

A STUDY OF THE DEVELOPMENT OF SECTIONAL
TITLES IN SOUTH AFRICA SINCE THE
PROMULGATION OF THE ACT IN 1971

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TREATISE FOR B.Sc. (QUANTITY SURVEYING)
UNIVERSITY OF CAPE TOWN
NOVEMBER 1978

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I N T R O D U C T I O N

I N T R O D U C T I O N

During the last few years, much has been said in the local newspapers about Sectional Titles and most of what has been said was enough to scare most people from buying homes under Sectional Title.

Admittedly Sectional Titles is a new innovation to the property market of South Africa because it is different from the normal situation whereby a person can now buy a section of a building whereas previously a person could only buy a plot of ground with or without a building on it.

In other words, the block of flats of which each unit could only be rented, or in some cases in recent years, be "bought" on Blockshare basis (which will be discussed later), can now be individually bought as well as the owner now having a pro rata share in common property which consists of, inter alia, the passages, the roof, the grounds on which the building is situated, the swimming pool etc.

One might hasten to ask why people would buy a flat? Why not buy a house in the suburbs? Is buying a house in the suburbs not what most South Africans try to achieve? Indeed this was the case about 10 to 20 years ago and possibly still is the case amongst a small proportion of people but one of the main reasons for this small proportion is the high cost of land and property generally. This and other reasons will be discussed later.

It should also be borne in mind that Sectional Titles not only applies to blocks of flats but also to office blocks or

factories or any building or group of buildings provided that at least one building in a scheme contains more than one section.

It is interesting to note that the concept of Sectional Titles dates back to the days before Christ when traders of North Africa erected communal buildings around the oases in the desert, of which each section was individually owned. The first real boom in this type of ownership occurred soon after the birth of Christ when the Roman Empire could not ensure the safety of its citizens any longer with the result that the people began to erect walls around their homes as protection against the enemy.

However as the population within these citadels increased and the remaining land got used up, people began to sell the rights to their roof-tops, and as one writer aptly reported in an article which appeared in the Cape Times on 11th March 1978 entitled "Boom in U.S. Sectional Titles":

"The condominium concept originated out of a need for security and the physical and economic reality of limited land in a location enjoying security."

The principle of the quotation above still applies today, almost 2000 years later.

This treatise is not a detailed study of the development of Sectional Titles but covers the more important aspects of its development, and at the same time it is not a legal study of Sectional Titles even though it does mention certain legal facts.

The treatise therefore covers very briefly the uses of similar systems elsewhere in the world, leading to the conception of Sectional Titles in South Africa, the development of the system, basically how it is applied and finally whether it has worked up until now.

DEFINITIONS

For readers who are not familiar with property terms, below are definitions of some of these terms, some of which are included in Section 1 of the Act.

BOND (or mortgage bond): A registered real right over a piece of land, binding it as a security for a debt owed by the owner of the land.

BONDHOLDER: One who holds bonds of a private person or public company and is generally a building society.

CONDOMINIUM: American term for Sectional Titles.

CONVEYANCER: A person entitled to prepare documents and appear before the Registrar of Deeds in order to effect changes in real rights in land.

DEED OF TRANSFER OR TITLE DEED: The documents in which the ownership of property is recorded. One copy of this is retained in the Deeds Registry, and the other is handed to the owner, or, where the bond requires, to the bondholder.

DIAGRAM: The plan of a piece of land prepared by a registered land surveyor, a copy of which is registered in the office of the Surveyor General and of the Registrar of Deeds.

DUPLEX: Dwelling of two storeys forming part of a house or building.

OWNER: With respect to property in the Republic of South Africa, the owner is the person in whose name the property is registered in the appropriate Deeds Registry.

PERSONAL RIGHTS: Rights against a person or persons, the value of which depends on the ability and willingness of such person to fulfill his obligations. These are not capable of registration in a Deeds Registry.

REAL RIGHTS: In respect of property, rights which are registered in a Deeds Registry, and are enforceable against the world. Registration constitutes notice to the world of the existence of the rights, as the documents are available for public inspection on payment of a small fee.

SERVITUDE: This is a right belonging to one person in the property of another entitling the former either to exercise some right or benefit in the property or to prohibit the latter from the exercise of one or other of the normal rights of ownership.

TRANSFER: The process of changing the name of the owner of a property in the Deeds Registry from that of the seller or transferor to that of the buyer or transferee.

BEGINNINGS IN SOUTH AFRICA

B E G I N N I N G S I N S O U T H A F R I C A

TRANSFER OF PROPERTY IN SOUTH AFRICA

The first transfer of property in South Africa was in 1657, five years after Jan van Riebeeck landed at the Cape, when the Dutch East India Company granted land to nine free burghers. These grants were of land only and did not take into account any buildings or improvements to buildings; however this was almost non-existent in those days.

In a particular case, a dispute arose during the sale of a farm because of certain crops on the land. It was then decided that standing crops were part of the land and became the buyer's but harvested crops still remained the property of the seller.

