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NATAL LAW SOCIETY

AMENDMENT OF THE RULES

It is hereby notified that the following amendments to the Rules framed in terms of section 74 (1) of Act No. 53 of 1979, as published in *Government Gazette* No. 6316 dated 2 March 1979, and as amended by—

Government Gazette No. 6848 dated 15 February 1980
Government Gazette No. 7924 dated 20 November 1981
Government Gazette No. 9316 dated 13 July 1984
Government Gazette No. 10100 dated 21 February 1986
Government Gazette No. 10679 dated 3 April 1987
Government Gazette No. 12300 dated 23 February 1990
Government Gazette No. 13933 dated 24 April 1992
Government Gazette No. 14823 dated 28 May 1993
Government Gazette No. 15575 dated 25 March 1994
Government Gazette No. 16227 dated 27 January 1995
Government Gazette No. 16704 dated 6 October 1995
Government Gazette No. 17042 dated 22 March 1996
Government Gazette No. 17669 dated 20 December 1996

were agreed to by a majority of the members of the Society present or represented at the Annual General Meeting of the Society held on 11 October 1997 and at a Special General Meeting held on 11 March 1998 and have in terms of section 74 (2) of Act No. 53 of 1979, after consultation with the Judge President of the Natal Provincial Division of the High Court, been approved by the Chief Justice of South Africa.

F. P. VAN DER MERWE

Chief Executive Officer

Explanatory Note:

- [] Words in bold type in square brackets indicate proposed deletions from the existing Rules.
Words underlined with a solid line indicate proposed insertions in the existing Rules.

1. RULE 6(h):

In Rule 6(h) by the substitution for paragraph (h) of the following paragraph:

- "(h) The Secretary shall retain, unopened, all identification envelopes and shall deliver the same upon the last date fixed for the receipt of voting papers to the scrutineers, who shall be **[two]** members appointed by the President after the close of nominations. No candidate and no proposer or seconder of a candidate may be appointed as a scrutineer."

2. RULE 16A:

That the following Rule be substituted for the existing Rule 16A:

"16A. Fees for Conveyancing and Notarial work.

- (1) The fees chargeable by members for work performed in connection with the preparation or registration of documents registered or filed, or intended for registration or filing, in a Deeds Registry referred to in the Deeds Registries Act No. 47 of 1937, or the Mining Titles Office referred to in the Mining Titles Registration Act, No. 16 of 1967, shall be those specified in the tariffs set out in the Seventh Schedule to these Rules.
- (2) Subject to the provisions of Rule 14(b)(xv) and 14(b)(xvi), a member may reduce, or forego, the fee which he is otherwise obliged to charge in terms of the Seventh Schedule to these Rules if the person responsible for paying the fee is -
 - (a) indigent;
 - (b) an association not for gain which is incorporated, or which qualified for incorporation as a company limited by guarantee;
 - (c) an attorney;
 - (d) an advocate;
 - (e) the relative of an attorney or advocate; or
 - (f) the employee of an attorney or his firm."

3. SEVENTH SCHEDULE:

That the following Seventh Schedule be substituted for the existing Seventh Schedule.

CONVEYANCING FEES AND APPORTIONMENT

INDEX

Page

PART I	DEEDS REGISTRIES ACT, NO. 47 OF 1937	1
	TARIFF OF FEES AND CHARGES OF CONVEYANCERS AND NOTARIES PUBLIC AND OTHER LEGAL PRACTITIONERS PRESCRIBED IN RULE 16A IN TERMS OF SECTION 69(d) OF THE ATTORNEYS ACT, 53 OF 1979	
PART II	SECTIONAL TITLES ACT, NO. 95 OF 1986	11
	TARIFF OF FEES AND CHARGES OF CONVEYANCERS AND NOTARIES PUBLIC AND OTHER LEGAL PRACTITIONERS PRESCRIBED IN RULE 16A IN TERMS OF SECTION 69(d) OF THE ATTORNEYS ACT, 53 OF 1979	
PART III	MINING TITLES REGISTRATION ACT NO. 16 OF 1967	20
	TARIFF OF FEES AND CHARGES IN RESPECT OF WORK DONE UNDER SECTION 10(1)(b) OF THE ABOVE-MENTIONED ACT	
PART IV	ALIENATION OF LAND ACT, NO. 68 OF 1981	26
	TARIFF OF FEES PRESCRIBED IN TERMS OF THIS ACT	
PART V	TARIFF OF APPORTIONMENT BETWEEN PRACTITIONERS IN KWAZULU-NATAL FOR CONVEYANCING AND NOTARIAL FEES PRESCRIBED IN TERMS OF SECTION 69(d) OF THE ATTORNEYS ACT, ACT 53 OF 1979	
	A. DEEDS REGISTRIES ACT, NO. 47 OF 1937	27
	B. SECTIONAL TITLES ACT, NO. 95 OF 1986	36
PART VI	APPORTIONMENT OF FEES : CONVENTIONAL DEEDS	42
	APPORTIONMENT OF FEES BETWEEN PRACTITIONERS IN OTHER PROVINCES AND PRACTITIONERS IN KWAZULU-NATAL WHERE THE DEEDS HAVE BEEN PREPARED BY THE PRACTITIONER IN THE OTHER PROVINCE	
PART VII	APPORTIONMENT OF FEES : SECTIONAL TITLES	57
	APPORTIONMENT OF FEES BETWEEN PRACTITIONERS IN OTHER PROVINCES AND PRACTITIONERS IN KWAZULU-NATAL WHERE THE DEEDS HAVE BEEN PREPARED BY THE PRACTITIONER IN THE OTHER PROVINCE	
PART VIII	CONVEYANCING FEES AND APPORTIONMENT OF FEES	67
	ALIENATION OF LAND ACT, NO. 68 OF 1981	
PART IX	APPORTIONMENT OF FEES : WASTED COSTS	68
ANNEXURES A - D		69 - 72

SEVENTH SCHEDULE**TARIFF OF FEES AND CHARGES OF CONVEYANCERS AND
NOTARIES PUBLIC AND OTHER LEGAL PRACTITIONERS PRESCRIBED IN RULE 16A
IN TERMS OF SECTION 69(d) OF THE ATTORNEYS ACT, 53 OF 1979**

in respect of

PART I**DEEDS REGISTRIES ACT, NO. 47 OF 1937****1. General notes:**

The fees specified in this tariff shall include the fees for all correspondence and shall also include the fees for the following: The taking and giving of instructions, including the perusal of completed deeds of sale; the preparation and attendance on signature of all powers of attorney, declarations, affidavits, resolutions, status affidavits, company certificates, exchange control certificates and other necessary preliminary and ancillary documents; the payment of transfer duty and of all rates levied by any lawful authority; the obtaining and making of all clearance or other certificates; the obtaining of endorsements or copies of documents from the Office of the Master of the High Court or other public office (except where otherwise provided); the perusal of memoranda and articles of association and trust deeds; the making of all necessary financial arrangements, including the issuing of guarantees on behalf of bondholders or the provision and checking of guarantees and attending payment in terms thereof, the drawing and preparation of any document, including all copies thereof, required for execution or registration at a deeds registry and the obtaining of registration thereof, arranging simultaneous lodgement and registration with another conveyancer or other conveyancers, where necessary; the giving of all references required by the deeds registry for examination purposes; and all attendances at the deeds registry, but shall not include;

- 1.1 any attendance in connection with the drawing and execution of deeds of sale, deeds of donation, deeds of exchange, preliminary partition agreements, deeds of suretyship and acknowledgements of debt and documents of a similar nature; or
- 1.2 any separate act of registration of any other document which may be necessary before or in connection with the first-mentioned act of registration; or
- 1.3 any attendance in connection with the resolution of a dispute between the transferor and the transferee arising from a deed of sale or any of the other documents referred to in 1.1 above or from whatsoever cause; or
- 1.4 any attendance arising from negotiations between the parties resulting in a further agreement or addendum or amendment to an existing agreement; or
- 1.5 any consultation for the purpose of drafting an antenuptial contract; or
- 1.6 any attendance relating to the opening of a township register in terms of Section 46 of the Act.

2. Definitions

For the purposes of this tariff –

- (a) a folio consists of 100 printed or written words or figures or part thereof and four figures shall be reckoned as one word; and
- (b) 'value of property' means -
 - (i) save in the circumstances set out in subparagraph (v) below, where transfer duty is payable, the purchase price or the amount on which transfer duty is payable, whichever amount is the higher;
 - (ii) where no transfer duty is payable in terms of section 9(2) of the Transfer Duty Act, 1949 (Act No. 40 of 1949), the purchase price or the declared value as determined in the Transfer Duty Act, 1949, whichever amount is the higher;
 - (iii) save in the circumstances set out in subparagraph (v) below, where no transfer duty is payable in terms of any other provision of section 9 of the Transfer Duty Act, 1949, but an official valuation (be it municipal, regional [divisional] council or from the Master of the High Court) is available, then such valuation or the compensation paid, whichever amount is the higher; provided that where no official valuation is available, it shall be deemed to be the fair value of the property as defined in the Transfer Duty Act, 1949;
 - (iv) where no compensation is payable and no municipal, divisional council or other official valuation is available, the value shall be deemed to be no less than [R15 000,00] R18 000,00.
 - (v) [The Municipal or Divisional Council valuation] where the property has [either] been sold in execution, or by public auction at the instance of a liquidator or trustee, the purchase price or the municipal or regional council valuation, whichever is the higher, provided that where no municipal or regional council valuation is available or where such valuation is restricted to land only and the property is improved, it shall be deemed to be the purchase price or the fair market value of the property as defined in the Transfer Duty Act 1949, whichever is the higher. [and the purchase price was less than such valuation.]

SECTION I

A. Conveyance of ownership of immovable property (other than partition transfers)

- 1. For all work in connection with obtaining of conveyance of ownership of immovable property in any manner not specifically mentioned elsewhere in this tariff, the fee shall be as set out in column B of Annexure A to this tariff: Provided that in the case of a conveyance in terms of the second proviso to section 16 and in terms of section 31 and sections 45 and 45 *bis* (bonds excluded) of the Act, the fee shall be 50 per cent of the amount set out in column B of the said Annexure.

2. If more than one property is included in the same instrument of conveyance and if the same title conditions apply, an additional fee of [R50,00] R60,00 for each additional property. Where the title conditions differ, a fee assessed according to the length and complexity thereof, shall apply.

B. Leasehold and Upgrading Transactions and Acts of Registration under the Black Communities Development Act, 1984, Proclamations R293/1962, R29/1988 and R30/1988 and the KwaZulu Land Affairs Act, 1992.

1. For all work done for registration of a Certificate of Registered Grant of Leasehold (annexure E regulation 13, Act 4/1984): [R250,00] R300,00.
2. For all work done for the registration of a Certificate of Ownership in terms of Act 112/1991 or Act 113/1991 (form AAA, Act 47/1937): [R500,00] R600,00.
3. For all work in connection with the registration of a transfer of a right of leasehold, not specifically mentioned elsewhere in this tariff, the fees shall be as set out in Column B of Annexure A to this tariff: Provided that where the value of the property concerned is R60 000 or less, the fee shall be 70 per cent of the amount set out in Column B of Annexure A.

SECTION II

Endorsements

1. For endorsement of title deeds or bonds in terms of sections 24bis(2) and 25(3) of the Act and in terms of the Administration of Estates Act, 1965 (Act No. 66 of 1965), including the drawing of all necessary documents, the obtaining of necessary ancillary documents, consents and certificates from the Master and Registrar of Deeds and all necessary attendances and correspondence in connection therewith: [R250,00] R385,00.
2. If more than one property or bond is included in the same application, an additional fee of [R40,00] R50,00 for each additional property or bond.

SECTION III

Partition transfers

For the drawing and registration of each deed of partition transfer, inclusive of all preliminary and other work in connection therewith but excluding attendances in connection with the framing of any provisional agreement:

1. When consideration is payable, the fees shall be as set out in column B of Annexure A to this tariff;
2. When no consideration is payable, [R750,00] R1 050,00 plus a further fee of [R50,00] R60,00 for each additional property or subdivision transferred in any one deed.

SECTION IV

Certificates of Title

1. For certificates of title under sections 18, 34, 35, 36, 38, 39, 43, 46 and 64 of the Act and certificates of rights to minerals: [R400,00] R550,00 Provided that in cases where the registration of any of the said certificates results in the subdivision of a property, the fee shall be [R625,00] R770,00.

Note: In respect of all matters falling under this item and item 4 below there shall be a further fee of [R50,00] R60,00 for each additional property, if the same title conditions apply. Where the title conditions differ, a fee assessed according to the length and complexity thereof, shall apply.

2. For certificates of consolidated title under section 40 and certificates of amended title and uniform title under sections 41 and 42 of the Act: [R625,00] R825,00 plus [R50,00] R60,00 for every additional constituent property after the first two properties or alternatively a fee assessed according to the length and complexity thereof.
3. For the substitution of lost or destroyed title deed of rights to minerals in terms of section 74ter of the Act: [R300,00] R385,00.
4. For the conversion of leasehold to freehold under the provisions of the Townships Amendment Act, 1908 (Transvaal), or the Conversion of Leasehold to Freehold Act, 1952 (Act No. 61 of 1952), inclusive of all preliminary and final work relating thereto: [R250,00] R300,00: Provided that in respect of a leasehold lot in a township referred to in section 7 of the Conversion of Leasehold to Freehold Act, 1952, the fee shall be [R375,00] R500,00.

SECTION V

Cessions of mineral rights, including cessions pursuant to partition of mineral rights but excluding cessions of mineral rights in terms of section 32

1. The fee shall be as set out in column B of Annexure A to this tariff.
2. If more than one property is included in the same cession, an additional fee of [R50,00] R60,00 for each additional property.

SECTION VI

A. Bonds

1. The fee for mortgage bonds including surety mortgage bonds shall be as set out in column B of Annexure B to this tariff.

2. The fee charged for collateral bonds, being mortgage bonds passed as additional security for another bond where the collateral bond is being registered in the same registration office: [R350,00] **R660,00** and where the collateral bond is being registered in another registration office: [R375,00] **R715,00**.
 3. For any waiver in terms of regulation 41 (7) when included in a bond, an additional fee of [R200,00] **R245,00**.
 4. If more than one property is included in any bond referred to in item 1 or 2 above an extra fee of [R30,00] **R40,00** for each additional property.
 5. For the purposes of determining a fee charged under item 1, the amount of the bond on which stamp duty is being levied shall be used or, in the event of a bond exempted from stamp duty, the amount on which stamp duty would have been levied, if not exempted.
- B. Leasehold and Deed of Grant Mortgage Bonds under the Black Communities Development Act, 1984, Proclamations R293/1962, R29/1988 and R30/1988 and the KwaZulu Land Affairs Act, 1992.**

The fees for leasehold mortgage bonds, including surety bonds, shall be as set out in Column B of Annexure B to this tariff: Provided that where the amount of such bond is **R60 000,00** or less, the fee shall be 70 per cent of the amount set out in Column B of Annexure B.

SECTION VII

Notarial bonds

1. The fee for notarial bonds, including surety notarial bonds, shall be:
 - 1.1 a basic fee of [R200,00] **R330,00** for bonds securing an amount up to and including **R100 000,00** and a basic fee of [R300,00] **R440,00** for bonds securing an amount over **R100 000,00**; plus
 - 1.2 the relevant amount as set out in column B of Annexure B to this tariff.
2. The fee for collateral notarial bonds passed as additional security for a mortgage bond or another notarial bond between the same parties shall be [R450,00] **R800,00**.
3. For purposes of determining the fee charged under item 1, the amount of the bond on which stamp duty is being levied shall be used or, in the event of a bond exempted from stamp duty, the amount on which stamp duty would have been levied, if not exempted.

