;

“registrasie” registrasie in ‘n akteskantoor of in ‘n registrasiekantoor, na gelang van die geval;

“registrasiebeampte” ‘n registrasiebeampte bedoel in die Registrasiekantoorregulasies, 1988;

“registrasiekantoor” ‘n registrasiekantoor bedoel in die Registrasiekantoorregulasies, 1988;

“regte van huurpag” die regte bedoel in Hoofstuk III;

“Wet” die Ontwikkelingstrust en Grond Wet, 1936 (Wet 18 van 1936);

“Trust” die Suid-Afrikaanse Ontwikkelingstrust ingestel kragtens artikel 4 (1) van die Wet;

“Trustee” die Trustee bedoel in artikel 4 (3) van die Wet.

(2) Woorde wat in die Wet omskryf word, het dieselfde betekenis as wat in die Wet aan hulle geheg word.

(3) Enige bevoegdheid, plig of funksie van die Trustee ingevolge hierdie regulasies kan, behoudens artikel 4 (3) van die Wet, deur die Minister uitgeoefen word.

#### Toepassing van regulasies

2. (1) Hierdie regulasies geld, behoudens subregulasie (2), in elke gebied wat afgesonder is, of geag word afgesonder te wees as ‘n dorp kragtens artikel 30 (1) van die Swart Administrasie Wet, 1927 (Wet 38 van 1927).

(2) Hierdie regulasies geld nie in ‘n selfregerende gebied, ingestel kragtens die Grondwet van die Nasionale State, 1971 (Wet 21 van 1971), nie.

“general plan” means a general plan of a township or portion of a township which has been approved by a surveyor-general under the Land Survey Act;

“informal area” means land—

- (a) in an area to which these regulations apply;
- (b) situate outside a township; and
- (c) designated by the Minister under regulation 7;

“Land Survey Act” means the Land Survey Act, 1927 (Act 9 of 1927);

“land surveyor” means a person who is registered as a professional land surveyor under the Professional Land Surveyors’ and Technical Surveyors’ Act, 1984 (Act 40 of 1984), and whose name is entered into the register referred to in section 7 (4) (a) of the said Act;

“Minister” means the Minister of Education and Development Aid, and includes any officer in the Department of Development Aid to whom the Minister has, subject to section 4 (4) of the Act, delegated the power or function in question;

“ministerial diagram” means a diagram approved by the Minister;

“ministerial plan” means a plan of a township or a portion of a township approved by the Minister;

“owner” means an owner as defined in paragraph (a) of the definition of owner in the Deeds Registries Act, 1937 (Act 47 of 1937);

“registration” means registration in a deeds registry or a registration office, as the case may be;

“registration office” means a registration office referred to in the Registration Offices Regulations, 1988;

“registration officer” means a registration officer referred to in the Registration Offices Regulations, 1988;

“repealed regulations” means the provisions repealed by regulation 12 (1).

“rights of leasehold” means the rights referred to in Chapter III;

“site” means a site shown on a ministerial diagram or a ministerial plan;

“surveyor-general” means a surveyor-general as defined in the Land Survey Act;

“township owner” means the owner referred to in section 46 (1) of the Deeds Registries Act, 1937 (Act 47 of 1937);

“Trust” means the South African Development Trust constituted under section 4 (1) of the Act;

“Trustee” means the Trustee referred to in section 4 (3) of the Act.

(2) Words defined in the Act shall bear the same meaning as that assigned to them by the Act.

(3) Any power, duty or function of the Trustee in terms of these regulations may, subject to section 4 (3) of the Act, be exercised by the Minister.

#### Application of regulations

2. (1) These regulations shall, subject to subregulation (2), apply in every area set apart or deemed to be set apart as a town in terms of section 30 (1) of the Black Administration Act, 1927 (Act 38 of 1927).

(2) These regulations shall not apply in a self-governing territory established under the National States Constitution Act, 1971 (Act 21 of 1971).

**Toepassing van bepaalde wetgewing**

3. (1) Nieteenstaande andersluidende bepalings in die Wet op Vervreemding van Grond, 1981 (Wet 68 van 1981)—

- (a) sluit enige verwysing na grond in artikel 3 (2) en in Hoofstuk II van daardie Wet, in grond bedoel in paragrafe (c) (ii) (bb) en (c) (ii) (dd) van die woordomskrywing van grond in artikel 1 (1) van daardie Wet, en is bedoelde artikel 3 (2) en Hoofstuk II van toepassing;
  - (b) is Hoofstuk II van daardie Wet nie van toepassing ten opsigte van 'n kontrak waarkragtens die Trust die verkoper is nie;
  - (c) word enige verwysing in genoemde Wet na—
    - (i) grond of 'n erf geïnterpreteer as ook 'n verwysing na grondbrieffregte en regte van huurpag;
    - (ii) 'n aktekantoor of 'n registrateur geïnterpreteer as ook 'n verwysing na onderskeidelik 'n registrasiekantoor en 'n registrasie beampte.
- (2) Ondanks die bepalings van die Wet op Hereregt, 1949 (Wet 40 van 1949), is geen hereregt betaalbaar nie op enige transaksie ten opsigte van—
- (a) 'n reg wat in 'n registrasiekantoor geregistreer staan te word;
  - (b) 'n omskepping van grondbrieffregte of regte van huurpag tot eiendomsreg soos in regulasies 6 bedoel.
- (3) Ondanks die bepalings van die Wet op Seëlgrelte, 1968 (Wet 77 van 1968), is geen seëlgrelte betaalbaar nie op enige dokument wat verly staan te word met betrekking tot 'n reg wat in 'n registrasiekantoor geregistreer staan te word.

**HOOFSTUK II****GRONDBRIEFREGTE****Regte verleen deur grondbrieffregte**

4. (1) Behoudens die bepalings van enige ander wet is die houer van grondbrieffregte vanaf die datum van registrasie van sodanige regte geregtig om—

- (a) sodanige grond te okkuper;
- (b) enige gebou op te rig of sodanige grond op 'n ander manier te verbeter, en enige sodanige gebou of verbetering te verander of te sloop;
- (c) die grondbrieffregte met 'n verband te beswaar;
- (d) die grondbrieffregte, insluitende die reg om die grondbrieffregte te bemaak, aan enige ander persoon te vervreem;
- (e) sodanige grond te verhuur;
- (f) sodanige grond te onderverdeel of met enige aangrensende grond te konsolideer;
- (g) die grondbrieffregte of sodanige grond te beswaar met 'n serwituit of om 'n serwituit daarvoor te verkry.

(2) Registrasie van 'n grondbrief voor die inwerkingtreding van hierdie regulasies maak die houer daarvan geregtig om op die regte bedoel in subregulasie (1) en regulasie 6, nieteenstaande enige beletsel, voorwaarde, voorbehoud of beperking tot die teendeel bedoel in daardie bepalings of vervat in die grondbrief.

**Wie grondbrieffregte mag verleen**

5. (1) Die dorpsgebiedeienaar, insluitende die Trust handelende deur die Trustee, kan grondbrieffregte verleen ten opsigte van 'n erf in die betrokke dorpsgebied.

(2) Die Trustee kan grondbrieffregte verleen ten opsigte van 'n perseel op grond wat die eiendom van die Trust is.

(3) Die geregistreerde eienaar, insluitende die Trust handelende deur die Trustee, van grond, bedoel in regulasie 7 of 8, kan grondbrieffregte verleen ten opsigte van 'n stuk van sodanige grond.

**Application of certain laws**

3. (1) Notwithstanding anything to the contrary in the Alienation of Land Act, 1981 (Act 68 of 1981)—

- (a) any reference to land in section 3 (2) and Chapter II of that Act shall include land referred to in paragraphs (c) (ii) (bb) and (c) (ii) (dd) of the definition of land in section 1 (1) of that Act, and the said section 3 (2) and Chapter II shall apply;
- (b) Chapter II of that Act shall not apply in respect of a contract in terms of which the Trust is the seller;
- (c) any reference in the said Act to—
  - (i) land or an erf shall be construed as a reference also to deed of grant rights and rights of leasehold;
  - (ii) a deeds registry or a registrar shall be construed as a reference also to a registration office and a registration officer respectively.

(2) Notwithstanding the provisions of the Transfer Duty Act, 1949 (Act 40 of 1949), transfer duty shall not be payable on any transaction in respect of—

- (a) a right to be registered in a registration office;
- (b) a conversion into ownership referred to in regulation 6 of deed of grant rights or rights of leasehold.

(3) Notwithstanding the provisions of the Stamp Duties Act, 1968 (Act 77 of 1968), no stamp duty shall be payable on any document to be executed in connection with a right to be registered in a registration office.

**CHAPTER II****DEED OF GRANT RIGHTS****Rights conferred by deed of grant rights**

4. (1) Subject to the provisions of any other law, the holder of deed of grant rights in respect of any land shall, with effect from the date of registration of such rights, be entitled to—

- (a) occupy such land;
- (b) erect any building on or otherwise improve such land, and alter or demolish any such building or improvements;
- (c) mortgage the deed of grant rights;
- (d) dispose of the deed of grant rights to another person, including the right to bequeath the deed of grant rights;
- (e) let such land;
- (f) subdivide such land or consolidate it with any contiguous land;
- (g) burden with a servitude, or acquire a servitude for, the deed of grant rights or such land.

(2) Registration before the commencement of these regulations of a deed of grant shall entitle the holder to the rights referred to in subregulation (1) and regulation 6, notwithstanding any impediment, condition, reservation or restriction to the contrary referred to in those provisions or contained in the deed.

**Who may grant deed of grant rights**

5. (1) A township owner, including the Trust acting through the Trustee, may grant deed of grant rights in respect of an erf in the township concerned.

(2) The Trustee may grant deed of grant rights in respect of a site on land being the property of the Trust.

(3) The registered owner, including the Trust acting through the Trustee, of land referred to in regulation 7 or 8 may grant deed of grant rights in respect of a piece of such land.

**Omskepping van grondbrieffregte tot eiendomsreg**

6. (1) Grondbrieffregte kan op aansoek van die houer van sodanige regte omskep word tot eiendomsreg na—

- (a) die opening van 'n register ingevolge artikel 46 (1) van die Registrasie van Aktes Wet, 1937 (Wet 47 van 1937); en
- (b) die nakoming van alle ander toepaslike regsbepalings ten opsigte van registrasie.

(2) Geen vergoeding is betaalbaar ten opsigte van 'n omskepping bedoel in subregulasie (1), vir enige terugvallende belang wat by die eiendaar van die grond berus nie en sodanige eienaar word geag onherroeplik toe te gestem het tot sodanige omskepping.

**Verlening van grondbrieffregte in informele gebiede**

7. (1) Die Minister kan grond as 'n informele gebied aanwys—

- (a) op versoek van—

- (i) die geregistreerde eienaar, in die geval van grond geregistreer op naam van 'n Swarte, 'n Swart stam of 'n Swart gemeenskap; of
- (ii) in die geval van grond geregistreer op naam van die Minister of enige ander persoon in trust vir 'n Swarte, 'n Swart stam of 'n Swart gemeenskap, sodanige persoon, stam of gemeenskap;

- (b) op sy eie initiatief, in die geval van grond wat op naam van die Trust geregistreer is.

(2) Grondbrieffregte ten opsigte van 'n stuk grond, uitgesonderd 'n erf of 'n perseel, kan verleen word mits sodanige grond geleë is binne 'n informele gebied bedoel in subregulasie (1), en indien—

- (a) 'n sertifikaat of 'n aangetekende lugfoto saamgestel is—

- (i) deur 'n landmeter wat deur die eienaar van die grond aangestel is om die opmeting van sodanige stuk grond as 'n enkel stuk grond of as 'n erf in 'n dorpsgebied te behartig;
- (ii) wat die grense van sodanige stuk grond, die afmetings tot een desimaal van 'n meter uitgedruk en die benaderde grootte in vierkante meter aandui;
- (iii) wat 'n duidelike, beknopte en ondubbelinge beskrywing bevat van elke baken of fisiese kenmerk ter bepaling van die grense van die stuk grond, op sodanige wyse dat dit duidelik geïdentifiseer kan word wanneer die opmeting binne vier jaar uitgevoer word soos in subregulasie (3) bepaal;

- (iv) wat verwys na 'n plan—

- (aa) wat 'n verwysingsnommer het wat deur die Minister toegeken is;
- (bb) wat die nommer van die stuk grond en die nommer van elke aanliggende stuk grond weergee;
- (cc) wat die ligging van sodanige stuk grond relatief tot elke aanliggende stuk grond en ook tot 'n grens van die moedereiendom aandui;

- (b) die stuk grond aangedui is op 'n konsepkaart of 'n konsep algemene plan wat vir goedkeuring aan 'n landmeter-generaal voorgelê is in ooreenstemming met enige regsbepaling wat betrekking het op die onderververdeling van grond.

**Conversion of deed of grant rights into ownership**

6. (1) Deed of grant rights may on application by the holder of the rights be converted into ownership after—

- (a) the opening of a register in terms of section 46 (1) of the Deeds Registries Act, 1937 (Act 47 of 1937);
- (b) any other applicable laws as to registration have been complied with.

(2) Compensation shall not be payable in respect of a conversion referred to in subregulation (1) for any reversionary interest vesting in the owner of the land, and such owner shall be deemed irrevocably to have consented to such conversion.

**Grant of deed of grant rights in informal areas**

7. (1) The Minister may designate land as an informal area—

- (a) at the request of—

- (i) the registered owner, in the case of land registered in the name of a Black, a Black tribe or a Black community; or
- (ii) in the case of land registered in the name of the Minister or any other person in trust for a Black, a Black tribe or a Black community, such person, tribe or community;

- (b) on his own initiative, in the case of land registered in the name of the Trust.

(2) Deed of grant rights may be granted in respect of a piece of land other than an erf or a site if such land is situated within an informal area referred to in subregulation (1), and if—

- (a) a certificate or annotated aerial photograph has been framed—

- (i) by a land surveyor who has been appointed by the owner of the land to carry out the survey of such piece of land as a single piece of land or as an erf in a township;
- (ii) indicating the boundaries of such piece of land, its dimensions expressed to a single decimal of a metre and its approximate area in square metres;
- (iii) containing a clear, concise and unambiguous description of each beacon or physical feature defining the boundaries of the piece of land in such a manner that they may clearly be identified when the survey is carried out within four years as provided in subregulation (3);

- (iv) referring to a plan—

- (aa) bearing a reference number allocated by the Minister;
- (bb) reflecting the number of the piece of land and the number of each contiguous piece of land;
- (cc) showing the situation of such piece of land relative to each contiguous piece of land and to a boundary of the parent property; or

- (b) the piece of land is shown on a draft diagram or a draft general plan which has been submitted to a surveyor-general for approval in accordance with any law relating to subdivision of land.

(3) Die geregistreerde eienaar van grond wat grondbrief regte verleen het ten opsigte van 'n stuk grond bedoel in subregulasie (2), laat die stuk grond deur 'n landmeter opmeet en laat die betrokke konsepkaart of konsep algemene plan binne 'n periode van vier jaar na registrasie van sodanige verlening by 'n landmeter-generaal indien vir goedkeuring.

(4) Indien die eienaar versuim om binne die periode bedoel in subregulasie (3), die stuk grond te laat opmeet en genoemde konsepkaart of konsep algemene plan te laat goedkeur, kan die houer van die grondbriefregte op koste van die geregistreerde eienaar die stuk grond laat opmeet deur 'n landmeter, indien dit nie aldus opgemeet is nie, en die konsepkaart of konsep algemene plan vir goedkeuring laat indien.

(5) Indien die grense van die stuk grond na goedkeuring van die kaart of algemene plan nie wesenlik dieselfde is as die grense van die stuk wat geïdentifiseer is soos in subregulasie (2) bepaal nie, kan die houer van die grondbriefregte, sonder benadeling van enige ander skadevergoedingseis wat hy teen die geregistreerde eienaar mag hê, die grondbriefregte laat kanselleer.

#### **Grondbriefregte tydens Dorpstigting**

8. (1) Neteenstaande die bepalings van regulasie 7 kan grondbriefregte, behoudens die bepalings van subregulasie (2), verleen word ten opsigte van 'n stuk grond wat—

- (a) geleë is in 'n gebied ten opsigte waarvan 'n voorgestelde dorpsgebied in die proses van stigting is; en
- (b) getoon word op 'n konsep algemene plan wat—
  - (i) deur die Minister goedgekeur is; en
  - (ii) vir goedkeuring aan die landmeter-generaal voorgele is as die opening van die register in regulasie 6 (1) (a) bedoel, nodig is.

(2) Geen verlening in subregulasie (1) bedoel, mag gemaak word nie, tensy dit in ooreenstemming is met die regbepalings wat die stigting van dorpsgebiede beheer.

(3) Die bepalings van regulasie 7 (3), (4) en (5) is *mutatis mutandis* van toepassing op 'n verlening in subregulasie (1) bedoel.

### **HOOFSTUK III**

#### **HUURPAG**

##### **Regte van huurpag**

9. Die bepalings van Hoofstuk II, behoudens die bepalings van regulasie 10, geld *mutatis mutandis* vir 'n reg van huurpag.

##### **Periode van 'n reg van huurpag**

10. (1) Waar 'n reg van huurpag verleen is, is die geldigheidstermyn, behoudens subregulasie (2), 'n periode van 99 jaar, bereken vanaf die datum van registrasie van sodanige verlening.

(2) Waar 'n reg van huurpag oorgedra word aan 'n ander persoon, is die geldigheidstermyn 'n dergelike periode van 99 jaar, bereken vanaf die datum van registrasie van sodanige oordrag.

### **HOOFSTUK IV**

#### **UITSLUITINGS, HERROEPING EN KORT TITEL**

##### **Dorpsgebiedbepalings**

11. Die Minister kan—

- (a) by kennisgewing in die *Staatkoerant* 'n gebied as 'n dorpsgebied omskryf, of 'n dorpsgebied uitbrei, beperk, heromskryf of op 'n ander wyse verander;
- (b) 'n konsep algemene plan goedkeur in die omstandighede in regulasie 8 (1) (b) (i) bedoel;

(3) The registered owner of land who has granted deed of grant rights in respect of a piece of land referred to in sub-regulation (2) shall cause the piece of land to be surveyed by a land surveyor and cause the relevant draft diagram or draft general plan to be lodged with a surveyor-general for approval, within a period of four years after registration of such grant.

(4) If the owner fails to have the piece of land surveyed and the said draft diagram or draft general plan approved within the period referred to in subregulation (3), the holder of the deed of grant rights may cause the piece of land to be surveyed by a land surveyor, if not so surveyed, and cause the draft diagram or draft general plan to be lodged for approval, at the cost of the registered owner.

(5) If the boundaries of the piece of land on approval of the diagram or general plan are not substantially the same as the boundaries of the piece identified as provided in sub-regulation (2), the holder of the deed of grant rights may without prejudice to any other claim as to damages which he may have against the registered owner, cause the deed of grant rights to be cancelled.

#### **Deed of grant rights during township establishment**

8. (1) Notwithstanding the provisions of regulation 7, deed of grant rights may, subject to the provisions of sub-regulation (2), be granted in respect of a piece of land which is—

- (a) situate in an area in respect of which a proposed township is in the course of establishment; and
- (b) shown on a draft general plan which has been—
  - (i) approved by the Minister; and
  - (ii) submitted to the surveyor-general for approval if the opening of the register referred to in regulation 6 (1) (a) is required.

(2) No grant referred to in subregulation (1) may be made save in accordance with the laws governing the establishment of townships.

(3) The provisions of regulations 7 (3), (4) and (5) shall *mutatis mutandis* apply to a grant referred to in subregulation (1).

### **CHAPTER III**

#### **LEASEHOLD**

##### **Rights of leasehold**

9. The provisions of Chapter II shall, subject to the provisions of regulation 10, apply *mutatis mutandis* to a right of leasehold.

##### **Period of a right of leasehold**

10. (1) Where a right of leasehold has been granted, its currency shall, subject to subregulation (2), be for a period of 99 years calculated as from the date of registration of such grant.

(2) Where a right of leasehold is transferred to another person, its currency shall be for a like period of 99 years, calculated as from the date of registration of such transfer.

### **CHAPTER IV**

#### **SAVINGS, REPEAL AND SHORT TITLE**

##### **Township provisions**

11. The Minister may—

- (a) by notice in the *Gazette* define an area as a township, or extend, curtail, redefine or otherwise modify a township;
- (b) approve a draft general plan in the circumstances contemplated in regulation 8 (1) (b) (i);

- (c) 'n ministeriële plan of 'n ministeriële kaart verander, wysig of gedeeltelik of ten volle kanselleer;
- (d) enige ministeriële kaart wat betrekking het op die onderverdeling of konsolidasie van persele wat op 'n ministeriële plan of ministeriële kaart aangedui word, geodkeur.

### **Herroeping**

12. (1) Die volgende bepalinge van die regulasies afgekondig by Proklamasie R. 293 van 1962 word hierby herroep:

- (a) Hoofstuk 1: regulasies 1A, 1C, 3, 4, 5, 7, 8, 9 en 12;
  - (b) Hoofstuk 2: regulasies 3, 4, 6, 7, 8, 9, 13, 14, 15, 18, 19, 21, 22, 22A, 23 en 51;
  - (c) Hoofstuk 2A: regulasies 1, 3, 4, 5 en 6;
  - (d) Hoofstuk 3: regulasies 3, 4, 5, 8, 10, 11, 13, 17, 20, 21, 22, 23 en 27.
- (2) Ondanks die bepalinge van subregulasie (1)—
- (a) word enigiets waarmee ter nakoming van die herroope regulasies 'n aanvang gemaak is gedurende 'n periode van drie maande na die inwerkingtreding van hierdie regulasies, voltooi asof hierdie regulasies nie in werkking gestel is nie;
  - (b) word enigiets wat verrig is of wat geag word verrig te wees kragtens enige bepaling van die herroope regulasies of soos beoog in paragraaf (a), geag verrig te wees kragtens die ooreenstemmende bepaling van hierdie regulasies.

### **Titel**

13. Hierdie regulasies heet die Regulasies betreffende Grondbesit in Dorpe, 1988.

## **GOEWERMENTSKENNISGEWING**

### **DEPARTEMENT VAN ONTWIKKELINGS-HULP**

No. R. 402

9 Maart 1988

#### **REGULASIES VIR DIE VERVREEMDING VAN TRUSTGROND IN DORPE**

Dit het die Staatspresident behaag om kragtens die bevoegdheid hom verleen by artikel 48 (1) van die Ontwikkelingstrust en Grond Wet, 1936 (Wet 18 van 1936), die regulasies in die Bylae hiervan uiteengesit, uit te vaardig.

#### **BYLAE**

#### **HOOFSTUK I**

#### **WOORDOMSKRYWING EN TOEPASSING**

##### **Woordomskrywing**

1. (1) In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

- "Akteswet" die Registrasie van Aktes Wet, 1937 (Wet 47 van 1937);
- "fonds" die Suid-Afrikaanse Ontwikkelingstrustfonds ingestel kragtens artikel 8 van die Wet;
- "grond" in Hoofstukke IV en V ook grondbrieffregte of 'n reg van huurpag;
- "grondbrieffregte" grondbrieffregte bedoel in die Regulases betreffende Grondbesit in Dorpe, 1988;
- "herroope regulasies" die bepalinge herroep by die Regulases betreffende Grondbesit in Dorpe, 1988;
- "Minister" die Minister van Onderwys en Ontwikkelingshulp, en sluit dit 'n beampte in die Departement van Ontwikkelingshulp in aan wie die Minister, behoudens artikel 4 (4) van die Wet, die betrokke bevoegdheid of funksie oorgedra het;

- (c) alter, amend or partially or totally cancel a ministerial plan or ministerial diagram;
- (d) approve any ministerial diagram relating to the subdivision or consolidation of sites shown on a ministerial plan or ministerial diagram.

### **Repeal**

12. (1) The following provisions of the regulations published under Proclamation R. 293 of 1962 are repealed—

- (a) Chapter 1: regulations 1A, 1C, 3, 4, 5, 7, 8, 9 and 12;
- (b) Chapter 2: regulations 3, 4, 6, 7, 8, 9, 13, 14, 15, 18, 19, 21, 22, 22A, 23 and 51;
- (c) Chapter 2A: regulations 1, 3, 4, 5 and 6;
- (d) Chapter 3: regulations 3, 4, 5, 8, 10, 11, 13, 17, 20, 21, 22, 23 and 27.

(2) Notwithstanding the provisions of subregulation (1)—

- (a) anything commenced in compliance with the repealed regulations during a period of three months after the commencement of these regulations shall be completed as if these regulations had not come into operation;
- (b) anything done or deemed to have been done under any provision of the repealed regulations or as contemplated in paragraph (a) shall be deemed to have been done under the corresponding provision of these regulations.

### **Title**

13. These regulations shall be called the Regulations concerning Land Tenure in Towns, 1988.

## **GOVERNMENT NOTICE**

### **DEPARTMENT OF DEVELOPMENT AID**

No. R. 402

9 March 1988

#### **REGULATIONS FOR THE DISPOSAL OF TRUST LAND IN TOWNS**

The State President has been pleased under the powers vested in him by section 48 (1) of the Development Trust and Land Act, 1936 (Act 18 of 1936), to make the regulations set out in the Schedule hereto.