This was the basis of land transfer in South Africa and the most important aspect of the transaction was the land, resulting in simple two-dimensional diagrams which in turn led to Deeds Registries being set up throughout the country.

The Deeds Office then registered the land as the property of the particular person in the various areas and the person therefore had a real right over the property or an undisputed ownership of the land and furthermore to quote from G. Seeff's book entitled "Sectional Titles Made Easy":

"The reliability of 'Kaart en transport' (transfer system) to enshrine real rights became an ingrained and entrusted part of the South African scene. Our system has been studied by numerous other countries as a model to be copied in their own Registries."

This system worked extremely well but when someone wished to buy a flat in a block of flats the system no longer applied and an

alternative system had to be developed to deal with this situation. On a smaller scale, it was still possible to use the existing system when applied to a small building of only two units, whereby joint ownership was registered in the names of both the owners.

BLOCK SHARE SCHEME

In the case of a block of flats, a solution had to be found, and this was in the form of a company being formed whereby each owner simply invested in shares, a system well used for a normal company. The system, called the Block Share Scheme, was popular in the Durban area and was in fact the only possible solution to ownership of a portion of a multi-storey building.

The Block Share System unfortunately had certain defects and these are:

1. The shareholder has no real right over his portion of the building because he only has a personal right against the company to the extent of the shares he owns, the company being the owner of the property.
2. The shareholder cannot obtain a bond for his shares; however he could obtain finance on his acceptance of responsibility for an agreed portion of the company's bond. However, this is a very difficult and cumbersome procedure but there would be no problem if he had a substantial amount of money available.
3. To a lesser extent, the rights of the shareholder depend upon the Articles of Association of the company which could be changed by a vote of his co-shareholders.

The Block Share Scheme also had certain advantages over Sectional Titles:

1. The use of Company Law as a basis hardly presented any difficulty because of being well tried and tested, however Sectional Titles is a completely new system which will have problems in the beginning.
2. Documentation is quicker, less strict and cheaper in the Block Share Scheme.
3. Block Share schemes, as far as the Participation Quota is concerned, are more flexible because the Participation Quota is calculated on the proportion of shares rather than floor area as is the case of Sectional Titles.
4. Shareholders cannot be sued for the company's debts but owners of sections under Sectional Title can be sued on the basis of their Participation Quota.
5. Transfer of Block Shares is cheaper than the transfer of Title Deeds.
6. For transfer of Block Shares, the consent of the directors is necessary in most cases but there does not appear to be any limitation on prospective Sectional Title owners.
7. Block Share Schemes allow for ejection of owners but Sectional Title schemes do not.
8. Block Shares can be converted to Sectional Title but not the other way around.

These principles can furthermore be illustrated in a quotation from G. Seeff's book entitled "Sectional Titles Made Easy"

in which he writes in favour of certain Block Share Schemes: "..... the vast majority of such schemes are, and always have been, run on a fully satisfactory basis by men of integrity". There are today, indeed, still many schemes run on this basis but people have realised and others will realise in due course that there is another system to which to change to, viz. Sectional Titles Act.

SECTIONAL TITLES ACT

It was first introduced into parliament in 1956 when the member of parliament for Pinetown, Mr. Hopewell, introduced a Bill to make provision for registration of title deeds to portions of buildings. The Bill was again introduced in 1957 and referred to a Select Committee who reported that there should not be any legislation at that stage yet because it was a completely new system which should be very carefully dealt with.

CONFERENCES, SYMPOSIUMS AND SEMINARS IN SOUTH AFRICA AND ABROAD

Not only in South Africa, but internationally, the interest in the registration of title deeds to portions of buildings intensified with the result that, in 1965, a conference was held in Rome by the Fédération Internationale des Géomètres which reported that:

1. These rights are expressly prohibited by legislation in Czechoslovakia, Bolivia, San Salvador and Costa Rica only; and
2. These rights are included in sophisticated legislation which may be classified into three types:

- (a) That enabling the individual to own his particular section separately and other portions of the building jointly with other sectional owners, as in the case of Argentina, Austria, Australia, Belgium, Chile, Columbia, Germany, Greece, Holland, Hungary, Peru, Poland, Portugal, Rumania, Spain and Uruguay.
- (b) That enabling the individual to own a building jointly with others in condominium or copropriété as in the case of France, Italy, Yugoslavia and the United States of America.
- (c) That enabling the individual as a shareholder in a housing company or society, to acquire rights of occupation of a portion of a building owned by that company or society, as in the case of Denmark, New Zealand, Norway, Sweden, Switzerland and the United States of America.

Because the need now increased in South Africa for either new or alterations to existing legislation, the government sent the late Mr. H.W. Birch, the former Cape Town and Chief Registrar of Deeds to Australia to study the system of Strata Titles used there. As a result of this study by Mr. Birch, the Conveyancing (Strata Titles) Act, 1961 (Act No. 17 of 1961) of New South Wales served as a basis

for the Bill which was again introduced in South Africa in 1965, 1968, 1969 and 1970, and finally legislated in 1971.