SECTION VIII**Marriage contracts including all notarial contracts under the Matrimonial Property Act, 1984 (Act No. 88 of 1984)**

For drawing contracts and necessary copies, attending on execution, notarial attestation and registration, including all correspondence: [R160,00] **R200,00**.

SECTION IX**Other notarial deeds**

1. For the drawing and registering of any notarial waiver of preference by mortgagee, usufructuary or other holder of a limited interest, or other notarial consent required under the Act or the Regulations: [R350,00] **R550,00**.
2. For the drawing and registering of any notarial lease, servitude, prospecting contract, donation or other notarial deed (other than those elsewhere specially provided for in this tariff), a fee assessed according to the length and complexity thereof.

SECTION X**Cancellation, cession or variation of bonds, release of persons or property from bonds, and waiver of preference in regard to ranking of bonds.**

1. (a) For drawing consent to cancellation of bond; consent to cancellation of cession of bond; release of property or person from a bond; consent to reduction of cover; consent to part payment of capital; framing waiver of preference in regard to the ranking of a bond; waiver of preference in respect of real rights in land; consent of mortgagee, usufructuary, lessee or holder of other limited interest required by the Act or the Regulations and not otherwise provided for in this tariff (not notarial) and attending registration thereof, inclusive of instructions and Deeds Office searches, correspondence, the signing of consents on behalf of the bondholder and all relevant attendances except attendances on the Office of the Master of the High Court: [R250,00] **R400,00** Provided that in cases where there are no financial arrangements to be made by the conveyancer the fee shall be [R200,00] **R250,00**.
- (b) Attending to all matters referred to in item (a) above in respect of any second or subsequent bond or bonds when such document or documents has or have been drawn by the same conveyancer who drew the corresponding documents in connection with the first bond between the same parties over the same property and such documents are or can be lodged simultaneously as a set: [R60,00] **R70,00** per bond.

- (c) If more than two properties are included in any release referred to in item 1(a) or 1(b) above, there shall be a further fee of [R20,00] **R30,00** for each additional property over and above the first two properties.
2. For drawing cession of bond or application for endorsement of a bond in terms of section 45 and 45bis of the Act including instructions and drawing consent of mortgagor where necessary, attendance on mortgagor and mortgagee, correspondence and all relevant attendances including registration, but excluding attendances on the Office of the Master of the High Court: [R200,00] **R400,00**: Provided that in cases where there are no financial arrangements to be made by the conveyancer the fee shall be [R150,00] **R250,00**.
3. For drawing agreement varying the terms of a bond including instructions, attendances on mortgagor and mortgagee, correspondence and all relevant attendances including registration, a fee assessed according to the length and complexity thereof.
4. (a) For drawing consents to substitution under section 24bis (3), 45(2)(b) or 45bis (2) of the Act, including instructions, all attendances on mortgagee and new debtor, correspondence, and miscellaneous attendances, including registration but excluding attendances on the Office of the Master of High Court: [R200,00] **R400,00**: Provided that in cases where there are no financial arrangements to be made by the conveyancer the fee shall be [R150,00] **R250,00**.
- (b) For drawing consents to substitution under section 57 of the Act, in respect of all bonds relating to the same mortgagee, including instructions, all attendances on mortgagee and new debtor, correspondence and miscellaneous attendances, including registration but excluding attendances on the Office of the Master of the High Court: 50% of the fees for bonds, specified in Annexure B.
- (c) For application and consent under Section 40(5)(a) of the Act (Form WW), including instructions and all attendances on both mortgagor and mortgagee, correspondence and miscellaneous attendances including registration, the fee shall be **R400,00**.
5. If any of the documents referred to in this Section are required to be signed by more than one mortgagee, mortgagor, usufructuary, lessee or holder of other limited interest, there shall be an additional fee of [R20,00] **R30,00** for each such additional person after the first.
6. Where it is necessary to attend on the Office of the Master of the High Court in connection with any of the matters referred to in terms of items 1 (a), 2 and 4 above, the following additional fees shall be allowed:
- (a) For obtaining any Master's Certificate per estate for any number of certificates which are or can be applied for simultaneously: [R60,00] **R90,00**.
- (b) For obtaining copies of all necessary documents which are or can be included in one application - per estate: [R30,00] **R45,00**.

SECTION XI**Miscellaneous**

1. For attendance on behalf of transferor or transferee, mortgagor or mortgagee, or any other person, supervising the registration of the transfer or bond or supervising the bond, when the documents are being prepared and lodged by another conveyancer, inclusive of all instructions, correspondence, and miscellaneous attendances relevant to such supervision -
 - (a) where the value of the property or amount of the bond does not exceed R60 000,00: [R60,00] **R120,00**.
 - (b) where the value of the property or amount of the bond exceeds R60 000,00: [R110,00] **R220,00**.
2. For instructions and attendances on the inspecting, checking, arranging and lodging for endorsement of any amendment of title under section 44 of the Act, inclusive of all necessary attendances: [R95,00] **R120,00**.
3. For attending deeds registry for obtaining a certificate required for any act of registration: [R40,00] **R50,00**.
4.
 - (a) For drawing application for endorsement in terms of section 46 of the Act, for the layout of a township or settlement and attendances on lodging title deed for endorsement: [R325,00] **R400,00**.
 - (b) For drawing application and related work for an incision in terms of section 49(1) of the Act or for the excision of an agricultural holding: [R250,00] **R300,00**.
5.
 - (1) For procuring registration of change of name -
 - (a) where no advertisement is required: [R75,00] **R95,00** plus [R15,00] **R25,00** for every extra deed after the first deed;
 - (b) where advertisement is necessary: [R150,00] **R180,00** plus [R15,00] **R25,00** for every extra deed after the first deed.
 - (2) For procuring an amendment of any deed in terms of section 4(1)(b) of the Act: [R65,00] **R100,00** plus a fee of [R15,00] **R35,00** for every extra deed.
 - (3) For preparing and lodging consent of any interested party, including any bondholder, to any amendment in terms of this item: [R50,00] **R60,00**.

Note: The above fees include the drawing of necessary applications, correspondence and all relevant attendances and, where advertising is necessary, also include the drawing up and placing of the necessary advertisements.

- (4) For attendance in order to obtain an endorsement on any deed reflecting the conversion of a company to a close corporation and *vice versa*: [R75,00] **R100,00** plus a fee of [R15,00] **R35,00** for every extra deed after the first.
6. (a) Attendances and searching at deeds registry for information required, other than information required for preparation or registration of a deed, including instructions, correspondence and all relevant attendances, per quarter hour or part thereof: [R25,00] **R55,00**.
- Reporting per folio, except in the case of research as provided for in item 6(b) below: [R20,00] **R30,00**.
- (b) Attendance and searching at deeds registry and/or the Office of the Surveyor-General for research and searching for the necessary information in connection with rights to minerals and rights to water, including correspondence and all relevant attendances: [R250,00] **R450,00** per hour or part thereof *pro rata*.
- Reporting per folio: [R35,00] **R45,00**.
7. For drawing notice of application for issue of a certified copy of a deed to serve in lieu of the original including instructions, application to registrar, filing all necessary documents, correspondence and all relevant attendances: [R150,00] **R200,00**.
8. For attendance in order to obtain a certified copy of any deed or document from deeds registry for any purpose, other than to serve in lieu of the original inclusive of instructions, filing of necessary documents, correspondence and all relevant attendances: [R50,00] **R90,00** plus an additional fee of [R15,00] **R35,00** for every deed after the first which can be applied for in the same application.
9. For attendance on Surveyor-General, for the metrication or amendment of any diagram or obtaining of a copy of any diagram from the Surveyor-General, including instructions, application, correspondence and all relevant attendances: [R50,00] **R90,00** plus an additional fee of [R15,00] **R35,00** for every diagram after the first which can be applied for in the same application.
10. For attendance on local or other authority -
- (a) to obtain approval, in terms of any law, of subdivisional diagrams in the Province of Kwazulu-Natal (and wherever else required), obtaining declaration from Private Townships Board, inclusive of all attendances to obtain supporting certificates and other documents: [R75,00] **R135,00**;
- (b) for any endorsement of a power of attorney or diagram (other than a rates clearance certificate): [R40,00] **R90,00**.

11. (a) For drawing any affidavit or application in regard to any separate act of registration or endorsement not specifically mentioned in this tariff (for example the creation of townships conditions against the remainder of the property, or for the lapsing of any condition of title or personal servitude excluding a *usufruct*, *usus* or *habitatio*) inclusive of taking and giving instructions, correspondence and all other attendances in connection with such affidavit or application: [R65,00] R200,00 plus [R15,00] R35,00 drawing each extra folio of an affidavit or application where such document exceeds one folio in length.
- (b) For attendance on the Office of the Master of the High Court in order to obtain all necessary endorsements in connection with any matter referred to in this item, per estate: [R25,00] R90,00.
- (c) For drawing a General Power of Attorney and all relevant attendances including registration: [R100,00] R165,00.
- (d) For drawing and signing a certificate in terms of section 42(1) of the Administration of Estates Act, 1965 (Act No. 66 of 1965), including investigations and attendances on the Office of the Master of the High Court: [R65,00] R85,00 per estate for any number of certificates.
- (e) For drawing any application and registration of lapse of *usufruct* (not notarial): [R160,00] R200,00.
12. (a) For drawing cession of servitude or of rights to mineral rights in terms of Form RR as provided under section 32 of the Act, inclusive of instructions, correspondence, registration and all other relevant attendances: [R200,00] R310,00.
- (b) If more than one property is included in the same cession an additional fee of [R25,00] R35,00 for each additional property.
13. For attending on filing at deeds registry of any document relating to any person, partnership, association or company, where such filing is independent of any particular act of registration being attended to by that conveyancer, inclusive of instructions, correspondence and all relevant attendances: [R35,00] R90,00.
14. For attendance on taxation where required, including all necessary relevant attendances and correspondence, a fee equal to five per cent of the fees allowed on taxation shall be chargeable by the conveyancer submitting the bill of costs, and a fee equal to five per cent of the total fees originally reflected in that bill of costs shall be chargeable by the conveyancer opposing taxation.

PART II

SECTIONAL TITLES ACT, NO. 95 OF 1986

TARIFF OF FEES AND CHARGES OF CONVEYANCERS AND NOTARIES PUBLIC AND OTHER LEGAL PRACTITIONERS PRESCRIBED IN RULE 16A IN TERMS OF SECTION 69(d) OF THE ATTORNEYS ACT, 53 OF 1979**1. General Note:**

The fees specified in this Tariff shall include the fees for all correspondence and shall include the following: The taking and giving of instructions, including perusal of deeds of sale: the preparation as well as attendance on signature, of powers of attorney, declarations, affidavits, conveyancer's certificates, resolutions, status affidavits, company certificates, exchange control certificates and other necessary preliminary and ancillary documents; the payment of transfer duty and of any moneys due to the body corporate: the obtaining or making of all clearance or other certificates, the obtaining of endorsements or copies of documents from the Office of the Master of the High Court or any other public office (unless otherwise provided); the perusal of memorandums and articles of association, constitutions, identity documents, and trust deeds; the making of all necessary financial arrangements, including the issuing of guarantees on behalf of bondholders or the provision and perusal of guarantees and attendance for payment in terms thereof; the drawing and preparation of any document intended for execution or registration at a deeds registry and the obtaining of registration thereof, arranging simultaneous lodgement and registration with any other conveyancer where necessary; the giving of certificates or references required by the deeds registry; and all attendances at the deeds registry, but shall not include;

- 1.1 any attendance in connection with the drawing and execution of deeds of sale, deeds of donation, partition agreements, amendments to the rules for bodies corporate, special developers' conditions, deeds of suretyship, acknowledgements of debt and documents of a similar nature; or
- 1.2 any separate act of registration of any documents which may be necessary before or in connection with the first-mentioned act of registration; or
- 1.3 any attendance in connection with the resolution of a dispute between the transferor and the transferee arising from a deed of sale or any of the other documents referred to in 1.1 above or from whatsoever cause; or
- 1.4 any attendance arising from negotiations between the parties resulting in a further agreement or addendum or amendment to an existing agreement.

2. Definitions

For the purpose of this Tariff -

- (a) a folio shall consist of 100 printed or written words or figures, part thereof, and four figures shall be recorded as one word.

(b) "value of the property" means -

- (i) save in the circumstances set out in subparagraph (v) below, where transfer duty is payable, the purchase price or the amount on which transfer duty is payable, whichever amount is the higher;
- (ii) where no transfer duty is payable in terms of section 9(2) of the Transfer Duty Act, 1949 (Act No. 40 of 1949), the purchase price of the property or the declared value of the property as determined in the Transfer Duty Act, 1949, whichever amount is the higher;
- (iii) save in the circumstances set out in subparagraph (v) below, where no transfer duty is payable in terms of any provision of section 9 of the Transfer Duty Act, 1949, other than section 9(2), but an official valuation by a municipality, regional [divisional] council or the Master of the High Court is available, such valuation or the compensation paid in respect of the acquisition of the property, whichever amount is the higher; provided that where no official valuation is available, it shall be deemed to be the fair value of the property as defined in the Transfer Duty Act, 1949;
- (vi) where no compensation is payable in respect of the acquisition of the property and no official valuation by a municipality, divisional council or the Master of the High Court is available, an amount which shall be deemed to be no less than [R15 000,00] R18 000,00.
- (vii) [The Municipal or Divisional Council valuation if available, alternatively] where the property has [either] been sold in execution, or by public auction at the instance of a liquidator or trustee, the purchase price or the municipal or regional council valuation, whichever is the higher, provided that where no municipal or regional council valuation is available or where such valuation is restricted to land only and the property is improved, it shall be deemed to be the purchase price or the fair market value of the property as defined in the Transfer Duty Act 1949, whichever is the higher, if available, alternatively the valuation of the unit for insurance purposes. [and the purchase price was less than such valuation.]

SECTION I

1. Application for the opening of a sectional title register

For the preparing and drawing of an application for the opening of a sectional title register, perusing of sectional plan, drawing of certificates of registered sectional title, correspondence and attendances on all matters referred to in section 11 of the Act, but excluding the drawing of any consent of a bondholder, or searches in any deeds registry or other public office, or attendance upon fulfilling the requirements of section 4 of the Act:

- (a) A basic fee of: [R950,00] R1 100,00; and
- (b) in respect of each section, a fee of: [R95,00] R115,00.

2. Application for the Extension of Schemes by addition of land to common property

For the preparing of the required documents as well as the necessary attendances referred to in Sections 7 and 26 of the Act, but excluding the drawing of any consent of a bondholder, or searches in any deeds registry or other public office, or attendance upon fulfilling the requirements of Section 4 of the Act:

- (a) A basic fee of: R1 100,00; and
- (b) in respect of each section, a fee of: R115,00.

SECTION II

Transfer of ownership

1. For the registration of ownership of a unit or land held under sectional title deed, the fee shall be the amount set out in column B of Annexure A to this Tariff, in respect of the value of the property concerned as indicated in column A of Annexure A.
2. Where more than one section is included in the same transaction, an additional fee of [R25,00] R35,00 shall be chargeable for each additional section.

Note - Where transfer takes place as a result of expropriation in terms of an act, or if a person becomes entitled to deal with a unit or land as if he had taken formal transfer into his name by virtue of an endorsement contemplated in the Act, the fee shall be 50 per cent of the amount set out in column B of Annexure A.

SECTION III

Partition transfers

for the drawing and registration of each deed of partition transfer, inclusive of all preliminary and other work in connection therewith, but excluding attendances in connection with the framing of any provisional agreement, a fee of: [R750,00] R1 050,00; and a further fee of [R25,00] R35,00 for each additional section or subdivision transferred in any one certificate of registered sectional title.

SECTION IV

Endorsement in terms of the Administration of Estates Act, 1965.

For drawing all necessary documents, obtaining necessary ancillary documents, consents and certificates from the Master and Registrar, and all necessary attendances and correspondence in connection therewith, including the obtaining of registration a fee of: [R250,00] R300,00.