#### **SCHEDULE**

#### **CHAPTER 1**

#### **DEFINITIONS AND APPLICATION**

##### **Definitions**

1. (1) In these regulations, unless the context otherwise indicates—

- "Act" means the Development Trust and Land Act, 1936 (Act 18 of 1936);
- "deed of grant rights" means deed of grant rights referred to in the Regulations concerning Land Tenure in Towns, 1988;
- "Deeds Registries Act" means the Deeds Registries Act, 1937 (Act 47 of 1937);
- "fund" means the South African Development Trust Fund established under section 8 of the Act;
- "land" in Chapters IV and V includes deed of grant rights or a right of leasehold;
- "Minister" means the Minister of Education and Development Aid, and includes any officer in the Department of Development Aid to whom the Minister has, subject to section 4 (4) of the Act, delegated the power or function in question;

<p>“registrasiebeampte” ’n registrasiebeampte bedoel in die Registrasiekantoorregulasies, 1988;</p> <p>“regte van huurpag” regte van huurpag bedoel in die Regulasies betreffende Grondbesit in Dorpe, 1988;</p> <p>“Trust” die Suid-Afrikaanse Ontwikkelingstrust ingestel kragtens artikel 4 (1) van die Wet;</p> <p>“Trustee” die Trustee bedoel in artikel 4 (3) van die Wet;</p> <p>“Wet” die Ontwikkelingstrust en Grond Wet, 1936 (Wet 18 van 1936).</p>	<p>“registration officer” means a registration officer referred to in the Registration Offices Regulations, 1988;</p> <p>“repealed regulations” means the provisions repealed by the Regulations concerning Land Tenure in Towns, 1988;</p> <p>“rights of leasehold” means rights of leasehold referred to in the Regulations concerning Land Tenure in Towns, 1988;</p> <p>“Trust” means the South African Development Trust constituted under section 4 (1) of the Act;</p> <p>“Trustee” means the Trustee referred to in section 4 (3) of the Act.</p> <p>(2) Behoudens subregulasie (1) het ’n woord wat in die Wet omskryf word, die betekenis wat in die Wet daarvan geheg word.</p> <p>(3) Enige bevoegdheid, plig of funksie van die Trustee ingevolge hierdie regulasies kan, behoudens artikel 4 (3) van die Wet, deur die Minister uitgeoefen word.</p>
<p><b>Toepassing van regulasies</b></p> <p>2. (1) Hierdie regulasies geld, behoudens subregulasie (2), in elke gebied wat afgesonder is of geag word afgesonder te wees as ’n dorp kragtens artikel 30 (1) van die Swart Administrasie Wet, 1927 (Wet 38 van 1927).</p> <p>(2) Hierdie regulasies geld nie in ’n selfregerende gebied ingestel kragtens die Grondwet van die Nasionale State, 1971 (Wet 21 van 1971), nie.</p>	<p>(2) Subject to subregulation (1), a word defined in the Act shall bear the same meaning as that assigned to it by the Act.</p> <p>(3) Any power, duty or function of the Trustee in terms of these regulations may, subject to section 4 (3) of the Act, be exercised by the Minister.</p>
<p><b>HOOFSTUK II</b></p> <p><b>VERVREEMDING VAN GROND</b></p> <p><b>Wyse van vervreemding van trustgrond</b></p> <p>3. (1) In ooreenstemming met die bepalings van die Wet en hierdie regulasies kan die Trustee—</p>	<p><b>Application of regulations</b></p> <p>2. (1) These regulations shall, subject to subregulation (2), apply in every area set apart or deemed to be set apart as a town in terms of section 30 (1) of the Black Administration Act, 1927 (Act 38 of 1927).</p> <p>(2) These regulations shall not apply in a self-governing territory established under the National States Constitution Act, 1971 (Act 21 of 1971).</p>
<p>(a) behoudens paragraaf (b), grond wat die eiendom van die Trust is, verkoop, skenk, ruil of op ’n ander wyse vervreem;</p> <p>(b) in ooreenstemming met die bepalings van die Regulasies betreffende Grondbesit in Dorpe, 1988, grondbriefregte of regte van huurpag ten opsigte van grond wat die eiendom van die Trust is, verleen.</p> <p>(2) Grond wat ingevolge subregulasie (1) vervreem is, kan, behoudens die bepalings van enige wet wat die gebruik van die betrokke grond reguleer, vir enige doel, insluitende kerk-, skool- of sendingdoeleindes of vir die doeleindes van enige ambag of beroep, gebruik word.</p>	<p><b>CHAPTER II</b></p> <p><b>LAND DISPOSAL</b></p> <p><b>Manner of disposal of trust land</b></p> <p>3. (1) The Trustee may, in accordance with the provisions of the Act and these regulations—</p> <p>(a) sell, donate, exchange or otherwise dispose of land the property of the Trust, subject to paragraph (b);</p> <p>(b) and in accordance with the provisions of the Regulasies concerning Land Tenure in Towns, 1988, grant deed of grant rights or rights of leasehold in respect of land the property of the Trust.</p> <p>(2) Land disposed of under subregulation (1) may, subject to the provisions of any law regulating use of the land concerned, be used for any purpose, including church, school or mission purposes, or for the purposes of any trade or calling.</p>
<p><b>Vervreemdingsooreenkoms en akte of sertifikaat van verlening</b></p> <p>4. (1) Enige vervreemding bedoel in regulasie 3 moet, behoudens die bepalings van Hoofstuk IV, ingevolge ’n skriftelike ooreenkoms wees, wat wesenlik in ooreenstemming is met die riglyne uiteengesit in Aanhsel A.</p> <p>(2) ’n Vervreemding ingevolge ’n ooreenkoms bedoel in subregulasie (1) word bewerkstellig—</p>	<p><b>Disposal agreement and deed or certificate of grant</b></p> <p>4. (1) Any disposal referred to in regulation 3 shall, subject to the provisions of Chapter IV, be in terms of a written agreement substantially in accordance with the guidelines set out in Annexure A.</p> <p>(2) A disposal in terms of an agreement referred to in subregulation (1) shall be effected—</p>
<p>(a) in die geval van die vervreemding van eiendomsreg van die grond, in ooreenstemming met die bepalings van die Akteswet;</p> <p>(b) in die geval van grondbriefregte of regte van huurpag, ingevolge ’n grondbrief, wat wesenlik in die vorm is van Aanhsel B, of ingevolge ’n sertifikaat van reg van huurpag, wat wesenlik in die vorm is van Aanhsel C, na gelang van die geval, en geregistreer is in ooreenstemming met die bepalings van die Registrasiekantoorregulasies, 1988, en enige ander wet wat die registrasie van sodanige regte reguleer.</p>	<p>(a) in the case of the disposal of ownership of the land, in accordance with the provisions of the Deeds Registries Act;</p> <p>(b) in the case of deed of grant rights or rights of leasehold, under a deed of grant substantially in the form of Annexure B or a certificate of right of leasehold substantially in the form of Annexure C, as the case may be, and registered in accordance with the provisions of the Registration Offices Regulations, 1988, and any other law regulating the registration of such rights.</p>

**Verkooppryse**

5. (1) Die verkooppryse en betalingsvoorwaardes ten opsigte van enige vervreemding bedoel in regulasie 3 moet, behoudens die bepalings van Hoofstuk IV, van tyd tot tyd deur die Trustee vasgestel word en by kennisgewing in die *Staatskoerant* bekend gemaak word.

(2) Enigets voorgeskryf deur die Minister kragtens die herroepelike regulasies ten opsigte van enige aangeleenthed bedoel in subregulasie (1), word geag kragtens hierdie regulasie bepaal en bekend gemaak te wees.

**HOOFSTUK III****VERHURING VAN TRUSTGROND****Huurooreenkoms**

6. (1) Die Trustee kan, in ooreenstemming met die bepalings van die Wet en hierdie regulasies, grond wat die eiendom van die Trust is, verhuur.

(2) Grond wat kragtens subregulasie (1) verhuur word, kan, behoudens enige wet wat die gebruik van die betrokke grond reguleer, vir enige doel, insluitende kerk-, skool- of sendingdoeleindes of vir die doeleindes van enige ambag of beroep, gebruik word.

(3) 'n Verhuring bedoel in subregulasie (1) moet, behoudens die bepalings van Hoofstuk VI, kragtens 'n skriftelike huurooreenkoms met die betrokke huurder wees, welke ooreenkoms en enige wysiging daarvan wesenlik met die riglyne uiteengesit in Aanhengsel D moet ooreenstem.

**Huurgeld**

7. (1) Die huur betaalbaar kragtens 'n huurkontrak bedoel in regulasie 6, moet, behoudens die bepalings van Hoofstuk VI, van tyd tot tyd deur die Trustee vasgestel word en by kennisgewing in die *Staatskoerant* bekend gemaak word.

(2) Die bepalings van regulasie 5 (2) geld *mutatis mutandis* ten opsigte van sodanige huur.

**Verlore of vernietigde dokumente**

8. Indien enige huurdokument verlore, vernietig, gesteel of geskend is, kan die huurder skriftelik om 'n afskrif daarvan aansoek doen by die Trustee, wat indien hy oortuig is dat sodanige dokument verlore, vernietig, gesteel of geskend is, aan die huurder 'n afskrif daarvan uitrek.

**HOOFSTUK IV****VERVREEMDING PER TENDER****Wyse van vervreemding van grond vir handelsdoeleindes**

9. (1) Die Trustee kan grond wat die eiendom van die Trust is en wat kragtens enige wet vir handel, besigheid, kommersiële industriële of soortgelyke doeleindes gesoeneer is, per tender vervreem: Met dien verstaande dat die Trustee anders kan gelas indien hy dit nodig ag.

(2) Die Trustee moet van tyd tot tyd die prosedure vasstel wat gevolg moet word in verband met 'n tender bedoel in subregulasie (1).

(3) Die hoogste tender hoef nie aanvaar te word nie.

**Grond geokkupeer deur huurders**

10. (1) Waar enige grond bedoel in regulasie 9 (1), geokkupeer word deur 'n huurder, vervreem die Trustee nie die grond nie, tensy dit eers skriftelik aan die huurder aangebied is en sodanige huurder nie die aanbod skriftelik binne drie maande nadat die aanbod aan hom oorhandig is of per geregistreerde pos aan hom gestuur is, aanneem nie.

(2) Geen tender word aanvaar in die omstandighede bedoel in subregulasie (1) nie tensy die grond weer aan die betrokke huurder aangebied is op dieselfde voorwaardes as die voorwaardes vervat in die aanvaarbare tender, en die bepalings van daardie subregulasie geld *mutatis mutandis* vir sodanige tweede aanbod.

**Selling prices**

5. (1) The selling prices and terms as to payment in respect of any disposal referred to in regulation 3 shall, subject to the provisions of Chapter IV, be determined by the Trustee from time to time and published by notice in the *Gazette*.

(2) Anything prescribed by the Minister under the repealed regulations in respect of any matter referred to in subregulation (1) shall be deemed to have been determined and published under this regulation.

**CHAPTER III****LETTING OF TRUST LAND****Lease agreements**

6. (1) The Trustee may, in accordance with the provisions of the Act and these regulations, let land the property of the Trust.

(2) Land let under subregulation (1) may, subject to the provisions of any law regulating use of the land concerned, be used for any purpose, including church, school or mission purposes, or for the purposes of any trade or calling.

(3) A lease referred to in subregulation (1) shall, subject to the provisions of Chapter VI, be under a written lease agreement with the lessee concerned, which agreement and any variation thereof shall conform substantially to the guidelines set out in Annexure D.

**Rent**

7. (1) The rent payable under a lease referred to in regulation 6 shall, subject to the provisions of Chapter VI, be determined by the Trustee from time to time and published by notice in the *Gazette*.

(2) The provisions of regulation 5 (2) shall *mutatis mutandis* apply in respect of such rent.

**Lost or destroyed documents**

8. If any lease document is lost, destroyed, stolen or mutilated, the lessee may apply in writing for a copy thereof to the Trustee, who, if he is satisfied that such document is lost, destroyed, stolen or mutilated, shall issue to the lessee a duplicate thereof.

**CHAPTER IV****DISPOSAL BY TENDER****Method of disposal of land for trading purposes**

9. (1) The Trustee may by tender alienate land the property of the Trust which has been zoned under any law for trading, business, commercial, industrial or similar purposes: Provided that the Trustee may direct otherwise if he deems it necessary.

(2) The Trustee shall from time to time determine the procedure to be followed in connection with a tender referred to in subregulation (1).

(3) The highest tender need not be accepted.

**Land occupied by lessees**

10. (1) Where any land referred to in regulation 9 (1) is occupied by a lessee, the Trustee shall not dispose of the land unless it has first been offered in writing to the lessee, and such lessee has not accepted the offer in writing within three months after the offer being handed to him or sent to him by registered post.

(2) No tender shall be accepted in the circumstances contemplated in subregulation (1) unless the land has again been offered to the lessee concerned on the same terms as the terms contained in the acceptable tender, and the provisions of that subregulation shall *mutatis mutandis* apply to such second offer.

## HOOFSTUK V

### VOORSKOTTE UIT DIE FONDS

#### *Toestaan van voorskotte*

11. (1) Die Trustee kan volgens sy diskresie uit geldelike beskikbaar gestel vir daardie doel uit die fonds, vir die aankoop, verbetering, ontwikkeling of omheining van grond of die aflos van verbande daarop, voorskotte toestaan in ooreenstemming met 'n ooreenkoms bedoel in subregulasië (2).

(2) 'n Aansoek om 'n voorskot bedoel in subregulasië (1), moet wesenlik in die vorm van Aanhengsel E wees, wat na voltooiing en aanvaarding deur die Trustee en bevestiging deur die applikant die ooreenkoms waarvolgens die voorskot toegestaan word, daarstel.

#### *Voorskotte vir verbeterings*

12. (1) 'n Voorskot bedoel in regulasie 11 vir doeleindes van verbetering, ontwikkeling of omheining, kan periodiek in ooreenstemming met die vordering van die bouaktiwiteite toegestaan word teen sertifikate van 'n inspekteur van werke of 'n ander persoon wat aanvaarbaar is vir die Trustee en wat die waarde van die werk wat verrig is, sertificeer.

(2) 'n Voorskot vir doeleindes bedoel in subregulasië (1) ten opsigte van materiaal voorsien of dienste gelewer, kan direk aan die betrokke handelaar of bouer by voorlegging van gespesifiseerde fakture of rekeninge toegestaan word.

#### *Bewaring ter beveiliging van lening*

13. Die Trustee moet skriftelik, wesenlik in die vorm van Aanhengsel F, die betrokke registrasiebeampte gelas om 'n aantekening van die bedrag en rente betaalbaar ten opsigte van die lening, wanneer 'n lening bedoel in regulasie 11 ten opsigte van grondbriefregte of 'n reg van huurpag toegestaan is, op die betrokke titelakte te maak, welke aantekening die gevolg sal hê dat daar ten gunste van die Trust 'n bewaring oor die grond rus met voorkeur bo enige ander las, behalwe 'n reeds bestaande geregistreerde verband, totdat die bedrag van die lening en die rente terugbetaal is, in welke geval die Trustee die registrasiebeampte skriftelik opdrag gee om die aantekening te rooier.

#### *Terugbetalingsvoorraad*

14. (1) Die rentekoers en terugbetalingsvoorraad ten opsigte van enige voorskot uit die fonds word van tyd tot tyd deur die Trustee vasgestel.

(2) Enigets voorgeskryf deur die Minister kragtens die herroepende regulasies ten opsigte van enige aangeleentheid bedoel in subregulasië (1), word geag kragtens hierdie regulasie bepaal te wees.

## HOOFSTUK VI

### GEMEENSKAPFASILITEITE

#### *Aansoek om te huur*

15. (1) 'n Persoon wat begerig is om 'n gemeenskapfasilitet wat die eiendom van die Trust is te huur, moet by die Trustee aansoek doen en sodanige besonderhede voorsien as wat die Trustee verlang.

(2) Die verhuring van 'n fasilitet bedoel in subregulasië (1) berus by die diskresie van die Trustee.

#### *Voorwaarde van verhuring*

16. (1) Die Trustee bepaal, behoudens subregulasië (2), van tyd tot tyd die voorwaarde vir verhuring van 'n gemeenskapfasilitet.

(2) Tensy veroorsaak deur die opsetlike handeling of die nalatigheid van sy werknemer, is die Trust nie aanspreeklik vir—

(a) enige verlies vir die huurder as gevolg van 'n fout of defect van verligting of enige ander toestel of uitrusting nie;

## CHAPTER V

### ADVANCES FROM THE FUND

#### *Making of advances*

11. (1) The Trustee may in his discretion make advances in accordance with an agreement contemplated in subregulation (2) from moneys made available for that purpose from the fund, for the purchase, improvement, development or fencing of land or the redemption of mortgages thereon.

(2) An application for an advance referred to in subregulation (1) shall be substantially in the form of Annexure E, which shall on completion and acceptance by the Trustee and confirmation by the applicant constitute the agreement under which the advance is made.

#### *Advances for improvements*

12. (1) An advance referred to in regulation 11 for purposes of improvement, development or fencing may be made periodically in accordance with the progress of building operations against certificates from an inspector of works or other person acceptable to the Trustee certifying the value of the work done.

(2) An advance for purposes referred to in subregulation (1) in respect of materials supplied or services rendered may be made direct to the merchant or builder concerned against submission of detailed invoices or accounts.

#### *Charge to secure loan*

13. The Trustee shall, on the making of an advance referred to in regulation 11 in respect of deed of grant rights or a right of leasehold, direct the registration officer concerned in writing substantially in the form of Annexure F to make a note on the relevant title deed of the amount and interest payable in respect of the loan, which note shall have the effect of creating in favour of the Trust a charge on the land, preferential to every other charge except a pre-existing registered mortgage bond, until the amount of the loan and interest has been repaid, in which event the Trustee shall instruct the registration officer in writing to delete the note.

#### *Terms of repayment*

14. (1) The rates of interest and terms of repayment in respect of any advance from the fund shall be as determined by the Trustee from time to time.

(2) Anything prescribed by the Minister under the repealed regulations in respect of any matter referred to in subregulation (1) shall be deemed to have been determined under this regulation.

## CHAPTER VI

### COMMUNAL FACILITIES

#### *Application for hire*

15. (1) A person desiring to hire a communal facility the property of the Trust shall make application to the Trustee and furnish such particulars as the Trustee may require.

(2) The letting of a facility referred to in subregulation (1) shall be in the discretion of the Trustee.

#### *Conditions of hire*

16. (1) Subject to subregulation (2), the conditions of hire of a communal facility shall be as determined from time to time by the Trustee.

(2) Unless caused by the wilful act or the negligence of its servant, the Trust shall not be liable for—

(a) any loss to the hirer in consequence of failure or defect of lighting or any other appliance or equipment;

- (b) enige skade aan of verlies van enige eiendom of vir enige besering opgedoen in die fasilitet in verband met die verhuring daarvan nie.

## HOOFSTUK VII

### VOORBEHOUDE EN TITEL

#### Voorbehoude

17. (1) Enigets waarmee ter nakoming van die herroepelike regulasies 'n aanvang gemaak is, gedurende 'n periode van drie maande na die inwerkingtreding van hierdie regulasies, word voltooi asof hierdie regulasies nie in werking getree het nie.

(2) Enigets verrig of geag verrig te wees kragtens enige bepaling van die herroepelike regulasies of soos bedoel in subregulasie (1), word geag verrig te wees kragtens die ooreenstemmende bepaling van hierdie regulasies, en in die besonder word 'n koopkontrak wat gesluit is voor die inwerkingtreding van hierdie regulasies, geag gesluit te wees in ooreenstemming met hierdie regulasies.

#### Bestaande regte van okkupasie

18. Indien 'n persoon by die inwerkingtreding van hierdie regulasies 'n houer is van 'n sertifikaat van okkupasie soos bedoel in die herroepelike regulasies—

- word hy geag 'n huurder van die betrokke eiendom in ooreenstemming met 'n huurkontrak wesenlik in die vorm van Aanhengsel G te wees;
- is die huur betaalbaar met die inwerkingtreding van hierdie regulasies ten opsigte van sodanige huurkontrak, steeds betaalbaar totdat dit gewysig word;
- kan sodanige huurder en die Trustee te eniger tyd sodanige huurkontrak wysig in ooreenstemming met die riglyne uiteengesit in Aanhengsel D;
- moet die Trustee op versoek te eniger tyd sodanige huurder by oorhandiging van sodanige sertifikaat voorsien van 'n dokument waarin sodanige huurooreenkoms vervat is, en wat die huidige huur en die datum waarop dit die eerste keer betaalbaar geword het, aangee.

#### Titel

19. Hierdie regulasies heet die Regulasies vir die Vervreemding van Trustgrond in Dorpe, 1988.

#### AANHANGSEL A

##### RIGLYNE VIR 'N VERVREEMDINGSOOREENKOMS

- 'n Verklaring dat die Suid-Afrikaanse Ontwikkelingstrust die eiendom vervreem en 'n aanduiding of hy dit as verkoper of skenker doen.
- Die volle name van die persoon wat die eiendom verkry en of hy dit as koper of begiftigde doen.
- 'n Verklaring dat die Trustee namens die Trust die eiendom aan die verkryger verkoop, skenk of ruil, na gelang van die geval.
- Die regte wat vervreem word (of dit eiendomsreg, grondbriefregte of regte van huurpag is) en die beskrywing van die eiendom (insluitende die erf- die perseelnommer, dorpsgebied of ander gebied en registrasieafdeling of ander administratiewe distrik vir doeleindes van akteregistrasie, indien bekend).
- Die aankoopprys.
- Die metode van betaling van die aankoopprys.
- Die eiendom wat in ruil gegee word, indien van toepassing.
- In die geval van 'n kontrak bedoel in die Wet op die Vervreemding van Grond, 1981, waarvolgens die eiendom verkoop word vir 'n bedrag wat in meer as twee paaiemente oor 'n periode van meer as een jaar betaal moet word, sodanige inligting bedoel in artikel 6 van die betrokke Wet as wat die Trustee nodig ag.
- Waar die verkryging gefinansier word deur 'n lening van die Trust, dat 'n vordering of 'n verband oor die eiendom ten gunste van die Trust geregistreer word.
- Die datum van okkupasie, wat voor registrasie kan wees, en 'n bepaling dat die risiko en wins op die datum van registrasie oorgaan na die verkryger.

- (b) any damage to or loss of any property, or for any injury, occurring in the facility in connection with its hire.

## CHAPTER VII

### SAVINGS AND TITLE

#### Savings

17. (1) Anything commenced in compliance with the repealed regulations during a period of three months after the commencement of these regulation shall be completed as if these regulations had not come into operation.

(2) Anything done or deemed to have been done under any provision of the repealed regulations or as contemplated in subregulation (1) shall be deemed to have been done under the corresponding provision of these regulations, and in particular a deed of sale entered into before the commencement of these regulations shall be deemed to have been entered into in accordance with these regulations.

#### Existing rights of occupation

18. If at the commencement of these regulations a person is the holder of a certificate of occupation referred to in the repealed regulations—

- he shall be deemed to be a lessee of the premises concerned in accordance with a lease substantially in the form of Annexure G;
- the rent payable on commencement of these regulations in respect of such lease shall continue to be payable until amended;
- such lessee and the Trustee may at any time amend such lease in accordance with the guidelines set out in Annexure D;
- the Trustee shall on request at any time furnish such lessee on surrender of such certificate with a document embodying such lease and stating the current rent and the date on which it first became payable.

#### Title

19. These regulations shall be called the Regulations for the Disposal of Trust Land in Towns, 1988.

#### ANNEXURE A

##### GUIDELINES FOR DISPOSAL AGREEMENT

- A statement that the South African Development Trust is disposing of the property, and an indication whether it is doing so as seller or donor.
- The full names of the person acquiring the property and whether he is doing so as purchaser or donee.
- A statement that the Trustee on behalf of the Trust sells, donates or exchanges the property, as the case may be, to the acquirer.
- The rights disposed of (whether they be ownership, deed of grant rights or rights of leasehold) and the property description (including the erf or site number, township or other area and registration division or other administrative district for deeds registration purposes, if known).
- The purchase price.
- The method of payment of the purchase price.
- The property given in exchange, if applicable.
- In the case of a contract contemplated in the Alienation of Land Act, 1981, under which the property is sold for an amount to be paid in more than two instalments over a period exceeding one year, such information referred to in section 6 of the said Act as the Trustee may deem necessary.
- Where the acquisition is to be financed by a loan from the Trust, that a charge or a mortgage bond over the property in favour of the Trust shall be registered.
- The date of occupation, which may be before registration, and a provision that the risk and profit shall pass to the acquirer on the date of registration.

11. Dat die eiendom voetstoots vervreem word.  
 12. Enige ander bepaling wat gepas is vir 'n ooreenkoms vir die vervreemding van onroerende eiendom.

**AANHANGSEL B****GRONDBRIEF No.**

Die Suid-Afrikaanse Ontwikkelingstrust verleen hierby aan  
 ..... (volle name, identiteitsnommer en status)  
 grondbriefregte ten opsigte van perseelnommer .....  
 dorpsgebied of ander gebied .....  
 oppervlakte in vierkante meter .....  
 aangedui op plan nommer .....  
 welke grond deur die Trust gehou word kragtens .....

Behoudens die volgende voorwaardes (as daar is):

Geteken te ..... op .....

Handtekening .....  
 namens: Trustee

Geregistreer in die Registrasiekantoor te .....  
 op .....

Handtekening .....  
 Registrasiebeampte

**AANHANGSEL C****SERTIFIKAAT VAN REG VAN HUURPAG No.**

Die Suid-Afrikaanse Ontwikkelingstrust verleen hierby aan .....

..... (volle name, identiteitsnommer en status)  
 'n reg van huurpag vir 99 jaar vanaf registrasie hiervan ten opsigte van  
 perseel nommer .....  
 dorpsgebied of ander gebied .....  
 oppervlakte in vierkante meter .....  
 aangedui op plan nommer .....  
 welke grond deur die Trust gehou word kragtens .....

Behoudens die volgende voorwaardes (as daar is):

Geteken te ..... op .....

Handtekening .....  
 namens: Trustee

Geregistreer in die Registrasiekantoor te .....  
 op .....

Handtekening .....  
 Registrasiebeampte

**AANHANGSEL D****RIGLYNE VIR VERHURING**

1. Beskrywing van die Suid-Afrikaanse Ontwikkelingstrust as verhuurder.
2. Persoonlike besonderhede van die huurder.
3. Beskrywing van die verhuurde eiendom.
4. Die maandelikse huur, of die basis vir berekening van die maandelikse huur.
5. 'n Verklaring oor die tydperk van verhuring van die eiendom of, indien geen tydperk gestel word nie, die basis waarop die huurbèëindig kan word deur enigeen van die partye, wat minstens een maand en hoogstens drie maande vooraf skriftelike kennisgewing moet wees.

11. That the property is disposed of voetstoots.  
 12. Any other provision appropriate to an agreement for the disposal of immovable property.

**ANNEXURE B****DEED OF GRANT No.**

The South African Development Trust hereby grants to .....

..... (full names, identity number and status)  
 deed of grant rights in respect of site number .....  
 township or other area .....  
 area in square metres .....  
 indicated on plan number .....  
 which land is held by the Trust by virtue of .....

Subject to the following conditions (if any):

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

Signature .....  
 for: Trustee

Registered in the Registration Office at .....

on .....

Signature .....  
 Registration Officer

**ANNEXURE C****CERTIFICATE OF RIGHT OF LEASEHOLD No.**

The South African Development Trust hereby grants to .....

..... (full names, identity number and status)  
 a right of leasehold for 99 years from registration hereof in respect of  
 site number .....  
 township or other area .....  
 area in square metres .....  
 indicated on plan number .....  
 which land is held by the Trust by virtue of .....

Subject to the following conditions (if any):

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

Signature .....  
 for: Trustee

Registered in the Registration Office at .....

on .....

Signature .....  
 Registration Officer

**ANNEXURE D****LEASE GUIDELINES**

1. Description of the South African Development Trust as landlord.
2. Personal particulars of the lessee.
3. Description of the property let.
4. The monthly rental, or the basis for calculating the monthly rent.
5. A statement of the period for which property is let or, if no period be stated, the basis upon which the lease may be terminated by either party, being on not less than one month's and not more than three months' prior written notice.

6. Die wyse waarop en die tyd waarbinne enige van die partye 'n verskuldigde prestasie kan eis as gevolg van 'n wanprestasie ooreenkoms hierdie huurkontrak, en die gronde waarop enige van die partye regmatig hierdie huurkontrak kan kanselleer.
7. Gebruik waaroor die eiendom aangewend kan word.
8. Die regte van die huurder om die eiendom te onderverhuur.
9. Die grondslag en die voorwaarde waarop die huurder enige regte in sodanige huurkontrak mag verkoop, sedeer, toewys, oormaak, vervreem, verpand of op 'n ander wyse beswaar.
10. Die plek waar en die vorm waarin elke party enige kennisgewing ingevolge die huurkontrak kan gee en ontvang.
11. Die metode en die grondslag vir berekening van enige vergoeding betaalbaar by beëindiging van die huurkontrak om enige rede hoe-genaamd.
12. Aanspreeklikheid vir onderhou en herstel van die binnekant en buitekant van die geboue.
13. Aanspreeklikheid vir diensgelde en eiendomsbelasting of ander belasting.
14. Aanspreeklikheid om die eiendom en enige residensiele gebou daarop te verseker.

**AANHANGSEL E****SUID-AFRIKAANSE ONTWIKKELINGSTRUST  
LENINGAANSOEK EN OOREENKOMS***Aan.....**Ek, .....*

doen hierby aansoek om 'n lening van die Suid-Afrikaanse Ontwikkelingstrustfonds.

Ek lê die volgende besonderhede voor:

Bedrag van lening verlang .....

Doe waarvoor lening verlang word .....

Eiendom ten opsigte waarvan die lening verlang word (meld of die eiendom kragtens eiendomsreg, grondbriefregte of reg van huurpag gehou word) .....

Aankoopprys van eiendom .....

Indien eiendom reeds op applikant se naam geregistreer is, bedrag uitstaande .....

Meld of die uitstaande bedrag aan die verkoper of die verbandhouer betaalbaar is .....

Besonderhede van enige vooraf geregistreerde verband en bedrag verkry daardeur .....

Maandelikse inkomste .....

Maandelikse inkomste van gade .....

Ander kontant, beleggings en bates .....

Besonderhede van skulde .....

Wyse waarop die applikant voornemens is om die lening terug te betaal .....

Datum ..... Handtekening .....

**Aanname en ooreenkoms**

Ek, handelend namens die Trustee van die Suid-Afrikaanse Ontwikkelingstrust, stem hierby in om 'n voorskot van die Suid-Afrikaanse Ontwikkelingstrustfonds aan bogenoemde applikant toe te staan.

Bedrag van voorskot .....

Bedrag van paaiemnt .....

Aanvang en frekwensie van paaiemnte .....

Rentekoers .....

Die rentekoers en die paaiemnte kan deur die Trustee deur een maand skriftelike kennisgewing gewysig word.

Datum .....

Handtekening .....

*namens: Trustee*

6. The means by which and the time within which either party may demand performance owing to a default in terms of this lease, and the grounds upon which either party may lawfully cancel this lease.
7. Uses to which the property may be put.
8. The rights of the lessee to sub-let the property.
9. The basis upon which and the conditions according to which the lessee may sell, cede, assign, make over, alienate, pledge or otherwise encumber any rights in such lease.
10. The place at which and the form in which each party may give and receive any notice in terms of the lease.
11. The method and basis of computation of any compensation payable upon termination of the lease for any reason whatsoever.
12. Liability for maintenance and repair of the interior and exterior of the buildings.
13. Liability for service charges and any rates or other imposts.
14. Liability to insure the property and any residential building thereon.

**ANNEXURE E****SOUTH AFRICAN DEVELOPMENT TRUST****LOAN APPLICATION AND AGREEMENT***To .....**I, .....*

hereby apply for a loan from the South African Development Trust Fund.

I submit the following particulars:

Amount of loan required .....

Purpose for which loan is required .....

Property in respect of which loan is required (state whether the property is held under ownership, deed of grant rights or a right of leasehold). ....

Purchase price of property .....

If property is already registered in applicant's name, amount outstanding .....

State whether amount outstanding is payable to the seller or to the mortgage lender .....

Details of any prior registered mortgage bond and amount secured thereby .....

