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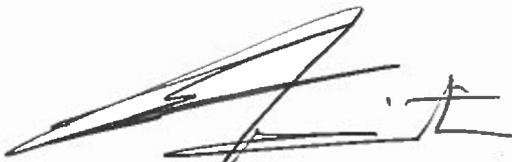
DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. R. 427

12 MAY 2017

SECTIONAL TITLES ACT, 1986: AMENDMENT OF REGULATIONS

I, Gugile Ernest Nkwinti, Minister of Rural Development and Land Reform, acting in terms of section 55 of the Sectional Titles Act, 1986 (Act No. 95 of 1986), after consultation with the sectional titles regulation board, hereby amend the Regulations promulgated by Government Notice No. R. 664 of 8 April 1988, as set out in the Schedule hereto. The Regulations will come into operation one month from the date of publication hereof in the *Gazette*.

**NKWINTI, G E (MP)****MINISTER OF RURAL DEVELOPMENT AND LAND REFORM**

SCHEDULE

Definitions

1. In this Schedule “the Regulations” mean the Regulations promulgated by Government Notice No. R. 664 of 8 April 1988 (as corrected by Government Notice No. R. 991 of 27 May 1988), as amended.

Amendment of regulation 1

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

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

Amendment of regulation 4

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

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

Amendment of regulation 6

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

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

Amendment of regulation 13

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

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

Amendment of regulation 14

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

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

Amendment of regulation 16

7. Regulation 16 of the Regulations is hereby amended-

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

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

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

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

Repeal of regulation 30

8. Regulation 30 of the Regulations is hereby repealed.

Amendment of regulation 31

9. Regulation 31 of the Regulations is hereby amended-

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

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

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

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

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

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

Repeal of regulation 39

10. Regulation 39 of the Regulations is hereby repealed.

Amendment of regulation 43

11. Regulation 43 of the Regulations is hereby amended –

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

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

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

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

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

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

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

Amendment of Annexure 1

12. Annexure 1 to the Regulations is hereby amended –

(a) by the substitution for the footnote to Form C, of the following footnote:

“ * Omit whichever is inapplicable.

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

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

“Form D

SECTIONAL TITLE FILE

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

Name of scheme

.....

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

.....

.....

.....” ;

(c) by the substitution for the footnote to Form F, of the following footnote:

** Delete whichever is not applicable.

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

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

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

** Delete whichever is not applicable.

† Disclose each type of exclusive use area separately.

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

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

** Omit whichever is not applicable.

† State each unit in separate paragraph.

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

§ Omit in the event of transfer of land.

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

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

** Omit whichever is not applicable.

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

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

(g) by the substitution for Form O, of the following form:

“Form O

Prepared by me

.....

CONVEYANCER

State full name and
surname in block letters.)

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

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

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

2. The issue of certificates of registered sectional title in terms of the
provisions of section *22 (5)/23 (5)/25 (11) of the aforesaid Act in respect
of the sections as shown on the said sectional plan of
*extension/subdivision/consolidation.

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

Signed at on

.....

Signature of Owner

* Delete whichever is not applicable.

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

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

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

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

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

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

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

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

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

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

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

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

** Delete whichever is not applicable.

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

(k) by the deletion of Form V;

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

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

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

“Form X

The Registrar of Deeds

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

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

The following documents are attached:

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

Postal address:

Trustee

.....

Trustee

.....

Date

* Delete that which is not applicable.

Delete (a) or (b).” ;

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

“Form Y

The Registrar of Deeds

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

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

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

The following documents are attached:

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

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

Postal address:

Trustee

.....

Trustee

.....

Date

* Delete that which is not applicable.” ;

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

** Omit which is not applicable.

† Insert ranking of bond.

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

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

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

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

** Delete that which is not applicable.

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

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

** Delete whichever is not applicable.

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

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

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

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

Repeal of Annexure 8

13. Annexure 8 to the Regulations is hereby repealed.

Repeal of Annexure 9

14. Annexure 9 to the Regulations is hereby repealed.

Short title

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