SECTION V

Subdivision and consolidation of a section/s

For drawing and submitting an application for subdivision and preparing certificates of registered sectional title, together with supporting documents, for perusing a plan of subdivision or of consolidation, for obtaining of registration, for correspondence and attendance on all matters referred to in sections 22 and 23 of the Act, but excluding the drawing of the consent of any bondholder:

- (a) A basic fee of: [R625,00] **R760,00** and
- (b) in respect of each subdivision or consolidation, a fee of: [R95,00] **R115,00**.

SECTION VI

Application for sectional title deed in respect of undivided share in unit

For preparing a certificate of registered sectional title in respect of an undivided share (including the application), for correspondence and for attendances on all matters referred to in section 15B(5) of the Act, a fee of: [R375,00] **R465,00**.

SECTION VII

1. Reversion from sectional title register to land register

For attending to all matters referred to in subsections (4), (5) and (6) of section 17 of the Act:

- (a) A basic fee of: [R500,00] **R610,00**; and
- (b) in respect of each section, a fee of: [R25,00] **R35,00**.

2. Disposal on destruction of buildings

For attending to all matters referred to in Section 49 of the Act:

- (a) A basic fee of: **R610,00**; and
- (b) in respect of each section, a fee of: **R35,00**.

SECTION VIII**Sectional Mortgage Bonds**

1. For obtaining registration of any sectional mortgage bond or surety bond other than a bond referred to in paragraph 2 of this Section, including the drawing of all necessary documents and the obtaining of necessary ancillary documents, the fee shall be the amount as set out in column B of Annexure B to this Tariff in respect of an amount of the bond concerned as indicated in column A of Annexure B.
2. The fee for any collateral bond passed as additional security for another bond between the same parties shall be: [R350,00] **R425,00**.
3. If more than one unit is included in a bond referred to in paragraph 1 or 2 of this Section, an additional fee of [R25,00] **R35,00** shall be chargeable for each additional unit.
4. For the purpose of determining a fee charged under paragraph 1 of this section, the amount of the bond on which stamp duty is being levied shall be used or, in the event of a bond exempted from stamp duty, the amount on which stamp duty would have been levied, if not thus exempted.

SECTION IX**Cession, cancellation or modification of bonds**

1. (a) For drawing consent to cancellation of bond, consent to cancellation of cession of bond, release of property or a person from a bond, consent to reduction of cover, consent to part payment of capital, framing waiver of preference in regard to the ranking of a bond, waiver of preference in respect of real rights in land, consent of a mortgagee, usufructuary, lessee or holder of any other limited interest required in terms of any provision of the Act or these Regulations and not otherwise provided for in this Tariff (but not being notarial), and attending registration thereof, including instructions and Deeds Office searches, correspondence, the signing of consents on behalf of the bondholder and all relevant attendances except attendances on the Office of the Master of the High Court, a fee of: [R250,00] **R400,00**. Provided that in any case where there are no financial arrangements to be made by the conveyancer concerned, the fee shall be: [R200,00] **R250,00**.
- (b) For attending to all matters referred to in subparagraph (a) of this paragraph in respect of any second or subsequent bond when any relevant document has been drawn by the same conveyancer who drew the corresponding document or documents in connection with the first bond between the same parties over the same property, and such documents are or can be lodged simultaneously as a set, a fee of: [R60,00] **R70,00** per bond.

- (c) If more than two units are included in any release contemplated in subparagraph (a) or (b) of this paragraph, a further fee of [R25,00] R35,00 shall be chargeable for each additional unit over and above the first two units.

2. For drawing cession of bond or an application for endorsement, including instructions and drawing consent of mortgagor where necessary, attendances on mortgagor and mortgagee, correspondence and all relevant attendances including registration, but excluding attendances on the Office of the Master of the High Court, a fee of: [R200,00] R400,00. Provided that in any case where there are no financial arrangements to be made by the conveyancer concerned, the fee shall be: [R150,00] R250,00.

3. For drawing agreement varying the terms of a bond, including instructions, attendance on mortgagor and mortgagee, correspondence and all relevant attendances including registration there shall be a fee assessed according to the length and complexity of the agreement.

4. For drawing consents to substitution under section 57 of the Deeds Registries Act, 1937, in respect of all bonds relating to the same mortgagee, including instructions, all attendances on mortgagee and new debtor, correspondence and miscellaneous attendances, including registration but excluding attendances on the Office of the Master of the High Court: 50 per cent of the fees for bonds, specified in Annexure B to this tariff.

5. Where any document referred to in any paragraph of this Section is required to be signed by more than one mortgagee, mortgagor, usufructuary, lessee or holder of other limited interest, an additional fee of [R20,00] R30,00 shall be chargeable in respect of each such additional person after the first.

6. Where it is necessary to attend on the Office of the Master of the High Court in connection with any matter referred to in paragraph 1(a) or 2, the following additional fees shall be allowed:

(a) For obtaining any Master's Certificate per estate for any number of certificates which are or can be applied for simultaneously, a fee of: [R60,00] R90,00 and

(b) For obtaining copies of all necessary documents which are or can be included in one application, per estate: [R30,00] R45,00.

7. For drawing consents to substitution under section 24bis(3), 45(2)(b) or 45bis(2) of the Deeds Registries Act, 1937, including instructions, all attendances on mortgagee and new debtor, correspondence, and miscellaneous attendances, including registration but excluding attendances on the Office of the Master of the High Court: [R200,00] R400,00. Provided that in cases where there are no financial arrangements to be made by the conveyancer the fee shall be [R150,00] R250,00.

SECTION X**Notarial deeds**

1. For drawing and registering any notarial lease, sub-lease, servitude or other notarial deed, the fee shall be assessed according to the length and complexity of the deed concerned.
2. For drawing and registering a notarial waiver of preference by mortgagee, usufructuary or other holder of a limited interest, or other notarial consent required in terms of any provision of the Act or these Regulations, a fee of: [R350,00] **R425,00**.

SECTION XI**Certificates of Real Rights**

1. Section 12(1)(e): In favour of developer to develop further in terms of section 25(1). [See regulation 14(1), and Form F]: [R200,00] **R275,00**.
2. Section 25(6): In favour of body corporate to extend scheme. [See regulation 14(2) and Form R]: [R200,00] **R275,00**.
3. Section 12(1)(f): In Favour of developer, right of exclusive use in terms of section 27(1). [See regulation 14(3) and Form G]: [R200,00] **R275,00**.

Plus [R12,00] **R20,00** for each additional area.

SECTION XII**Cessions (Notarial)**

1. Section 27(1)(b): Unilateral cession of an exclusive use area by a developer to owner(s) to whom such rights are allocated: [R250,00] **R440,00** where the cession is registered simultaneously with the transfer of the corresponding unit. Where no simultaneous transfer of a unit takes place, the fee shall be [R500,00] **R650,00**.

Plus **R12,00** for each additional area.

2. Section 27(3) and section 60(3): Bilateral cession by body corporate as representative of owners of all sections: [R300,00] **R550,00** where the cession is registered simultaneously with the transfer of the corresponding unit. Where no simultaneous transfer of a unit takes place, the fee shall be [R600,00] **R715,00**.

Plus [R25,00] **R35,00** for each additional area.

3. Section 27(4): Bilateral cession of an exclusive use area:

Ad valorem as per Annexure A to this Tariff unless no consideration has been allocated to the exclusive use area, in which case: [R300,00] R550,00.

Plus [R25,00] R35,00 for each additional area.

4. Section 27(5) Cancellation of right to exclusive use: bilateral notarial deed between owner and body corporate: [R250,00] R440,00.

Plus [R25,00] R35,00 for each additional area.

SECTION XIII

Miscellaneous

For attendance on behalf of transferor or transferee, mortgagor or mortgagee or any other person, for supervising the registration of the transfer or bond or supervising the bond with documents prepared and lodged by another conveyancer, including instructions, correspondence and attendances relevant to the supervision:

1. (a) Where the purchase price or value of the property or the amount of the bond does not exceed R60 000,00 a fee of: [R60,00] R120,00; and
(b) where the purchase price or value of the property or the amount of the bond exceeds R60 000,00 a fee of: [R110,00] R220,00.
2. (a) For the necessary attendances and searching and inspecting of a Conveyancer's protocol or file or at deeds registry for information, including instructions, correspondence and all relevant attendances, per quarter hour or part thereof, a fee of: [R25,00] R35,00. Reporting per folio, except in the case of research as provided for in subparagraph (b) of this paragraph, a fee of: [R20,00] R30,00.
(b) For attendance and searching at deed registry or the office of the Surveyor-General for research and searching for the necessary information in connection with the opening of the register and registration of the sectional plans, including correspondence and all relevant attendances, a fee of [R220,00] R265,00 per hour or part thereof pro rata. Reporting per folio, a fee of [R40,00] R50,00.
3. For drawing of any certificate by a conveyancer with regard to any servitude, other real right or condition, where not otherwise provided for in this Tariff: [R60,00] R70,00.

4. For preparing and drawing certificate of establishment of any body corporate under regulation 16(1), lodging the same, including all correspondence and attendances in connection therewith, a fee of: [R50,00] **R60,00**.
5. For drawing a consent by any owner of a section or holder of any sectional mortgage bond in terms of sections 24(6) and 25(10) of the Act, including all correspondence and attendances in connection therewith, including lodging, a fee of [R160,00] **R200,00**.

General

In any case where a fee is not prescribed in this Tariff in respect of any matter, but a fee has been prescribed in respect of the corresponding matter in the tariff of fees prescribed for Conventional Deeds (Act 47/1937) such fee shall *mutatis mutandis* apply in respect of the matter in question.

PART III**MINING TITLES REGISTRATION ACT NO. 16 OF 1967****TARIFF OF FEES AND CHARGES IN RESPECT OF WORK DONE UNDER
SECTION 10(1)(b) OF THE ABOVE-MENTIONED ACT****1. General Notes.**

The fees specified in this tariff shall include the fees for all correspondence and shall also include the fees for the following: The taking and giving of instructions, including the perusal of completed deeds of sale; the preparation and attendance on signature of all powers of attorney, declarations, affidavits, resolutions and other necessary preliminary and ancillary documents; the payment of transfer duty and of all rates levied by any lawful authority; the obtaining and making of all clearance or other certificates; the obtaining of endorsements or copies of documents from the Office of the Master of the High Court or other public office (except where otherwise provided); the making of all necessary financial arrangements, including the provision and checking of guarantees and attending on payment in terms thereof; the drawing up and preparation of any document, including all copies thereof, required for execution or registration at the Mining Titles Office, and the obtaining of registration thereof; arranging simultaneous lodgement and registration with another conveyancer or notary public or other conveyancers or notaries public, where necessary; the giving of all references required by the Mining Titles Office for examination purposes; and all attendances at the Mining Titles Office, but shall not include any attendance in connection with the drawing up and execution of deeds of sale, deeds of donation, deeds of exchange, preliminary partition agreements, and documents of a similar nature, or any separate act of registration of any other document which may be necessary before or in connection with the first-mentioned act of registration.

2. Definition.

For the purposes of this tariff, a folio shall consist of 100 printed or written words or figures, or part thereof. Four figures shall be reckoned as one word.

3. Conveyance of Ownership of Rights.

(1) For all work in connection with obtaining of conveyance of ownership of rights in any manner not specifically mentioned elsewhere in this tariff: The fee set out in Column B of Annexure C to this tariff: Provided that additional fees shall be allowed in respect of the performance of any work not specifically included elsewhere in this tariff or not governed by any other statutory tariff if such work is reasonable under the relevant circumstances, is done commensurate with such work and was necessary in respect of the relevant conveyance.

(2) For a conveyance in terms of Sections 28 and 29 of the Act: 50% of the fee set out in Column B of Annexure C to this tariff.

- (3) If more than one right is included in the same instrument of conveyance: An additional fee of R30,00 for each additional right.

4. Endorsements.

- (1) For endorsements of deeds or bonds in terms of Sections 21(3), 22(6), 29 and 30 of the Act and the Administration of Estates Act, 1965, including the drawing up of all requisite documents, the obtaining of requisite ancillary documents, consents and certificates from the Master of the High Court and Registrar of Mining Titles, and all attendances and correspondence in connection therewith: R145,00.
- (2) If more than one right or bond is included in the same application: An additional fee of R20,00 for each additional right or bond.

5. Certificates of Registered Title.

For certificates of registered title in terms of Sections 23, 24, 25 and 27 of the Act: R150,00.

In respect of all matters falling under this item: An additional fee of R30,00 for each additional right.

6. Bonds.

- (1) For mortgage bonds, including surety mortgage bonds: The fee set out in Column C of Annexure C to this tariff.
- (2) For collateral bonds, being mortgage bonds passed as additional security for another bond: R135,00.
- (3) For any act of suretyship where any right is mortgaged, or any waiver when included in a bond: An additional fee of R120,00.
- (4) If more than one right is included in any bond referred to in item 6(1) or 6(2) above: An additional fee of R20,00 for each additional right.
- (4) For the purpose of determining a fee charged under item 6(1) above, the amount of the bond on which stamp duty is being levied is used or, in the event of a bond exempted from stamp duty, the amount on which stamp duty would have been levied, if not exempted.

7. Notarial Deeds.

- (1) For the drawing up and registering of any notarial waiver of preference by a mortgagee, usufructuary of other holder of a limited interest, or other notarial consent required in terms of the Act or the Regulations: R140,00.
- (2) For the drawing up and registering of any notarial lease, tributing agreement, servitude, donation or other notarial deed (other than those elsewhere specially provided for in this tariff): A fee assessed according to the length and complexity thereof, the amount of work done and the time expended, with a minimum of R300,00.
- (3) For the drawing up and registering of any nomination agreement or prospecting contract: A fee assessed according to the length and complexity thereof, the amount of work done and the time expended, with a minimum of R300,00.

8. Cancellation, Cession or Variation of Bonds, Release of Persons or Rights from Bonds, and Waiver of Preference in regard to Ranking of Bonds.

- (1)
 - (a) For drawing up consent to cancellation of bond, consent to cancellation of cession of bond, release of right or person from a bond, consent to reduction of cover, consent to part payment of capital, framing waiver of preference in regard to the ranking of a bond, consent of mortgagee, usufructuary, lessee or holder of other limited interest required in terms of the Act or the Regulations and not otherwise provided for in this tariff (not notarial), and attending to registration thereof, inclusive of instructions, correspondence and all relevant attendances, except attendances on the Office of the Master of the High Court: R150,00: Provided that in cases where there are no financial arrangements to be made by the conveyancer, the fee is R100,00.
 - (b) Attending to all matters referred to in item 8(1)(a) above in respect of any second or subsequent bond or bonds, when such document has or such documents have been drawn up by the same conveyancer or notary public who drew up the first bond between the same parties in respect of the same right, and such documents are lodged or may be lodged simultaneously as a set: R40,00 per bond.
 - (c) If more than two rights are included in any release referred to in item 8(1)(a) or 8(1)(b) above: An additional fee of R10,00 for each additional right over and above the first two rights.
- (2) For drawing up cession of bond or an application for endorsement of a bond in terms of Sections 28 and 29 of the Act, including instructions, and drawing up consent of mortgagor, where necessary, attendances on mortgagor and mortgagee, correspondence and all relevant attendances, including registration, but excluding attendances on the Office of the Master of the High Court: R115,00: Provided that in cases where there are no financial arrangements to be made by the conveyancer, the fee shall be R80,00.