Monthly income .....

Monthly income of spouse .....

Other cash, investments and assets .....

Particulars of debts .....

How applicant proposes to repay the loan .....

Date ..... Signature .....

**Acceptance and agreement**

I, acting on behalf of the Trustee of the South African Development Trust, hereby agree to make an advance from the South African Development Trust Fund to the abovenamed applicant.

Amount of advance .....

Amount of instalment .....

Commencement and frequency of instalments .....

Rate of interest .....

The rate of interest and instalment amount may be varied by the Trustee on one month's written notice.

Date .....

Signature .....

*for: Trustee*

Ek bevestig dat ek gebonde is deur hierdie leningsooreenkoms in ooreenstemming met die voorwaarde van aanvaarding deur die Trustee soos hierbo vermeld.

Datum ..... Handtekening ..... (Applicant)

#### AANHANGSEL F

#### OPDRAG AAN REGISTRASIEBEAMPTE

*Aan..... Registrasiebeampte*

#### OPDRAG OM BESWARING KRAGTENS DIE REGULASIES VIR DIE VERVREEMDING VAN TRUSTGROND IN DORPE, 1988, AAN TE TEKEN

'n Voorskot deur die Suid-Afrikaanse Ontwikkelingstrustfonds aan die houer van die eiendom hieronder genoem, is goedgekeur.

Teken asseblief 'n beswaring teen die relevante titelakte in ooreenstemming met die volgende besonderhede aan:

1. Beskrywing van eiendom (insluitend: of dit gehou word kragtens eiendomsreg, grondbriefregte of 'n reg van huurpag; erf- of perselnommer; dorpsgebied of ander gebied en registrasieafdeling of ander administratiewe distrik, indien bekend).
2. Naam van die persoon op wie se naam die eiendom geregistreer is of geregistreer staan te word.
3. Die totale bedrag om aan te teken.

Ek sluit die betrokke titelakte in. (Meld of dit 'n grondbrief, sertifikaat van reg van huurpag, ensvoorts, is en meld die nommer en jaar van die dokument.)

Hoogagtend die uwe,

*vir: Trustee.*

#### AANHANGSEL G

#### HUURKONTRAK

Tussen die SUID-AFRIKAANSE ONTWIKKELINGSTRUST ("die Verhuurder") en (meld die Huurder se volle name) ("die Huurder")

1. Die Verhuurder verhuur hierby aan die Huurder, wat hierby (meld die adres van die verhuurde eiendom) huur vanaf die eerste dag van (meld die onmiddellik daaropvolgende maand en jaar).
2. Die Huurder moet maandeliks huur vooruitbetaal vanaf [sien regulasie 18 (d)] die eerste dag van (meld die onmiddellik daaropvolgende maand en jaar) van (meld maandeliks huurbedrag).
3. Die gebruik van die eiendom is vir (meld doeindees).
4. Die Huurder mag nie die eiendom onderverhuur of op enige ander wyse oor sy regte kragtens hierdie huurkontrak beskik sonder die Verhuurder se vooraf skriftelike toestemming nie.
5. Die Huurder is verantwoordelik vir en verplig om op die betaaldatum daarvan die geldte vir elektrisiteit, water en ander plaaslike overheidsdienste te betaal.
6. Die Verhuurder moet alle buitemure en dakke in stand hou, maar is nie aanspreeklik vir skade weens lekkas nie.
7. Die Huurder moet die binnekant van die woning onderhou en die eiendom in 'n skoon en netjiese toestand tot bevrediging van enige plaaslike owerheid hou en die eiendom by beëindiging van die huur in goeie orde en toestand, normale slytasie uitgesluit, terugbesorg.
8. Die Huurder mag nie sonder die vooraf skriftelike toestemming van die Verhuurder enige eksterne of interne verbeterings, veranderings of toevoegings, struktureel of andersins, maak nie en enige sodanige verandering waartoe die Verhuurder toegestem het, word op koste van die Huurder behoorlik uit geskikte materiaal gemaak, word nie verwyser by die beëindiging van die huur nie en word die Verhuurder se eiendom, wat aan die Huurder vergoeding beperk tot die Huurder se koste tydens die oprigting daarvan, betaal.
9. Geen gevaelike of vlambare vloeistof of ander voorwerp wat die woning kan bedreig, mag in of nabij die woning gebruik of gestoor word nie.
10. Die huur kan deur enige party deur een maand skriftelike kennisgewing aan die ander beëindiging word.

I confirm being bound to this loan agreement in accordance with the terms of acceptance by the Trustee stated above.

Date ..... Signature ..... (Applicant)

#### ANNEXURE F

#### DIRECTION TO REGISTRATION OFFICER

*To ..... Registration Officer*

#### DIRECTION TO NOTE CHARGE IN TERMS OF REGULATIONS FOR THE DISPOSAL OF TRUST LAND IN TOWNS, 1988

An advance has been approved from the South African Development Trust Fund to the holder of the property mentioned below.

Please note a charge against the relevant title deed in accordance with the following particulars:

1. Description of property (including: whether held under ownership, deed of grant rights or right of leasehold; erf or site number; township or other area and registration division or other administrative district if known).
2. Name of person in whose name the property is registered or to be registered.
3. Total amount to be noted.

I enclose the title deed in question. (State whether deed of grant, certificate of right of leasehold, etc., and number and year of document.)

Yours faithfully,

*for: Trustee.*

#### ANNEXURE G

#### LEASE AGREEMENT

Between the SOUTH AFRICAN DEVELOPMENT TRUST ("the Lessor") and (state Lessee's full names) ("the Lessee")

1. The Lessor hereby lets to the Lessee, who hereby hires (state address of property let) as from the first day of (state the immediately following month and year).
2. The Lessee shall pay rent monthly in advance as from [see regulation 18 (d)] the first day of (state the immediately following month and year) of (state monthly rent amount).
3. The use of the property shall be for (state purpose).
4. The Lessee shall not sub-let the property or in any other manner dispose of his rights under this lease without the Lessor's prior written consent.
5. The Lessee shall be liable for and shall on due date thereof be obliged to pay the charges for electricity, water and other local authority services.
6. The Lessor shall keep all exterior walls and roofs in repair but is not liable for damage by leakage.
7. The Lessee shall maintain the interior of the dwelling and maintain the property in a clean and tidy condition to the satisfaction of any local authority and return the property on termination of the lease in good order and condition, fair wear and tear excepted.
8. The Lessee shall not without the prior written consent of the Lessor make any external or internal improvements, alterations or additions, structural or otherwise, and any such change to which the Lessor has consented shall be made at the Lessee's expense properly out of sound material, shall not be removed on termination of the lease and shall become the property of the Lessor, who shall pay the Lessee compensation limited to the Lessee's cost at the time of making them.
9. No dangerous or inflammable liquid or other article which may endanger the dwelling may be used or stored in or near the dwelling.
10. This lease shall be terminable by either party on one month's written notice to the other.

11. Indien die Huurder in gebreke bly om huur op die betaaldatum te betaal of versuim om te voldoen aan enige ander bepaling van die huurkontrak, kan die Verhuurder die huurkontrak kanselleer nadat een maand kennisgewing om die versuim te herstel verloop het sonder dat die Huurder dit gedoen het, en die Verhuurder is daarna geregtig om dadelik besit van die eiendom te neem sonder benadeling van enige ander regte om huur of skade te eis.
12. As adres vir die betekening van enige kennisgewing of betaling van enige bedrag ingevolge hierdie huurkontrak kies die Verhuurder (meld die Verhuurder se adres) en kies die Huurder (meld die Huurder se adres).

Datum .....

Suid-Afrikaanse Ontwikkelingstrust

Huurder

11. If the Lessee fails to pay rent on due date or fails to comply with any other provision of the lease, the Lessor may cancel the lease after one month's notice to remedy the default has expired without the Lessee having done so, and the Lessor shall thereupon be entitled immediately to recover possession of the property without prejudice to any rights to claim rent and damages.

12. As address for the service of any notice or payment of any amount in terms of this lease the Lessor chooses (state Lessor's address) and the Lessee chooses (state Lessee's address)

Date.....

South African Development Trust

Lessee

## PROKLAMASIE van die

**Staatspresident van die Republiek van Suid-Afrika**

**No. R. 30, 1988**

INSTELLING VAN REGISTRASIEKANTORE VIR DIE REGISTRASIE VAN GRONDBRIEFREGTE EN REGTE VAN HUURPAG IN DORPE WAT INGESTEL IS OF GEAG WORD INGESTEL TE WEES KRAGTENS ARTIKEL 30(1) VAN DIE SWART ADMINISTRASIE WET, 1927 (WET 38 VAN 1927), EN VERWANTE AANGELEENTHEDE

Kragtens die bevoegdheid my verleen by artikel 25 (1) van die Swart Administrasie Wet, 1927 (Wet 38 van 1927), gelees met artikel 21 (1) van die Ontwikkelingstrust en Grond Wet, 1936 (Wet 18 van 1936), vaardig ek hierby die regulasies uiteengesit in die Bylae hiervan, uit.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Agtste dag van Februarie Eenduisend Negehonderd Agt-en-tachtig.

P. W. BOTHA,  
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

G. VAN N. VILJOEN,  
Minister van die Kabinet.

### BYLAE HOOFSTUK 1

#### WOORDOMSKRYWING EN TOEPASSING VAN WETGEWING

##### *Woordomskrywing*

1. (1) In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

“Direkteur-generaal” die Direkteur-generaal van die Departement van Ontwikkelingshulp, insluitende ‘n beampte in die Departement aan wie die Direkteur-generaal die betrokke bevoegdheid of funksie gedelegeer het;

“hoofregistrasiebeampte” die Direkteur-generaal;

“houer” die geregistreerde houer van regte en sluit dit in, mits sodanige persoon binne die bevoegdheid wat regtens aan hom verleen is, optree—

(a) die kurator van ‘n insolvente boedel;

(b) ‘n beredderaar of kurator verkies of aangestel kragtens die Wet op Landboukrediet, 1966 (Wet 28 van 1966);

(c) die likwidateur van ‘n maatskappy wat ‘n houer is;

(d) die regtens erkende verteenwoordiger van enige houer wat gesterf het of wat minderjarig of swaksinning of andersins ongeskik is;

## PROCLAMATION

*by the  
State President of the Republic of South Africa*

**No. R. 30, 1988**

ESTABLISHMENT OF REGISTRATION OFFICES FOR THE REGISTRATION OF DEED OF GRANT RIGHTS AND RIGHTS OF LEASEHOLD IN TOWNS ESTABLISHED OR DEEMED TO BE ESTABLISHED UNDER SECTION 30 (1) OF THE BLACK ADMINISTRATION ACT, 1927 (ACT 38 OF 1927), AND RELATED MATTERS

Under the powers vested in me by section 25 (1) of the Black Administration Act, 1927 (Act 38 of 1927), read with section 21 (1) of the Development Trust and Land Act, 1936 (Act 18 of 1936), I hereby make the regulations set out in the Schedule hereto.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Eighth day of February, One thousand Nine hundred and Eighty-eight.

P. W. BOTHA,  
State President.

By Order of the State President-in-Cabinet:

G. VAN N. VILJOEN,  
Minister of the Cabinet.

### SCHEDULE

#### CHAPTER I

#### DEFINITIONS AND APPLICATION OF LAWS

##### *Definitions*

1. (1) In these regulations, unless the context otherwise indicates—

“chief registration officer” means the Director-General; “determined” means determined by the chief registration officer;

“Director-General” means the Director-General of the Department of Development Aid and includes an officer in the Department to whom the Director-General has delegated the power or function in question;

“holder” means the registered holder of rights, and includes, provided that such person is acting within the authority conferred on him by law—

(a) the trustee in an insolvent estate;

(b) a liquidator or trustee elected or appointed under the Agricultural Credit Act, 1966 (Act 28 of 1966);

(c) the liquidator of a company which is a holder;

(d) the representative recognised by law of any holder who has died or who is a minor or of unsound mind or is otherwise disabled;

"Proklamasie R. 293 van 1962" die Regulasies vir die Administrasie en Bestuur van Dorpe in Swart Gebiede, uitgevaardig kragtens Proklamasie R. 293 van 1962, soos gewysig;

"registrasiebeampte" 'n beampete of assistent bedoel in regulasie 4;

"registrasiekantoor" 'n registrasiekantoor bedoel in regulasie 3;

"regte" grondbrieffekte of 'n reg van huurpag;

"vasgestel" vasgestel deur die hoofregistrasiebeampte;

"verband" 'n verband wat spesiaal—

- (a) regte; of
- (b) 'n verpandbare reg in sodanige regte; verhipoteker;

"voorgeskryf" voorgeskryf deur die Minister van Onderwys en Ontwikkelingshulp kragtens artikel 30 (2) van die Swart Administrasie Wet, 1927 (Wet 38 van 1927).

(2) 'n Woord waaraan 'n betekenis in die Regulasies betreffende Grondbesit in Dorpe, 1988, geheg is, het die betekenis wat in daardie regulasies daarvan geheg is.

#### Toepassing van regulasies

2. (1) Hierdie regulasies geld, behoudens subregulasie (2), in elke gebied wat afgesonder is of wat geag word afgesonder te wees as 'n dorp kragtens artikel 30 (1) van die Swart Administrasie Wet, 1927 (Wet 38 van 1927).

(2) Hierdie regulasies geld nie in 'n selfregerende gebied ingestel kragtens die Grondwet van die Nasionale State, 1971 (Wet 21 van 1971), nie.

## HOOFSTUK II

### REGISTRASIEKANTORE

#### Instelling van registrasiekantore

3. (1) Die hoofregistrasiebeampte kan registrasiekantore instel of afskaf en die ligging en gebied van sodanige kantore bepaal of enige sodanige bepaling wysig.

(2) Elke aktesregistrasiekantoor ingestel kragtens regula-  
sie 1 van Hoofstuk 9 van Proklamasie R. 293 van 1962,  
word geag 'n registrasiekantoor ingevolge hierdie regulasies  
te wees.

#### Registrasiebeamptes

4. (1) Die hoofregistrasiebeampte kan ten opsigte van elke registrasiekantoor—

- (a) 'n registrasiebeampte aanstel wat in beheer is van die registrasiekantoor waarvoor hy aangestel is;
- (b) een of meer assistente vir 'n registrasiebeampte in paragraaf (a) bedoel, aanstel om sodanige registrasiebeampte by te staan met die uitvoering van sy funksies en pligte en enige sodanige assistent is bevoeg om enige handeling te verrig wat deur sodanige registrasiebeampte verrig kan word.

(2) Die beampete in beheer van 'n aktesregistrasiekantoor bedoel in regulasie 3 (2), word geag 'n registrasiebeampte bedoel in subregulasie (1) te wees.

#### Pligte van die registrasiebeampte

5. Behoudens die bepalings van hierdie regulasies en in ooreenstemming met enige prosedure voorgeskryf of vas-  
gestel, moet die registrasiebeampte—

- (a) alle rekords van sy registrasiekantoor onder sy beheer neem en bewaar;
- (b) alle aktes of ander dokumente wat aan hom vir registrasie voorgelê word, ondersoek en na ondersoek enige sodanige akte of ander dokument awfs indien daar 'n geldige beswaar teen die registrasie daarvan bestaan;

"mortgage bond" means a mortgage bond specially hypothecating—

(a) rights;

(b) a mortgageable right in such rights;

"prescribed" means prescribed by the Minister of Education and Development Aid under section 30 (2) of the Black Administration Act, 1927 (Act 38 of 1927);

"Proclamation R. 293 of 1962" means the Regulations for the Administration and Control of Towns in Black Areas, promulgated under Proclamation R. 293 of 1962, as amended;

"registration office" means a registration office referred to in regulation 3;

"registration officer" means an officer or assistant referred to in regulation 4;

"rights" means deed of grant rights or a right of leasehold.

(2) A word to which a meaning has been assigned by the Regulations concerning Land Tenure in Towns, 1988, shall bear the meaning assigned to it by those regulations.

#### Application of regulations

2. (1) These regulations shall, subject to subregulation (2), apply in every area set apart or deemed to be set apart as a town in terms of section 30 (1) of the Black Administration Act, 1927 (Act 38 of 1927).

(2) These regulations shall not apply in a self-governing territory established under the National States Constitution Act, 1971 (Act 21 of 1971).

## CHAPTER II

### REGISTRATION OFFICES

#### Establishment of registration offices

3. (1) The chief registration officer may establish or disestablish registration offices and determine the situation and area of such offices or amend any such determination.

(2) Every deeds registry established under regulation 1 of Chapter 9 of Proclamation R. 293 of 1962 shall be deemed to be a registration office under these regulations.

#### Registration officers

4. (1) The chief registration officer may in respect of each registration office—

- (a) appoint a registration officer, who shall be in charge of the registration office for which he has been appointed;
- (b) appoint one or more assistants to a registration officer referred to in paragraph (a) to assist such registration officer in the performance of his functions and duties and such assistant shall have the power to perform any act which may be done by such registration officer.

(2) The officer in charge of a deeds registry referred to in regulation 3 (2) shall be deemed to be a registration officer referred to in subregulation (1).

#### Duties of the registration officer

5. The registration officer shall, subject to the provisions of these regulations and in accordance with any procedures prescribed or determined—

- (a) take charge of and preserve all records of his registration office;
- (b) examine all deeds or other documents submitted to him for registration and after examination reject any such deed or other document if a valid objection to the registration thereof exists;

- (c) aktes ten opsigte van regte registreer;
- (d) die oordrag van enige sodanige regte registreer;
- (e) verbandaktes registreer;
- (f) sessies (met inbegrip van sessies ter sekuriteit gegee) van geregistreerde verbande en kansellasies van sodanige sessies ter sekuriteit gegee, registreer;
- (g) kansellasies van geregistreerde verbande, bevrydings van enige deel van die daarmee beswaarde goed of al daardie goed indien die skuld verder verseker is deur 'n bykomende verband, bevrydings van 'n medeskuldenaar of van 'n borg ten opsigte van sodanige verband, die vervanging van 'n skuldenaar ten opsigte van so 'n verband deur 'n ander persoon, vermindering in dekking ten opsigte van so 'n verband wat bedoel is om toekomstige skulde te verseker en gedeeltelike afbestalings van die hoofsom verskuldig ten opsigte van 'n ander sodanige verband as een bedoel om toekomstige skulde te verseker, registreer;
- (h) afstanddoening van voorrang ten opsigte van geregistreerde verbande ten gunste van ander verbande, hetsy dit reeds geregistreer is of geregistreer staan te word, registreer;
- (i) op enige geregistreerde verband enige ooreenkoms wat die verbandewer en die verbandhouer aangegaan het, waardeur enige bepalings van daardie verband gewysig word, registreer;
- (j) vorderings ten opsigte van voorskotte uit die fonds registreer en kanselleer;
- (k) serwitute of ander saaklike regte ten opsigte van regte en die sessie, wysiging of opheffing van enige sodanige serwitute of ander regte registreer;
- (l) sodanige endossemente in verband met die registrasie van enige akte of ander dokument, of ter nakoming van die vereiste van enige wet, op enige geregistreerde akte of ander dokument as wat nodig is om uitvoering aan sodanige registrasie of die doelstelling van sodanige wet te gee, maak;
- (m) alle dokumente, kennisgewings, opgawes, state of hofbevele wat by hom kragtens enige wet ingedien word, aanteken;
- (n) sodanige registers hou en sodanige inskrywings daar-in maak as wat nodig is vir die nakoming van die bepalings van hierdie regulasies en enige ander wet en ter onderhouding van 'n effektiewe stelsel van registrasie wat sekerheid van titel beoog en verwysing na enige geregistreerde akte bewerkstellig.

#### **Bevoegdhede van die registrasiebeampte**

6. (1) Die registrasiebeampte het die bevoegdheid, behoudens aan enige prosedure voorgeskryf of bepaal, om—
- (a) die lewering van bewys, deur 'n beëdigde verklaring of andersins, van enige feit wat vasgestel moet word ten opsigte van enige aangeleentheid of saak wat in die registrasiekantoor verrig of uitgevoer moet word, te vereis;
- (b) wanneer dit volgens sy oordeel nodig of wenslik is om in 'n akte of ander dokument wat in die registrasiekantoor geregistreer is of bewaar word, 'n fout te verbeter omtrent die naam of beskrywing van enige persoon of eiendom daarin vermeld, of omtrent die voorwaardes rakende enige sodanige eiendom, die fout te verbeter: Met dien verstande dat—

- (i) elkeen wat uit die akte of ander dokument by die verbetering blyk belang te hê, skriftelik daartoe ingestem het;
- (ii) indien so iemand weier om daartoe in te stem, die verbetering op magtiging van die Directeur-generaal, aangebring kan word;

- (c) register deeds in respect of rights;
- (d) register the transfer of any such rights;
- (e) register mortgage bonds;
- (f) register cessions (including cessions made as security) of registered mortgage bonds and register cancellations of such cessions if made as security;
- (g) register cancellations of registered mortgage bonds, releases of any part of the property hypothecated thereby or all of such property if the debt is further secured by a collateral bond, releases of any joint debtor or of any surety in respect of any such bond, the substitution of another person for a debtor in respect of any such bond, reductions of cover in respect of any such bond intended to secure future debts and part payments of the capital amount due in respect of any such bond other than a bond intended to secure future debts;
- (h) register waivers of preference in respect of registered mortgage bonds in favour of other bonds, whether registered or about to be registered;
- (i) register against any registered mortgage bond any agreement entered into by the mortgagor and the mortgagee whereby any terms of that bond have been varied;
- (j) register and cancel charges in respect of advances from the fund;
- (k) register servitudes or other real rights in respect of rights and the cession, modification or extinction of any such servitudes or other rights;
- (l) make, in connection with the registration of any deed or other document, or in compliance with the requirements of any law, such endorsements on any registered deed or other document as may be necessary to give effect to such registration or to the objects of such law;
- (m) record all documents, notices, returns, statements or orders of court lodged with him in terms of any law;
- (n) keep such registers and make such entries therein as are necessary for the purpose of carrying out the provisions of these regulations and any other law and of maintaining an efficient system of registration calculated to afford security of title and effect reference to any registered deed.

#### **Powers of the registration officer**

6. (1) A registration officer shall have power, subject to any procedures prescribed or determined—
- (a) to require the production of proof upon affidavit or otherwise of any fact necessary to be established in connection with any matter or thing sought to be performed or effected in the registration office;
- (b) whenever it is in his opinion necessary or desirable to rectify in any deed or other document, registered or filed in the registration office, an error in the name or the description of any person or property mentioned therein or in the condition affecting any such property, to rectify the error:

Provided that—

- (i) every person appearing from the deed or other document to be interested in the rectification has consented thereto in writing;
- (ii) if any such person refuses to consent thereto the rectification may be made on the authority of the Director-General;

- (iii) Indien die fout in twee of meer aktes of ander dokumente voorkom, met inbegrip van 'n register in die registrasiekantoor, die foute in al daardie aktes of ander dokumente verbeter moet word;
- (iv) geen sodanige verbetering aangebring mag word as dit die oordrag van enige reg tot gevolg sou hê nie;
- (c) gesertifiseerde afskrifte van aktes of ander dokumente wat in die registrasiekantoor geregistreer of bewaar word, uit te reik;
- (d) as enige akte of ander dokument wat aan hom voorgelê word, na sy mening onleesbaar of onbruikbaar geword het, te eis dat 'n gesertifiseerde afskrif daarvan verkry word om dit te vervang.

### HOOFSTUK III

#### VERBANDE

##### *Verbande in die algemeen*

7. (1) 'n Verband kan 'n bestaande of toekomstige skuld of sowel bestaande as toekomstige skulde verseker.

(2) 'n Verband wat bedoel is om 'n lening vir boudoelendes te verseker, word geag 'n verband ter versekering van bestaande skulde te wees.

(3) As die bedrag van 'n bestaande skuld genoem word in 'n verband wat na voorgegee word 'n toekomstige skuld te verseker, word sodanige bestaande skuld geag verseker te wees as deel van die maksimum bedrag ter versekering waarvan sodanige verband bedoel is.

(4) Skulde of verpligtings ten opsigte van meer as een skuldeiser, wat voortspruit uit verskillende oorsake, word nie, behalwe waar 'n ander wet of 'n bevel van die hof dit magtig, deur een verband verseker nie.

(5) Neteenstaande die bepalings van regulasie 5 (b) ondersoek die registrasiebeampte nie die bepalings ten opsigte van 'n verband wat nie op die registrasie van die verband betrekking het nie.

(6) Geen verband mag ten gunste van 'n persoon as die agent van 'n prinsipaal gepasseer word nie.

(7) Geen verband waarin bepaal word dat die aandeel van een verhandhouer voorrang bo die aandeel van 'n ander geniet, mag ten gunste van twee of meer persone gepasseer word nie.

##### *Verbande ter versekering van toekomstige skulde*

8. (1) Geen verband wat voorkeur of voorrang verleen ten opsigte van 'n skuld wat ná die registrasie van sodanige verband aangegaan is, is geldig nie, tensy—

- (a) in die verband uitdruklik bepaal word dat die verband bedoel is om toekomstige skulde oor die algemeen of 'n besondere toekomstige skuld daarin genoem, te verseker; en
- (b) 'n som in die verband vasgestel word as 'n bedrag waarbo toekomstige skulde nie deur die verband verseker word nie.

(2) Indien 'n verband heet betaling deur die verbandgewer van die koste om die sekuriteit in stand te hou en te gelde te maak, te verseker, of van rente op die voorskot, assuransiepremies, koste van kennisgewing of bankprovisie, word sodanige rente, koste en vorderings nie geag toekomstige skulde in die sin van subregulasie (1) te wees nie.

(3) Die registrasie van 'n sessie van 'n verband gepasseer om toekomstige voorskotte te verseker, raak nie die bepalings van die verband met betrekking tot toekomstige voorskotte tot die bedrag in sodanige verband aangegee of die bedrag soos verminder nie.

- (iii) if the error is common to two or more deeds or other documents, including any register in the registration office, the error shall be rectified in all those deeds or other documents;
- (iv) no such rectification shall be made if it would have the effect of transferring any right;
- (c) to issue certified copies of deeds or other documents registered or filed in the registration office;
- (d) if in his opinion any deed or other document submitted to him has become illegible or unserviceable, to require that a certified copy thereof be obtained to take its place.

### CHAPTER III

#### MORTGAGE BONDS

##### *Mortgage bonds generally*

7. (1) A mortgage bond may secure an existing or future debt or both existing and future debts.

(2) A mortgage bond intended to secure loans for building purposes shall be deemed to be a bond to secure existing debts.

(3) If the amount of an existing debt is mentioned in a mortgage bond purporting to secure a future debt, such existing debt shall be deemed to be secured as a part of the maximum amount included to be secured by such bond.

(4) Save as is authorised by any other law or by order of the court, debts or obligations in respect of more than one creditor arising from different causes shall not be secured by one mortgage bond.

(5) Notwithstanding the provisions of regulation 5 (b), the registration officer shall not examine the provisions relating to a bond which are not relevant to the registration of the bond.

(6) No mortgage bond shall be passed in favour of any person as the agent of a principal.

(7) No mortgage bond in which it is stipulated that the share of one mortgagee shall rank prior in order of preference to the share of another may be passed in favour of two or more persons.

##### *Bonds to secure future debts*

8. (1) No mortgage bond which secures preference or precedence in respect of a debt incurred after the registration of such bond shall be valid unless—

- (a) it is expressly stipulated in the bond that the bond is intended to secure future debts generally or some particular future debt referred to therein; and
- (b) a sum is fixed in the bond as an amount beyond which future debts shall not be secured by the bond.

(2) If a mortgage bond purports to secure payment by the mortgagor of the costs of preserving and realising the security or of interest on the advance, insurance premiums, cost of notice or bank exchange, such interest, costs and charges shall not be deemed to be future debts within the meaning of subregulation (1).

(3) The registration of a cession of a mortgage bond passed to secure future advances shall not affect the provisions of the bond relating to future advances up to the amount stated in such bond or the amount as reduced.

**Oordrag van regte met verband beswaar**

9. Geen oordrag van regte wat met verband beswaar is of wat onderhewig is aan 'n geregistreerde vordering en geen sessie van enige ander saaklike regte aldus beswaar, behalwe waar hierdie regulasies anders bepaal, word deur die registrasiebeampte geregistreer nie alvorens die verband of vordering gekanselleer is of die regte vrygestel is van die werking van die verband of vordering: Met dien verstaande dat geen sodanige kansellasie of vrystelling nodig is nie indien die oordrag gemaak word—

- (a) in die uitvoering van die bevel van enige hof (insluitend 'n landdroshof) deur die bevoegde beampte;
- (b) deur die kurator van 'n insolvente boedel, 'n eksekuteur wat die administrasie en verdeling van 'n boedel kragtens artikel 34 van die Wet op die Administrasie van Boedels, 1965 (Wet 66 van 1965), behartig of die likwidator van 'n regspersoon wat nie in staat is om sy skulde te betaal nie en wat besig is om gelikwieder te word deur of onder die toesig is van die hof; of
- (c) deur 'n hofbevel.

**Vervanging van 'n skuldenaar ten opsigte van 'n verband**

10. (1) Indien die houer (in hierdie regulasie die oordraggewer genoem) van regte wat met 'n geregistreerde verband beswaar is, al die regte wat daarkragtens beswaar is aan 'n ander persoon (in hierdie regulasie die oordragnemer genoem) oordra en geen saaklike reg ten opsigte daarvan uithou nie, kan die registrasiebeampte die oordrag regstreer en die oordraggewer deur die oordragnemer vervang as skuldenaar ten opsigte van die verband.

(2) Die oordraggewer word van enige verpligting verseker deur die verband vrygestel met ingang van die datum van die oordrag, en die oordragnemer vervang hom as skuldenaar ten opsigte van sodanige verband en word gebind deur die voorwaardes daarvan op dieselfde wyse asof hy die verband gepasseer het en daarin van die voordeel van alle relevante uitsonderings afstand gedoen het.

(3) Die bepalings van hierdie regulasie geld nie indien—

- (a) die beswaarde regte oorgedra moet word—
  - (i) aan 'n persoon wat nie self bevoeg sou wees om dit te beswaar nie;
  - (ii) aan twee of meer persone nie, tensy hulle oordrag van die grond in onverdeelde aandele neem en in die skriftelike toestemming bedoel in subregulasie (1), van die *exceptio de duobus vel pluribus reis debendi* afstand doen;
- (b) die verband die verpligting van 'n borg verseker nie;
- (c) die oordraggewer 'n persoon in regulasie 13 (b) bedoel, is nie.

**HOOFSTUK IV****KONSOLIDASIE EN REKTIFIKASIE****Konsolidasie**

11. (1) Wanneer regte ten opsigte van twee of meer aangrensende erwe, persele of ander stukke grond geregistreer is op naam van dieselfde persoon of twee of meer persone in dieselfde onverdeelde aandele, kan die aktes ten opsigte daarvan vervang word deur 'n sertifikaat van gekonsolideerde regte, indien 'n konsolidasiekaart van die betrokke grond goedkeur is.

(2) Indien slegs 'n deel van die grond wat deur die nuwe kaart verteenwoordig word, gehou word kragtens regte wat met 'n verband beswaar is, kan die sertifikaat van gekonsolideerde regte nie uitgereik word nie, tensy die verband gekanselleer word: Met dien verstaande dat, op skriftelike aansoek deur die houer en met die toestemming van die verbandhouer, al die grond ingesluit in die nuwe kaart, kragtens regte beswaar met die verband in plaas van die oorspronklike beswaarde regte gehou kan word.

**Transfer of mortgaged rights**

9. Save as otherwise provided in these regulations, no transfer of rights which are mortgaged or subject to a registered charge, and no cession of any other real rights so burdened shall be registered by the registration officer until the bond or charge has been cancelled or the rights have been released from the operation of the bond or charge: Provided that no such cancellation or release shall be necessary if the transfer is made—

- (a) in execution of the judgment of any court (including a magistrate's court) by the competent officer;
- (b) by the trustee of an insolvent estate, an executor managing the administration and distribution of an estate under section 34 of the Administration of Estates Act, 1965 (Act 66 of 1965), or the liquidator of a body corporate which is unable to pay its debts and which is being wound up by or under the supervision of the court; or
- (c) by order of a court.

**Substitution of debtor in respect of a bond**

10. (1) If the holder (in this regulation referred to as the transferor) of rights which are hypothecated under a registered mortgage bond transfers to another person (in this regulation referred to as the transferee) the whole of the rights hypothecated thereunder and has not reserved any real right in respect thereof, the registration officer may register the transfer and substitute the transferee for the transferor as debtor in respect of the bond.

(2) As from the date of the transfer the transferor shall be absolved from any obligation secured by the bond and the transferee shall be substituted for him as the debtor in respect of such bond and shall be bound by the terms thereof in the same manner as if he had himself passed the bond and had renounced therein the benefit of all relevant exceptions.

(3) The provisions of this regulation shall not apply if—

- (a) the mortgaged rights are to be transferred—
  - (i) to a person who would not himself be competent to mortgage them;
  - (ii) to two or more persons, unless they take transfer of the land in undivided shares and renounce in the written consent referred to in subregulation (1) the exception *de duobus vel pluribus reis debendi*;
- (b) the bond secures the obligations of a surety;
- (c) the transferor is a person referred to in regulation 13 (b).

**CHAPTER IV****CONSOLIDATION AND RECTIFICATION****Consolidation**

11. (1) When rights in respect of two or more contiguous erven, sites or other pieces of land are registered in the name of the same holder or two or more holders in the same undivided shares, the deeds in respect thereof may be replaced by a certificate of consolidated rights, if a consolidation diagram of the land concerned has been approved.

(2) If only a part of the land represented by the new diagram is held in terms of rights encumbered with a mortgage, a certificate of consolidated rights may not be issued unless the mortgage is cancelled: Provided that, on written application by the holder and with the consent of the mortgagee, all the land included in the new diagram may be held in terms of rights encumbered with the mortgage in the place of the original encumbered rights.

(3) Indien verskillende dele van die grond wat deur die nuwe kaart verteenwoordig word, gehou word kragtens regte beswaar met verskillende verbande, word die sertifikaat van gekonsolideerde regte nie uitgee nie tensy die verbande gekanselleer word, en al die grond ingesluit in die nuwe kaart kan, indien nodig, op skriftelike aansoek deur die eienaar, gehou word ingevolge regte beswaar deur een verband.

#### **Rektifikasie van titel**

12. Indien rektifikasie van titel verlang word ten opsigte van enige grond as gevolg van 'n opmeting of heropmeting van sodanige grond of van die korreksie van enige fout in die algemene of ministeriële plan of kaart daarvan, kan die registrasiebeampte sy registers en die betrokke akte en ander dokumente endosseer om die rektifikasie weer te gee.

### **HOOFSTUK V**

#### **DIVERSE OORDRAGTE**

##### **Oordrag aan kinders**

13. (1) Indien enige regte, insluitende 'n verband, aan die kinders wat gebore is of gaan word van enige persoon of uit enige huwelik, geskenk of bemaak word of op enige ander wyse ten behoeve van sodanige kinders bekom word, kan oordrag of sessie van die regte geskied—

- (a) in die geval van kinders wat gebore is of gaan word van 'n persoon, aan daardie persoon in trust vir sodanige kinders; en
- (b) in die geval van kinders wat gebore is of gaan word uit 'n huwelik, aan die persoon wat die voog van sodanige kinders gedurende hul minderjarigheid gaan wees, in trust vir sodanige kinders.

(2) Indien enige sodanige regte aan die kinders wat gebore is of gaan word van enige persoon of uit enige huwelik, geskenk word, kan die persoon aan wie oordrag of sessie kragtens subregulasie (1) gemaak kan word, die skenking aanvaar vir doeleindes van so 'n oordrag of sessie.

(3) Wanneer die identiteit van so 'n kind of alle sodanige kinders vasgestel is, moet die persoon aan wie die oordrag of sessie kragtens subregulasie (1) gemaak is, die volle name van sodanige kind of kinders aan die registrasiebeampte versaf, en genoemde beampte moet 'n endossement op die akte van verband maak, na gelang van die geval, waarin hul name genoem word, en die betrokke akte of verband word dan geag aan en ten gunste van sodanige kind of kinders uitgemaak te wees, asof die oordrag of sessie oorspronklik op sy of hulle name, na gelang van die geval, gemaak is.

##### **Oordrag vanuit 'n bestorwe gemeenskaplike boedel**

14. In 'n aansoek om die registrasie van die oordrag van regte wat 'n bate is in 'n bestorwe gemeenskaplike boedel, moet die langslewende gade in sy persoonlike hoedanigheid saamgevoeg word met die eksekuteur van die boedel van die oorlede gade, behalwe—

- (a) waar die eksekuteur slegs met die deel van die oorlede gade handel;
- (b) waar die regte verkoop is om die laste van die gemeenskaplike boedel te betaal;
- (c) waar die gemeenskaplike boedel saamgesmelt is en die langslewende gade geadieer het;
- (d) waar sodanige aansoek om oordrag ten gunste van die langslewende gade is; of
- (e) waar die langslewende gade die aansoek om registrasie van oordrag van die regte as eksekuteur geteken het.

(3) If different parts of the land represented by the new diagram are held in terms of rights encumbered with different mortgages, the certificate of consolidated rights shall not be issued unless the mortgages are cancelled, and all the land included in the new diagram may, if necessary, on written application by the holder, be held in terms of rights encumbered by one mortgage.

#### **Rectification of title**

12. If rectification of title is required in respect of any land in consequence of a survey or resurvey of such land or of the correction of any error in the general or ministerial plan or diagram thereof, the registration officer may endorse his registers and the relevant deed and other documents to reflect the rectification.

### **CHAPTER V**

#### **MISCELLANEOUS TRANSFERS**

##### **Transfer to children**

13. (1) If any rights, including a bond, are donated or bequeathed to the children born or to be born of any person or of any marriage, or are otherwise acquired on behalf of such children, transfer or cession of the rights may be passed—

- (a) in the case of children born or to be born of a person, to that person in trust for such children; and
- (b) in the case of children born or to be born of a marriage, to the person who would be the guardian of those children during their minority, in trust for such children.

(2) If any such rights are donated to the children born or to be born of any person or any marriage, the person to whom transfer or cession may be passed under subregulation (1) may accept the donation for the purpose of such transfer of cession.

(3) When the identity of any such child or all such children has been established, the person to whom transfer or cession has been passed under subregulation (1) shall furnish the registration officer with the full names of such child or children and the said officer shall make an endorsement on the deed or bond, as the case may be, in which their names are mentioned and the deed or bond concerned shall then be deemed to have been made out to and in favour of such child or children as if the transfer or cession had been originally passed in his or their names, as the case may be.

##### **Transfer from deceased joint estate**

14. In an application for the registration of the transfer of rights that are an asset in a deceased joint estate, the surviving spouse shall be joined in his personal capacity with the executor of the estate of the deceased spouse, except—

- (a) where the executor is dealing only with the share of the deceased spouse;
- (b) where the rights have been sold to pay the debts of the joint estate;
- (c) where there has been a massing of the joint estate and the surviving spouse has adiated;
- (d) where such application for transfer is in favour of the surviving spouse; or
- (e) where the surviving spouse has signed the application for the registration of the transfer of the rights as the executor.

**Oordrag vanaf 'n groep persone**

15. Indien enige regte, insluitende 'n verband, geregisterreer op naam van 'n groep persone, deur enige lid van daardie groep persone in sy individuele hoedanigheid bekomen word, moet die toestemming wat kragtens hierdie regulasies benodig word vir die oordrag van sodanige regte, deur al die persone wat die groep uitmaak, geteken word: Met dien verstande dat indien die groep persone 'n maatskappy is, sodanige toestemming deur al die direkteure van daardie maatskappy onderteken moet word.

**HOOFSTUK VI****GELDE VAN AKTEBESORGERS EN PLAASLIKE OWERHEDE****Gelde van aktebesorgers**

16. Die tarief van gelde voorgeskryf kragtens regulasie 17 (1) van die Huurpageregulasies, 1985, gepubliseer by Goewermentskennisgewing R. 2451 van 1 November 1985, soos gewysig, geld *mutatis mutandis* ten opsigte van die uitvoering deur 'n aktebesorger van enige handeling in hierdie regulasies of sodanige tarief genoem, insluitende enige handeling ten opsigte van grondbrieffregte.

**Belastings van die plaaslike owerheid**

17. Die registrasiebeampte kan weier om die oordrag van regte te registreer, tensy daar aan hom 'n sertifikaat van die betrokke plaaslike owerheid getoon word wat sertificeer dat alle agterstallige koste vir beligting, water, sanitasie en alle andere heffings verskuldig ten opsigte van die eiendom betaal is.

**HOOFSTUK VII****HERROEPING EN TITEL****Herroeping**

18. (1) Die volgende bepalings van Proklamasie R. 293 van 1962 word herroep:

- (a) Regulasie 1B van Hoofstuk 1;
- (b) regulasie 2 van Hoofstuk 2;
- (c) Hoofstuk 9.

(2) Ondanks die herroeping van die herroope bepalings van Proklamasie R. 293 van 1962 en die inwerkintreding van hierdie regulasies word enigets waarmee ter nakoming van sodanige herroope bepalings 'n aanyang gemaak is gedurende 'n periode van drie maande na die inwerkintreding van hierdie regulasies, voltooi asof hierdie regulasies nie in werking getree het nie.

(3) Enigets gedoen of geag gedoen te wees ingevolge enige bepalings van die herroope regulasies of soos beoog in subregulasië (2), word geag gedoen te wees ingevolge die ooreenstemmende bepalings van hierdie regulasies.

(4) Enige dokument wat voor 1 Augustus 1986 kragtens Proklamasie R. 293 van 1962 uitgereik is as 'n grondbrief, kan by voorlegging van sodanige dokument deur die houer van die regte gratis vervang word deur 'n grondbrief in die vorm voorgeskryf, en met die vervanging van sodanige dokument mag geen beswaring, voorwaarde of voorbehoud oorgedra word na die vervangende grondbrief indien dit uitgewis is of uitgewis heet te wees kragtens regulasie 1B in Hoofstuk 1 van Proklamasie R. 293 van 1962 nie.

**Titel**

19. Hierdie regulasies heet die Registrasiekantoorregulasiës, 1988.

**Transfer from a body of persons**

15. If any rights, including a mortgage bond, registered in the name of a body of persons, are acquired by any member of that body of persons in his individual capacity, the consent required under these regulations for the transfer of such rights shall be signed by all the persons comprising the body: Provided that, if the body of persons is a company, such consent shall be signed by all the directors of that company.

**CHAPTER VI****CONVEYANCING AND LOCAL AUTHORITY CHARGES****Fees of conveyancers**

16. The tariff of fees prescribed under regulation 17 (1) of the Leasehold Regulations, 1985, published under Government Notice R. 2451 dated 1 November 1985, as amended, shall apply *mutatis mutandis* in respect of the performance by a conveyancer of any act mentioned in these regulations or such tariff, including any act in respect of deed of grant rights.

**Local authority imposts**

17. The registration officer may refuse to register the transfer of rights unless there is produced to him a certificate from the local authority concerned certifying that all arrear charges for lighting, water, sanitary and other levies due and owing in respect of the property have been paid.

**CHAPTER VII****REPEAL AND TITLE****Repeal**

18. (1) The following provisions of Proclamation R. 293 of 1962 are repealed:

- (a) regulation 1B of Chapter 1;
- (b) regulation 2 of Chapter 2A;
- (c) Chapter 9.

(2) Notwithstanding the repeal of the repealed provisions of Proclamation R. 293 of 1962 and the commencement of these regulations, anything commenced in compliance with such repealed provisions during a period of three months after the commencement of these regulations shall be completed as if these regulations had not come into operation.

(3) Anything done or deemed to have done under any provisions of the repealed regulations or as contemplated in subregulation (2) shall be deemed to have been done under the corresponding provisions of these regulations.

(4) Any document issued before 1 August 1986 as a deed of grant under Proclamation R. 293 of 1962 may on submission of such document by the holder of the rights be replaced free of charge with a deed of grant in the form prescribed, and in replacing such document no impediment, condition or reservation shall be brought forward on to the replacing deed of grant if deleted or purported to have been deleted in terms of regulation 1B in Chapter 1 of Proclamation R. 293 of 1962.

**Title**

19. These regulations shall be called the Registration Offices Regulations, 1988.

**GOEWERMENTSKENNISGEWINGS****DEPARTEMENT VAN ONTWIKKELINGS-HULP**

No. R. 403

9 Maart 1988

**REGULASIES VIR DIE REGISTRASIE VAN AKTES IN DORPE**

Ek, Gerrit van Niekerk Viljoen, Minister van Onderwys en Ontwikkelingshulp, kragtens die bevoegdheid my verleent by artikel 30 (2) van die Swart Administrasie Wet, 1927 (Wet 38 van 1927), gelees met artikel 2 (2) van die Wysigingswet op Wetgewing op Samewerking en Ontwikkeling, 1984 (Wet 83 van 1984), vaardig hierby die regulasies in bygaande Bylae uiteengesit, uit.

G. VAN N. VILJOEN,  
Minister van Onderwys en Ontwikkelingshulp.

**BYLAE****HOOFSTUK I****WOORDOMSKRYWING EN TOEPASSING VAN WETGEWING****Woordomskrywing**

1. (1) In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

- “akte” ’n sertikaat van reg van huurpag of ’n grondbrief;
- “Akteswet” die Registrasie van Aktes Wet, 1937 (Wet 47 van 1937);
- “grondbrief” ’n akte bedoel in regulasie 3;
- “sertikaat van reg van huurpag” ’n akte bedoel in regulasie 4.

(2) ’n Woord waaraan ’n betekenis in die Regulasies betreffende Grondbesit in Dorpe, 1988, of in die Registrasiekantoorregulasies, 1988, geheg is, het die betekenis wat in daardie regulasies daarvan geheg is.

**Toepassing van regulasies**

2. (1) Hierdie regulasies geld, behoudens subregulasié (2), in elke gebied wat afgesonder is of wat geag word afgesonder te wees as ’n dorp kragtens artikel 30 (1) van die Swart Administrasie Wet, 1927 (Wet 38 van 1927).

(2) Hierdie regulasies geld nie in ’n selfregerende gebied ingestel kragtens die Grondwet van die Nasionale State, 1971 (Wet 21 van 1971), nie.

**HOOFSTUK II****REGISTRASIE VAN GRONDBRIEFREGTE, REGTE VAN HUURPAG EN EIENDOMSREG****Registrasie van verlening van grondbriefregte**

3. (1) ’n Verlening van grondbriefregte word bewerkstellig deur registrasie in ’n registrasiekantoor van ’n grondbrief—

- (a) wesenlik in die vorm van Aanhangesel A; of
  - (b) in die geval van die verlening van grondbriefregte deur die Trust, soos bepaal in die Regulasies vir die Vervreemding van Trustgrond in Dorpe, 1988.
- (2) Waar regte verleen word soos bedoel in subregulasié (1), moet die verlener aan die registrasiebeampte—
- (a) die grondbrief, in tweevoud;
  - (b) bewys van die volle name, identiteitsnommer en huwelikstaat van die persoon geïdentifiseer in die grondbrief as die ontvanger, wesenlik in die vorm van Aanhangesel D, voorlê.

**GOVERNMENT NOTICES****DEPARTMENT OF DEVELOPMENT AID**

No. R. 403

9 March 1988

**REGULATIONS FOR THE REGISTRATION OF DEEDS IN TOWNS**

I, Gerrit van Niekerk Viljoen, Minister of Education and Development Aid, do hereby, under the powers vested in me by section 30 (2) of the Black Administration Act, 1927 (Act 38 of 1927), read with section 2 (2) of the Laws on Co-operation and Development Amendment Act, 1984 (Act 83 of 1984), make the regulations set out in the Schedule hereto.

G. VAN N. VILJOEN,  
Minister of Education and Development Aid.

**SCHEDULE****CHAPTER I****DEFINITIONS AND APPLICATION OF LAWS****Definitions**

1. (1) In these regulations, unless the context otherwise indicates—

“certificate of right of leasehold” means a deed referred to in regulation 4;

“deed” means a certificate of right of leasehold or a deed of grant;

“deed of grant” means a deed referred to in regulation 3;

“Deeds Registries Act” means the Deeds Registries Act, 1937 (Act 47 of 1937).

(2) A word to which a meaning has been assigned by the Regulations concerning Land Tenure in Towns, 1988, or the Registration Offices Regulations, 1988, shall bear the meaning assigned to it by those regulations.

**Application of regulations**

2. (1) These regulations shall, subject to subregulation (2), apply in every area set apart or deemed to be set apart as a town in terms of section 30 (1) of the Black Administration Act, 1927 (Act 38 of 1927).

(2) These regulations shall not apply in a self-governing territory established under the National States Constitution Act, 1971 (Act 21 of 1971).

**CHAPTER II****REGISTRATION OF DEED OF GRANT RIGHTS, LEASEHOLD RIGHTS AND OWNERSHIP****Registration of grant of deed of grant rights**

3. (1) A grant of deed of grant rights shall be effected by registration in a registration office of a deed of grant—

(a) substantially in the form of Annexure A; or

(b) as provided in the Regulations for the Disposal of Trust Land in Towns, 1988, in the case of a grant of deed of grant rights by the Trust.

(2) Where rights have been granted as provided in subregulation (1), the grantor shall submit to the registration officer—

(a) the deed of grant, in duplicate;

(b) proof of the full names, identity number and marital status of the person identified in the deed of grant as the grantee, substantially in the form of Annexure D.

(3) Indien die registrasiebeampte oortuig is dat die dokumente in orde is, moet hy, behoudens die bepalings van subregulasie (4), die verlening regstreer deur die akte en die registrasieduplikaat daarvan te attesteer en teken hy die verlening in die betrokke register aan.

(4) Die registrasiebeampte mag nie 'n verlening ten opsigte van 'n erf wat op 'n algemene plan aangedui is, ten opsigte waarvan 'n register geopen is, soos bedoel in artikel 46 (1) van die Akteswet, regstreer nie indien 'n oordrag van sodanige erf in die betrokke akteskantoor geregistreer is, en die registrasiebeampte moet onmiddellik voor registrasie van 'n verlening uit die betrokke register vasstel dat geen sodanige oordrag geregistreer is nie.

(5) Na registrasie van die verlening, moet die registrasiebeampte—

- (a) sonder verwyl die betrokke registrateur in kennis stel, indien die register in subregulasie (4) bedoel, geopen is;
- (b) die akte aan die ontvanger lewer, tensy die ontvanger die verbandgewer is kragtens 'n verband, in welke geval die akte aan die verbandhouer gelewer moet word.

#### **Registrasie van verlening van regte van huurpag**

4. (1) Die verlening van 'n reg van huurpag word bewerkstellig deur regstrasie in 'n registrasiekantoor van 'n sertifikaat van reg van huurpag—

- (a) wesenlik in die vorm van Aanhangaal B; of
  - (b) in die geval van 'n verlening van 'n reg van huurpag deur die Trust, soos bepaal in die Regulasies vir die Vervreemding van Trustgrond in Dorpe, 1988.
- (2) Waar regte verleen is soos bepaal in subregulasie (1), moet die verleener aan die registrasiebeampte—
- (a) die sertifikaat van reg van huurpag, in tweevoud;
  - (b) bewys van die volle name, identiteitsnommer en huwelikstaat van die persoon geïdentifiseer in die sertifikaat van reg van huurpag as die ontvanger, wesenlik in die vorm van Aanhangaal D,
- voorlē.

(3) Die bepalings van regulasies 3 (3), (4) en (5) geld *mutatis mutandis* ten opsigte van 'n reg van huurpag.

#### **Registrasie van oordrag van regte**

5. (1) Behalwe waar hierdie regulasies of enige ander wet anders bepaal, vind regstrasie van die oordrag van regte deur die houer (in hierdie regulasie die oordraggewer genoem) van sodanige regte aan 'n ander persoon (in hierdie regulasie die oordragnemer genoem) plaas by wyse van 'n endossement deur die registrasiebeampte op die akte gemaak, wanneer sodanige beampte oortuig is dat die bepalings van hierdie regulasies of enige ander wet wat van toepassing is, nagekom is.

(2) Waar regte oorgedra staan te word soos in subregulasie (1) bepaal, moet die oordraggewer die volgende aan die registrasiebeampte voorlē:

- (a) Die skriftelike toestemming van die oordraggewer vir die regstrasie van die oordrag in tweevoud, wesenlik in die vorm van Aanhangaal C;
- (b) bewys van die volle name, identiteitsnommer en huwelikstaat van die persoon wat in die toestemming as die oordragnemer geïdentifiseer word, wesenlik in die vorm van Aanhangaal D; en
- (c) die betrokke akte.

(3) Indien die registrasiebeampte oortuig is dat die dokumente in orde is, regstreer hy die oordrag deur die betrokke akte en die registrasieduplikaat daarvan te endosseer tot die effek dat die regte aan die oordragnemer oorgedra is, en teken hy die oordrag in die betrokke register aan.

(3) If the registration officer is satisfied that the documents are in order, he shall, subject to the provisions of subregulation (4), register the grant by attesting the deed and the registration duplicate thereof, and he shall record the grant in the register concerned.

(4) The registration officer shall not register a grant in respect of an erf shown on a general plan in respect of which the register has been opened as provided in section 46 (1) of the Deeds Registries Act if a transfer of such erf has been registered in the deeds registry concerned, and the registration officer shall immediately before registration of a grant establish from the register concerned that no such transfer has been registered.

(5) After registration of the grant, the registration officer shall—

- (a) forthwith inform the registrar concerned, if the register referred to in subregulation (4) has been opened;
- (b) deliver the deed to the grantee, unless the grantee is the mortgagor under a mortgage bond in which case the deed shall be delivered to the mortgagee.

#### **Registration of grant of rights of leasehold**

4. (1) A grant of a right of leasehold shall be effected by registration in a registration office of a certificate of right of leasehold—

- (a) substantially in the form of Annexure B; or
- (b) as provided in the Regulations for the Disposal of Trust Land in Towns, 1988, in the case of a grant of a right of leasehold by the Trust.

(2) Where rights have been granted as provided in subregulation (1), the grantor shall submit to the registration officer—

- (a) the certificate of right of leasehold, in duplicate;
- (b) proof of the full names, identity number and marital status of the person identified in the certificate of right of leasehold as the grantee, substantially in the form of Annexure D.

(3) The provisions of regulations 3 (3), (4) and (5) shall *mutatis mutandis* apply to a right of leasehold.

#### **Registration of transfer of rights**

5. (1) Save as is otherwise provided in these regulations or in any other law, registration of the transfer of rights from the holder (in this regulation referred to as the transferor) of such rights to another person (in this regulation referred to as the transferee) shall be by means of an endorsement made by the registration officer on the deed, upon such officer being satisfied that the provisions of these regulations and of any other law which may be applicable have been complied with.

(2) Where rights are to be transferred as provided in subregulation (1), the transferor shall submit to the registration officer—

- (a) the written consent in duplicate of the transferor to registration of the transfer, substantially in the form of Annexure C;
- (b) proof of the full names, identity number and marital status of the person identified in the consent as the transferee, substantially in the form of Annexure D;
- (c) the relevant deed.

(3) If the registration officer is satisfied that the documents are in order, he shall register the transfer by endorsing the deed concerned and the registration duplicate thereof to the effect that the rights have been transferred to the transferee, and he shall record the transfer in the register concerned.

(4) Na registrasie van die oordrag moet die akte aan die oordragnemer gelewer word, tensy die oordragnemer die verbandgewer is kragtens 'n verband, in welke geval die akte aan die verbandnemer gelewer moet word.

#### *Omskepping van regte tot eiendomsreg*

6. (1) Nadat die register ten opsigte van 'n algemene plan geopen is, soos in artikel 46 (1) van die Akteswet bepaal, kan enige regte ten opsigte van 'n perseel of ander stuk grond wat as 'n erf op die algemene plan aangedui word, op aansoek tot eiendomsreg omskep word soos bepaal in die Regulasies betreffende Grondbesit in Dorpe, 1988.

(2) Waar regte omskep staan te word soos in subregulasie (1) bepaal, moet die houer die volgende aan die registrasiebeampte voorlê:

- (a) 'n Aansoek om omskepping, wesenlik in die vorm van Aanhangsel E;
- (b) die betrokke akte;
- (c) die skriftelike toestemming deur die verbandhouer tot die kansellering van die verband by registrasie van 'n verband in die registrasiekantoor, wesenlik in die vorm van Aanhangsel H; en
- (d) skriftelike toestemming deur enige ander houer van 'n geregistreerde reg tot die kansellering daarvan by registrasie van sodanige reg in die registrasiekantoor, wesenlik in die vorm van Aanhangsel H.

(3) By ontvangs van 'n aansoek soos in subregulasie (2) bedoel, en van die betrokke akte, moet die registrasiebeampte—

- (a) by die betrokke registrar vasstel dat die register geopen is soos in subregulasie (1) bepaal; en
- (b) op die akte die feit van sodanige aansoek en die opening van sodanige register endosseer en dit aan die aansoeker terugbesorg.

(4) Na die omskepping van regte tot eiendomsreg moet die registrasiebeampte die betrokke akte en enige verbandakte en enige ander akte of dokument in verband met die regte kanselleer en sodanige inskrywings in die registers maak as wat nodig is om sodanige omskepping aan te teken: Met dien verstande dat geen sodanige kansellering of inskrywing teweeggebring word nie alvorens die registrasiebeampte vasgestel het dat—

- (a) 'n titelakte in die betrokke akteskantoor geregistreer is om gevolg te gee aan die omskepping; en
- (b) alle regte bedoel in subregulasie (2) (c) en (d) verseker is deur registrasie in die betrokke akteskantoor van 'n verbandakte, akte van sessie of ander gepaste titel.