- (3) For drawing up an agreement varying the terms of a bond, including instructions, attendances on mortgagor and mortgagee, correspondence and all relevant attendances, including registration: A fee assessed according to the length and complexity, with a minimum of R80,00 and a maximum of R135,00.
- (4) (a) For drawing up consents to substitution under Section 28(2)(c) or 29(2) of the Act, including instructions, all attendances on mortgagee and new debtor, correspondence, and miscellaneous attendances, including registration, but excluding attendances on the Office of the Master of the High Court: R115,00: Provided that in cases where there are no financial arrangements to be made by the conveyancer, the fee shall be R80,00.
- (b) For drawing consents to substitution under Section 38 of the Act, including instructions, all attendances on mortgagee and new debtor, correspondence and miscellaneous attendances, including registration, but excluding attendances on the Office of the Master of the High Court: 50% of the fees for bonds set out in Column C of Annexure C.
- (5) If any of the documents referred to in item 8 are required to be signed by more than one mortgagee, mortgagor, usufructuary, lessee or holder of other limited interest: An additional fee of R10,00 for each such additional person over and above the first.
- (6) Where it is necessary to attend on the Office of the Master of the High Court in connection with any of the matters referred to in items 8(1)(a), (2) and (4) above, the following additional fees are allowed:
 - (a) For obtaining any Master's Certificate per estate, for any number of certificates which are applied for or may be applied for simultaneously: R20,00.
 - (b) For obtaining copies of all necessary documents which are included or may be included in one application: R10,00 per estate.

9. *Miscellaneous.*

- (1) For attendance on behalf of transferor or transferee, mortgagor or mortgagee, or any other person, supervising the registration of the transfer of bond or supervising the bond, when the documents are being prepared and lodged by another conveyancer or notary public, inclusive of all instructions, correspondence and miscellaneous attendances relevant to such supervision:
 - (a) When the value of the right or amount of the bond does not exceed R20 000,00: R35,00.
 - (b) When the value of the right or amount of the bond exceeds R20 000,00: R60,00.

(2) For attending Mining Titles Office for procuring a certificate of any act of registration required: R20,00.

(3) (a) For procuring registration of change of name:

(i) When no advertisement is required, R45,00 plus an additional fee of R7,00 for each additional deed over and above the first deed.

(ii) When advertisement is necessary, R100,00 plus an additional fee of R7,00 for each additional deed over and above the first deed.

(b) For procuring, under Section 6(1)(b) of the Act, an amendment of any deed or other documents recorded, registered or filed in the Mining Titles Office: R35,00 plus an additional fee of R7,00 for each additional deed over and above the first deed.

(c) For preparing and lodging consent of any interested party, including any mortgagee, to any amendment in terms of this item: R25,00.

Provided that the fees referred to in items 9(3)(a), (b) and (c) above shall include instructions, the drawing up of necessary applications, correspondence and all relevant attendances and, where advertising is necessary, also the drawing up and placing of the necessary advertisements.

(4) Attendance and searching at the Mining Titles Office for information required, other than information required for preparation and registration of a deed, including instructions, correspondence and all relevant attendances: R15,00 per quarter hour or part thereof, plus an additional fee of R10,00 per folio in respect of each report.

(5) For drawing up a notice of application for the issue of a certified copy of a deed, to serve in lieu of the original, including instructions, application to registrar, filing all requisite documents for registration, correspondence and all relevant attendances: R65,00.

(6) For attendances in order to obtain a certified copy of any deed or document from Mining Titles Office for any purpose, other than to serve in lieu of the original, inclusive of instruction, filing of the requisite documents, correspondence and all relevant attendances: R25,00 plus an additional fee of R7,00 for each additional deed over and above the first deed which may be applied for in the same application.

(7) For attendance on the Surveyor-General for the approval of any diagram or the obtaining of a copy of any diagram from the Surveyor-General, including instructions, application, correspondence and all relevant attendances: R15,00 plus an additional fee of R7,00 for each diagram over and above the first diagram which may be applied for in the same application.

- (8) (a) For drawing up any affidavit or application in regard to any separate act of registration or endorsement not specifically mentioned in this tariff (for example an application for endorsement in terms of the Matrimonial Affairs Act, 1953 (Act No. 37 of 1953)), inclusive of taking and giving instructions, correspondence and all other attendances in connection with such affidavit or application: R25,00 plus an additional fee of R7,00 for drawing up each additional folio of an affidavit or application, where such document exceeds one folio in length.
 - (b) For attendances on the Office of the Master of the High Court in order to obtain all requisite endorsements in connection with any matter referred to in this item: R20,00 per estate.
 - (c) For making and authenticating necessary copies and attendances on recording or registration of any document not elsewhere provided for in this tariff, including registration of general powers of attorney, of taking and giving instructions, correspondence and all relevant attendances: R20,00 plus an additional fee of 50 cents per folio for making and authenticating each copy recorded or registered in the Mining Titles Office.
 - (d) For drawing up and signing a certificate in terms of Section 42(1) of the Administration of Estates Act, 1965, including investigations and attendances on the Office of the Master of the High Court: R40,00 per estate for any number of certificates.
- (9) For attending on filing at Mining Titles Office of any document relating to any person, partnership, association or company, where such filing is independent of any particular act of registration being attended to by that conveyancer or notary public, inclusive of instructions, correspondence and all relevant attendances: R15,00.

PART IV**ALIENATION OF LAND ACT, NO. 68 OF 1981****TARIFF OF FEES PRESCRIBED IN TERMS OF THIS ACT**

A conveyancer may, in respect of all acts performed by him in regard to the recording of a contract and in regard to the cancellation of such a recording under the Alienation of Land Act, 1981, charge the following fees:

1. For perusing deed of alienation, attendances on signature by both parties, correspondence, the obtaining of all the necessary endorsements from the office of the Master of the High Court and attendances at the Deeds Office recording the contract, the amount set out in Column B of Annexure D.

2. For verifying that the contract has been legally cancelled, preparing application, attendances on signature by both parties where applicable, correspondence, the obtaining of all the necessary endorsements from the office of the Master of the High Court and attendances at the Deeds Office cancelling the recording.

(1) if the contract is cancelled by mutual agreement, [R67,00] R150,00;

(2) if the contract is cancelled for any other reason, the amount set out in Column B of Annexure D.

PART V

TARIFF OF APPORTIONMENT BETWEEN PRACTITIONERS IN KWAZULU-NATAL
FOR CONVEYANCING AND NOTARIAL FEES PRESCRIBED IN TERMS OF
SECTION 69(d) OF THE ATTORNEYS ACT, ACT 53 OF 1979

A. DEEDS REGISTRIES ACT, NO. 47 OF 1937

1. *Definitions.*

- (1) "Preliminary work" where referred to shall mean and include the taking and giving of instructions, preparation and attending signature of all Powers of Attorney, declarations, affidavits, resolutions and other necessary preliminary and ancillary documents, such as extracts from Companies' Memorandum and Articles of Association, payment of transfer duty and all rates levied by any lawful authority, obtaining or making all clearance or other certificates, obtaining endorsements and/or copies of documents from the Office of the Master or public officer, except where otherwise provided, or other public offices, the provision and perusal of guarantees and attending payment in terms thereof, all relevant correspondence, or such of the above work as may be necessary.

"Preliminary work" shall, however, not include any attendances in connection with the drawing and execution of General Powers of Attorney, Deeds of Sale, Deeds of Exchange, preliminary partition agreements, Deeds of Suretyship and acknowledgements of debt and documents of a similar nature, as well as documents for which a special fee is provided in this tariff.

- (2) "Final Work" where referred to shall mean and include the drawing and preparation and signature of any documents for execution or registration at the Deeds Registry, Notarial execution of Notarial Deeds, obtaining registration thereof, arranging simultaneous lodgements with another conveyancer or conveyancer where necessary, giving all references required by the Deeds Office for examination purposes and all attendances at the Deeds Office and correspondence in connection with registration of any other documents which may be necessary before or in connection with the first mentioned act of registration or for which special provision is made in the tariff.

- (3) "Lodgement" wherever a specific or proportionate fee is provided for, lodgement shall mean:

The fee payable by the instructing practitioner to the instructed practitioner for all attendances in connection with the lodgement (and where necessary registration) of any document, including arranging simultaneous lodgements, giving necessary reference, searches, attending to counter queries, and all other attendances and correspondence connected with such lodgement and registration, except where otherwise provided, and shall be payable out of the total prescribed fee.

- (4) For the purposes of Part V "practitioner" shall mean a practitioner practising in the Province of KwaZulu-Natal and "attorney", "notary" and "conveyancer" shall have a corresponding meaning.

2. Notes.

- (1) Instructing Conveyancers are earnestly requested to take note of the provisions of category B(2) below as it is desirable that all deeds and other documents sent for lodgement should be prepared and signed by a Conveyancer in the instructing Conveyancer's office.
- (2) The apportionment of Notarial fees below is subject to the restrictions contained in Rule 18(a)(iii) of the Natal Law Society Rules.
- (3) All references hereunder to Parts and/or items shall relate to the tariffs prescribed by the Society under Section 69(d) of the Attorneys' Act, 53 of 1979.
- (4) The fees specified hereunder shall be those accruing to the Registering Conveyancer, shall be nett and shall not be subject to any allowance, the customary allowance having been taken into account in this tariff, where applicable.
- (5) The apportionment of fees shall be dealt with in the following three categories:
 - A. Where the instructing attorney, conveyancer or notary does all the work including the drawing and signature or notarial execution of all documents and signing them as preparer where necessary, and then instructs the registering conveyancer to attend to lodgement and registration.
 - B(1) Where the instructing attorney or conveyancer or notary does the "preliminary work" and then instructs the registering conveyancer to draw and prepare, sign or notarially execute the deeds and attend to lodgement and registration.
 - B(2) Where the instructing attorney, conveyancer or notary instructs the registering conveyancer or notary to sign as preparer or conveyancer, or to notarially execute, deeds or documents typed in the instructing conveyancer's or notary's office and attend to lodgement and registration, or where the registering conveyancer or notary signs such documents without being requested to do so.
 - C. Where the instructing practitioner merely takes instructions from his client and thereafter send his whole "file" to the registering conveyancer or notary, who does all the work.

SECTION IA. 1. Transfer of Ownership of
Immovable Property

A [R104,50] R125,50 plus [R5,00] R6,50 for every R10 000 or part thereof by which the value of the property (determined in accordance with the definition under item 2(b)(ii) of Part I above) exceeds R40 000, for the first R1 000 000 and thereafter [R2,00] R2,50 per R10 000 or part thereof, up to and including R5 000 000 and thereafter [R1,50] R2,00 per R10 000 or part thereof.

B 33 1/3 %

C 80 %

Conveyancing - Sections
16, 31, 45 and 45 bis

A [R55,00] R70,00

B 33 1/3 %

C 80 %

2. Additional Property

A Nil

B 33 1/3 %

B. Leasehold and Upgrading Transactions
and Acts of Registration under the Black
Communities Development Act, 1984,
Proclamations R293/1962, R29/1988 and
R30/1988 and the KwaZulu Land Affairs
Act, 1992

A Where the value of the property
concerned is R60 000 or less -
[R73,00] R88,00.

B Where the value of the property
exceeds R60 000, a fee in accordance
with that applicable under item A.1
above.

SECTION IIEndorsements1. Sections 24 bis (2), 25(3) and also the
Administration of Estates Act, 66/1965A [R36,50] R55,50

B 50 %

C 80 %

2. Additional Property

SECTION IIIPartition Transfers

1. Partition Transfer

A [R152,50] R214,00

B 33 1/3 %

C 80 %

2. Additional Property

- A Nil
B 33 1/3 %
C 80 %

SECTION IV

Certificates of Title

1. Certificates of Title

- A [R101,50] R140,50
B 66 2/3 %
C 80 %

Note - Additional Property

- A Nil
B 66 2/3 %
C 80 %

2. Certificate of Consolidated Title

- A [R101,50] R140,25
B 66 2/3 %
C 80 %

3. Substitution of lost or destroyed
Title Deed of rights to minerals in
terms of Section 74 *ter*

- [R91,00] R116,50

4. Conversion of Leasehold to Freehold

- A [R63,00] R76,00
B 33 1/3 %
C 80 %

SECTION V

Cessions of mineral rights, including cessions pursuant to partition of mineral rights but excluding
cessions of mineral rights in terms of Section 32

1. Cession of Mineral Rights

- A [R74,00] R81,50
B 50 %
C 80 %

2. Additional Property

- A Nil
B 50 %
C 80 %

SECTION VI

A. Bonds

1. Mortgage Bonds and Surety

A [R96,00] R106,50 plus [R4,50] R5,00 for every R10 000 or part thereof by which the amount of the bond exceeds R40 000, for the first R1 000 000 and thereafter only [R1,50] R2,00 per R10 000 or part thereof, up to and including R5 000 000 and thereafter only R1,00 per R10 000 or part thereof. For the purposes of this tariff the "amount of the bond" shall be deemed to be the amount on which stamp duty is payable or would, but for an applicable exemption, have been payable.

B 33 1/3 %

C 80 %

2. Collateral Bond

A [R118,50] R223,00

B 33 1/3 %

C 80 %

3. Waiver included in Bond

A Nil

B 33 1/3 %

C 80 %

4. Additional Property

A Nil

B 33 1/3 %

C 80 %

B. Leasehold and deed of grant mortgage bonds, including surety bonds, under the Black Communities Development Act, 1984, Proclamations R293/1962, R29/1988 and R30/1988 and the KwaZulu Land Affairs Act, 1992

A Where the amount of the bond is R60 000 or less – [R67,00] R74,00.

B Where the amount of the bond exceeds R60 000, a fee in accordance with that applicable under item A.1 above.

SECTION VII

Notarial Bonds

1. Notarial Bond, Surety Notarial Bond

A [R82,00] R104,00

B 50 %

C 80 %

2. Collateral Notarial Bond

- A [R82,00] R104,00
 B 50 %
 C 80 %

SECTION VIII

**Marriage contracts including all notarial contracts under the Matrimonial Property Act, 1984
 (Act No. 88 of 1984)**

Marriage Contract

- A [R27,50] R34,00
 B 50 %
 C 80 %

SECTION IX

Other notarial deeds

1. Notarial Waiver of Preference

- A [R71,50] R112,00
 B 50 %
 C 80 %

2. Other Notarial Deeds

- A [R82,00] R104,00
 B 50 %
 C 80 %

SECTION X

**Cancellation, cession or variation of bonds, release of persons or property from bonds, and waiver
 of preference in regard to ranking of bonds**

1. (a) Consent to cancellation, release,
part payment, waiver, etc.