### **HOOFSTUK III**

#### **VERBANDREGISTRASIE**

##### *Registrasie van verbande*

7. (1) 'n Verband moet—

- (a) wesenlik in die vorm van Aanhangsel F wees of enige ander vorm wat vir die registrasiebeampte aanvaarbaar is;
- (b) verly word deur die persoon in wie se naam die betrokke regte geregistreer word of geregistreer moet word, in teenwoordigheid van en geattesteer deur 'n aktebesorger of ander kommissaris van ede; en
- (c) deur die registrasiebeampte geregistreer word.

(2) Die verbandhouer moet die volgende dokumente vir registrasie van die verband aan die registrasiebeampte voorlê:

- (a) Die verband en 'n duplikaat van die oorspronklike (wat sal dien as 'n registrasieduplikaat);
- (b) die betrokke akte, indien reeds aan die verbandgewer uitgereik.

(4) After registration of the transfer, the deed shall be delivered to the transferee, unless the transferee is the mortgagor under a mortgage bond, in which case the deed shall be delivered to the mortgagee.

#### *Conversion of rights into ownership*

6. (1) After the register in respect of a general plan has been opened, as provided in section 46 (1) of the Deeds Registries Act, any rights in respect of a site or other piece of land appearing as an erf on the general plan may on application be converted into ownership as provided in the Regulations concerning Land Tenure in Towns, 1988.

(2) Where rights are to be converted as provided in subregulation (1), the holder shall submit to the registration officer—

- (a) application for the conversion, substantially in the form of Annexure E;
- (b) the deed concerned;
- (c) written consent by the mortgagee to the cancellation of the bond on registration of a bond in the deeds registry, substantially in the form of Annexure H;
- (d) written consent by any other holder of a registered right to the cancellation thereof on registration of such right in the deeds registry, substantially in the form of Annexure H.

(3) On receipt of an application referred to in subregulation (2) and of the deed concerned, the registration officer shall—

- (a) establish from the registrar concerned that the register has been opened as provided in subregulation (1); and
- (b) endorse on the deed the fact of such application and the opening of such register and return it to the applicant.

(4) After conversion of rights into ownership, the registration officer shall cancel the deed concerned and any mortgage bond and any other deed or document relating to the rights and make such entries in the registers as are necessary to record such conversion: Provided that no such cancellation or entry shall be effected until the registration officer has established that—

- (a) a title deed has been registered in the deeds registry concerned to give effect to the conversion; and
- (b) all rights referred to in subregulation (2) (c) and (d) have been secured by registration in the deeds registry concerned of a mortgage bond, deed of cession or other appropriate title.

### **CHAPTER III**

#### **MORTGAGE BOND REGISTRATION**

##### *Registration of mortgage bonds*

7. (1) A mortgage bond shall be—

- (a) substantially in the form of Annexure F or any other form acceptable to the registration officer;
- (b) executed by the person in whose name the rights in question are registered or to be registered in the presence of and attested by a conveyancer or other commissioner of oaths; and
- (c) registered by the registration officer.

(2) The mortgagee shall submit the following documents to the registration officer for the registration of a mortgage bond:

- (a) The mortgage bond and a duplicate original (which shall serve as a registration duplicate) thereof;
- (b) the deed concerned, if already issued to the mortgagor.

(3) Indien die registrasiebeampte oortuig is dat die dokumente in orde is, moet hy die verband regstreer deur 'n inskrywing in die betrokke register te maak tot die effek dat die onderhewige regte met 'n verband beswaar is, en moet hy die akte en die registrasieduplikaat daarvan dienooreenkomsdig endosseer en daarna die verband en die akte aan die verbandhouer terugbesorg.

#### **Registrasie van kansellasie van die verband**

8. (1) Die verbandhouer moet die volgende dokumente aan die registrasiebeampte voorlê vir die kansellasie van 'n verband:

- (a) Skriftelike toestemming deur die verbandhouer tot die kansellasie van die verband, wesenlik in die vorm van Aanhengsel H;
- (b) die verband; en
- (c) die betrokke akte.

(2) Indien die registrasiebeampte oortuig is dat die dokumente in orde is, moet hy die verband en die registrasieduplikaat daarvan kanselleer, die kansellasie daarvan in die betrokke register aanteken en die betrokke akte dienooreenkomsdig endosseer.

(3) By kansellasie van die verband moet die skriftelike toestemming in subregulasie (1) bedoel, aan die gekanselleerde verband geheg word.

(4) Die gekanselleerde verband en sertifikaat moet daarna aan die verbandhouer oorhandig word.

#### **Registrasie van vervanging van skuldenaar ten opsigte van 'n verband**

9. (1) Die oordraggewer van regte wat met verband beswaar is, moet buiten die dokumente vereis vir registrasie van die oordrag, die volgende dokumente aan die registrasiebeampte vir die registrasie van die vervanging van die oordraggewer deur die oordagnemer onder die verband, voorlê:

- (a) Die verband;
- (b) die skriftelike toestemming in tweevoud, wesenlik in die vorm van Aanhengsel G, van die verbandhouer en die oordagnemer tot die vervanging van die oordraggewer deur die oordagnemer as skuldenaar ten opsigte van die verband.

(2) Met registrasie van die oordrag moet die registrasiebeampte—

- (a) op die akte endosseer dat die regte oorgedra is onderworpe aan die verband;
- (b) op die verband endosseer dat die oordagnemer die oordraggewer as skuldenaar vervang het;
- (c) in die register sodanige gevoulgleke inskrywings maak as wat nodig is;
- (d) een afskrif van die skriftelike toestemming in subregulasie (1) aan die verband heg en die ander met die registrasieduplikaat daarvan bewaar.

#### **Registrasie van sessie van verband**

10. (1) Iemand aan wie 'n verbandhouer 'n verband gesedeer het, moet die volgende dokumente by die registrasiebeampte vir registrasie van die sessie indien:

- (a) Skriftelike toestemming in tweevoud van die verbandhouer tot die registrasie van die sessie van die verband, wesenlik in die vorm van Aanhengsel H;
- (b) die verband; en
- (c) die betrokke akte.

(2) Indien die registrasiebeampte oortuig is dat die dokumente in orde is, moet hy die sessie van die verband regstreer deur 'n inskrywing in die betrokke register te maak tot die effek dat die verband gesedeer is, en moet hy die betrokke akte, verband en sessie en die registrasieduplikaat dienooreenkomsdig endosseer.

(3) If the registration officer is satisfied that the documents are in order, he shall register the mortgage bond by making an entry in the relevant register to the effect that the rights in question are mortgaged, and he shall endorse the deed and the registration duplicate thereof accordingly and thereafter return the bond and deed to the mortgagee.

#### **Registration of cancellation of mortgage bond**

8. (1) The mortgagee shall submit the following documents to the registration officer for the cancellation of a mortgage bond:

- (a) Written consent by the mortgagee to the cancellation of the bond, substantially in the form of Annexure H;
- (b) the mortgage bond; and
- (c) the deed concerned.

(2) If the registration officer is satisfied that the documents are in order, he shall cancel the mortgage bond and registration duplicate thereof, note the cancellation thereof in the register concerned and endorse the relevant deed accordingly.

(3) On cancellation of the mortgage bond the written consent referred to in subregulation (1) shall be attached to the cancelled bond.

(4) The cancelled mortgage bond and certificate shall thereafter be delivered to the mortgagee.

#### **Registration of substitution of debtor in respect of a bond**

9. (1) The transferor of mortgaged rights shall submit, in addition to documents required for registration of the transfer, the following documents to the registration officer for the registration of the substitution of the transferee for the transferor under the bond:

- (a) The mortgage bond;
- (b) the written consent in duplicate, substantially in the form of Annexure G, of the mortgagee and the transferee to the substitution of the transferee for the transferor as the debtor in respect of the bond.

(2) In registering the transfer, the registration officer shall—

- (a) endorse upon the deed that the rights have been transferred subject to the bond;
- (b) endorse upon the bond that the transferee has been substituted for the transferor as debtor;
- (c) make in the register such consequential entries as may be necessary;
- (d) annex one copy of the written consent referred to in subregulation (1) to the bond and file the other with the registry copy thereof.

#### **Registration of cession of mortgage bond**

10. (1) Any person to whom a mortgagee has ceded a bond shall submit the following documents to the registration officer for registration of the cession:

- (a) Written consent in duplicate of the mortgagee to the registration of the cession of the mortgage bond, substantially in the form of Annexure H;
- (b) the mortgage bond; and
- (c) the deed concerned.

(2) If the registration officer is satisfied that the documents are in order, he shall register the cession of the mortgage bond by making an entry in the register concerned to the effect that the mortgage bond has been ceded and he shall endorse the relevant deed, mortgage bond and cession and the registration duplicates accordingly.

(3) Die duplikaat van die oorspronklike toestemming in subregulasie (1) (a) bedoel, word na registrasie van die sessie van 'n verband saam met die registrasieduplikaat van die verband geliasseer.

(4) Die akte, toestemming en verband moet daarna aan die sessionaris gelewer word.

#### **Registrasie van kansellering van 'n sessie van 'n verband**

11. (1) 'n Verbandhouer wat 'n verband as sekuriteit gesedeer het, moet die volgende dokumente by die registrasiebeampte vir die kansellering van sodanige sessie indien:

- (a) Skriftelike toestemming in tweevoud van die sessionaris tot die kansellering van die sessie van die verband, wesenlik in die vorm van Aanhangsel H;
- (b) die verband;
- (c) die toestemming tot die sessie; en
- (d) die betrokke akte.

(2) Indien die registrasiebeampte oortuig is dat die dokumente in orde is, kanselleer hy die sessie van die verband deur 'n inskrywing in die betrokke register te maak tot die effek dat die sessie gekanselleer is, en endosseer hy die betrokke akte, verband, toestemming tot sessie, toestemming tot kansellasie en registrasieduplike dienooreenkomsdig.

(3) Na kansellering van die sessie van 'n verband word die duplikaat oorspronklike skriftelike toestemming bedoel in subregulasie (1) (a), saam met die registrasieduplikaat van die verband geliasseer.

(4) Die akte, verband, toestemming tot sessie, toestemming tot kansellasie en gekanselleerde sessie word daarna aan die verbandhouer gelewer.

#### **Registrasie van ooreenkoms waardeur voorwaardes van 'n verband gewysig word**

12. (1) Indien 'n verbandhouer en 'n verbandgewer 'n ooreenkoms sluit waardeur die voorwaardes van 'n verband gewysig word, moet die verbandhouer die volgende dokumente aan die registrasiebeampte vir die registrasie van die ooreenkoms voorlê:

- (a) Die oorspronklike ooreenkoms geattesteer deur 'n aktebesorger of ander kommissaris van ede en die duplikaatoorspronklike daarvan; en
- (b) die betrokke verband.

(2) Indien die registrasiebeampte oortuig is dat die dokumente in orde is, moet hy die ooreenkoms regstreer deur die verband en die registrasieduplikaat dienooreenkomsdig te endosseer.

(3) By registrasie van 'n ooreenkoms bedoel in subregulasie (1), moet die oorspronklike ooreenkoms aan die verband geheg word en die duplikaatoorspronklike saam met die registrasieduplikaat geliasseer word.

(4) Die verband, die sertifikaat en die oorspronklike ooreenkoms word daarna aan die verbandhouer gelewer.

#### **Registrasie van afstanddoening van voorrang**

13. (1) Waar daar afstand gedaan moet word van die voorrang met betrekking tot 'n verband, moet die verbandhouer kragtens 'n verband wat geregistreer is of geregistreer staan te word, die volgende dokumente by die registrasiebeampte indien vir die registrasie van die afstanddoening van die voorrang ten opsigte van die geregistreerde verbande ten gunste van die verband waarkragtens hy die verbandhouer is:

- (a) Skriftelike toestemming, wesenlik in die vorm van Aanhangsel H, deur die betrokke verbandhouer tot die afstanddoening van voorrang ten opsigte van die verband waarkragtens hy die verbandhouer is ten gunste van die verband waarkragtens die aansoeker die verbandhouer is, tesame met voldoende afskrifte van die toestemming vir die doel in subregulasie (3) bedoel;

(3) After registration of the cession of a mortgage bond, the duplicate original consent referred to in subregulation (1) (a) shall be filed with the registration duplicate of the mortgage bond.

(4) The deed, consent and mortgage bond shall thereafter be delivered to the cessionary.

#### **Registration of cancellation of a cession of a mortgage bond**

11. (1) A mortgagee who has ceded a mortgage bond as security shall submit the following documents to the registration officer for the cancellation of such cession:

- (a) Written consent in duplicate of the cessionary to the cancellation of the cession of the mortgage bond, substantially in the form of Annexure H;
- (b) the mortgage bond;
- (c) the consent to cession; and
- (d) the deed concerned.

(2) If the registration officer is satisfied that the documents are in order, he shall cancel the cession of the mortgage bond by making an entry in the register concerned to the effect that the cession has been cancelled and he shall endorse the relevant deed, mortgage bond, consent to cession, consent to cancellation and registration duplicates accordingly.

(3) After cancellation of the cession of a mortgage bond the duplicate original written consent referred to in subregulation (1) (a) shall be filed with the registration duplicate of the mortgage bond.

(4) The deed, mortgage bond, consent to cession and consent to cancellation and cancelled cession shall thereafter be delivered to the mortgagee.

#### **Registration of agreement whereby conditions of a bond are amended**

12. (1) If a mortgagee and a mortgagor enter into an agreement whereby the conditions of a bond are amended, the mortgagee shall submit the following documents to the registration officer for the registration of the agreement:

- (a) The original agreement attested by a conveyancer or other commissioner of oaths and duplicate original thereof; and
- (b) the mortgage bond concerned.

(2) If the registration officer is satisfied that the documents are in order, he shall register the agreement by endorsing the mortgage bond and the registration duplicate accordingly.

(3) On registration of an agreement referred to in subregulation (1) the original agreement shall be attached to the mortgage bond and the duplicate original shall be filed with the registration duplicate.

(4) The mortgage bond, the certificate and the original agreement shall thereafter be delivered to the mortgagee.

#### **Registration of waiver of preference**

13. (1) Where the preference with regard to a bond is to be waived, the mortgagee under a bond that has been registered or is about to be registered shall submit the following documents to the registration officer for the registration of the waiver of preference with regard to registered bonds in favour of the bond under which he is the mortgagee:

- (a) Written consent, substantially in the form of Annexure H, by the mortgagee concerned to the waiver of preference with regard to the bond under which he is the mortgagee in favour of the bond under which the applicant is the mortgagee, together with sufficient copies of the consent for the purpose contemplated in subregulation (3);

- (b) die betrokke verbande; en  
(c) die betrokke akte.

(2) Indien die registrasiebeampte oortuig is dat die dokumente in orde is, regstreer hy die afstanddoening deur in die register 'n toepaslike inskrywing te maak en endosseer hy die betrokke sertifikaat, die verbande en die registrasieduplike daarvan dienooreenkomsdig: Met dien verstande dat geen sodanige afstanddoening ten gunste van 'n verband wat nog nie geregistreer is nie, geregistreer word nie.

(3) By die registrasie van sodanige afstanddoening word een afskrif van die skriftelike toestemming in subregulasie (1) bedoel, aan elke verband en registrasieduplike geheg.

(4) Die verband en akte word daarna gelewer aan die verbandhouer wat hulle ingedien het.

#### HOOFSTUK IV

#### REGISTRASIE VAN KONSOLIDASIE, ONDERVERDELING EN REKTIFIKASIE

##### *Registrasie van konsolidasie*

14. (1) Die houer van regte ten opsigte van twee of meer aangrensende erwe, persele of ander stukke grond moet die volgende dokumente aan die registrasiebeampte vir registrasie van die konsolidasie van bedoelde grond voorlê:

- (a) Die goedgekeurde konsolidasiekaart;
  - (b) die betrokke aktes;
  - (c) alle verbande ten opsigte daarvan; en
  - (d) die skriftelike toestemming van die verbandhouers.
- (2) Indien die registrasiebeampte oortuig is dat die dokumente in orde is, moet hy—
- (a) 'n sertifikaat van gekonsolideerde regte, wesenlik in die vorm van Aanhangesel I, uitrek;
  - (b) op die aktes van die regte ten opsigte van die grond genoem in die sertifikaat van gekonsolideerde regte, aanteken dat sodanige regte nou kragtens die sertifikaat van gekonsolideerde regte gehou word;
  - (c) op die aktes die besonderhede van kansellasie van enige verband oor regte ten opsigte van grond genoem in die sertifikaat van gekonsolideerde regte, aanteken;
  - (d) op die sertifikaat van gekonsolideerde regte die besonderhede van enige nuwe verband oor die regte gehou kragtens die gekonsolideerde akte van regte, aanteken; en
  - (e) die nodige inskrywings in sy register maak van—
    - (i) die kansellasie van die aktes ten opsigte van die regte oor grond genoem in die sertifikaat van gekonsolideerde regte;
    - (ii) die besonderhede van die sertifikaat van gekonsolideerde regte;
    - (iii) die kansellasie van enige verband op regte op grond genoem in die sertifikaat van gekonsolideerde akteregte; en
    - (iv) die besonderhede van enige verband op regte gehou kragtens 'n sertifikaat van gekonsolideerde regte.

##### *Registrasie van onderverdeling*

15. (1) Die houer van regte ten opsigte van 'n erf, perseel of ander stuk grond wat onderverdeel is, wat beoog om die regte ten opsigte van een of meer dele van die grond te vervreem, moet die volgende dokumente aan die registrasiebeampte voorlê:

- (a) Die akte;
- (b) elke verband;
- (c) die skriftelike toestemming van die verbandhouers; en
- (d) die goedgekeurde onderverdelingskaart.

- (b) the mortgage bonds concerned; and  
(c) the deed concerned.

(2) If the registration officer is satisfied that the documents are in order, he shall register the waiver by making an appropriate entry in the register and shall endorse the relevant certificate, the mortgage bonds and registration duplicates thereof accordingly: Provided that no such waiver in favour of a mortgage bond that has not yet been registered shall be registered.

(3) On registration of such waiver one copy of the written consent referred to in subregulation (1) shall be attached to each mortgage bond and registration duplicate.

(4) The mortgage bonds and deed shall thereafter be delivered to the lodging mortgagee.

#### CHAPTER IV

#### REGISTRATION OF CONSOLIDATION, SUB-DIVISION AND RECTIFICATION

##### *Registration of consolidation*

14. (1) The holder of rights in respect of two or more contiguous erven, sites or other pieces of land shall submit the following documents to the registration officer for registration of consolidation of the said land:

- (a) The approved consolidation diagram;
  - (b) the deeds concerned;
  - (c) all mortgage bonds in respect thereof; and
  - (d) the written consent of the mortgagees.
- (2) If the registration officer is satisfied that the documents are in order, he shall—
- (a) issue a certificate of consolidated rights, substantially in the form of Annexure I;
  - (b) note on the deeds of the rights in respect of the land mentioned in the certificate of consolidated rights that such rights are now held by the certificate of consolidated rights;
  - (c) note on the deeds the particulars of cancellation of any mortgages over rights in respect of land mentioned in the certificate of consolidated rights;
  - (d) note on the certificate of consolidated rights the particulars of any new mortgage on the rights held under the consolidated deed of rights; and
  - (e) make the necessary entries in his register of—
    - (i) the cancellation of the deeds in respect of the rights to land mentioned in the certificate of consolidated rights;
    - (ii) the particulars of the certificate of consolidated rights;
    - (iii) the cancellation of any mortgage on rights to land mentioned in the certificate of consolidated deed rights; and
    - (iv) the particulars of any mortgage over rights held under a certificate of consolidated rights.

##### *Registration of subdivision*

15. (1) The holder of the rights in respect of an erf, site or other piece of land which has been subdivided who intends to alienate the rights in respect of one or more parts of the land shall submit the following documents to the registration officer:

- (a) The deed;
- (b) each mortgage bond;
- (c) the written consent of the mortgagees; and
- (d) the approved subdivision diagram.

- (2) Wanneer die vereistes van subregulasie (1) nagekom is, moet die registrasiebeampte—
- 'n akte ten opsigte van elke onderverdeling uitreik;
  - die oorspronklike akte endosseer tot die effek dat die regte daarin genoem nou kragtens verskillende aktes gehou word; en
  - die besonderhede van sodanige onderverdeling in sy register aanteken.

#### **Registrasie van rektifikasie van titel**

16. (1) Die houer van regte moet die volgende dokumente aan die registrasiebeampte vir registrasie van rektifikasie van sy titel as gevolg van 'n opmeting of heropmeting of van die regstelling van enige fout in 'n algemene of ministeriële plan of kaart, voorlê:

- Skriftelike aansoek deur die houer;
- die akte;
- die nuwe algemene plan of kaart of reggestelde ministeriële plan of ministeriële kaart;
- enige verband;
- enige geregistreerde akte van huur of ander geregistreerde akte waardeur enige saaklike reg daarin deur enige ander persoon gehou word;
- die skriftelike toestemming van die houer van sodanige verband, huur of reg.

(2) Indien die registrasiebeampte oortuig is dat die dokumente in orde is, moet hy op die akte en enige verband of ander dokument 'n beskrywing van die grond volgens die nuwe of reggestelde plan of kaart endosseer, welke beskrywing die beskrywing wat reeds op die akte, verband, huur of ander akte verskyn, vervang.

(3) Indien 'n nuwe algemene plan of kaart gemaak is, moet die registrasiebeampte die ou algemene plan of kaart vervang deur die nuwe wanneer hy bedoelde endossement maak.

### **HOOFSTUK V VERLYDING EN INDIENING**

#### **Verlyding deur agent**

17. (1) Nieteenstaande andersluidende bepalings van hierdie regulasies kan enige akte, verbandakte of ander dokument wat deur enige persoon geteken of verly moet word, deur enige ander persoon handelende kragtens 'n volmag, namens hom geteken of verly word.

(2) 'n Spesiale volmag om enige regte oor te dra, te verhipotekeer of op 'n ander wyse daarmee te handel, moet die volgende bevat:

- 'n Duidelike en voldoende beskrywing van die onderhewige regte;
- die geregistreerde nommer, as daar is, van sodanige regte;
- die nommer, bestaande uit die reeksnommer en die jaarnommer, as daar is, van die akte of dokumente waarvolgens sodanige regte gehou word;
- in 'n volmag om regte oor te dra, die datum van vervreemding van sodanige regte.

(3) 'n Algemene volmag is nie beskikbaar vir die doelendes van handeldryf in onroerende eiendom nie, tensy dit uitdruklike magtiging bevat vir die agent om dit te doen.

(4) Die oorspronklike volmag in hierdie regulasie bedoel, moet—

- tesame met die betrokke akte, verband of ander dokument ingedien word; en
- deur die registrasiebeampte aan die registrasie-afskrif van die akte, verband of ander dokument wat kragtens so 'n volmag onderteken of verly is, geheg word.

- (2) When the requirements of subregulation (1) have been complied with, the registration officer shall—
- issue a deed in respect of each subdivision;
  - endorse the original deed to the effect that the rights mentioned therein are now held under different deeds; and
  - note the particulars of such subdivision in his register.

#### **Registration of rectification of title**

16. (1) The holder of rights shall submit the following documents to the registration officer for the registration of rectification of his title in consequence of a survey or resurvey or of the correction of any error in a general or ministerial plan or diagram:

- written application by the holder;
- the deed;
- the new general plan or diagram or corrected ministerial plan or ministerial diagram;
- any bond;
- any registered deed of lease or other registered deed whereby any real right therein is held by any other person; and
- the written consent of the holder of such bond, lease or right.

(2) If the registration officer is satisfied that the documents are in order, he shall endorse on the deed and any bond or other document a description of the land according to the new or corrected plan or diagram, which description shall supersede the description already appearing on the deed, bond, lease or other deed.

(3) If a new general plan or diagram is produced, the registration officer shall in making the said endorsement substitute the new general plan or diagram for the old one.

### **CHAPTER V**

#### **EXECUTION AND LODGEMENT**

#### **Execution by agent**

17. (1) Notwithstanding anything to the contrary in these regulations, any deed, mortgage bond or other document required to be signed or executed by any person may be signed or executed on his behalf by any other person acting under a power of attorney.

(2) A special power of attorney to transfer, hypothecate or otherwise deal with any rights shall contain—

- a clear and sufficient description of the rights in question;
- the registered number, if any, of such rights;
- the number, comprising the serial number and year number, if any, of the deed or documents whereby such rights are held; and
- in a power of attorney to transfer rights, the date of disposal of such rights.

(3) A general power of attorney shall not be available for the purpose of dealing with immovable property unless it contains express authority empowering the agent to do so.

(4) The original of the power of attorney referred to in this regulation shall be—

- submitted with the deed, mortgage bond or other document concerned; and
- annexed by the registration officer to the registration copy of the deed, bond or other document signed or executed under such power.

**Indien van dokumente**

18. Enige akte, verband of ander dokument wat deur enige persoon vir registrasie of aantekening in 'n registrasiekantoor ingedien moet word, kan deur enige ander persoon wat handel kragtens 'n volmag om so op te tree, welke volmag saam met sodanige dokument ingedien word, namens hom ingedien word, en enige akte, verband of ander dokument wat aldus ingedien is, moet, behoudens enige andersluidende bepalings van hierdie regulasies, aan die persoon wat dit ingedien het, terugbesorg word.

**HOOFSTUK VI****AFSKRIFTE****Inspeksie van rekords en voorsiening van inligting**

19. 'n Registrasiebeampte kan teen betaling van sodanige geldie as wat van tyd tot tyd voorgeskryf word, enige lid van die publiek toelaat om die openbare registers en ander openbare rekords in sy registrasiekantoor te ondersoek en afskrifte van daardie rekords of uittreksels uit daardie registers te maak en sodanige ander inligting omtrent aktes of ander dokumente geregistreer of gelasseer in sodanige kantoor, as wat sodanige beampte bereid is om te verstrek, te verkry.

**Verlore of vernietigde dokumente**

20. (1) Die registrasiebeampte kan op versoek van die houer of weduwee of efgenaam in die boedel van 'n oorlede houer op 'n vorm wesenlik dieselfde as Aanhengsel J 'n gesertifiseerde of gefotostateerde afskrif maak van 'n akte of van 'n verband of van enige ander dokument gelasseer in daardie kantoor, indien hy deur 'n beëdigde verklaring oortuig is—

- (a) dat die akte, verband of ander dokument verlore is of vernietig is en na deeglike soek daarna nie gevind kan word nie;
- (b) dat dit nie verpand is nie en dat dit nie deur enigemand as sekuriteit vir skuld of andersins gehou word nie,

en enige sodanige afskrif dien in die plek van die oorspronklike akte, verband of ander dokument.

(2) Indien 'n afskrif van 'n akte, verband of ander dokument gemaak kragtens subregulasie (1), self verlore is of vernietig word, kan die registrasiebeampte, onderworpe aan die nakoming van die voorwaardes voorgeskryf in subregulasie (1) ten opsigte van die verlies van oorspronklikes, 'n verdere afskrif uitrek in die plek van die oorspronklike akte, verband of ander dokument.

(3) (a) Waar sodanige afskrif uitgereik is, word die oorspronklike akte, verband of ander dokument, indien dit steeds bestaan, dan nietig.

(b) Indien sodanige akte, verband of ander dokument wat nietig geword het, in die besit of bewaring kom van enige persoon wat weet dat 'n afskrif uitgereik is ter vervanging daarvan, moet hy dadelik sodanige akte, verband of ander dokument aan die registrasiebeampte lewer of stuur.

(c) In die geval van 'n akte, verband of dokument in die plek waarvan 'n afskrif uitgereik is, wat daarna gevind en aan die registrasiebeampte gelewer is, moet hy daarop endosseer dat dit nietig geword het.

**Onbruikbare dokumente**

21. (1) Indien enige akte of geregistreerde verband om enige rede onbruikbaar geword het, is die registrasiebeampte bevoeg om 'n gesertifiseerde of gefotostateerde afskrif daarvan in die plek van die oorspronklike uit te reik nadat die houer 'n skriftelike aansoek, wesenlik in die vorm van Aanhengsel K van hierdie regulasies, aan hom gerig het: Met dien verstande dat die oorspronklike akte saam met sodanige aansoek ingedien moet word.

**Submission of documents**

18. Any deed, bond or other document to be submitted by any person for registration or recordal in a registration office may be submitted by any other person on his behalf acting under a power of attorney to do so submitted with such document, and any such deed, mortgage bond or other document so submitted shall, subject to any provision of these regulations to the contrary, be returned to the person who submitted it.

**CHAPTER VI****COPIES****Inspection of records and supply of information**

19. A registration officer may on payment of such fees as may be prescribed from time to time permit any member of the public to inspect the public registers and other public records in his registration office and to make copies of these records or extracts from those registers and to obtain such other information concerning deeds or other documents registered or filed in such office as such officer may be prepared to furnish.

**Lost or destroyed documents**

20. (1) The registration officer may at the request of the holder or widow or heir in the estate of a deceased holder on a form substantially the same as Annexure J, make a certified or photostatic copy of a deed or of a bond or of any other document filed in that registry on being satisfied by affidavit—

- (a) that the deed, bond or other document has been lost or destroyed and cannot be found though diligent search has been made therefor;
- (b) that it has not been pledged and is not being detained by anyone as security for debt or otherwise,

and any such copy shall serve in lieu of the original deed, bond or other document.

(2) If a copy of a deed, bond or other document made under subregulation (1) is itself lost or destroyed, the registration officer may, subject to the fulfilment of the conditions prescribed in subregulation (1) in regard to the loss of originals, make a further copy to serve in lieu of the original deed, bond or other document.

(3) (a) Where such a copy has been issued, the original deed, bond or document, if still in existence, shall thereupon become void.

(b) Should such a deed, bond or document which has become void come into the possession or custody of any person who knows that a copy has been issued in substitution thereof, he should forthwith deliver or transmit such deed, bond or document to the registration officer.

(c) In the event of a deed, bond or document in lieu of which a copy has been issued being subsequently found and produced to the registration officer, he shall endorse thereon the fact that it has become void.

**Unserviceable documents**

21. (1) If any deed or registered bond has for any reason become unserviceable, it shall be competent for the registration officer to issue a certified or photostatic copy thereof to serve in place of the original on written application being made to him by the holder on a form substantially the same as Annexure K to these regulations: Provided that the original deed shall be lodged with such application.

(2) Indien enige akte of verband vir enige doel ingedien word, kan die registrasiebeampte *mero motu*, indien sodanige akte of verband na sy mening nie langer bruikbaar is nie, 'n gesertifiseerde afskrif of gefotostateerde afskrif daarvan gratis uitrek.

## HOOFSTUK VII

### KANTOORGELDELDE

#### *Registrasiegeld*

22. Gelde van twee rand (R2) is betaalbaar aan die registrasiebeampte ten opsigte van enige oordrag van regte of van enige ander handeling van registrasie wat ingevolge hierdie regulasies vereis word.

#### *Gelde vir afskrifte*

23. 'n Bedrag van twee rand (R2) is, behoudens aan enige andersluidende bepaling in hierdie regulasies, betaalbaar aan die registrasiebeampte ten opsigte van elke afskrif van 'n akte, verband of ander dokument uitgereik deur hom kragtens hierdie regulasies.

#### *Geen geldie betaalbaar deur die Trust*

24. Geen geldie is betaalbaar ten opsigte van enige handeling van registrasie of enige afskrifte verkry ten behoeve van die Trust of die Suid-Afrikaanse Ontwikkelingstrustfonds nie.

## HOOFSTUK VIII

### VOORBEHOUDE EN TITEL

#### *Voorbehoude*

25. (1) Ondanks die herroeping van Proklamasie R. 293 van 1962 en die inwerkingtreding van hierdie regulasies word enigets waarmee ter nakoming van Proklamasie R. 293 van 1962 'n aanvang gemaak is gedurende 'n periode van drie maande na die inwerkingtreding van hierdie regulasies, voltooi asof hierdie regulasies nie in werking getree het nie.

(2) Enigets gedoen of geag gedoen te wees ingevolge Proklamasie R. 293 van 1962 of soos beoog in subregulasié (1), word geag gedoen te wees ingevolge die ooreenstemmende bepalinge van hierdie regulasies.

#### *Titel*

26. Hierdie regulasies heet die Regulasies vir die Registrasie van Aktes in Dorpe, 1988.

### AANHANGSEL A

#### GRONDBRIEF NO.

..... (verlener) verleen hereby aan ..... (volle name, identiteitsnommer en status) grondbriefregte ten opsigte van erf of perseel nommer ..... dorpsgebied of ander gebied ..... oppervlakte in vierkante meter ..... aangedui op plan nommer ..... welke grond deur die verlener gehou word kragtens .....

Behoudens die volgende voorwaarde (as daar is):

Geteken te ..... op .....

Handtekening .....  
namens: *Verlener*.

Geregistreer in die Registrasiekantoor te ..... op .....

Handtekening .....  
*Registrasiebeampte*.

(2) If any deed or bond is lodged for any purpose the registration officer may *mero motu*, if in his opinion such deed or bond is no longer serviceable, issue a certified copy or photostatic copy thereof free of charge.

## CHAPTER VII

### FEES OF OFFICE

#### *Registration fees*

22. A fee of two rand (R2) shall be payable to the registration officer in respect of any transfer of rights or for any other act of registration required to be made under these regulations.

#### *Fees for copies*

23. A fee of two rand (R2) shall, subject to any provision of these regulations to the contrary, be payable to the registration officer in respect of every copy of a deed, bond or other document issued by him under this regulation.

#### *No fees payable by the Trust*

24. No fees shall be payable in respect of any act of registration or copy obtained on behalf of the Trust or the South African Development Trust Fund.

## CHAPTER VIII

### SAVINGS AND TITLE

#### *Savings*

25. (1) Notwithstanding the repeal of Proclamation R. 293 of 1962 and the commencement of these regulations, anything commenced in compliance with Proclamation R. 293 of 1962 during a period of three months after the commencement of these regulations shall be completed as if these regulations had not come into operation.

(2) Anything done or deemed to have been done under Proclamation R. 293 of 1962 or as contemplated in subregulation (1) shall be deemed to have been done under the corresponding provisions of these regulations.

#### *Title*

26. These regulations shall be called the Regulations for the Registration of Deeds in Towns, 1988.

### ANNEXURE A

#### DEED OF GRANT NO.

..... (grantor) hereby grants to ..... (full names, identity number and status) deed of grant rights in respect of erf or site number ..... township or other area ..... area in square metres ..... indicated on plan number ..... which land is held by the grantor by virtue of .....

Subject to the following conditions (if any):

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

Signature .....  
for: *Grantor*.

Registered in the Registration Office at ..... on .....

Signature .....  
*Registration Officer*.

**AANHANGSEL B****SERTIFIKAAT VAN REG VAN HUURPAG No.**

..... (verlener) verleen hierby aan ..... (volle name, identiteitsnommer en status) 'n reg van huurpag vir 99 jaar vanaf registrasie hiervan ten opsigte van erf of perseel nommer ..... dorpsgebied of ander gebied ..... oppervlakte in vierkante meter ..... aangedui op plan nommer ..... welke grond deur die verlener gehou word kragtens ..... Behoudens die volgende voorwaardes (as daar is):

Geteken te ..... op .....

Handtekening ..... namens: *Verlener*.

Geregistreer in die Registrasiekantoor te ..... op .....

Handtekening ..... *Registrasiebeampte*.

**AANHANGSEL C****TOESTEMMING TOT OORDRAG**

- Ek, ..... (Oordraggewer se volle name, identiteitsnommer, geboortedatum en huwelikstaat) is die geregistreerde houer van grondbriefregte/die reg van huurpag ten opsigte van erf of perseel nommer ..... dorpsgebied of ander gebied ..... oppervlakte in vierkante meter ..... aangedui op plan nommer ..... welke regte deur my gehou word kragtens grondbrief/sertifikaat van reg van huurpag nommer .....
- Ek stem hierby toe tot die registrasie van oordrag van my genoemde regte aan ..... (Oordragnemer se volle name, identiteitsnommer, geboorte-datum en huwelikstaat) en versoek hierby die registrasiebeampte om die oordrag van genoemde regte te registreer.
- Oordrag van genoemde regte geskied vanweë (meld ten volle die redes vir oordrag) .....

Geteken te ..... op hede die ..... dag van ..... 19 .....

*Oordraggewer*.

Deur my geattesteer ..... *Aktebesorger/Kommisaris van Ede*.

Geregistreer op die ..... dag van ..... 19 .....

*Registrasiebeampte*.

**AANHANGSEL D****VERKLARING OM STATUS TE BEWYS**

Ek, die ondergetekende, ..... (volle name) van ..... (adres) verklaar hierby as volg onder eed:

- My identiteitsnommer is .....
- My geboortedatum is .....
- \*(a) Ek is ongetroud.  
\*(b) Ek is getroud binne/buite\* gemeenskap van goedere/by wyse van gebruiklikeverbintenis\* met ..... (volle name) en is onderworpe aan sy maritale mag (indien toepaslik).
- Ek heg aan, ..... gemerk, afskrifte van uittreksels van die identiteitsdokument met nommer ..... wat aan my uitgereik is, wat my volle name weergee en wat die verklarings wat hierin gemaak word, bevestig. (Meld en heg afskrifte van geboorte- en huweliksertifikate indien benodig, aan).

Aldus voor my beëdig te ..... op hede die ..... dag van ..... 19 ..... nadat die deponent bevestig het dat hy/sy bewus is van die inhoud van hierdie beëdigdeverklaring en dit verstaan.

*Kommisaris van Ede*.

\* Skrap wat nie van toepassing is nie.

**ANNEXURE B****CERTIFICATE OF RIGHT OF LEASEHOLD No.**

..... (grantor) hereby grant to ..... (full names, identity number and status) a right of leasehold for 99 years from registration hereof in respect of erf or site number ..... township or other area ..... area in square metres ..... indicated on plan number ..... which land is held by the grantor by virtue of ..... Subject to the following conditions (if any):

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

Signature ..... *for: Grantor*.

Registered in the Registration Office at ..... on .....

Signature ..... *Registration Officer*.

**ANNEXURE C****CONSENT TO TRANSFER**

- I, ..... (Transferor's full names, identity number, date of birth and marital status) am the registered holder of deed of grant rights/the right leasehold in respect of erf or site number ..... township, town or other area ..... area in square metres ..... indicated on plan number ..... which rights are held by me under deed of grant/certificate of right of leasehold number .....
- I hereby consent to the registration of transfer of my said rights to ..... (Transferee's full names, identity number, date of birth and marital status) and hereby request the registration officer to register the transfer of the said rights.
- Transfer of the said rights arises from (state in full the cause for transfer) .....

Signed at ..... this ..... day of ..... 19 .....

*Transferor*.

Attested by me ..... *Conveyancer/Commissioner of Oaths*.

Registered on ..... day of ..... 19 .....

*Registration Officer*.

**ANNEXURE D****DECLARATION PROVING STATUS**

I, the undersigned, ..... (full names) of ..... (address) hereby make oath and say:

- My identity number is .....
- My date of birth is .....
- \*(a) I am not married.  
\*(b) I am married in/out of\* community of property/by customary union\* to ..... (full names) and am subject to his marital power (as applicable).
- I attach, marked ..... , copies of extracts from the identity document issued to me bearing number ..... reflecting my full names and supporting the statements made in this declaration. (Also mention and attach copies of birth and marriage certificates if necessary).

Sworn before me at ..... on this ..... day of ..... 19 ....., the deponent having acknowledged that he/she knows and understands the contents of this affidavit.

*Commissioner of Oaths*.

\*Delete whichever is inapplicable.

**AANHANGSEL E****AANSOEK OM OMSKEPPING IN EIENDOMSREG**

Ek,.....  
(houer van grondbrieffregte/huurpaghouer\*), doen hierby aansoek om die omskepping van my grondbrieffregte/reg van huurpag\* ten opsigte van.....  
.....deur my gehou kragtens .....tot eiendomsreg, behoudens die volgende voorwaardes (as daar is):

Geteken te ..... op .....

*Getuies:*

(1) .....  
(2) .....

*Houer van Grondbrieffregtel  
Huurpaghouer\*.*

\* Skrap wat nie van toepassing is nie.

**AANHANGSEL F****VERBANDAKTE**

Ek, die ondergetekende, .....(hierna die verbandgewer genoem), verklaar hierby dat ek wettiglik aan ....(hierna die verbandnemer genoem) die bedrag van .....en....., synde die addisionele bedrag bedoel in die voorwaardes aangeheg, vooruitspruitend uit en synde .....verskuldig is en as sekeriteit vir bogenoemde beswaar ek hierby, behoudens die voorwaardes uiteengesit in die aanhangsel van hierdie verband, my reg van huurpag/grondbrieffregte\* ten opsigte van erf/perseel\* ....in dorpsgebied/dorp/ander gebied\* .....distrik.....met 'n verband.

Geteken te ..... op hede die .....dag van .....19....

*Verbandgewer.*

Geattesteer deur my .....

*Aktebesorger/Kommissaris van Ede.*

Geregistreer op die .....dag van .....19....

*Registrasiebeampte.*

\* Skrap wat nie van toepassing is nie.

**AANHANGSEL G****VERVANGING VAN SKULDENAAR TEN OPSIGTE VAN  
'N VERBAND**

Dorpsgebied ..... Distrik .....  
Eienaarsenheid No. ....

Nademaal ek,.....,  
die wettige houer is van verband No. ....gedateer .....  
gepasseeer deur ..... vir die bedrag van .....waardeur  
verpand is as 'n ..... verband sekere (bekryf hier die eiendom);

En nademaal daar nog die volle bedrag\* .....ingevolge  
genoemde verband verskuldig is;

En nademaal genoemde .....bogenoemde regte oorgemaak  
het aan .....wat bereid en gewillig is om die verpligting van  
genoemde .....kragtens genoemde verband  
oor te neem en as skuldenaar in die plek van genoemde oordraggewer  
gestel te word;

So is dit dat ek instem tot die vervanging van genoemde .....  
.....as skuldenaar kragtens die verband en dat, met ingang van die  
datum van registrasie van die voorgestelde oordrag, die oordraggewer  
onthof word van enige verpligting kragtens genoemde verband.

*Handtekening van Verbandhouer.*

**ANNEXURE E****APPLICATION TO CONVERT TO OWNERSHIP**

I,.....(holder of deed of grant rights/leaseholder)\* hereby apply for the conversion of my deed of grant rights/right of leasehold\* in respect of .....held under .....into ownership, subject to the following conditions (if any):

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

*Witnesses:*

(1) .....  
(2) .....

*Holder of Deed of Grant Rights/  
Leaseholder\*.*

\* Delete whichever is inapplicable.

**ANNEXURE F****MORTGAGE BOND**

I, the undersigned, .....(hereinafter referred to as the mortgagor) do hereby declare that I am lawfully indebted and bound to .....(hereinafter referred to as the mortgagee) in the amount of .....and .....being the additional amount referred to in the conditions annexed, arising from and being .....and as security for the above, I hereby bind as a mortgage, subject to the conditions set out in the annexure to this bond, my right of leasehold/deed of grant rights\*, in respect of erf/site\* .....in township/town/other area\* .....district .....

Signed at .....on this .....day of .....19.....

*Mortgagor.*

Attested by me .....  
*Conveyancer/Commissioner of Oaths.*

Registered on this .....day of .....19.....

*Registration Officer.*

\* Delete whichever is inapplicable.

**ANNEXURE G****SUBSTITUTION OF DEBTOR IN RESPECT OF A MORTGAGE  
BOND**

Township..... District.....  
Ownership Unit No. ....

Whereas I, .....am the legal holder of mortgage bond No. ....dated .....passed by .....for the sum of .....whereby was hypothecated as a mortgage certain (here describe the property) .....

And whereas there still remains due and owing, under the said bond, the full amount\* .....

And whereas the said .....has disposed of the aforesaid rights to .....who is ready and willing to take over the liability of the said .....under the said bond and to be substituted for the said transferor as the debtor under the bond;

Now, therefore, I consent to the substitution of the said .....as debtor under the bond and to the transferor being released from any obligation under the said bond from the date of registration of the proposed transfer.

*Signature of Mortgagee.*

Geteken voor my te ..... op hede die .....  
.....dag van ..... 19.....

*Aktebesorger/Ander Kommissaris van Ede.*

En ek, .....  
bogenoemde voorgestelde oordagnemer, nadat ek bogenoemde toestemming van die wettige houer van die verband gelees het, stem hierby in om die oordrag van die regte onderworpe aan sodanige verband te aanvaar en om die oordragewer as skuldenaar daarkragtens te vervang en aanvaar hierby volle aanspreeklikheid vir die skuld ingevolge sodanige verband.

*Handtekening van die voorgestelde oordagnemer.*

Geteken voor my te ..... op hede die .....  
.....dag van ..... 19.....

*Aktebesorger/Ander Kommissaris van Ede.*

\* Waar die volle bedrag nie verskuldig is nie, moet die balans verskuldig vermeld word en 'n afsonderlike toestemming om gedeeltelike betaling aan te teken, ingedien word.

#### AANHANGSEL H

##### TOESTEMMING

(tot kansellasie, sessie, afstanddoening, ens., ten opsigte van verbande)

Ek, die ondergetekende .....  
die wettige houer van verbandnommer ..... ten gunste van .....  
gepaspeer deur ..... vir die bedrag van .....  
....., gee hierby toestemming tot .....

Gedateer te ..... op hede die .....  
dag van ..... 19.....

*Getuies:*

(1) .....  
(2) .....

#### AANHANGSEL I

##### SERTIFIKAAT VAN GEKONSOLIDEERDE GRONDBRIEFREGTE/ REGTE VAN HUURPAG

NADEMAAL .....  
die geregistreerde houer van regte is ten opsigte van .....  
[Beskryf die samestellende persele.]  
(1) Verwys na die grondbrief of .....  
(2) sertifikaat van reg van huurpag van elk. (Laat groottes uit.)] .....  
wat gekonsolideer is tot die perseel hieronder beskryf:  
Perseel Nommer ..... Omvang ..... (syfers)  
..... (woorde) vierkante meter, aangedui op Kaart Nommer ..... wat hierby aangeheg is, geleë in die dorpsgebied ..... , distrik .....

Die eiendom wat hier beskryf is, is onderworpe aan die volgende voorwaardes (indien van toepassing):

So is dit dat ek, ..... , in my hoedanigheid van registrasiebeampte, sertificeer dat .....  
sy erfgename, eksekuteurs, administrateurs ofregsopvolgers van nou af en in die toekoms geregtig is op die eiendom ooreenkomsdig plaaslike gebruik, maar behoudens die regte van die Staat.

Ten bewys waarvan ek, genoemde registrasiebeampte, hierdie Sertifikaat geteken het en met die Ampelike Seël geseël het.

Geteken te ..... op hede die .....  
dag van ..... 19.....

*Registrasiebeampte.*

Signed before me at ..... on  
this ..... day of ..... 19.....

*Conveyancer/Other Commissioner of Oaths.*

And I, .....  
the proposed transferee aforesaid, having read the above consent of the legal holder of the bond do hereby consent to accept transfer of the rights subject to such bond and to be substituted for the transferor as debtor thereunder and hereby assume full liability for the indebtedness under the said bond.

*Signature of proposed transferee.*

Signed before me at ..... on this ..... day of ..... 19.....

*Conveyancer/Other Commissioner of Oaths.*

\* Where the full amount is not owing, the balance due must be stated and a separate consent to noting part-payment must be lodged.

#### ANNEXURE H

##### CONSENT

(to cancellation, cession, waiver, etc., in respect of bonds)

I, the undersigned .....  
the legal holder of mortgage bond number .....  
passed by .....  
in favour of ..... for the sum of .....  
do hereby consent to .....

Dated at ..... this ..... day of ..... 19.....

*Witnesses:*

(1) .....  
(2) .....

#### ANNEXURE I

##### CERTIFICATE OF CONSOLIDATED DEED OF GRANT RIGHTS/RIGHT OF LEASEHOLD

WHEREAS .....  
is the registered holder of rights to .....  
[Description of the component sites.]

(1) Refer to the deed of grant or .....  
(2) certificate of right of leasehold of each. (Omit sizes.)] .....  
which have been consolidated into the site as described below:  
Site No. .... Extent ..... (numerals)  
..... (words)  
square metres, shown on Diagram No. ....  
hereto annexed, situate in the township of .....  
District of .....

The property described herein is subject to the following conditions (if any):

Now, therefore, I, .....  
in my capacity as registration officer, certify that .....  
his heirs, executors, administrators or successors in title shall now and henceforth be entitled to the property in accordance with local custom, but subject to the rights of the State.

In proof of which, I, the said registration officer, have signed and sealed this Certificate with the Official Seal.

Signed at ..... this ..... day of ..... 19.....

*Registration officer.*

**AANHANGSEL J****AANSOEK OM 'N AFSKRIF VAN 'N VERLORE OF VERNIETIGDE GRONDBRIEF, VERBAND OF ANDER DOKUMENT**

Ek, .....  
die geregistreerde houer van (beskrywing van regte), verklaar hierby onder  
eed:

Dat die .....  
(beskryf akte of dokument) uitgereik aan my\*/geregistreer\* ten opsigte van  
bogenoemde eiendom—

- (1) \*verlore geraak het en ondanks deeglike soek daarna nie gevind kan word nie;
- (2) \*vernietig is (meld die omstandighede) .....
- (3) nie verpand is nie en nie deur enige persoon as sekuriteit vir skuld of andersins gehou word nie.

Ek doen hierby aansoek om 'n gesertifiseerde afskrif daarvan.

Beëdig voor my te ..... op hede die .....  
dag van ..... 19....., en die verklarer het  
erken dat hy die inhoud van hierdie beëdigde verklaring ken en verstaan.

Kommissaris van Ede.

\* Skrap wat nie van toepassing is nie.

**AANHANGSEL K****AANSOEK OM 'N AFSKRIF VAN 'N ONBRUIKBARE AKTE OF VERBAND**

Ek, .....  
die houer van (beskrywing van regte), doen hierby aansoek om 'n gesertifiseerde afskrif van die .....  
(beskryf akte of dokument) uitgereik aan my\*/geregistreer\* ten opsigte van  
bogenoemde eiendom.

Die oorspronklike dokument het onbruikbaar geword en vergesel hierdie  
aansoek.

Aansoeker.

\* Skrap van nie van toepassing is nie.

**No. R. 404**

**9 Maart 1988**

**REGULASIES VIR GRONDGEBRUIK IN DORPE**

Ek, Gerrit van Niekerk Viljoen, Minister van Onderwys en Ontwikkelingshulp, vaardig hierby, kragtens die bevoegdheid my verleent by artikel 30 (2) van die Swart Administrasie Wet, 1927 (Wet 38 van 1927), gelees met artikel 2 (2) van die Wysigingswet op Wetgewing op Samewerking en Ontwikkeling, 1984 (Wet 83 van 1984), die regulasies uiteengesit in die Bylae hiervan uit.

**G. VAN N. VILJOEN,**  
Minister van Onderwys en Ontwikkelingshulp.

**BYLAE****Woordomskrywing**

1. In hierdie regulasies, tensy uit die samehang anders blyk, beteken "hoofbeplanningsbeampte" die Direkteurgeneraal van die Departement van Ontwikkelingshulp, of enige ander beampte in die Departement van Ontwikkelingshulp as sodanig deur hom aangewys.

**ANNEXURE J****APPLICATION FOR A COPY OF A LOST OR DESTROYED DEED OF GRANT, BOND OR OTHER DOCUMENT**

I, .....  
being the registered holder of (description of rights) hereby make oath and say:

That the .....  
(describe deed or document) issued to me\*/registered\* in respect of the above-mentioned property—

- (1) \*has been lost and despite diligent search cannot be found;
- (2) \*has been destroyed (state circumstances) .....
- (3) has not been pledged and is not being detained by anyone as security for debt or otherwise.

I hereby apply for a certified copy thereof.

Sworn before me at ..... on this ..... day of ..... 19.... the deponent having acknowledged that he/she knows and understands the contents of this affidavit.

Commissioner of Oaths.

\* Delete whichever is inapplicable.

**ANNEXURE K****APPLICATION FOR A COPY OF AN UNSERVICEABLE DEED OR BOND**

I, .....  
being the holder of (description of rights) hereby apply for a certified copy of the .....  
(describe deed or document) issued to me\*/registered\* in respect of the above-mentioned property.

The original document has become unserviceable and accompanies this application.

Applicant.

\* Delete whichever is inapplicable.

**No. R. 404**

**9 March 1988**

**REGULATIONS FOR LAND USE IN TOWNS**

I, Gerrit van Niekerk Viljoen, Minister of Education and Development Aid, do hereby, under the powers vested in me by section 30 (2) of the Black Administration Act, 1927 (Act 38 of 1927), read with section 2 (2) of the Laws on Co-operation and Development Amendment Act, 1984 (Act 83 of 1984), make the regulations set out in the Schedule hereto.

**G. VAN N. VILJOEN,**  
Minister of Education and Development Aid.

**SCHEDULE****Definitions**

1. In these regulations, unless the context otherwise indicates, "chief planning officer" means the Director-General for the Department of Development Aid or any other officer in the Department of Development Aid designated as such by him.

**Toepassing van regulasies**

2. (1) Hierdie regulasies geld, behoudens subregulasie (2), in elke gebied wat afgesonder is of geag word afgesonder te wees as 'n dorp kragtens artikel 30 (1) van die Swart Administrasie Wet, 1927 (Wet 38 van 1927).

(2) Hierdie regulasies geld nie in 'n selfregerende gebied ingestel kragtens die Grondwet van die Nasionale State, 1971 (Wet 21 van 1971), nie.

**Huidige gebruik**

3. Enige grond wat onmiddellik voor die inwerkting van hierdie regulasies vir enige wettige doel gebruik is of bedoel was om gebruik te wees, word, behoudens die bepalings van regulasies 4 en 5, steeds aldus gebruik.

**Uitgebreide residensiële gebruik**

4. Enige grond wat soos in regulasie 3 of 5 bedoel, vir residensiële doeinde gebruik is, kan ook vir enige sosiale en godsdienstige aktiwiteite, en vir die uitvoering van enige beroep, insluitende die lewering van dienste, en enige professie en ambag, insluitende die kleinhandel, gebruik word: Met dien verstande dat—

- (a) die dominante gebruik van die grond residensiell bly;
- (b) geen sodanige aktiwiteit, beroep, profeesie of ambag—
  - (i) hinderlik of skadelik is nie; of
  - (ii) afbreuk doen aan die aantreklikheid van die buurt nie.

**Sonering en hersonering deur die hoofbeplanningsbeampte**

5. (1) Die hoofbeplanningsbeampte kan enige grond sonner vir gebruik vir residensiële, handels-, besigheids-, kommersiële, industriële, godsdienstige, skool- of ander doeinde.

(2) Die hoofbeplanningsbeampte kan op aansoek aan hom, deur bemiddeling van die betrokke plaaslike owerheid, enige sonering in subregulasie (1) of in regulasie 3 bedoel, verander.

(3) Enige aangeleentheid wat onmiddellik voor die inwerkting van hierdie regulasies hangend en by sodanige inwerkting onvoltooid is, word voltooi asof hierdie regulasies nie in werking getree het nie.

**Beplanningskaarte en rekords**

6. Die hoofbeplanningsbeampte kan sodanige kaarte en rekords as wat hy vir doeinde van hierdie regulasies nodig ag, saamstel en in stand hou.

**Titel**

7. Hierdie regulasies heet die Regulasies vir Grondgebruik in Dorpe, 1988.

No. R. 405

9 Maart 1988

**REGULASIES VIR PLAASLIKE OWERHEDE**

Ek, Gerrit van Niekerk Viljoen, Minister van Onderwys en Ontwikkelingshulp, vaardig hierby kragtens die bevoegdheid my verleen by artikel 30 (2) van die Swart Administrasie Wet, 1927 (Wet 38 van 1927), gelees met artikel 2 (2) van die Wysigingswet op Wetgewing op Samewerking en Ontwikkeling, 1984 (Wet 83 van 1984), die regulasies uiteengesit in die Bylae hiervan uit.

G. VAN N. VILJOEN,  
Minister van Onderwys en Ontwikkelingshulp.

**Application of regulations**

2. (1) These regulations shall, subject to subregulation (2), apply in every area set apart or deemed to be set apart as a town in terms of section 30 (1) of the Black Administration Act, 1927 (Act 38 of 1927).

(2) These regulations shall not apply in a self-governing territory established under the National States Constitution Act, 1971 (Act 21 of 1971).

**Existing uses**

3. Any land used or intended to be used immediately prior to the commencement of these regulations for any lawful purpose shall, subject to the provisions of regulations 4 and 5, continue to be so used.

**Extended residential use**

4. Any land used as contemplated in regulation 3 or 5 for residential purposes may be used also for any social and religious activities and for the carrying on of any occupations, including the rendering of services, and any professions and trades, including retail trades: Provided that—

- (a) the dominant use of the land remains residential;
- (b) no such activity, occupation, profession or trade shall—
  - (i) be noisome or noxious; or
  - (ii) interfere with the amenity of the neighbourhood.

**Zoning and rezoning by Chief Planning Officer**

5. (1) The chief planning officer may zone any land for use for residential, trading, business, commercial, industrial, religious, school or other purposes.