- A [R72,00] R115,00
 B 50 %
 C 80 %

(b) Subsequent bond

- A [R20,00] R23,00
 B 50 %
 C 80 %

(c) Additional Property

- A Nil
 B 50 %
 C 80 %

- | | |
|---|--|
| 2. Cession of bond etc. | A [R50,50] <u>R101,50</u>
B 50 %
C 80 % |
| 3. Agreement to vary | A [R55,00] <u>R72,00</u>
B 50 %
C 80 % |
| 4. (a) Substitution i.t.o. Section 24 bis(3),
45(2)(b) or 45 bis(2). | A [R72,00] <u>R140,00</u>
B 50 %
C 80 % |
| (b) Substitution i.t.o. Section 57 | A 50 % of the fee which would be
chargeable under Section VI, item
A.1 above for a new bond of the
same amount.
B 50 %
C 80 % |
| (c) Application and consent under
Section 40(5)(a) (Form WW) | R123,50 |
| 5. Additional Signature | A Nil
B 50 %
C 80 % |
| 6. Master's Certificate or copy | Practitioner Obtaining |

SECTION XI

Miscellaneous

- | | |
|------------------------------|--|
| 1. (a) Supervising | Practitioner Supervising |
| (b) Supervising | |
| 2. Section 44 Endorsement | A [R37,00] <u>R46,00</u>
B 50 %
C 80 % |
| 3. Registrar's Certificate | Practitioner Obtaining |
| 4. (a) Township registration | A [R103,50] <u>R127,00</u>
B 50 %
C 80 % |
| (b) (Transvaal only) | Inter-Provincial Tariff |

- | | | | | | |
|----|-----|-----|------------------------------------|---|--------------------------------------|
| 5. | (1) | (a) | Change of name - No advert | A | [R20,00] <u>R24,50</u> |
| | | | | B | 50 % |
| | | | | C | 80 % |
| | | (b) | Change of name - with advert | A | [R35,00] <u>R42,00</u> |
| | | | | B | 50 % |
| | | | | C | 80 % |
| | | | Additional Deed | A | [R5,50] <u>R8,50</u> |
| | | | | B | 50 % |
| | | | | C | 80 % |
| | (2) | | Amendment Section 4(1)(b) | A | [R23,50] <u>R35,00</u> |
| | | | | B | 50 % |
| | | | | C | 80 % |
| | | | Additional Deed | A | [R5,50] <u>R11,50</u> |
| | | | | B | 50 % |
| | | | | C | 80 % |
| | (3) | | Consent to Amendment | A | [R14,50] <u>R17,00</u> |
| | | | | B | 50 % |
| | | | | C | 80 % |
| | (4) | | Endorsement of Conversion | | R25,00 |
| | | | Additional Deed | | R8,50 |
| 6. | (a) | | Searching and Reporting | | Practitioner Searching and Reporting |
| | (b) | | Searching Rights to Minerals | | Practitioner Searching and Reporting |
| 7. | | | Certified Copy to replace original | A | [R52,50] <u>R70,00</u> |
| | | | | B | 50 % |
| | | | | C | 80 % |
| 8. | | | Certified Copy for Information | A | [R25,00] <u>R45,00</u> |
| | | | | B | 50 % |
| | | | | C | 80 % |
| | | | Additional Deed | A | [R5,50] <u>R11,50</u> |
| | | | | B | 50 % |
| | | | | C | 80 % |

9. Metrication, Amendment or copy of Diagram A [R29,00] R51,50
- Additional Diagram A [R5,50] R11,50
10. (a) Private Townships Board or Local Authority A [R39,00] R70,00
 Declaration for sub-division B 50 %
 C 80 %
- (b) Local or Other Authority Endorsement Practitioner Attending
 of Power of Attorney or Diagram
11. (a) Affidavit or Application A [R28,50] R87,50
 B 50 %
 C 80 %
- (b) Master's Endorsements Practitioner Obtaining
- (c) General Power of Attorney [R28,50] R47,50
- (d) Certificate i.t.o. Section 42(1) of Practitioner Furnishing
 Administration of Estates Act
- (e) Application to lapse usufruct [R40,50] R50,50
 (not notarial) and any Application
 in terms of Section 68(1)
12. (a) Cession of Servitude or of A [R79,00] R125,00
 Rights to Minerals B 33 1/3 %
 C 80 %
- (b) Additional Property A Nil
 B 33 1/3 %
 C 80 %
13. Filing Practitioner Filing
14. Taxation 5 % Conveyancer submitting Bill
 5 % Conveyancer opposing Bill

B. SECTIONAL TITLES ACT NO. 95 OF 1986.

1. General Notes as per Part II, item 1 above.
2. Definitions as per Part II, item 2 above.

SECTION I**1. Application for the opening of a sectional title register**

- | | |
|---|---|
| (a) Application for opening of
Sectional Title Register - per unit | A [R16,00] <u>R18,50</u> , with a minimum of
[R96,00] <u>R111,00</u>
B 50 %
C 80 % |
| (b) For each lodgment of complete
set of documents | A [R34,00] <u>R39,50</u> |
| (c) Additional fee may be charged by
agreement for exceptional attendance
at the rate per quarter hour of | R32,00 |

2. Application for the Extension of Schemes by Addition of land to common property

As for Section I.1 above.

SECTION II**Transfer of ownership**

- | | |
|------------------------------|--|
| 1. Registration of ownership | A [R104,50] <u>R125,50</u> plus [R5,00] <u>R6,50</u>
for every R10 000 or part thereof by
which the value of the property
(determined in accordance with the
definition under Part II, item 2(b)(ii)
above) exceeds R40 000, for the
first R1-million and thereafter [R2,00]
<u>R2,50</u> per R10 000 or part thereof,
up to and including R5-million and
thereafter [R1,50] <u>R2,00</u> per
R10 000 or part thereof.
B 50 %
C 80 % |
| 2. Additional property | A NIL
B 50 %
C 80 % |

NOTE: Expropriation or endorsement
transfers (e.g. in terms of Section 45
of Deeds Registries Act) referred to in
the Note to Section II of Part II above.

- | | |
|---|--------|
| A | R55,00 |
| B | 50 % |
| C | 80 % |

SECTION III**Partition transfers**

Registration of deed of partition	A [R152,50] <u>R214,00</u>
	B 50 %
	C 80 %

SECTION IV**Endorsement in terms of the Administration of Estates Act, 1965**

Lodgment of Application	A [R36,50] <u>R43,50</u>
	B 50 %
	C 80 %

SECTION V**Subdivision and Consolidation of a Section/s**

(a) Subdivision or consolidation of a Section/s – basic fee	A [R127,50] <u>R155,50</u>
	B 50 %
	C 80 %
(b) Each subdivision or consolidation	A [R12,50] <u>R15,50</u>
	B 50 %
	C 80 %

SECTION VI**Application for sectional title deed in respect of undivided share in unit**

C.R.S.T. for undivided share	A [R59,50] <u>R74,00</u>
	B 50 %
	C 80 %

SECTION VII**1. Reversion from sectional title register to land register**

(a) Basic Fee	A Basic fee of [R64,00] <u>R78,00</u> plus [R6,50] <u>R9,50</u> in respect of each section
(b) Each Section	B 50 %
	C 80 %

2. Disposal on destruction of buildings

As for Section VII.1 above.

SECTION VIII

Sectional Mortgage Bonds

1. Sectional Mortgage or Surety Bond

A [R96,00] R106,50 plus [R4,50] R5,00 for every R10 000 or part thereof by which the amount of the bond (as defined under Part II, Section IX, item 4 above) exceeds R40 000, for the first R1-million and thereafter at [R1,50] R2,00 per R10 000 or part thereof, up to and including R5-million and thereafter R1,00 per R10 000 or part thereof. For the purposes of this tariff the "amount of the bond" shall be deemed to be the amount on which stamp duty is payable or would, but for an applicable exemption, have been payable.

B 60 %

C 80 %

2. Collateral Bond

A [R70,00] R85,00

B 60 %

C 80 %

3. Additional Unit

A NIL

B 60 %

C 80 %

SECTION IX

Cession, cancellation or modification of bonds

1. (a) Consent to cancellation, cancellation of Cession, release, reduction of cover, part payment, waiver of preference etc.

A [R72,00] R115,00

B 60 %

C 80 %

- (b) Subsequent bond

A [R20,00] R23,00

B 50 %

C 80 %

- (c) Additional unit

A NIL

B 50 %

C 80 %

- | | |
|--|---|
| 2. Cession or Section 45 endorsement of bond | A [R50,50] <u>R101,50</u>
B 50 %
C 80 % |
| 3. Agreement varying - Deeds Registries Act bond | A [R55,00] <u>R72,00</u>
B 50 %
C 80 % |
| Agreement varying - Sectional bond | A [R55,00] <u>R72,00</u>
B 50 %
C 80 % |
| 4. Substitution in terms of Section 57 of Deeds Registries Act. | A 50 % of the fee which would be chargeable under Section VIII, item 1 above for a new bond of the same amount.
B 50 %
C 80 % |
| 5. Additional signature | A NIL
B 50 %
C 80 % |
| 6. Master's Certificate or copy | Practitioner obtaining |
| 7. Consents to substitution under Section 24bis(3), 45(2)(b) or 45bis(2) | R140,00 |

SECTION X

Notarial deeds

- | | |
|---|---|
| 1. Notarial Lease, Servitude, other Notarial Deeds. | A [R82,00] <u>R104,00</u>
B 50 %
C 80 % |
| 2. Notarial Waiver of Preference | A [R50,50] <u>R61,50</u>
B 50 %
C 80 % |

SECTION XI**Certificates of Real Rights**

Certificate of Real Rights - 1, 2 and 3

A [R48,00] R66,00

B 50 %

C 80 %

SECTION XII**Cessions (Notarial)**

Cessions (Notarial) - 1, 2 and 4

A [R48,00] R66,00

B 50%

C 80%

3 as for 1, 2 and 4 above if no consideration allocated to exclusive use area, **otherwise** as for transfer of ownership under Part II, Section II above.

R66,00 - where fixed fee

SECTION XIII**Miscellaneous**

1. Supervising

Practitioner supervising.

2. (a) Searching and reporting; and
(b) Searching and reporting

Practitioner searching and reporting.

3. Conveyancer's Certificate

Conveyancer drawing.

4. Certificate of Establishment of Body Corporate

A [R12,50] R15,50

B 50 %

C 80 %

5. (a) Consent - Sections 24(6) & 25(10)

A [R69,00] R27,00

B 50 %

C 80 %

(b) Amended Rules for Substitution

A [R33,00] R40,00

B 50 %

C 80 %

(c) Notification of Domicilium in
terms of Section 29(1)(b)

A [R15,00] R18,00

B 50 %

C 80 %

15. SCHEDULE OF FEES FOR ADDITIONAL WORK.

Where a practitioner instructs another practitioner to do any work in Parts I, II, III and IV above, not covered by the term "lodgement", the former shall from his share of the fees pay the latter the amount set out hereunder:

- | | | |
|-----|---|------------------------|
| (1) | Obtaining all necessary endorsements from the Master –
per estate | [R60,00] <u>R90,00</u> |
| (2) | Obtaining copies of documents from the Master required
for lodgement in a deeds registry per application
(exclusive of searches) | [R25,00] <u>R45,00</u> |
| (3) | Obtaining a clearance or other similar certificate from
a public or local authority per certificate | [R25,00] <u>R31,50</u> |
| (4) | Attending on payment of transfer duty and uplifting receipt | [R25,00] <u>R31,50</u> |
| (5) | Any other attendance per quarter hour or part thereof
including searching in the deeds office in connection
with a deed in the course of preparation | [R25,00] <u>R55,00</u> |
| (6) | Drawing any document per folio or part thereof | [R20,00] <u>R31,50</u> |
| (7) | Perusing and certifying a guarantee for payment | [R25,00] <u>R31,50</u> |
| (8) | Applying for restoration or expedition of deed on the
specific instructions of the instructing conveyancer and
where the deed was rejected or requires expedition
through no fault of the lodging conveyancer. | [R44,00] <u>R52,00</u> |
| (9) | Collaborations outside Natal | [R32,00] <u>R38,00</u> |

C. MINING TITLES REGISTRATION ACT NO. 16 OF 1967

No intra apportionment - See Inter-Provincial Apportionment Tariff.

D. ALIENATION OF LAND ACT.

Transaction governed by Regulation 8 of
Regulations published in Government
Gazette No. 8418 of 15th October 1982

A	[R27,00] <u>R60,00</u>
B	80 %
C	80 %

PART VI

APPORTIONMENT OF FEES : CONVENTIONAL DEEDS

APPORTIONMENT OF FEES BETWEEN PRACTITIONERS IN OTHER PROVINCES AND PRACTITIONERS IN KWAZULU-NATAL WHERE THE DEEDS HAVE BEEN PREPARED BY THE PRACTITIONER IN THE OTHER PROVINCE

1. The fees under the tariff shall, unless otherwise agreed, be apportioned as specified hereunder, where a practitioner who practices in another province instructs a practitioner in the province of KwaZulu-Natal in connection with any conveyancing matter or any part thereof and for which such instructions were received by the instructing practitioner on or after 1 March 1998. This apportionment serves as a Rule and conveyancers are not free to negotiate the apportionment, unless they are authorised to do so by the Council or in terms of the Society's Rules.
2. It shall be regarded as unprofessional conduct:
 - (i) if a practitioner who is not a conveyancer, or a notary in the case of a notarial deed, draws any deed intended for execution or registration in a deeds registry and requests a conveyancer or a notary, as the case may be, not being a partner or co-director and not being in the sole employ of such practitioner, to sign the requisite preparation certificate, or to execute such notarial deed for no fee.
 - (ii) if a conveyancer or notary accedes to a request contemplated in sub (i) for no fee.
 - (iii) if a practitioner signs the preparation certificate referred to in regulation 44 where such document was not drawn by him.

DEFINITIONS

For purposes of this tariff:

"PROVINCE" shall refer to the territory for which a conveyancer was admitted as such.

"PRELIMINARY WORK", where referred to in this tariff shall mean and include: The taking and giving of instructions; preparation and attending signature of all powers of attorney; declarations, affidavits, resolutions and other necessary preliminary and ancillary documents, such as extracts from a company's memorandum and articles of association; payment of transfer duty and of all rates levied by any lawful authority; obtaining or making all clearance or other certificates; the obtaining of endorsements or copies of documents from the office of the Master or other public office (except where otherwise provided); the making of all financial arrangements, including the provision and perusal of guarantees and attending on payment in terms thereof; all relevant correspondence; or such of the above work as may be necessary. "Preliminary work" shall, however, not include any attendances in connection with the drawing and execution of general powers of attorney; deeds of sale, deeds of exchange, preliminary partition agreements; with regard to any lease, servitude, prospecting contract or donation and documents of a similar nature; and documents for which a special fee is provided in this tariff.

"FINAL WORK" shall mean and include: The drawing and preparation of any documents for execution or registration at a deeds registry; obtaining registration thereof; arranging simultaneous lodgements with another conveyancer or conveyancers where necessary; giving all references required by the deeds office for examination purposes and all attendances at the deeds office; and correspondence in connection with registration. "Final work" shall not include any separate act of registration of any other document which may be necessary before, or in connection with, the first-mentioned act of registration or for which special provision is made in this tariff.

"LODGEMENT": Wherever in this tariff a specific or proportionate fee is provided for lodgement, it shall mean the fee payable by the instructing practitioner to the instructed practitioner for all attendances in connection with the lodgement of any document, including arranging simultaneous lodgements, giving necessary references, and all other attendances and correspondence in connection with such lodgement and registration and shall be payable out of the total fee.

NOTES

1. All references hereunder to sections and/or items shall relate to the tariff of fees prescribed by the Law Society.
2. Where a deed of transfer, a partition transfer or a mortgage bond is drawn, complete in every detail, and prepared by one conveyancer and is merely lodged and executed by another conveyancer, the instructing conveyancer shall be entitled to 85% and the instructed conveyancer to 15% of the total fee, provided that -
 - 2.1 if such deeds are rejected by the deeds office by reason of a note or notes raised against such deeds which is/are incapable of being remedied on preparation/rectification and such deeds will have to be relodged, or where the instructing conveyancer expressly requested the instructed conveyancer to check such deeds and documents, and the deeds and/or supporting documents are patently incorrect or incomplete and would have been rejected, the instructed conveyancer shall immediately communicate with the instructing conveyancer and by arrangement, either
 - 2.1.1 return the deeds to the instructing conveyancer to be redrawn and reprepared, in which event, the instructed conveyancer shall be entitled to 20% of the fee, or
 - 2.1.2 the instructed conveyancer shall redraw and reprepare the deed in which event the instructed conveyancer shall be entitled to 25% of the total fee if the rejection was a result of a simple error and 33,3% of the total fee if the rejection was as a result of errors other than a simple error.

- 2.2 If the instructing conveyancer expressly requested the instructed conveyancer to check such deeds and supporting documents, the instructed conveyancer shall be entitled in any event to 20% of the total fee and if such deeds and documents would have been rejected, the instructed conveyancer shall immediately communicate with the instructing conveyancer and by arrangement proceed as in 2.1.1 or 2.1.2.
- 2.3 If the instructed conveyancer attends to any matter on preparation/rectification as the case may be, which is covered under the item "apportionment of fees for preliminary work", he shall charge such fee.
3. Where the instructing practitioner merely takes instructions from his client and thereafter sends his whole "file" to the instructed conveyancer who then does all the work, the former shall, as a general rule be entitled to 20% and the latter to 80% of the prescribed fee where the fees are divided on a percentage basis as set out hereunder.
4. Fees and percentages specified herein shall be net and shall not be subject to any allowance.

5. APPORTIONMENT OF FEES FOR "PRELIMINARY WORK"

Where a practitioner who attends to the preliminary work in connection with any conveyancing matter, requests another practitioner to do part of such preliminary work, the former shall, from his share of the fees, pay the latter the amounts set out hereunder.

- (i) (a) Obtaining all necessary endorsements from the Master for any number of endorsements which are or can be applied for simultaneously

per estate R45.00

- (b) Furnishing a certificate in terms of Section 42(1) of the Administration of Estates Act 1965, including investigations and attendances on Master's Office

per estate R80.00 for any number of Certificates

- (ii) Obtaining copies of all documents for lodgement in a deeds registry which are or can be included in one application (exclusive of searches)

per application R30.00

- (iii) Obtaining a clearance or other similar certificate from a public or local authority or body corporate

per certificate R60.00

- (iv) Attending on payment of transfer duty or VAT and uplifting receipt or obtaining an exemption certificate

R60.00

- (v) Any other attendance per quarter hour or part thereof

R30.00

Reporting per folio R20,00

- (vi) Furnishing a conveyancer's certificate or drawing any document not provided for elsewhere in this tariff

R30.00

- (vii) Perusing and certifying a guarantee for payment

R45.00

6. APPORTIONMENT OF FEES FOR "FINAL WORK" AND "LODGE"MENT"

For attendances in order to have any conveyancing matter expedited, restored or put forward for execution, including completion of application forms and searches in connection therewith.

R75.00

The above fees shall be net.

SECTION I

APPORTIONMENT

A. CONVEYANCE OF OWNERSHIP OF IMMOVABLE PROPERTY (OTHER THAN PARTITION TRANSFERS)

(Total fee - Column B, Annexure A plus R60.00 per each additional property)

- (a) Conveyance by means of a deed of transfer (other than - partition transfers)

Preliminary work	66.67%
Final work	33.33%
Lodgement	15%

- (b) Conveyance in terms of the second proviso to Section 16 and Sections 31, 45 and 45 bis (bonds excluded) of the Act (Total fee 50% - Column B - Annexure A plus R60.00 per each additional property)

Lodgement	15% with a minimum of R75,00
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B. LEASEHOLD AND UPGRADING TRANSACTIONS (OTHER THAN BONDS)**1. Certificate of Registered Grant of Leasehold.**

(Total fee – R300.00)

Preliminary work	66.67%
Final work	33.33%

Where instructed conveyancer merely lodges such certificate:

Lodgement	R75.00
-----------	--------

2. Certificate of Ownership

(Total fee – R600.00)

Preliminary work	66.67%
Final work	33.33%

Where instructed conveyancer merely lodges such certificate:

Lodgement	R75.00
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3. Transfer of a Right of Leasehold

(Total fee - Column B, Annexure A provided if value is R60 000.00 or less fee is 70% of amount as set out in said Column B)

Preliminary work	66.67%
Final work	33.33%
Lodgement	15%

SECTION II**ENDORSEMENTS OF TITLE DEEDS OR BONDS IN TERMS OF SECTIONS 24 B/S (2) AND 25(3) OF THE ACT AND IN TERMS OF THE ADMINISTRATION OF ESTATES ACT 1965**

(Total fee R385.00 plus R50.00 for each additional property or bond)

Lodgement	R75.00
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SECTION III**PARTITION TRANSFERS**

(Total fee R1 050.00 plus a further fee of R60.00 for each additional property or sub-division transferred in any one deed).

Preliminary work	40%
Final work	60%
Lodgement	15%

SECTION IV**(1) CERTIFICATES OF TITLE UNDER SECTIONS 18, 34, 35, 36, 38, 39, 43, 46 AND 64 OF THE ACT AND CERTIFICATES OF RIGHTS TO MINERALS**

(Total fee R550.00 plus R60.00 per each additional property - in case of subdivision R770.00)

(a)	Preliminary work	40%
	Final work	60%
(b)	Lodgement	R75.00

(2) CERTIFICATES OF CONSOLIDATED TITLE UNDER SECTION 40 AND CERTIFICATES OF AMENDED/UNIFORM TITLE UNDER SECTIONS 41 AND 42 OF THE ACT

(Total fee R825.00 plus R60.00 for every additional constituent property after the first 2 properties).

(a)	Preliminary work	40%
	Final work	60%
(b)	Where the instructing conveyancer draws and prepares such certificates of title and instructed conveyancer merely lodges such certificates:	
	Lodgement	R75.00

(3) SUBSTITUTION OF LOST OR DESTROYED MINERAL TITLE UNDER SECTION 74 TER OF THE ACT

(Total fee R385.00)

Lodgement	R75.00
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(4) (i) **Conversion of Leasehold to freehold (Townships Amendments Act, 1908 (Transvaal) or Conversion of Leasehold to Freehold Act, 1952**

(Total fee – R300.00)

Lodgement R75.00

(ii) **Leasehold lot in a township - Section 7 of Conversion of Leasehold to Freehold Act, 1952**

(Total fee – R500.00)

(a) Preliminary work 33.33%
Final work 66.67%

(b) Lodgement R75.00

SECTION V

CESSION OF MINERAL RIGHTS (EXCLUDING CESSIONS OF MINERAL RIGHTS IN TERMS OF SECTION 32 - (for which - vide Section XI item 12))

(Total fee - Column B, Annexure A plus R60.00 per each additional property).

- (a) Preliminary work 50%
(b) Final work 50%
(c) Where instructing notary prepares and executes the cession.

Lodgement R75.00

SECTION VI

A. BONDS

1. MORTGAGE BONDS AND SURETY MORTGAGE BONDS

(Total fee - Column B, Annexure B plus R40.00 per each additional property plus R245.00 for any waiver in terms of regulation 41(7).

Preliminary work 66,67%
Final work 33,33%
Lodgement 15%

2. COLLATERAL BONDS

(Total fee - R660.00 (or R715.00 in another office) plus R40.00 per each additional property plus R245.00 for any waiver in terms of regulation 41(7)).

Preliminary work	
1 and 2	66.67%
Final work 1 and 2	33.33%

B. LEASEHOLD MORTGAGE BONDS

(Total fee - Column B Annexure B provided if amount is R60 000.00 or less fee is 70% of amount as set out in said Column B)

Preliminary work	66.67%
Final work	33.33%
<u>Lodgement</u>	<u>15%</u>

BANK BONDS

The apportionment of fees in cases where certain banks instruct country and city attorneys respectively for drafting the power of attorney and for registration of a bond, shall be determined on the following basis:

Instructing (country) practitioner	60%
Instructed (city) practitioner	40%

SECTION VII**1. NOTARIAL BONDS AND SURETY NOTARIAL BONDS**

Total fee	(a)	R0 - R100 000: R330 plus Column B, Annexure B
	(b)	over R100 000.00: R440 plus Column B, Annexure B

(a)	Preliminary work	60%
	Final Work	40%

(b) When the deed is drawn and attested by the instructing notary

Lodgement	R75.00
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2. COLLATERAL NOTARIAL BONDS

(Total fee R800.00)

Preliminary work	1 and 2	60%
Final work	1 and 2	40%

Where instructing notary prepares and executes the bond

Lodgement 1 and 2	R75.00
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SECTION VIII**ANTENUPTIAL CONTRACTS (INCLUDING ALL NOTARIAL CONTRACTS UNDER THE MATRIMONIAL PROPERTY ACT NO 88 OF 1984)**

(Total fee – R200.00)

Preliminary work	60%
Final work	40%

Where instructing notary prepares and executes the contract

Lodgement	R75.00
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SECTION IX**OTHER NOTARIAL DEEDS**

1. Notarial waiver of preference by mortgagee, usufructuary or other holder of a limited interest or other notarial consent)

(Total fee R550.00)

2. Notarial Lease, servitude, prospecting contract donation or other notarial deed (Other than those elsewhere specially provided for in the tariff)

(Recommended minimum fee R600.00)

(a) Preliminary work 1 and 2	60%
Final work 1 and 2	40%

(b) Where instructing notary prepares and executes the deed.

Lodgement 1 and 2	R75.00
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SECTION X**CANCELLATION, CESSION OR VARIATION OF BONDS ETC.**

1. (a) Consent to cancellation of bond; consent to cancellation of cession; release of property or person; consent to reduction of cover or part payment; waiver of preference in regard to raking; waiver of preference in respect of real rights in land, consent of mortgagee, usufructuary, lessee or holder of other limited interest, (not notarial).

(Total fee R400.00 provided that in cases where there are no financial arrangements to be made by the conveyancer, the total fee shall be R250.00)

Plus:

- (i) R30.00 for each additional mortgagee, mortgagor, usufructuary, lessee or holder of limited interest
- (ii) R30.00 per each additional property after the first 2 properties,
- (iii) copies of documents from Master which are or can be included on one application R30.00.

Lodgement R75.00

- (b) All matters referred to in (a) above in respect of any second or subsequent bond or bonds when such document has or have been drawn by the same conveyancer who drew the document/s referred to in (a) above between the same parties over the same property and such documents are or can be lodged simultaneously as a set.

(Total fee R70.00 per bond plus as in (i), (ii) and (iii) above.

Lodgement R30.00

2. **CESSION OF BOND, APPLICATION FOR ENDORSEMENT OF A BOND IN TERMS OF SECTION 45 AND 45 BIS OF THE ACT, INCLUDING CONSENT OF MORTGAGOR WHERE NECESSARY**

(Total fee R400.00 plus (i), (ii) and (iii) above subject to the proviso in (1)(a) - fee R250.00)

Lodgement R75.00

3. **AGREEMENT VARYING TERMS OF BOND**

(Total fee - assessed according to length and complexity)

Lodgement R75.00

4. (a) CONSENTS TO SUBSTITUTION UNDER SECTIONS 24 BIS (3) AND 45(2)(B) 45 B/S (2) - OF THE ACT

(Total fee R400.00 plus as in (i), (ii) and (iii) above, subject to the proviso in (1)(a) - fee R250.00)

Lodgement R75.00

(b) CONSENTS TO SUBSTITUTION UNDER SECTION 57 OF THE ACT

(Total fee 50% of the fees for bonds, specified in Annexure B)

Lodgement R75.00

(c) CONSENT TO CONSOLIDATION UNDER SECTION 40(5)(a) OF THE ACT

(Total fee R400.00)

Lodgement R75.00

5. ADDITIONAL SIGNATURES:

Instructed conveyancer - NIL

6. MASTER'S ALLOWANCE IN CONNECTION WITH ANY OF THE MATTERS REFERRED TO IN ITEMS 1(a), 2 AND 4 ABOVE

(a)	Master's certificate	(Total fee R90.00)
	Instructed practitioner	R75.00
	Instructing practitioner	R30.00

(b)	Copies of documents	(Total fee R45.00)
	Instructed practitioner	R30.00
	Instructing practitioner	R15.00

SECTION XI

MISCELLANEOUS

1. SUPERVISION REGISTRATION OF TRANSFER OR BOND

(a) Total fee R120.00 - where the value of property or amount of bonds does not exceed R60 000.00.

- (b) Total fee R220.00 - where the value of property or amount of bond exceeds R60 000.00.

Preliminary work	33.33%
Final work	66.67%

2. ENDORSEMENT OF TITLE UNDER SECTION 44

(Total fee - R120.00)

Lodgement	R50.00
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3. CERTIFICATE OF ANY ACT OF REGISTRATION

(Total fee - R50.00)

Preliminary work	33.33%
Final work	66.67%

4. (a) ENDORSEMENT SECTION 46 - LAYOUT OF TOWNSHIP

(Total fee - R400.00)

Preliminary work	50%
Final work	50%

(b) ENDORSEMENT SECTION 49(1) - INCISION OF LAND IN A TOWNSHIP AND EXCISION OF AGRICULTURAL HOLDING

(Total fee - R300.00)

Preliminary work	50%
Final work	50%

5. (1) CHANGE OF NAME - SECTION 93

- (a) Where no advertisement is necessary

(Total fee R95.00 plus R25.00 for every extra deed after the first deed)

- (b) Where advertisement is necessary

(Total fee R180.00 plus R25.00 for every extra deed after the first deed)

Preliminary work (a) and (b) 50%

Final work (a) and (b) 50%

(2) AMENDMENT SECTION 4(1)(b)

(Total fee R100.00 plus R35.00 for every extra deed)

Preliminary work 50%

Final work 50%

(3) CONSENT OF ANY INTERESTED PARTY INCLUDING ANY BONDHOLDER TO ANY AMENDMENT UNDER (1) OR (2)

(Total fee – R60.00)

50% to each instructed and instructing practitioner.

(4) OBTAINING ENDORSEMENT FOR CONVERSION OF COMPANY TO CLOSE CORPORATION AND VICE VERSA

(Total fee – R100.00 plus R35.00 for every extra deed)

Preliminary work 50%

Final work 50%

6. DEEDS REGISTRY SEARCH AND REPORT

(Total fee - search - R55.00 per quarter hour or part thereof; report – R30.00 per folio). Mineral and water rights searches - R450.00 per hour or part thereof and report R45.00 per folio.

Instructing practitioner 50%

Instructed practitioner 50%

7. CERTIFIED COPY OF DEED

To serve in lieu of the original

(Total fee R200.00)

Lodgement R 75.00

8. COPY OF DEED OR DOCUMENT

Other than in 7

(Total fee R90.00 plus R35.00 per additional deed or document applied for in the same application)

Instructing practitioner	50%
Instructed practitioner	50%

9. COPY OF DIAGRAM FROM SURVEYOR - GENERAL

(Total fee R90.00 plus R35.00 per additional diagram applied for in the same application)

Instructing practitioner	50%
Instructed practitioner	50%

10. ATTENDANCE ON LOCAL OR OTHER AUTHORITY

(a) Approval of subdivisional diagrams – Total Fee R135,00

(b) For endorsement of Power of Attorney or diagram

(Total fee R90.00)

Instructing practitioner	33,33%
Instructed practitioner	66,67%

11. AFFIDAVIT OR APPLICATION

(a) In regard to any separate act of registration or endorsement e.g. Matrimonial Affairs Act, creation of township conditions against remainder, lapsing of any condition of title or personal servitude.

(Total fee – R200.00 plus R35.00 per each extra folio)

Instructing practitioner	33.33%
Instructed practitioner	66.67%

(b) Master's attendances for endorsements in connection with any matter referred to in this item: (Total fee – R90.00)

Instructed practitioner	R35,00
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- (c) Drawing general Power of Attorney.

(Total fee R165.00)

Instructing practitioner	33,33%
Instructed practitioner	66,67%

- (d) For drawing and signing a certificate in terms of Section 42(1) of the Administration of Estates Act including investigations and attendances on Master's Office.

(Total fee R85.00 per estate for any number of certificates)

Instructing practitioner	R5.00
Instructed practitioner	R80.00

- (e) Drawing any application and registration of lapse of usufruct (not notarial)

(Total fee R200.00)

Instructed conveyancer	R75.00
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12. CESSION OF SERVITUDE OR RIGHTS TO MINERALS - FORM RR - SECTION 32

(Total fee - R310.00 plus R35.00 per each additional property)

Instructing practitioner	33.33%
Instructed practitioner	66.67%
Lodgement	R75.00

13. Filing at deeds registry of any document relating to any person, partnership, association or company where such filing is independent of any particular act of registration being attended to by that conveyancer.

(Total fee - R90.00)

Instructing practitioner	33.33%
Instructed practitioner	66.67%

14. Taxation

(Total fee - 5% of fees allowed on taxation by conveyancer submitting bill of costs and 5% of total fees originally reflected.)