(2) The chief planning officer may on application to him through the medium of the local authority concerned effect a change of any zoning contemplated in subregulation (1) or in regulation 3.

(3) Any matter pending immediately before the commencement of these regulations and uncompleted on such commencement shall be completed as if these regulations had not come into operation.

**Planning maps and records**

6. The chief planning officer may compile and maintain such maps and records as he may consider necessary for the purposes of these regulations.

**Title**

7. These regulations shall be called the Regulations for Land Use in Towns, 1988.

No. R. 405

9 March 1988

**REGULATIONS FOR LOCAL AUTHORITIES**

I, Gerrit van Niekerk Viljoen, Minister of Education and Development Aid, do hereby, under the powers vested in me by section 30 (2) of the Black Administration Act, 1927 (Act 38 of 1927), read with section 2 (2) of the Laws on Co-operation and Development Amendment Act, 1984 (Act 83 of 1984), make the regulations set out in the Schedule hereto.

G. VAN N. VILJOEN,  
Minister of Education and Development Aid.

**BYLAE****HOOFSTUK I****WOORDOMSKRYWING EN TOEPASSING*****Woordomskrywing***

1. In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

“bestuurder” ’n bestuurder bedoel in regulasie 4, en sluit dit ’n beampte in daardie regulasie bedoel in wat namens die bestuurder handel;

“dorp”—

(a) (i) ’n gebied afgesonder of geag afgesonder te wees soos bepaal in artikel 30 (1) van die Wet;

(ii) enige grond in sodanige gebied, insluitende ’n dorpsgebied, ’n meet of ’n informele gebied bedoel in die Regulasies betreffende Grondbesit in Dorpe, 1988; en

(b) ook ’n dorp geleë op grond wat nie grond is wat die eiendom van die Trust is nie;

“dorpsraad” ’n dorpsraad bedoel in regulasie 3;

“eienaar” ook—

(a) ’n geregistreerde houer van grondbriefregte of ’n reg van huurpag;

(b) ’n huurder van ’n perseel wat die eiendom van die Trust is;

“Minister” die Minister van Onderwys en Ontwikkelingshulp, en ten opsigte van enige administratiewe bevoegdheid of funksie sluit dit enige beampte in die Departement van Ontwikkelingshulp in aan wie die Minister die betrokke bevoegdheid of funksie gedelegeer het;

“plaaslike owerheid”

(a) ’n dorpsraad of ander plaaslike bestuursliggaam;

(b) die bestuurder, indien ’n liggaam bedoel in paraaf (a)—

(i) nie beklee is of geag word beklee te wees met die funksies, bevoegdhede of pligte bedoel in regulasie 3 (1) (a) of 5 nie; of

(ii) nie bestaan nie;

“Trust” die Suid-Afrikaanse Ontwikkelingstrust ingestel kragtens artikel 4 (1) van die Ontwikkelingstrust en Grond Wet, 1936 (Wet 18 van 1936);

“Wet” die Swart Administrasie Wet, 1927 (Wet 38 van 1927).

***Toepassing van regulasies***

2. (1) Hierdie regulasies geld, behoudens subregulasie (2), in elke gebied wat afgesonder is of geag word afgesonder te wees as ’n dorp kragtens artikel 30 (1) van die Wet totdat dit in enige sodanige gebied vervang word deur verordeninge in artikel 30A van die Wet bedoel.

(2) Hierdie regulasies geld nie in—

(a) ’n selfregerende gebied, ingestel kragtens die Grondwet van die Nasionale State, 1971 (Wet 21 van 1971), nie;

(b) ’n gebied waar die bepalings van die regulasies afgekondig by Proklamasie R. 163 van 1974 van toepassing is nie.

**SCHEDULE****CHAPTER I****DEFINITIONS AND APPLICATION*****Definitions***

1. In these regulations, unless the context otherwise indicates—

“Act” means the Black Administration Act, 1927 (Act 38 of 1927);

“local authority” means—

(a) a township council or other local government body;

(b) a manager, if a body referred to in paragraph (a)—

(i) is not vested or deemed to be vested with the functions, powers or duties referred to in regulation 3 (1) (a) or 5; or

(ii) does not exist;

“manager” means a manager referred to in regulation 4 and includes an officer referred to in that regulation acting on behalf of the manager;

“Minister” means the Minister of Education and Development Aid, and in respect of any administrative power or function includes any officer in the Department of Development Aid to whom the Minister has delegated the power or function in question;

“owner” includes—

(a) a registered holder of deed of grant rights or a right of leasehold;

(b) a lessee of premises the property of the Trust;

“town”—

(a) means—

(i) an area set apart or deemed to be set apart as provided in section 30 (1) of the Act; or

(ii) any land in such area, including a township, or commonage, or an informal area referred to in the Regulations concerning Land Tenure in Towns, 1988; and

(b) includes a town situated on land other than land the property of the Trust;

“township council” means a township council referred to in regulation 3;

“Trust” means the South African Development Trust constituted under section 4 (1) of the Development Trust and Land Act, 1936 (Act 18 of 1936).

***Application of regulations***

2. (1) These regulations shall, subject to subregulation (2), apply in every area set apart or deemed to be set apart as a town in terms of section 30 (1) of the Act until replaced in any such area by by-laws referred to in section 30A of the Act.

(2) These regulations shall not apply in—

(a) a self-governing territory established under the National States Constitution Act, 1971 (Act 21 of 1971);

(b) an area to which the regulations published under Proclamation R. 163 of 1974 apply.

**HOOFSTUK II****PLAASLIKE BESTUUR*****Plaaslike bestuursliggame***

3. (1) Behoudens die bepalings van subregulasie (2), gaan 'n dorpsraad wat ingestel is en wat bestaan het onmiddellik voor die inwerkingtreding van hierdie regulasies, voort om te bestaan en—

- (a) berus die funksies, bevoegdhede, regte, pligte, verpligte, bates en laste wat onmiddellik voor die inwerkingtreding van hierdie regulasies by die raad berus het, voort om by die raad te berus;
  - (b) word die ampsbekleding, dienstyd, diensvoorraarde en toelaes van die lede, ampsdraers en personeel van die raad nie deur die inwerkingtreding van hierdie regulasie beïnvloed nie.
- (2) Die Minister kan, na oorlegpleging met of op versoek van 'n dorpsraad, sodanige raad afskaf en 'n ander plaaslike bestuursliggaam, soos bedoel in artikel 30 (2) van die Wet, in die plek daarvan instel.

***Bestuurders*****4. (1) Die Minister kan—**

- (a) 'n bestuurder aanstel om 'n dorp of 'n gedeelte daarvan te administreer;
  - (b) sodanige ander beampies aanstel as wat hy nodig ag om die bestuurder by te staan.
- (2) Enige persoon wat aangestel is en sy amp beklee het onmiddellik voor die inwerkingtreding van hierdie regulasies—
- (a) as 'n bestuurder, word geag 'n bestuurder bedoel in subregulasie (1) (a), te wees;
  - (b) as 'n superintendent of ander beampie aangewys om 'n bestuurder of superintendent by te staan, word geag 'n assistent bedoel in subregulasie (1) (b), te wees.

***Verlening van bevoegdhede***

5. Die Minister kan bepaal dat enige bevoegdheid, funksie of plig in hierdie regulasies bedoel, by die dorpsraad of ander plaaslike bestuursliggaam in regulasie 3 (2) bedoel, na gelang van die geval, tot uitsluiting van die bestuurder, berus.

**HOOFSTUK III****VOORSIENING VAN MUNISIPALE DIENSTE*****Voorsiening van dienste***

6. Die plaaslike owerheid moet, behoudens die bepalings van regulasie 7, aan die inwoners van 'n dorp elektrisiteit, water, riool- en vullisverwydering en ander dienste verskaf.

***Diensgelde***

7. (1) Die plaaslike owerheid kan bepaal dat 'n diens bedoel in regulasie 6 nie voorsien word nie alvorens die eienaar of okkuperer van die betrokke perseel of 'n persoon wat namens hom handel—

- (a) 'n verbruikersoordeel in 'n vorm aanvaarbaar vir die plaaslike owerheid, aangegaan het;
- (b) 'n som geld by die plaaslike owerheid gedeponeer het wat gelykstaande is met die waarskynlike maksimum koste van sodanige diens aan die betrokke perseel gedurende enige twee opeenvolgende maande, soos beraam deur die plaaslike owerheid, welke som verhoog kan word in ooreenstemming met enige bepaalde verandering in sodanige koste, met een maand skriftelike kennisgewing.

**CHAPTER II****LOCAL GOVERNMENT*****Local government bodies***

3. (1) Subject to the provisions of subregulation (2), a township council established and in existence immediately before the commencement of these regulations shall continue to exist, and—

- (a) the functions, powers, rights, duties, obligations, assets and liabilities vesting in the council immediately before the commencement of these regulations shall continue to vest in the council;
- (b) the tenure, terms of office, conditions of service and allowances of the members, office-bearers and staff of the council shall not be affected by the commencement of these regulations.

(2) The Minister may, after consultation with or at the request of a township council, abolish such council and establish in place thereof another local government body as contemplated in section 30 (2) of the Act.

***Managers*****4. (1) The Minister may appoint—**

- (a) a manager to administer a town or part thereof;
  - (b) such other officers as he may deem necessary to assist the manager.
- (2) Any person appointed and in office immediately before the commencement of these regulations—
- (a) to be a manager shall be deemed to be a manager referred to in subregulation (1) (a);
  - (b) to be a superintendent or other officer designated to assist a manager or superintendent shall be deemed to be an assistant referred to in subregulation (1) (b).

***Assignment of powers***

5. The Minister may determine that any power, function or duty referred to in these regulations shall vest in the township council or other local government body referred to in regulation 3 (2), as the case may be, to the exclusion of the manager.

**CHAPTER III****PROVISION OF MUNICIPAL SERVICES*****Provision of services***

6. The local authority shall, subject to the provisions of regulation 7, supply electricity, water, sewerage and refuse removal and other services to the inhabitants of a town.

***Service charges***

7. (1) The local authority may determine that a service referred to in regulation 6 shall not be supplied until the owner or occupier of the premises concerned or a person acting on his behalf has—

- (a) entered into a consumer's agreement in a form acceptable to the local authority;
- (b) deposited a sum of money with the local authority equal to the likely maximum cost of such service to the premises concerned during any two consecutive months as estimated by the local authority, which sum may be increased in accordance with any estimated change in such cost on one month's written notice.

(2) Die gelde vir 'n diens bedoel in regulasie 6, word deur die Minister bepaal en bekendgemaak by kennisgewing in die *Staatskoerant*: Met dien verstande dat—

- (a) verskillende gelde vasgestel kan word vir verskillende dorpe of dele daarvan;
- (b) die plaaslike owerheid met die goedkeuring van die Minister die geheel of enige gedeelte van sodanige gelde kan kwytstel.

(3) Indien gelde in subregulasie (2) bedoel onbetaald bly vir ses weke na skriftelike kennisgewing aan die eienaar of okkuperer van die perseel van die skuld, kan die plaaslike owerheid—

- (a) teen die eienaar en die okkuperer in daardie stadium gesamentlik en afsonderlik 'n aksie instel vir sodanige skuld en die betrokke bedrag van sodanige eienaar of okkuperer verhaal nadat enige deposito in subregulasie (1) bedoel, in verrekening gebring is;
- (b) enige diens staak totdat die uitstaande bedrag betaal is.

#### HOOFSTUK IV

##### BOUWERK

###### *Boupermitte*

8. (1) Niemand, uitgesonderd die Trust, die Staat of die plaaslike owerheid, rig enige struktuur in 'n dorp op, of verander dit of voeg daaraan toe sonder 'n boupermit van die plaaslike owerheid wat sodanige werk magtig nie.

(2) Elkeen wat begerig is om 'n boupermit van die plaaslike owerheid te verkry, moet—

- (a) in sy aansoek die doel waarvoor die struktuur gebruik gaan word, aandui; en
- (b) die plaaslike owerheid van sodanige ander informasie as wat hy verlang, voorsien.

(3) Die plaaslike owerheid kan gratis aan enige *bona fide*-applikant vir 'n boupermit 'n plan van 'n standaardhuis wat vir die plaaslike owerheid aanvaarbaar is, voorsien.

(4) Indien die plaaslike owerheid oortuig is dat die bepalings van subregulasie (2) nagekom is, dat die voorgestelde struktuur of strukture voldoen aan die goedgekeurde spesifikasies en dat die planne in orde is, reik hy 'n boupermit aan die applikant uit in 'n vorm vasgestel deur die Minister.

(5) Elke boupermit moet vermeld watter strukture op die betrokke erf of perseel opgerig mag word.

###### *Bouwerkzaamhede*

9. (1) Die plaaslike owerheid moet sorg dat daar toesig oor die oprigting of verandering van of byvoeging tot enige struktuur gehou word.

(2) Indien daar nie met 'n struktuur waarvoor 'n boupermit uitgereik is 'n aanvang gemaak word binne ses maande na die datum van uitreiking van sodanige permit, of as dit nie binne twee jaar na genoemde datum voltooi is nie, kan sodanige permit deur die plaaslike owerheid ingetrek word: Met dien verstande dat die plaaslike owerheid, indien goeie gronde aangevoer word, sodanige verlenging van die tydperk as wat in die omstandighede redelik geag word, kan toestaan.

###### *Goedkeuring van geboue*

10. Die houer van 'n boupermit moet by voltooiing van die oprigting of verandering van of toevoeging aan enige struktuur, die plaaslike owerheid daarvan in kennis stel, waarop die plaaslike owerheid sorg dat sodanige werk geïnspekteer word en, indien dit aan die bepalings van hierdie regulasies voldoen, dienooreenkomsdig sertifiseer deur middel van 'n endossement op die permit en op die kantoorafskrif van die permit.

(2) The charges for a service referred to in regulation 6 shall be determined by the Minister and published by notice in the *Gazette*: Provided that—

- (a) different charges may be determined for different towns or parts thereof;
- (b) the local authority may with the approval of the Minister remit the whole or any portion of such charges.

(3) If a charge referred to in subregulation (2) remains unpaid for six weeks after written notice to the owner or occupier of the premises of the indebtedness, the local authority may—

- (a) proceed jointly and severally against the owner and occupier for the time being for such indebtedness and recover the amount in question from such owner or occupier after setting off any deposit referred to in subregulation (1);
- (b) discontinue any service until the amount outstanding has been paid.

#### CHAPTER IV

##### BUILDING

###### *Building permits*

8. (1) No person other than the Trust, the State or the local authority shall erect any structure in a town or alter or add thereto without a building permit from the local authority authorising such work.

(2) Any person desirous of obtaining a building permit from the local authority shall—

- (a) indicate in his application the purpose for which the structure is intended to be used; and
- (b) furnish the local authority with such other information as it may require.

(3) The local authority may supply free of charge to any *bona fide* applicant for a building permit a plan of a standard house acceptable to the local authority.

(4) On being satisfied that the provisions of subregulation (2) have been complied with, that the proposed structure or structures accord with approved specifications and that the plans are in order, the local authority shall issue a building permit to the applicant in a form determined by the Minister.

(5) Every building permit shall specify what structures may be erected on the relevant erf or site.

###### *Building operations*

9. (1) The local authority shall cause the erection or alteration of or addition to any structure to be supervised.

(2) If a structure for which a building permit has been issued be not commenced within six months or be not completed within two years from the date of issue of such permit, such permit may be cancelled by the local authority: Provided that the local authority may, on good cause shown, grant such extension of time as may appear to be reasonable in the circumstances.

###### *Approval of buildings*

10. The holder of a building permit shall on completion of the erection or alteration of or addition to any structure give notice thereof to the local authority, whereupon the local authority shall cause such work to be inspected and, if it complies with the provisions of these regulations, shall certify accordingly by an endorsement on the permit and on the office copy of the permit.

**Strukture**

11. (1) Ondanks die bepalings van hierdie Hoofstuk of enige ander wet kan enige struktuur in ooreenstemming met die skriftelike toestemming van die plaaslike, owerheid en onderworpe aan sodanige voorwaardes as wat die plaaslike owerheid bepaal, opgerig word.

(2) Ondanks enigets in hierdie regulasie vervat, kan die eienaar van 'n struktuur wat na die mening van die plaaslike owerheid gevaarlik of bouvallig is, deur die plaaslike owerheid skriftelik gelas word om sodanige struktuur binne tien dae te verwijder.

**Misdrywe ten opsigte van bouwerkzaamhede**

12. (1) Enige persoon wat die bepaling van regulasie 8 (1) of 11 (2) verbreek, is aan 'n misdryf skuldig en is by skuldigbevinding strafbaar met die strawwe voorgeskryf in regulasie 39.

(2) 'n Hof wat 'n persoon vir 'n tweede of volgende keer skuldig bevind het aan 'n misdryf bedoel in subregulasie (1), kan as alternatief vir enige ander straf wat hy mag ople, gelas dat voormalde persoon 'n struktuur ten opsigte waarvan hy skuldig bevind is, binne 'n spesifieke tyd sloop en verwijder, by gebreke waarvan die hof kan gelas dat sodanige struktuur deur die plaaslike owerheid gesloop en verwijder word op koste van gemelde persoon.

**HOOFSTUK V****GEBRUIK EN BEHEER VAN WATER****Koppeling van installasies**

13. (1) Niemand, uitgesonder die plaaslike owerheid of 'n persoon behoorlik deur hom gemagtig, mag sonder die toestemming van die plaaslike owerheid, wat verleen kan word behoudens sodanige voorwaardes as wat hy nodig ag—

(a) enige pyp of apparaat wat nie vir huishoudelike doelendes gebruik word nie aan 'n pyp wat gebruik word of wat bedoel is om gebruik te word vir of in verband met die voorsiening van water, of aan 'n meter of ander apparaat;

(b) enige dienspyp, tenk, waterbak of ander apparaat wat gebruik word vir die opgaar of vervoer van water direk aan enige ander watertoevoerstelsel,

koppel of laat koppel of toelaat dat dit gekoppel word nie.

(2) Enige persoon behoorlik deur die plaaslike owerheid gemagtig, kan vir die doeleinnes van enige koppeling, onderhoud of herstel van 'n waterpyp of ander apparaat te alle redelike tye na behoorlike kennisgewing, of te eniger tyd en sonder kennisgewing in 'n noodgeval, enige perseel betree en sodanige inspeksie en navrae daarop doen as wat hy nodig ag: Met dien verstande dat met die betreding van enige perseel sodanige persoon, indien daartoe versoek, die doel van sodanige inspeksie en navrae moet vermeld.

**Skade aan installasies**

14. (1) Niemand mag opsetlik of nalatiglik enige pyp, meter of ander apparaat wat gebruik word of bedoel is om gebruik te word vir die verskaffing van water, beskadig of laat beskadig nie.

(2) Die eienaar is verantwoordelik vir die bewaring en goeie toestand van enige meter geïnstalleer op sy perseel en is aanspreeklik vir die betaling aan die plaaslike owerheid van vergoeding vir enige skade wat aan sodanige meter aangerig is.

**Structures**

11. (1) Notwithstanding the provisions of this Chapter or any other law, any structure may be erected in accordance with the written permission of the local authority and subject to such conditions as the local authority may impose.

(2) Notwithstanding anything contained in this regulation the owner of a structure which in the opinion of the local authority is hazardous or dilapidated may be ordered by the local authority in writing to remove such structure within ten days.

**Offences in respect of building operations**

12. (1) Any person contravening the provisions of regulation 8 (1) or 11 (2) shall be guilty of an offence and liable on conviction to the penalties prescribed in regulation 39.

(2) A court convicting a person for the second or subsequent time of an offence referred to in subregulation (1) may in the alternative to any other penalty which it may impose order the demolition and removal of a structure in respect of which he has been so convicted by the said person within a specific time, failing which, the court may order the local authority at the cost of the said person to demolish and remove such structure.

**CHAPTER V****USE AND CONTROL OF WATER****Connection to installations**

13. (1) No person other than the local authority or a person duly authorised by it shall without the permission of the local authority, which may be granted subject to such conditions as it may deem necessary, connect or cause or permit to be connected—

(a) any pipe or apparatus which is not used for domestic purposes to a pipe used or intended to be used for or in connection with the supply of water or to a meter or other apparatus;

(b) any service pipe, tank, cistern or other apparatus used for the storage or conveyance of water directly to any other system of water supply.

(2) Any person duly authorised by the local authority may for the purpose of any connection, maintenance or repair of a water pipe or other apparatus, at all reasonable times after due notice, or at any time and without notice in an emergency, enter upon any premises and make such inspection and enquiry thereon as he may deem necessary: Provided that on entry upon any premises such person, if required to do so, shall state the purpose of such inspection and enquiry.

**Damage to installations**

14. (1) No person shall wilfully or negligently damage or cause to be damaged any pipe, meter or other apparatus used or intended to be used for the supply of water.

(2) The owner shall be responsible for the safekeeping and good condition of any meter installed on his premises and shall be liable to pay compensation to the local authority for any damage done to such meter.

**Gebruik van water****15. (1) Niemand mag—**

- (a) in enige stroom, dam, opgaartenk, waterleiding of enige ander plek wat water bevat en wat gebruik word vir of in verband met die verskaffing van water, swem, bad of was of enige dier daarin was of gooi of laat of toelaat dat enige dier daarin gewas of gegooi word of daarin ingaan nie;
- (b) enige afval, vuilgoed, vuillis of ander skadelike stof in sodanige stroom, dam, opgaartenk, waterleiding of ander plek gooi of enige materiaal, wol, leer, of die vel van enige dier, klere of ander stowwe daarin was, skoonmaak of plaas nie;
- (c) die water uit 'n wasbak, riool of afvoersloot, of stoom of enjin-, stoomketel- of ander vuil water of vloeistof, vir die beheer waaroor hy verantwoordelik is, in enige stroom, dam, reservoir, hoofwaterpyp waterleiding of ander plek laat inloop of daarin laat beland of toelaat dat dit daarin loop of daarin beland of enige ander daad verrig waardeur die water besoedel kan word nie.

**(2) Niemand mag—**

- (a) enige pyp, kraan of passtuk laat lek of toelaat dat dit lek nie;
- (b) enige kraan of toebehore installeer in so 'n posisie dat enige lekkasie nie geredelik opgespoor kan word nie; en
- (c) nalaat om sodanige lekkasie aan die plaaslike owerheid te rapporteer nie.

(3) Geen waterbak, bedek of geïnstalleer in enige uitgraving in die grond, mag vir die opgaar of ontvangs van water wat deur die plaaslike owerheid voorsien word, gebruik word nie.

**Voorsiening van water**

16. (1) Die plaaslike owerheid kan te eniger tyd die voorseening van water aan die hele of 'n gedeelte van die dorp tot sodanige tye as waarop hy besluit, beperk, of die gebruik van water vir enige spesifieke doel of vir enige doeleinades anders as gespesifieer, na gelang van die geval, verbied, of die gebruik van sprinkelaars, tuinslange en emmers beperk of verbied.

(2) Niemand mag enige water gedurende die verbode tye of vir die verbode doeleinades of vir ander as gespesifieerde doeleinades gebruik nie.

(3) Die plaaslike owerheid is nie aanspraaklik nie vir enige versuum om water te voorsien of vir enige gebrek in die kwaliteit van die water wat voorsien word, ongeag die oorsaak daarvan.

**Misdrywe ten opsigte van water**

17. Enige persoon wat die bepalings van regulasie 13 (1), 14 (1), 15 of 16 (2) oortree, is skuldig aan 'n misdryf en is by skuldigbevinding strafbaar met die strawwe voorgeskryf in regulasie 39.

**HOOFTUK VI****DIERE****Slag van vee**

18. (1) Niemand mag enige dier slag of laat slag of toelaat dat dit geslag word nie behalwe by 'n slagplek wat behoorlik deur die plaaslike owerheid gemagtig en goedgekeur is.

**Use of water****15. (1) No person shall—**

- (a) bathe in, or wash or throw any animal or cause or permit any animal to be washed or thrown in or to enter any stream, dam, reservoir, aqueduct or other place containing water and used for or in connection with the supply of water;
- (b) deposit any rubbish, dirt, filth or other deleterious matter into such stream, dam, reservoir, aqueduct or other place, or wash, cleanse or place therein any cloth, wool, leather, or the skin of any animal, clothes or other matter;
- (c) cause or permit the water of any sink, sewer or drain, or any steam or engine, boiler or other unclean water or liquid, for the control of which he is responsible, to run or be brought into any stream, dam, reservoir, main, aqueduct or other place or perform any other act whereby the water may be polluted.

**(2) No person shall—**

- (a) cause or permit any pipe, tap or fitting to leak;
- (b) install any tap or fitting in such a position that any leakage cannot readily be detected; and
- (c) fail to report such leakage to the local authority.

(3) No cistern covered or installed in any excavation in the ground shall be used for the storage or reception of water supplied by the local authority.

**Supply of water**

16. (1) The local authority may at any time restrict the supply of water to the whole or any portion of the town to such times as it may decide, or it may prohibit the use of water for any specific purpose or for any purpose other than specified, as the case may be, or restrict or prohibit the use of sprinklers, garden hoses and buckets.

(2) No person shall use any water during prohibited times or for prohibited purposes or purposes other than specified.

(3) The local authority shall not be liable for any failure to supply water or for any defect in the quality of water supplied, however caused.

**Offences in respect of water**

17. Any person contravening the provisions of regulation 13 (1), 14 (1), 15 or 16 (2) shall be guilty of an offence and liable on conviction to the penalties prescribed in regulation 39.

**CHAPTER VI****ANIMALS****Slaughtering of stock**

18. (1) No person shall slaughter or cause or suffer to be slaughtered any animal except at a slaughtering place duly authorised and approved by the local authority.

(2) Elke sodanige slagplek moet van die nodige materiaal en toerusting voorsien word en word gebruik, gehou en gereguleer op sodanige wyse as wat die plaaslike owerheid verlang.

(3) Die plaaslike owerheid kan gelas dat enige siek of besmette dier wat deur sy eienaar geabandoneer is, vernietig, verwyder en begrawe word.

(4) Die plaaslike owerheid kan na skriftelike kennisgewing en verstrekking van redes enige persoon gelas om die gebruik van sodanige slagplek te staak.

#### *Aanhouding van diere in die dorp*

19. (1) Niemand mag sonder die skriftelike toestemming van die plaaslike owerheid enige—

(a) beeste, skape, bokke of varke;

(b) perde, muile of donkies;

in die dorp aanhou of inbring nie.

(2) Geen toestemming bedoel in subregulasie (1) word ten opsigte van enige perd, muil of donkie verleen nie tensy die plaaslike owerheid oortuig is dat daar voldoende stalgeriewe vir enige sodanige dier verskaf is.

(3) Enige beeste, skape, bokke, varke, perde, muile of donkies wat in die dorp aangetref word en ten opsigte waarvan die plaaslike owerheid nie ingevolge subregulasie (1) skriftelike toestemming verleen het nie, en enige sodanige dier wat in enige straat of openbare plek in die dorpsgebied gevind word waar dit loslopende of sonder toesig is, kan deur die plaaslike owerheid geskut word, en met sodanige dier word daarna gehandel op dieselfde wyse as enige dier wat geskut word kragtens die bepalings van die wette wat in die betrokke gebied van krag is en op skutte betrekking het.

(4) Die plaaslike owerheid kan sodanige dele van die meentgronde as wat nodig geag word, afsonder en afkamp en 'n spesiale kamp of kampe vir die wei van vee van die okkuperders daarstel.

#### *Spesiale bepalings ten opsigte van pluimvee*

20. (1) Niemand mag enige pluimvee in enige ander plek as 'n behoorlik opgerigte pluimveehok hou nie.

(2) Elke persoon wat 'n pluimveehok, hoenderkamp of duwehok gebruik, moet—

(a) sodanige omheinde plek deeglik skoon en vry van onbindende voedsel, ongediertes en vuilgoed van enige soort hou;

(b) sodanige omheinde plek van tyd tot tyd ontsmet en ongediertevry maak, soos nodig.

#### *Misdrywe ten opsigte van diere*

21. Enige persoon wat die bepalings van regulasie 18 (1), 19 (1) of 20 oortree, is aan 'n misdryf skuldig en is by skuldigbevinding strafbaar met die strawwe voorgeskryf in regulasie 39.

### **HOOFSTUK VII**

#### **UITGRAWING EN STEENGROEFWERK**

##### *Uitgraving*

22. Niemand mag enige materiaal stort, enige pad bou of enige gat of uitgraving maak of enigets anders doen wat die gevolg kan hê of daarop bereken is om die gevolg te hê dat enige straat, pad of ander deurgang versper word of wat op enige ander manier die gebruik van 'n openbare plek of van die meentgrond deur die publiek kan belemmer of wat enige struktuur in gevaar kan stel of daarop bereken is om enige struktuur in gevaar te stel nie, tensy sodanige persoon vooraf skriftelike toestemming van die plaaslike owerheid verkry nie, wat die voorwaardes kan ople wat hy nodig ag.