Instructing practitioner	33.33%
Instructed practitioner	66.67%

PART VII**APPORTIONMENT OF FEES : SECTIONAL TITLES****APPORTIONMENT OF FEES BETWEEN PRACTITIONERS IN OTHER PROVINCES AND PRACTITIONERS IN KWAZULU-NATAL WHERE THE DEEDS HAVE BEEN PREPARED BY THE PRACTITIONER IN THE OTHER PROVINCE**

1. The fees under the tariff shall, unless otherwise agreed, be apportioned as specified hereunder, where a practitioner who practices in another province instructs a practitioner in the province of KwaZulu-Natal in connection with any conveyancing matter or any part thereof and for which such instructions were received by the instructing practitioner on or after 1 March 1998. This apportionment serves as a Rule and conveyancers are not free to negotiate the apportionment, unless they are authorised to do so by the Council or in terms of the Society's Rules.
2. It shall be regarded as unprofessional conduct:
 - (i) if a practitioner who is not a conveyancer, or a notary in the case of a notarial deed, draws any deed intended for execution or registration in a deeds registry and requests a conveyancer or a notary, as the case may be, not being a partner or co-director and not being in the sole employ of such practitioner, to sign the requisite preparation certificate, or to execute such notarial deed for no fee; and
 - (ii) if a conveyancer or notary accedes to a request contemplated in sub (i) for no fee; or
 - (iii) if a practitioner signs the preparation certificate referred to in regulation 44 where such document was not drawn by him.

DEFINITIONS

For purpose of this tariff:

"**PROVINCE**" shall refer to the territory for which a conveyancer was admitted as such.

"**PRELIMINARY WORK**" where referred to in this tariff shall mean and include the taking and giving of instructions, preparation and attending signature of all powers of attorney, declarations, affidavits, resolutions and other necessary preliminary and ancillary documents such as extracts from a company's memorandum and articles of association and proof in regard to all matters required to be certified in terms of Section 15B(3) of the Act, payment of transfer duty and of all levies imposed by the body corporate, and of all rates levied by any lawful authority, obtaining or making all clearances or other certificates, the obtaining of endorsements or copies of documents from the office of the Master or other public office (except where otherwise provided) the making of all other financial arrangements including the provision and perusal of guarantees and attending to payment in terms thereof, all relevant correspondence, or such of the above work as may be necessary. "Preliminary work" shall, however, not include any attendances in connection with the drawing and execution of general powers of attorney, deeds of sale, deeds of exchange, preliminary agreements with regard to any lease, servitude or donation and documents of a similar nature as well as documents for which a special fee is provided in this tariff.

"*FINAL WORK*" shall mean and include, the drawing and preparation of any document for execution or registration at a deeds registry, obtaining of registration thereof, arranging simultaneous lodgement with another conveyancer or conveyancers where necessary, giving all references required by the deeds office for examination purposes and all attendances at the deeds office and correspondence in connection with registration. "Final work" shall not include any separate act of registration of any other document which may be necessary before or in connection with the first-mentioned act of registration or for which special provision is made in the tariff.

"*LODGEMENT*" wherever in this tariff a specific or proportionate fee is provided for lodgement, it shall mean the fee payable by the instructing practitioner to the instructed practitioner for all attendances in connection with the lodgement (and, where necessary, registration) of any documents, including arranging simultaneous lodgements, giving necessary references and all other attendances and correspondence connected with such lodgement and registration and shall be payable out of the total fee.

NOTES:

1. All references hereunder to sections and/or items shall relate to the tariff of fees prescribed by the Law Society.
2. Where a deed of transfer, a partition transfer or a mortgage bond is drawn, complete in every detail, and prepared by one conveyancer and is merely lodged and executed by another conveyancer, the instructing conveyancer shall be entitled to 85% and the instructed conveyancer to 15% of the total fee, provided that -
 - 2.1 if such deeds are rejected by the deeds office by reason of a note or notes raised against such deeds which is/are incapable of being remedied on preparation/rectification and such deeds will have to be relodged, or where the instructing conveyancer expressly requested the instructed conveyancer to check such deeds and documents, and the deeds and/or supporting documents are patently incorrect or incomplete and would have been rejected, the instructed conveyancer shall immediately communicate with the instructing conveyancer and by arrangement, either
 - 2.1.1 return the deeds to the instructing conveyancer to be redrawn and reprepared, in which event, the instructed conveyancer shall be entitled to 20% of the fee, or
 - 2.1.2 the instructed conveyancer shall redraw and reprepare the deed in which event the instructed conveyancer shall be entitled to 25% of the total fee if the rejection was a result of a simple error and 33,33% of the total fee if the rejection was as a result of errors other than a simple error.

2.2 If the instructing conveyancer expressly requested the instructed conveyancer to check such deeds and supporting documents, the instructed conveyancer shall be entitled in any event to 20% of the total fee and if such deeds and documents would have been rejected, the instructed conveyancer shall immediately communicate with the instructing conveyancer and by arrangement proceed as in 2.1.1 or 2.1.2.

2.3 If the instructed conveyancer attends to any matter on preparation/rectification as the case may be, which is covered under the item "apportionment of fees for preliminary work", he shall charge such fee.

3. Where the instructing practitioner merely takes instructions from his client and thereafter sends his whole "file" to the instructed conveyancer who then does all the work, the former shall, as a general rule be entitled to 20% and the latter to 80% of the prescribed fee where the fees are divided on a percentage basis as set out hereunder.

4. Fees and percentages specified herein shall be net and shall not be subject to any allowances.

5. APPORTIONMENT OF FEES FOR "PRELIMINARY WORK"

Where a practitioner who attends to the preliminary work in connection with any conveyancing matter, requests another practitioner to do part of such preliminary work, the former shall, from his share of the fees, pay the latter the amounts set out hereunder.

(i) (a) Obtaining all necessary endorsements from the Master for any number of endorsements which are applied or can be applied for simultaneously

per estate R45.00

(b) Furnishing a certificate in terms of Section 42(1) of the Administration of Estates Act 1965, including investigations and attendances on Master's Office

per estate R80.00 for any number of Certificates

(ii) Obtaining copies of all documents required for lodgement in a deeds registry which are or can be included in one application (exclusive of searches)

per application R30.00

(iii) Obtaining a clearance or other similar certificate from a public or local authority or body corporate

per certificate R60.00

(iv) Attending on payment of transfer duty or VAT and uplifting receipt or obtaining an exemption certificate

R60.00

(v) Any other attendance per quarter hour or part thereof

R30.00

Reporting per folio

R20.00

(vi) Furnishing a conveyancer's certificate or drawing any document not provided elsewhere in this tariff

R30.00

(vii) Perusing and certifying a guarantee for payment

R45.00

6. APPORTIONMENT OF FEES FOR "FINAL WORK" AND "LODGEMENT"

For attendances in order to have any conveyancing matter expedited, restored or put forward for execution, including completion of application forms and searches in connection therewith.

R75.00

The above fees shall be net.

SECTION I

Application for the opening of a Sectional Title Register (Total fee - basic R1 100.00 plus R115.00 per section).

DEFINITIONS

For the purpose of this section.

"Preliminary work" shall mean and include, drawing the application in terms of Section 11 of the Act, perusing the sectional plan, obtaining the certificate required (where necessary) in terms of Section 11(3)(e) and all correspondence and attendances in connection with all such matters.

"Final Work" shall mean and include the drawing and preparation of certificates of registered sectional title in terms of Section 11, obtaining registration of such sectional plan, arranging simultaneous lodgement with another conveyancer or conveyancers, where necessary giving all references required by the deeds office for examination purposes, all attendances at the deeds office for examination purposes and all attendances at the deeds office, and correspondence in connection with registration of the sectional plan.

Preliminary work	R730.00 plus R40.00 per section
Final work	R370.00 plus R75.00 per section
Lodgement	R200.00 plus R20.00 per section

Application for the extension of Schemes by Addition of land to common property.

Fees as for application for the opening of the Sectional Title Register.

SECTION II

Transfer of Ownership

1. For registration of transfer of ownership of a unit or land held under sectional title deed (Total fee - Column B, Annexure A plus R30.00 for each additional section)

Preliminary work	66.67%
Final work	33.33%
Lodgement	15%

2. When transfer of ownership is required under any law other than by virtue of a deed of transfer or if transfer takes place as a result of expropriation under the authority of any law or if a person becomes entitled to deal with a unit of land as if he had taken formal transfer into his name by virtue of an endorsement by the registrar.

(Total fee 50% - Column B, Annexure A)

Preliminary work	40%
Final work	60%
Lodgement	15%

SECTION III

Partition Transfers

Total fee R1 050.00 plus R35.00 for each additional section or subdivision transferred.

Preliminary work	40%
Final work	60%
Lodgement	15%

SECTION IV

Endorsement in terms of the Administration of Estate Act

(Total fee - R300.00) If the instructed conveyancer attends only to lodgement he will be entitled to R75.00 out of the overall fee.

Lodgement	R75.00
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SECTION V**Subdivision and re-subdivision of a section**

(Basic fee R760.00 plus R115.00 per each sub-division)

Preliminary work	R510.00 plus R40.00 per section
Final work	R250.00 plus R75.00 per section
Lodgement	R75.00 plus R20.00 for each additional section after the first 2

SECTION VI**Application for Sectional Title Deed in respect of an undivided share in a Unit**

(Total fee - R465.00)

Preliminary work	40%
Final work	60%
Lodgement	R75.00

SECTION VII

1. **Reversion from Sectional Title register to Land register** - subsections (4), (5) and (6) of Section 17 of the Act - basic fee R610.00 plus R35.00 in respect of each section.

Preliminary work	40%
Final work	60%
Lodgement	R75.00

2. **Disposal on Destruction of buildings**

Preliminary work	40%
Final work	60%
Lodgement	R75.00

SECTION VIII

1. **Mortgage Bonds**

(Total fee - Column B, Annexure B plus R35.00 per each additional unit)

Preliminary work	66.67%
Final work	33.33%
Lodgement	15%

2. Collateral Bonds

(Total fee – R425.00 plus R35.00 per each additional unit)

Preliminary work	66.67%
Final work	33.33%
Lodgement	R75.00

SECTION IX**Cession, cancellation or modification of bonds.**

(Total fee R400.00 - provided that where no financial arrangements are necessary, fee R250.00 - plus R35.00 for a release for each additional unit after the first two units.)

1. (a) Consent to cancellation of bond, consent to cancellation of cession of bond, release of property or person from a bond, consent to reduction of cover, consent to part payment, framing waiver of preference to the ranking of a bond, waiver of preference in respect of real rights, consent of mortgagee, usufructuary lessee or holder of other limited interest required by the Act, and not otherwise provided for in this tariff (not notarial).

Lodgement	R75.00
[Further bonds	R30,00]

- (b) All matters referred to in 1(a) above in respect of any second or subsequent bond or bonds when such document or documents has or have been drawn by the same conveyancer and such documents are or can be lodged simultaneously as a set.

(Total fee R75.00 plus - as set out above)

Lodgement	R30,00
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2. Cession of bond

(Total fee – R400.00 - no finances - R250.00 - subject to the proviso and plus as set out above)

Lodgement	R75.00
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3. Agreement varying terms of a bond.

(Total fee - assessed according to length and complexity.)

Lodgement	R75.00
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4. Consent to substitution Section 57 Act 47 of 1937.

(Total fee - 50% Column B, Annexure 2)

Lodgement	R75.00
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7. Consent to substitution Section 24 bis (3) 45(2)(b) or 45 bis (2).

(Total fee – R400.00 no finances R250.00)

Lodgement	R75.00
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SECTION X

Notarial Deeds

1. Notarial lease, sub-lease, servitude or other notarial deed.

(Total fee - assessed according to length and complexity)

Preliminary work	60%
Final work	40%
Lodgement	R75.00

2. Notarial Waiver of Preference by mortgagee usufructuary or other holder of a limited interest or other notarial consent.

(Total fee – R425.00)

Preliminary work	60%
Final work	40%
Lodgement	R75.00

SECTION XI

Certificates of Real Rights

Certificates of Real Rights under Sections 12(1)(e), (Form F), Section 25(6) (Form R) and Section 12(1)(f) (Form G)

(Total fee - R275.00 plus R20.00 for each additional area)

Preliminary work	60%
Final work	40%
Lodgement	R75.00

SECTION XII

Cessions (Notarial)

1. Notarial Cessions under Section 27(1)(b).

(Total fee - R440.00 plus R35.00 for each additional area - when not linked to transfer of a unit the total fee is R650.00)

Preliminary work	60%
Final work	40%
Lodgement	R75.00

2. Notarial Cession under Section 27(3) and 60(3):

(Total fee - R550.00 plus R35.00 for each additional area when not linked to transfer of a unit the total fee is R715.00)

Preliminary work	60%
Final work	40%
Lodgement	R75.00

3. Notarial Cession under Section 27(4)

(Total fee ad valorem Annexure A - no consideration, the fee is R550.00 plus R35.00 for each additional area).

Preliminary work	60%
Final work	40%
Lodgement	R75.00

4. Notarial Cancellation under Section 27(5)

(Total fee R440.00 plus R35.00 for each additional area)

Preliminary work	60%
Final work	40%
Lodgement	R75.00

SECTION XIII

Miscellaneous

1. Supervising registration of transfer or bond

- (a) where purchase price or value of the property or amount of the bond does not exceed R60 000.00.

(Total fee - R120.00)

Instructing conveyancer	33,33%
Instructed conveyancer	66,67%

- (b) where purchase price or value of the property or amount of the bond exceeds R60 000.00.

(Total fee - R220.00)

Instructing conveyancer	33.33%
Instructed conveyancer	66.67%

2. (a) Search at deeds registry or inspecting a conveyancer's protocol for information required in respect of any matter or deed registered under the file Act (other than information as provided for in subparagraph (b) hereof)

(Total net fee R35.00 per quarter hour or part thereof plus R30.00 reporting per folio)

Instructed conveyancer 100%

- (b) Search at Deeds Registry or Surveyor General for opening of register and registration of sectional plan.

(Total fee - R265.00 per hour pro rata plus R50.00 reporting per folio)

Instructing conveyancer 33.33%

Instructed conveyancer 66.67%

3. Certificate by conveyancer with regard to servitudes, other real rights or conditions where not otherwise provided for in the tariff.

(Total fee R70.00)

Instructing conveyancer 15%

Instructed conveyancer 85%

4. Certificate of establishment of body corporate under regulation 16 of the Act.

(Total fee - R60.00)

Instructing conveyancer 15%

Instructed conveyancer 85%

5. Consent by any owner of a section or holder of any sectional bond in terms of Sections 24(6) and 25(10) of the Act.

(Total fee - R200.00)

Instructing conveyancer 15%

Instructed conveyancer 85%

Lodgement R45.00

Any matter for which provision is not made in this apportionment, the apportionment applicable under the conventional deeds tariff shall apply.

PART VIII**CONVEYANCING FEES AND APPORTIONMENT OF FEES****ALIENATION OF LAND ACT NO. 68 OF 1981****CONVEYANCING FEES**

1. Recording of Contract - Section (1)(a) and 20(1)(bb);
2. Cancellation of recording - Section 20(1)(c);

1. RECORDING OF CONTRACT

The fee as set out in Column B of Annexure D.

2. CANCELLATION OF CONTRACT

If contract is cancelled by mutual agreement total fee R150.00.

If contract is cancelled for any other reason, the fee as set out in Column B of Annexure D

APPORTIONMENT OF FEES**NOTE:**

The prescribed forms A and C in the regulations to the Act, can be prepared only by a **conveyancer**.

Where an instructing **conveyancer** draws and prepares either form A or form C and the instructed practitioner merely lodges the application.

Lodgement	R60.00
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In all other cases

Instructing practitioner	15%
Instructed practitioner	85%

PART IX**APPORTIONMENT OF FEES : WASTED COSTS**

The apportionment of fees for conventional conveyancing and sectional title matters where a mandate is terminated at any stage before execution or registration as the case may be.

	Total
1. Attendances on taking instructions and planning transaction - 17,5% of recommended fee	17,5%
2. Drawing preliminary documents additional 15% of recommended fee	32,5%
3. Attendances on signatures of preliminary documents - additional 10% of recommended fee	42,5%
4. Attendances on completion of all necessary financial arrangements before lodgment - additional 20% of recommended fee	62,5%
5. Drawing and preparing deed for execution or document for registration - additional 12,5% of recommended fee	75,0%
6. Lodgement - additional 15% of recommended fee	90,0%

It is emphasized that not every termination of a mandate will lend itself to the applications of the apportionment as set out above and each case will have to be dealt with on its own merits. For example where instructions are amended or where a bank, building society or similar institution instructs its conveyancer not to proceed with the registration of a mortgage bond, or in the case of a notarial bond, some of the factors mentioned above will not necessarily be applicable.

ANNEXURE A
to the Seventh Schedule

**TARIFF OF FEES AND CHARGES IN RESPECT OF
CONVEYANCE OF OWNERSHIP UNDER THE DEEDS REGISTRIES ACT
NO. 47 OF 1937, AND THE SECTIONAL TITLES ACT NO. 95 OF 1986**

Column A	Column B
Value of property	Fees for conveyance of immovable property
	R
[R15 000] R18 000 or less	<u>720</u> [600]
Over [R15 000] R18 000 up to and including R30 000	<u>1 080</u> [900]
Over R30 000 up to and including R45 000	<u>1 320</u> [1 100]
Over R45 000 up to and including R60 000	<u>1 560</u> [1 300]
Over R60 000 up to and including R70 000	<u>1 980</u> [1 585]
Over R70 000 up to and including R80 000	<u>2 070</u> [1 655]
Over R80 000 up to and including R90 000	<u>2 190</u> [1 750]
Over R90 000 up to and including R100 000	<u>2 300</u> [1 845]
Over R100 000 up to and including R125 000	<u>2 430</u> [1 945]
Over R125 000 up to and including R150 000	<u>2 570</u> [2 055]
Over R150 000 up to and including R175 000	<u>2 700</u> [2 160]
Over R175 000 up to and including R200 000	<u>2 850</u> [2 280]
Over R200 000 up to and including R250 000	<u>3 130</u> [2 505]
Over R250 000 up to and including R300 000	<u>3 410</u> [2 730]
Over R300 000 up to and including R350 000	<u>3 700</u> [2 960]
Over R350 000 up to and including R400 000	<u>3 980</u> [3 185]
Over R400 000 up to and including R450 000	<u>4 260</u> [3 410]
Over R450 000 up to and including R500 000	<u>4 540</u> [3 635]
Over R500 000	4 540 [3 635] for the first R500 000 plus R550 [R440] per R100 000 or part thereof above That, thereafter, up to and including R1 000 000 whereafter the fee shall be R195 [R155] per R100 000 or part thereof up to and including R5 000 000 whereafter the fee shall be R120 [R95] per R100 000.

ANNEXURE B
to the Seventh Schedule

**TARIFF OF FEES AND CHARGES IN RESPECT OF
BONDS UNDER THE DEEDS REGISTRIES ACT NO. 47 OF 1937,
AND THE SECTIONAL TITLES ACT NO. 95 OF 1986**

Column A	Column B
Amount of Bond	Fees for mortgage and Notarial bonds
<p>[R400] R10 000 or less</p> <p>Over R10 000 up to and including [R12 000] R15 000</p> <p>Over [R14 000] R15 000 up to and including [R16 000] R20 000</p> <p>Over R20 000 up to and including R25 000</p> <p>Over R25 000 up to and including R30 000</p> <p>Over R30 000 up to and including R35 000</p> <p>Over R35 000 up to and including R40 000</p> <p>Over R40 000 up to and including R45 000</p> <p>Over R45 000 up to and including R50 000</p> <p>Over R50 000 up to and including R60 000</p> <p>Over R60 000 up to and including R70 000</p> <p>Over R70 000 up to and including R80 000</p> <p>Over R80 000 up to and including R90 000</p> <p>Over R90 000 up to and including R100 000</p> <p>Over R100 000 up to and including R125 000</p> <p>Over R125 000 up to and including R150 000</p> <p>Over R150 000 up to and including R175 000</p> <p>Over R175 000 up to and including R200 000</p> <p>Over R200 000 up to and including R250 000</p> <p>Over R250 000 up to and including R300 000</p> <p>Over R300 000 up to and including R350 000</p> <p>Over R350 000 up to and including R400 000</p> <p>Over R400 000 up to and including R450 000</p> <p>Over R450 000 up to and including R500 000</p> <p>Over R500 000</p>	<p>R</p> <p><u>500</u> [165]</p> <p><u>570</u> [435]</p> <p><u>650</u> [525]</p> <p><u>750</u> [685]</p> <p><u>800</u> [725]</p> <p><u>880</u> [800]</p> <p><u>950</u> [855]</p> <p><u>1 000</u> [915]</p> <p><u>1 070</u> [970]</p> <p><u>1 110</u> [1 010]</p> <p><u>1 260</u> [1 100]</p> <p><u>1 320</u> [1 150]</p> <p><u>1 400</u> [1 215]</p> <p><u>1 480</u> [1 290]</p> <p><u>1 550</u> [1 345]</p> <p><u>1 620</u> [1 410]</p> <p><u>1 670</u> [1 450]</p> <p><u>1 720</u> [1 500]</p> <p><u>1 960</u> [1 705]</p> <p><u>2 200</u> [1 920]</p> <p><u>2 450</u> [2 125]</p> <p><u>2 680</u> [2 335]</p> <p><u>2 920</u> [2 540]</p> <p><u>3 170</u> [2 755]</p> <p>3 170 [2 755] for the first R500 000 plus R450 [R400] per R100 000 or part thereof above that, thereafter, up to and including R1 000 000 whereafter the fee shall be R170 [R145] per R100 000 or part thereof up to and including R5 000 000 whereafter the fee shall be R100 [R85] per R100 000.</p>

ANNEXURE C
to the Seventh Schedule

**TARIFF OF FEES AND CHARGES IN TERMS OF THE
MINING TITLES REGISTRATION ACT NO. 16 OF 1967**

Column A	Column B	Column C
Purchase price or value of rights or amount of bond	Fees for conveyance of rights	Fees for mortgage bonds
	R	R
R400 or less	165	115
Over R400 up to and including R1 000	195	145
Over R1 000 up to and including R2 000	260	165
Over R2 000 up to and including R4 000	305	200
Over R4 000 up to and including R6 000	375	225
Over R6 000 up to and including R8 000	400	255
Over R8 000 up to and including R10 000	420	285
Over R10 000 up to and including R12 000	455	305
Over R12 000 up to and including R14 000	475	340
Over R14 000 up to and including R16 000	505	365
Over R16 000 up to and including R18 000	535	400
Over R18 000 up to and including R20 000	565	435
Over R20 000 up to and including R25 000	625	475
Over R25 000 up to and including R30 000	675	505
Over R30 000 up to and including R35 000	725	555
Over R35 000 up to and including R40 000	795	595
Over R40 000 up to and including R45 000	845	635
Over R45 000 up to and including R50 000	900	675
Over R50 000 up to and including R60 000	945	705
Over R60 000 up to and including R70 000	1 015	765
Over R70 000 up to and including R80 000	1 060	800
Over R80 000 up to and including R90 000	1 120	845
Over R90 000 up to and including R100 000	1 180	895
Over R100 000 up to and including R150 000	1 315	980
Over R150 000 up to and including R200 000	1 460	1 045
Over R200 000	1 460 for the first R200 000 plus R290 Per R100 000 or part Thereof, thereafter up To and including R1 000 000, whereafter the fee shall be R100 per R100 000 or part thereof.	1 045 for the first R200 000 plus R290 Per R100 000 or part thereof, thereafter up to and including R1 000 000, Whereafter the fee Shall be R100 per R100 000 or part Thereof.

ANNEXURE D
to the Seventh Schedule

**TARIFF OF FEES AND CHARGES UNDER THE
ALIENATION OF LAND ACT, NO. 68 OF 1981**

Column A*Purchase price of property as reflected in deed of alienation*

R10 000 or less
Over R10 000 up to and including R20 000
Over R20 000 up to and including R30 000
Over R30 000 up to and including R40 000
Over R40 000 up to and including R50 000
Over R50 000 up to and including R60 000
Over R60 000 up to and including R70 000
Over R70 000 up to and including R80 000
Over R80 000 up to and including R90 000
Over R90 000 up to and including R100 000
Over R100 000

Column B*Tariff*

R
150 [67]
200 [107]
250 [160]
290 [200]
330 [227]
360 [253]
390 [267]
410 [287]
450 [300]
500 [313]
550 [347]



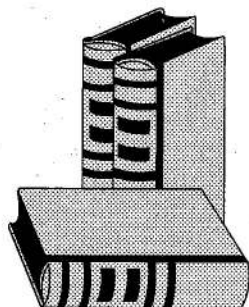
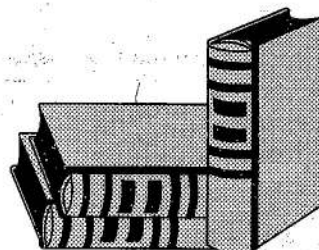
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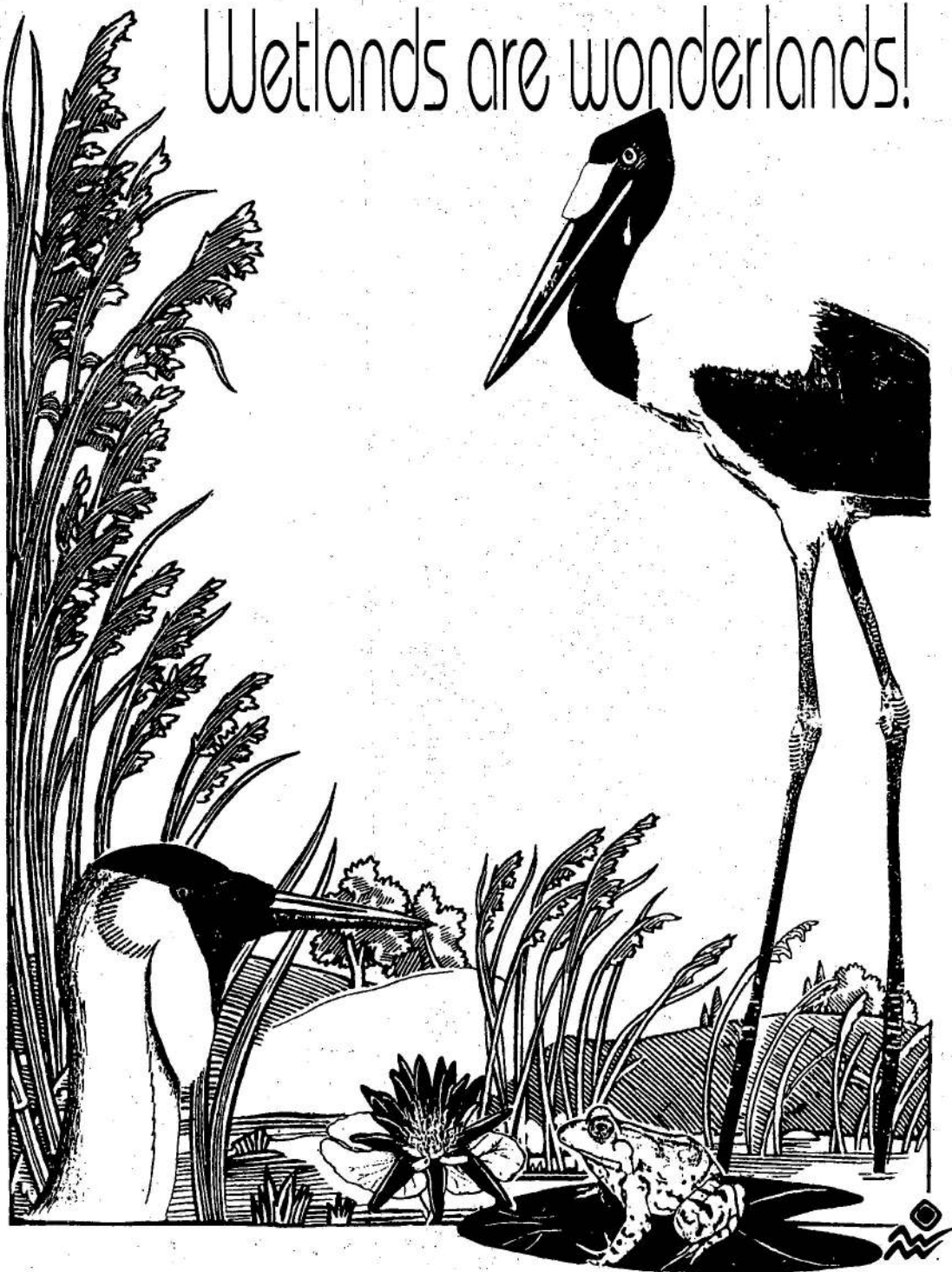
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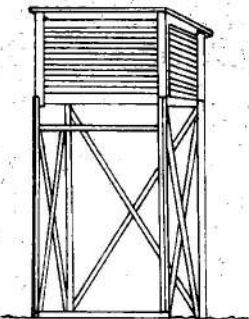
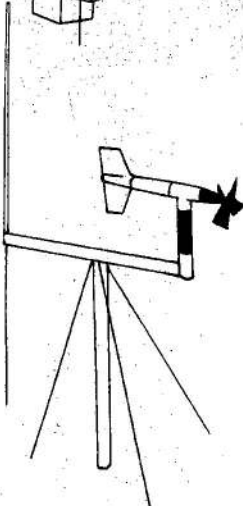
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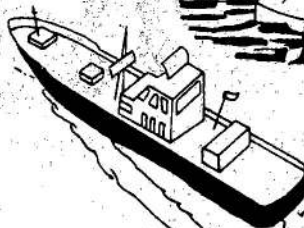
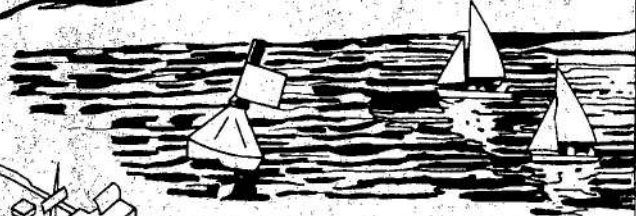
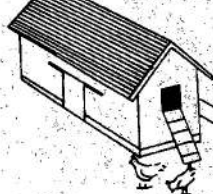
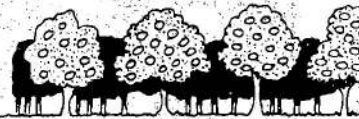
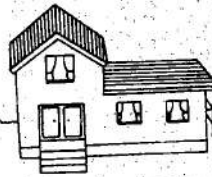
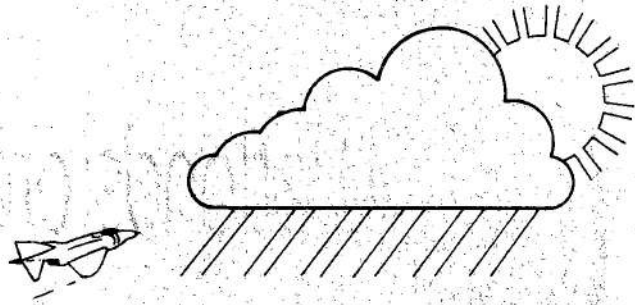


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CONTENTS

No.		Page No.	Gazette No.
	Natal Law Society		
	Amendment of Rules	1	18952

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