(2) Every such slaughtering place shall be provided with the required materials and equipment and shall be used, kept and regulated in such manner as the local authority may require.

(3) The local authority may order the destruction, removal and burial of any sick or diseased animal abandoned by its owner.

(4) The local authority may after written notice giving reasons at any time require any person to discontinue the use of such slaughterhouse.

#### *Keeping of animals in the town*

19. (1) No person shall, save with the written permission of the local authority, keep in or introduce into a town any—

(a) cattle, sheep, goats or pigs;

(b) horses, mules or donkeys.

(2) No permission contemplated in subregulation (1) shall be granted in respect of any horse, mule or donkey unless the local authority is satisfied that adequate stabling facilities have been provided for any such animal.

(3) Any cattle, sheep, goats, pigs, horses, mules or donkeys found in the town and in respect of which the local authority has not granted written permission in terms of subregulation (1) and any such animal found straying or unattended in any street or public place in the township may be impounded by the local authority and shall thereafter be dealt with in the same manner as any animal impounded under the provisions of the laws relating to pounds in force in the area concerned.

(4) The local authority may reserve and fence off such portions of the commonage as may be deemed desirable and establish a special camp or camps for the grazing of the stock of the occupiers.

#### *Special provisions in respect of poultry*

20. (1) No person shall keep any poultry in any place other than a properly constructed poultry house.

(2) Every person using a poultry house, fowl-run or dove-cote shall—

(a) keep such enclosure thoroughly clean and free from decaying food, vermin and filth of any kind;

(b) disinfect or deverminise such enclosures from time to time as occasion requires.

#### *Offences in respect of animals*

21. Any person contravening the provisions of regulation 18 (1), 19 (1) or 20 shall be guilty of an offence and liable on conviction to the penalties prescribed in regulation 39.

### **CHAPTER VII**

#### **EXCAVATION AND QUARRYING**

##### *Excavation*

22. No person shall deposit any material, construct any road or dig any hole or excavation or do any other thing which may result or be calculated to result in the obstruction of any street, road or other thoroughfare, or which may in any way interfere with the use by the public of any public place or the commonage, or which may endanger or be calculated to endanger any structure unless such person has obtained the prior written permission of the local authority, which may impose such conditions as it may deem necessary.

**Steengroefwerk**

23. (1) Niemand mag sonder die vooraf skriftelike toestemming van die plaaslike owerheid in 'n dorp klip breek, sooe steek of grond verwyder of stene in 'n dorp maak of bak nie.

(2) Enige toestemming verleen kragtens subregulasie (1) kan onderworpe wees aan betaling aan die plaaslike owerheid van sodanige gelde as wat hy van tyd tot tyd bepaal en aan sodanige ander voorwaardes as wat die plaaslike owerheid ople.

**Misdrywe ten opsigte van uitgrawings en steengroefwerk**

24. Enige persoon wat die bepalings van regulasie 22 (1) of 23 oortree, is skuldig aan 'n misdryf en is by skuldig bevinding strafbaar met die strawwe voorgeskryf in regulasie 39.

**HOOFSTUK VIII****GESONDHEID EN SANITASIE****Oorlas**

25. (1) Geen persoon mag 'n oorlas veroorsaak of toelaat dat dit bestaan nie, en elke eienaar en okkuperer van enige perseel moet te alle tye sodanige eiendom skoon en vry van oorlas hou.

(2) Die plaaslike owerheid kan enige perseel betree en inspekteer of navraag daar doen om die bestaan of oorsaak van 'n oorlas vas te stel.

(3) Wanneer 'n oorlas op enige eiendom bestaan of bestaan het en geneig is om weer voor te kom, kan die plaaslike owerheid 'n kennisgewing aan of die bewerker van die oorlas of die eienaar of okkuperer van die perseel beteken, wat van hom vereis om die oorlas te verwyder of te verminder en die nodige stappe te doen, wat nie gespesifieer hoef te wees nie, binne 'n redelike tyd, wat nodig is vir die verwydering of vermindering en die voorkoming van herhaling van die oorlas.

(4) Indien 'n persoon aan wie 'n kennisgewing bedoel in subregulasie (3) beteken is, in gebreke bly om daaraan te voldoen, kan die plaaslike owerheid die perseel betree en self die werk in subregulasie (3) bedoel, verrig en die koste van sodanige persoon verhaal.

(5) In hierdie regulasie beteken "oorlas"—

- enige stroom, poel, moeras, sloot, afvoersloot, waterloop, waterbak, latrine, urinaal, vuilput, dreineersloot, riool, misput, vuilwatertank, ashoop of mishoop wat so afstootlik of in so 'n toestand of so geleë of gemaak is dat dit aanstootlik is of nadelig of gevaelik vir die gesondheid is;
- enige stal, kraal, skuur, kampie of perseel gebruik vir die hou van diere of voëls en wat so gemaak, geleë, gebruik of gehou word dat dit aanstootlik is of nadelig of gevaelik vir die gesondheid is;
- enige versameling van vullis, afval, mis of ander stowwe wat aanstootlik is of nadelig of gevaelik vir die gesondheid is;
- enige gebou of struktuur wat so geleë of gemaak is of gebruik of gehou word dat dit onveilig is of nadelig of gevaelik vir die gesondheid is;
- enige bewoonde woning waarvoor geen behoorlike en voldoende voorsiening van suwer water binne 'n redelike afstand beskikbaar is nie;
- enige fabriek of industriële of besigheidperseel wat nie in 'n skoon toestand en vry van aanstootlike reuke gehou word nie, wat ontstaan uit enige riool, latrine, urinaal of enige ander bron, of wat nie so geventileer is dat enige gasse, dampe, stof of ander onsuiwerhede

**Quarrying**

23. (1) No person shall save with the prior written permission of the local authority quarry stone, cut sods or remove soil from a town or make or burn bricks in a town.

(2) Any permission granted under subregulation (1) may be subject to payment to the local authority of such charges as may be determined by it from time to time and to such other conditions as the local authority may impose.

**Offences in respect of excavation and quarrying**

24. Any person contravening the provisions of regulation 22 (1) or 23 shall be guilty of an offence and liable on conviction to the penalties prescribed in regulation 39.

**CHAPTER VIII****HEALTH AND SANITATION****Nuisance**

25. (1) No person shall cause or permit a nuisance to exist, and every owner and occupier of any premises shall at all times maintain such premises clean and free from nuisance.

(2) The local authority may enter and inspect or make enquiries on any premises to ascertain the existence or cause of a nuisance.

(3) Whenever a nuisance exists or has existed on any premises and tends to recur, the local authority may serve a notice either on the author of the nuisance or on the owner or occupier of the premises requiring him to remove or abate the nuisance and to take the necessary action, which need not be specified, within a reasonable specified time, as is necessary for the removal or abatement and the prevention of recurrence of the nuisance.

(4) If a person on whom a notice referred to in subregulation (3) has been served fails to comply therewith, the local authority may enter on the premises and itself carry out the work referred to in subregulation (3) and recover the costs from any such person.

(5) In this regulation, "nuisance" means—

- any stream, pool, marsh, ditch, gutter, watercourse, cistern, latrine (of whatever nature), urinal, cesspool, cesspit, drain, sewer, dung pit, slop tank, ash heap or dung heap so foul or in such a state or so situated or constructed as to be offensive or to be injurious or dangerous to health;
- any stable, kraal, shed, run or premises used for the keeping of animals or birds, so constructed, situated, used or kept as to be offensive or injurious or dangerous to health;
- any accumulation of refuse, offal, manure or other matter which is offensive or is injurious or dangerous to health;
- any building or structure which is so situated, constructed, used or kept as to be unsafe or to be injurious or dangerous to health;
- any occupied dwelling for which no proper and sufficient supply of pure water is available within a reasonable distance;
- any factory or industrial or business premises not kept in a cleanly state and free from offensive smells arising from any drain, latrine (of whatever nature), urinal or any other source, or not ventilated so as to destroy or render harmless and inoffensive as far as practicable any gases, vapours, dust or other impuri-

wat voortgebring word sover moontlik vernietig of skadeloos gestel of onaanstaotlik gemaak word nie, of wat so oorvol of so swak belig of geventileer is dat dit nadelig of gevaaerlik is vir die gesondheid van diégene wat daarin of daarop in diens is;

- (g) enige fabriek of industriële of besigheidspersel wat stank of effluvium veroorsaak of laat ontstaan wat aanstaotlik is of wat nadelig of gevaaerlik vir die gesondheid is;
- (h) enige stuk grond wat in so 'n toestand dat dit aanstaotlik is, gehou word of toegelaat word om so te bly;
- (i) enige ander aktiwiteit, toestand of ding wat aanstaotlik is of nadelig of gevaaerlik vir die gesondheid is.

### **Vullis**

26. (1) Die plaaslike owerheid moet verseker dat wanneer 'n perseel geokkupeer word, vullisblikke van 'n soort wat deur die plaaslike owerheid goedgekeur is, voorsien word vir sodanige perseel.

(2) Behoudens subregulasie (3) moet die okkupeerder van enige perseel alle vullis plaas in 'n vullisblik in subregulasie (1) bedoel.

(3) Niemand mag enige rioolwater, afvalwater, boumateriaal, tuinvullis of enigets wat nie huishoudelike vullis is nie, in 'n vullisblik in subregulasie (1) bedoel, plaas nie.

(4) Die plaaslike owerheid moet sorg dat alle vullisblikke met gereeld tussenpose leeggemaak word en dat die inhoud verwyder en op 'n goedgekeurde plek weggegooi word.

### **Latrines**

27. (1) Die eienaar of okkupeerder van enige perseel moet verseker dat 'n latrine van 'n soort goedgekeur deur die plaaslike owerheid op die perseel voorsien word.

(2) Die plaaslike owerheid kan verskillende soorte latrines ten opsigte van verskillende persele goedkeur.

(3) Geen emmerlatrine mag onder dieselfde dak as 'n struktuur wat vir enige ander doel gebruik word, gehou word nie.

(4) Geen persoon mag enige nagvuil hou of plaas of toelaat dat dit gehou of geplaas word nie behalwe in 'n goedgekeurde latrine.

(5) Putlatrines moet—

- (a) van goedgekeurde materiaal gemaak word;
- (b) nie minder as 2,4 meter diep en 1,0 meter in deursnee wees nie;
- (c) afgeskerm teen vlieë wees;
- (d) gevul word met minstens 1,0 meter skoon grond wanneer dit in onbruik raak.

(6) Geen persoon mag sonder die toestemming van die plaaslike owerheid nagvuil of die inhoud van 'n septiese tank of opgaartenk verwyder of daarvan ontslae raak nie.

(7) Geen persoon mag enige latrine of ander sanitêre toebehoere, loodgieterswerk of struktuur wat in verband met 'n latrine of urinaal opgerig is, beskadig nie.

### **Misdrywe ten opsigte van gesondheid en sanitasie**

28. Enige persoon wat die bepalings van regulasie 25 (1) of (4), 26 (2) of (3), of 27 oortree, is skuldig aan 'n misdryf en is by skuldigbevinding strafbaar met die strawwe voor-gekryf in regulasie 39.

ties generated, or so overcrowded or so badly lighted or ventilated as to be injurious or dangerous to the health of those employed therein or thereon;

- (g) any factory or industrial or business premises causing or giving rise to smells or effluvia which are offensive or which are injurious or dangerous to health;
- (h) any area of land kept or permitted to remain in such a state as to be offensive;
- (i) any other activity, condition or thing which is offensive, or injurious or dangerous to health.

### **Refuse**

26. (1) The local authority shall ensure that when premises are occupied refuse bins of a type approved by the local authority are provided for such premises.

(2) Subject to subregulation (3), the occupier of any premises shall place all refuse in a refuse bin referred to in subregulation (1).

(3) No person shall place any sewage, waste water, building materials, garden refuse or anything which is not household refuse in any refuse bin referred to in subregulation (1).

(4) The local authority shall cause all refuse bins to be emptied at regular intervals and the contents removed and dumped at an approved place.

### **Latrines**

27. (1) The owner or occupier of any premises shall ensure that a latrine of a type approved by the local authority is provided on the premises.

(2) The local authority may approve different types of latrines in respect of different premises.

(3) No pail closets shall be kept under the same roof as a structure used for any other purpose.

(4) No persons shall keep or deposit or permit to be kept or deposited night soil except in an approved latrine.

(5) Pit latrines shall be—

- (a) constructed with approved materials;
- (b) not less than 2,4 metres in depth and 1,0 metre in diameter;
- (c) flyscreened;
- (d) filled with at least 1,0 metre of clean earth on becoming disused.

(6) No person shall without the consent of the local authority remove or dispose of night soil or the contents of a septic tank or storage tank.

(7) No person shall damage any latrine or any sanitary fitting, plumbing or structure erected in connection with a latrine or urinal.

### **Offences in respect of health and sanitation**

28. Any person contravening the provisions of regulation 25 (1) or (4), 26 (2) or (3), or 27 shall be guilty of an offence and liable on conviction to the penalties prescribed in regulation 39.

## HOOFSTUK IX

### STRATE EN DIVERSE

#### *Rommelstrooiling*

29. Niemand mag enige vuilgoed, nagvuil, rommel, glas, blikke, papier, dooie diere of ander vullis, hetsy in vloeibare of vaste vorm, gooi, stort of laat val of veroorsaak of toelaat dat dit gegooi, gestort of laat val word nie in of op—

- (a) 'n openbare plek;
- (b) enige ander oop ruimte, onbehoude grond of waterloop.

#### *Skade aan openbare eiendom*

30. Niemand mag kwaadwillig of opsetlik openbare eiendom beskadig nie, insluitende—

- (a) 'n straatlig;
- (b) 'n plant, boom, struik of blom;
- (c) enige ander openbare installasie.

#### *Obstruksie en gebruik van openbare paaie en ander openbare plekke*

31. (1) Niemand mag, in 'n openbare plek, die deurgang van enige persoon belemmer of toelaat dat dit belemmer word nie, insluitende—

- (a) enige masjinerie of ander obstruksie daar laat nie;
  - (b) toelaat dat 'n tak van 'n boom of struik oorhang sodat dit 'n obstruksie veroorsaak nie.
- (2) Niemand mag in 'n openbare plek 'n vuur maak of aansteek nie.

#### *Misdrywe ten opsigte van strate en diverse aangeleenthede*

32. Enige persoon wat die bepalings van regulasie 29, 30 of 31 oortree, is aan 'n misdryf skuldig en is by skuldig bevinding strafbaar met die strawwe voorgeskryf in regulasie 39.

## HOOFSTUK X

### BEGRAAFPLASE

#### *Aanleg van begraafplaase*

33. (1) Die plaaslike owerheid moet 'n begraafplaas in die dorp aanlê en moet daarin grafpersele in ooreenstemming met 'n aanlegplan afbaken.

(2) Afsonderlike gedeeltes in die begraafplaas kan vir die teraardebestelling van verskillende klasse en kategorieë oorlede persone opsygesit word.

#### *Afmetings van grafpersele en grafte*

34. Tensy die Minister anders goedgekeur het, mag grafpersele nie minder as 0,6 meter van mekaar, en nie minder as—

- (a) behoudens paragraaf (b), 2,1 meter lank, 0,76 meter breed en 1,8 meter diep wees nie;
- (b) waar aparte gebiede afgesonder is vir die teraardebestelling van kinders onder die ouderdom van tien jaar, 1,4 meter lank, 0,45 meter breed en 1,4 meter diep wees nie.

#### *Grafperseelgeld*

35. (1) Die Minister kan van tyd tot tyd die gelde, indien wel, vir die grafpersele en die oopmaak en toemaak van grafte vasstel.

(2) Verskillende gelde kan vir verskillende begraafphase vasgestel word.

(3) Die plaaslike owerheid kan in verdienstelike gevalle die hele of enige gedeelte van enige gelde betaalbaar ingevolge hierdie regulasie, kwytsekeld.

## CHAPTER IX

### STREETS AND MISCELLANEOUS

#### *Littering*

29. No person shall throw, deposit or drop or cause or permit to be thrown, deposited or dropped any refuse, night soil, rubbish, glass, tins, paper, dead animals or other rubbish, whether liquid or solid, in or on—

- (a) a public place;
- (b) any other open space, vacant land or watercourse.

#### *Damage to public property*

30. No persons shall maliciously or wilfully damage public property, including—

- (a) a street lamp;
- (b) a plant, tree, shrub or flower;
- (c) any other public installation.

#### *Obstruction and use of public roads and other public places*

31. (1) No person shall, in a public place, obstruct or permit to be obstructed the passage of any person, including—

- (a) the leaving of any machinery or other obstruction;
  - (b) the allowing of a branch of a tree or shrub to overhang so as to cause an obstruction.
- (2) No person shall make or light a fire in a public place.

#### *Offences in respect of streets and miscellaneous matters*

32. Any person contravening the provisions of regulation 29, 30 or 31 shall be guilty of an offence and liable on conviction to the penalties prescribed in regulation 39.

## CHAPTER X

### CEMETERIES

#### *Establishment of cemeteries*

33. (1) The local authority shall demarcate a cemetery in the town and shall demarcate therein grave sites in accordance with a layout plan.

(2) Separate areas within the cemetery may be set aside for the interment of different classes and categories of deceased persons.

#### *Dimensions of grave sites and graves*

34. Unless otherwise approved by the Minister, grave sites shall be not, less than 0,6 metres apart, and shall be not less than—

- (a) subject to paragraph (b), 2,1 metres in length, 0,76 metres in breadth and 1,8 metres in depth;
- (b) where separate areas are set apart for the interment of children under the age of ten years, 1,4 metres in length, 0,45 metres in breadth in 1,4 metres in depth.

#### *Charges for grave sites*

35. (1) The Minister may from time to time determine the charge, if any, to be made for grave sites and the opening and closing of graves.

(2) Different charges may be determined for different cemeteries.

(3) In deserving cases, the local authority may remit the whole or any portion of any charge payable in terms of this regulation.

**Oopmaak en toemaak van grafte**

36. (1) Die plaaslike owerheid kan instruksies ten opsigte van die oopmaak en toemaak van grafte uitreik wat reel dat die applikante vir 'n grafperceel self verantwoordelik is vir die werk of dat die werk op aandrang van die plaaslike owerheid verrig word.

(2) Verskillende instruksies ten opsigte van verskillende begraafplase kan gegee word.

**Beheer oor begrafnisse, grafte en eiendom**

37. (1) Niemand mag 'n lyk ter aarde bestel of veroorsaak dat dit ter aarde bestel word in 'n dorp—

- (a) op 'n ander plek as in 'n begraafplaas nie;
- (b) sonder om vooraf die skriftelike toestemming van die plaaslike owerheidte verkry nie;
- (c) op 'n ander plek in die begraafplaas as die grafperceel in sodanige toestemming aangedui nie;
- (d) tussen sonsondergang en sonsopkoms nie.

(2) Behalwe met die skriftelike goedkeuring van die plaaslike owerheid mag niemand in 'n enkele graf meer as een lyk begrawe of toelaat dat dit begrawe word nie.

(3) Niemand mag 'n grafsteen, gedenkteken, opskrif, versiering, traliewerk, heining of ander oprigting van enige soort op 'n graf plaas tensy dit binne die grense van die grafperceel is nie.

**Misdrywe ten opsigte van begraafplase**

38. Enige persoon wat—

- (a) 'n instruksie kragtens regulasie 36 (1) of die bepalings van regulasie 37 oortree;
  - (b) die plaaslike owerheid in die uitvoering van sy pligte me betrekking tot die begraafplaas hinder;
  - (c) die teraardebestelling van 'n lyk verhinder of poog om dit te verhinder of wat enigiemand dreig in verband met sodanige teraardebestelling of beoogde teraardebestelling;
  - (d) enige graf ontsier of beskadig,
- is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe voorgeskryf in regulasie 39.

**HOOFTUK XI****ALGEMEEN****Strafbepaling**

39. Enigeen wat skuldig bevind word aan 'n oortreding kragtens hierdie regulasies is, indien geen ander straf voorgeskryf word nie, strafbaar met 'n boete van hoogstens R250 of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

**Herroeping**

40. (1) Hoofstukke 1 tot en met 8, van die regulasies afgekondig by Proklamasie R. 293 van 1962 word hierby herroep, uitgesonnerd die bepalings herroep by die Regulاسies betreffende Grondbesit in Dorpe, 1988.

(2) Ondanks die herroeping van enige bepaling bedoel in subregulasie (1)—

- (a) word enigets waarmee ter nakoming van enige sodanige bepaling 'n aanvang gemaak is gedurende 'n periode van drie maande na die inwerktingtreding van hierdie regulasies, voltooi asof hierdie regulasies nie in werking getree het nie;
- (b) word enigets wat verrig is of geag word verrig te wees kragtens enige sodanige bepaling of soos bedoel in paragraaf (a), geag verrig te wees kragtens die ooreenstemmende bepaling van hierdie regulasies.

**Opening and closing of graves**

36. (1) The local authority may issue instructions regarding the opening and closing of graves, directing either that applicants for a grave site shall themselves be responsible for the work or that the work shall be undertaken at the instance of the local authority.

(2) Different instructions may be given in respect of different cemeteries.

**Control of burials, graves and property**

37. (1) No person shall inter or cause any body to be interred in a town—

- (a) elsewhere than in a cemetery;
- (b) without having obtained the prior written permission of the local authority;
- (c) elsewhere in the cemetery than in the grave site indicated in such permission;
- (d) between the hours of sunset and sunrise.

(2) Except with the written permission of the local authority no person shall bury or permit more than one body to be buried in any one grave.

(3) No person shall place any tombstone, monument, inscription, decoration, rail, fence or other erection of any kind on a grave elsewhere than within the limits of the grave site.

**Offences in respect of cemeteries**

38. Any person shall be guilty of an offence and liable on conviction to the penalties prescribed in regulation 39 who—

- (a) contravenes an instruction under regulation 36 (1) or the provisions of regulation 37;
- (b) obstructs the local authority in the exercise of its duties in connection with a cemetery;
- (c) prevents or attempts to prevent the interment of a body or threatens any person in connection with such interment or proposed interment; or
- (d) desecrates or damages any grave.

**CHAPTER XI****GENERAL****Penalties**

39. Any person convicted of an offence under these regulations shall be liable on conviction, if no other penalty is prescribed, to a fine not exceeding R250 or, in default of payment, to imprisonment for a period not exceeding three months.

**Repeal**

40. (1) Chapters 1 to 8 inclusive of the regulations published under Proclamation R. 293 of 1962 are hereby repealed, save for the provisions repealed by the Regulations concerning Land Tenure in Towns, 1988.

(2) Notwithstanding the repeal of any provision referred to in subregulation (1)—

- (a) anything commenced in compliance with any such provision for a period of three months after commencement of these regulations shall be completed as if these regulations had not come into operation;
- (b) anything done or deemed to have been done under any such provision or as contemplated in paragraph (a) shall be deemed to have been done under the corresponding provision of these regulations.

(3) Enige gelde of bedrae voorgeskryf of instruksies uitgereik ingevolge die regulasies herroep by subregulasie (1) voor die inwerkingtreding van hierdie regulasies, ten opsigte van enige saak bedoel in daardie regulasies, word geag vasgestel of uitgerek te wees in ooreenstemming met die ooreenstemmende bepalings in hierdie regulasies.

#### **Huurpagpersele**

41. Die bepalings van die Regulاسies betreffende Grondbesit in Dorpe, 1988, in verband met die vasstelling en identifikasie van ander grond as 'n erf of perseel ten opsigte waarvan grondbriefregte verleen kan word, geld *mutatis mutandis* vir die verlening van 'n reg van huurpag bedoel in daardie Regulасies.

#### **Titel**

42. Hierdie regulasies heet die Regulасies vir Plaaslike Owerhede, 1988.

(3) Any fee or charge prescribed or instructions issued under the regulations repealed by subregulation (1) before the commencement of these regulations in respect of any matter referred to in these regulations shall be deemed to have been determined or issued in accordance with the corresponding provision of these regulations.

#### **Leasehold premises**

41. The provisions of the Regulations concerning Land Tenure in Towns, 1988, relating to the determination and identification of land other than an erf or site in respect of which deed of grant rights may be granted, shall apply *mutatis mutandis* to the grant of a right of leasehold referred to in these regulations.

#### **Title**

42. These regulations shall be called the Regulations for Local Authorities, 1988.

## **Spaar 'n druppel — en vul die dam**

Indien almal van ons besparingsbewus optree, besnoei ons nie slegs uitgawes nie maar wen ook ten opsigte van ons kosbare water- en elektrisiteitsvoorraad



## **Save a drop — and save a million**

Water conservation is very important to the community and industry to ensure their survival. So save water!

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Hierdie publikasie word uitgegee as 'n geillustreerde reeks, baie na die aard van Curtis se "Botanical Magazine". Die doel van die werk is om die skoonheid en variasie van vorm van die flora van Afrika aan die leser bekend te stel, om belangstelling in die studie en kweek van die inheemse plante op te wek, en om plantkunde in die algemeen te bevorder.

Die meeste van die illustrasies word deur kunstenaars van die Navorsingsinstituut vir Plantkunde gemaak, dog die Redakteur verwelkom gesikte bydraes van 'n wetenskaplike en kunsstandaard afkomstig van verwante instygings.

Onder huidige omstandighede word twee dele van die werk in een omslag gepubliseer, maar met onregelmatige tussenpose; elke deel bevat 10 kleurplate. Intekengeld bedra R15 per uitgawe van twee dele (buitelands R16 per uitgawe); Vier dele per band. Vanaf band 27 is die prys per band in rexine gebind R40; in luukse rexine gebind R45. (Buitelands, rexine gebind R45; luukse band R50).

*Verkrybaar van die Direkteur, Afdeling Landbouinligting, Privaatsak X144, Pretoria.*

Verkoopbelasting moet by binnelandse bestellings ingesluit word.

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This publication is issued as an illustrated serial, much on the same lines as Curtis's Botanical Magazine, and for imitating which no apology need be tendered.

The desire and object of the promoters of the publication will be achieved if it stimulates further interest in the study and cultivation of our indigenous plants.

The illustrations are prepared mainly by the artists at the Botanical Research Institute, but the Editor welcomes contributions of suitable artistic and scientific merit from kindred institutions.

Each part contains 10 plates. Two parts are published in one cover and costs R15 per issue of two parts (other countries R16 per issue). Two, three or four parts may be published annually, depending on the availability of illustrations. A volume consists of four parts. From Volume 27, the price per volume is: Rexine binding, R40; de luxe binding R45 (other countries, rexine binding R45; de luxe binding R50).

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## PHYTOPHYLACTICA

Hierdie publikasie bevat artikels oor plantpatologie, mikologie, mikrobiologie, entomologie, nematologie en ander dierkundige plantplae. Vier dele van die tydskrif word per jaar gepubliseer.

Verdienstelike landboukundige bydraes van oorspronklike wetenskaplike navorsing word vir plasing in hierdie tydskrif verwelkom. Voorskrifte vir die opstel van sulke bydraes is verkrygbaar van die Direkteur, Landbou-inligting, Privaatsak X144, Pretoria, aan wie ook alle navrae in verband met die tydskrif gerig moet word.

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Contributions of scientific merit on agricultural research are invited for publication in this journal. Directions for the preparation of such contributions are obtainable from the Director, Agricultural Information, Private Bag X144, Pretoria, to whom all communications in connection with the journal should be addressed.

The journal is obtainable from the above-mentioned address at R5 plus GST per copy or R20 per annum, post free (Other countries R6,25 per copy or R25 per annum).

# BELANGRIK!!

## Plasing van tale:

### Staatskoerante

1. Hiermee word bekendgemaak dat die omruil van tale in die Staatskoerant jaarliks geskied met die eerste uitgawe in Oktober.
2. Vir die tydperk 1 Oktober 1987 tot 30 September 1988 word Afrikaans EERSTE geplaas.
3. Hierdie reëling is in ooreenstemming met dié van die Parlement waarby koerante met Wette ens. die taalvolgorde deurgaans behou vir die duur van die sitting.
4. *Dit word dus van u, as adverteerde, verwag om u kopie met bovenoemde reëling te laat strook om onnodige omskakeling en stylredigering in ooreenstemming te bring.*

—oo—

# IMPORTANT!!

## Placing of languages:

### Government Gazettes

1. Notice is hereby given that the interchange of languages in the *Government Gazette* will be effected annually from the first issue in October.
2. For the period 1 October 1987 to 30 September 1988, Afrikaans is to be placed FIRST.
3. This arrangement is in conformity with Gazettes containing Acts of Parliament etc. where the language sequence remains constant throughout the sitting of Parliament.
4. *It is therefore expected of you, the advertiser, to see that your copy is in accordance with the above-mentioned arrangement in order to avoid unnecessary style changes and editing to correspond with the correct style.*

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