The Institute of Foreign and Comparative Law of the University of South Africa held a symposium on 29th October 1968 on the possibility of flat ownership in South Africa. From this report some interesting points were raised, in particular by Professor J.L. Sadie, Professor of Economics at the University of Stellenbosch. He gave some reasons why more housing was required and in particular why flats were becoming more important as homes in South Africa:

1. A person's productivity is influenced by the type of accommodation, of which there are two schools of thought.
 - (a) Favourable home conditions to improve his productivity.
 - (b) Unfavourable home conditions so that the person prefers to be at his place of work.
2. Distance from a person's home to his place of work should not be too great i.e. the radius of a circle with the city at the centre point. For example, New York 40 years ago from the time of the report, the radius was 5 miles but at the date the report was presented (1968) the distance was 50 miles, and today possibly much more. To keep his distance small only meant vertical development i.e. building of high-rise blocks of flats.
3. Apart from the general population increase, at the time of the report, the immigration figure was high with the result that extra housing had to be found.

4. General immigration from rural areas to urban areas (urbanization) was on the upswing.
5. To build more houses meant to build and lay new services which are roads, bridges, water, electricity, telephones or sanitation. However, to develop vertically where some of these services existed, simply required modification to those existing services.
6. The percentage of people living in flats compared to those in houses increased and even today this is still happening.

Also present at this conference, was Mr. Emdin the member of parliament for Parktown who was one of the pioneers of Sectional Titles and member of all the Select Committees chosen by the government. Mr. Emdin listed four important reasons for the importance of Sectional Titles:

1. It gives security of tenure because a tenant renting a flat will never be able to own the flat and his tenancy is completely dependent on the owner of the flat and to a certain extent on his lease, if he has one.
2. With the current rate of appreciation of property, the owner of a flat would benefit from capital gain as is the case with other property generally.
3. There is a tax saving by investing in property for which the tenant renting a flat could not qualify.
4. There is greater circulation of funds especially as seen from the developer's point of view. In the case of a normal development, his money can be tied up for a

long time until somebody buys the whole project for a large sum of money. Under Sectional Titles, however, sections of the development can be sold immediately at a considerably lower cost than the whole project.

Certain people envisaged problems with this new form of legislation, and the convener of the conference, Dr. J.F. Heyne, a senior researcher of the Institute of Foreign and Comparative Law at Unisa posed the question of who is going to provide the mortgage bond to the individual section owner.

Mr. Emdin replied by saying that developer would initially obtain a mortgage bond over the entire project and when a unit is sold, that unit would be released from the overall mortgage bond against payment of the pro rata value of the mortgage over that unit and it would be the purchaser's responsibility to obtain a first mortgage bond for that unit in substitution for the mortgage bond released by the original bondholder.

Professor Calderwood, an architect, townplanner and Professor of Building Science at the University of the Witwatersrand also envisaged certain problems, some of which were:

1. The difficult management functions that the owners of the sectional title units would incur, e.g. insurances, claims on insurances, local authority demands, rates and taxes to be collected and paid, light and water bills to be collected and paid, attending to the common garden, servicing of the lift, employing and paying a caretaker etc. However provision is made in the Sectional Title Act for the election of trustees to execute these functions. However

this will be discussed later.

2. There is the problem of flat population, and taking the case of a newly-married couple who, when they enter the flat, find it ideal but when they start having children the flat is no longer large enough. There are two possible solutions to this type of problem, the first being to consider very carefully the type of flat that one requires before buying by considering all the possibilities, like for example, the family increasing in size. However, this could have been the only flat that the couple could afford at the time, so that the other solution would be to sell the flat and buy another one. This could, however, be a very costly and tedious venture and depending on the market for flats, it could be profitable or it could turn out to be a loss.
3. There could be a problem of noisy neighbours but the Sectional Title Act makes provision in one of the duties of the owners for them not to be a nuisance, but this will be discussed later.

This and other symposiums, conferences and seminars held on Sectional Titles proved highly rewarding as many interesting and varied points of view were raised by professional people including Professors at universities in the departments of Law, Building Science, Architecture and Economics, Advocates, Lawyers, Quantity Surveyors, Land Surveyors, members from various government departments, members from Deeds Registries, representatives from financial institutions, members of the South African Property Owners Association and others who all

contributed to the common cause which resulted in the Sectional Titles Act being legislated.

PROMULGATION OF THE ACT AND AMENDMENTS

After 15 years of much discussion the government assented to the Sectional Titles Act which was promulgated on 30th June 1971 as the Sectional Titles Act 1971 (Act No. 66 of 1971) and two years later the Act came into operation when the Regulations under the Act was promulgated on the 30th March 1973.

Section 23 of the Sectional Titles Act was amended by section 44 of the General Law Amendment Act, 1973 (Act No. 62 of 1973) which provided for the insertion of the wording "in perpetuity" as regards the right to occupy any part of the building.

There were still problems under the Sectional Titles Act which prevented the smooth flow of the Act so that on the 25th February 1977 the Sectional Titles Amendment Act, 1977 (Act No. 1 of 1977) was promulgated. This Act was an amendment to the Sectional Titles Act 1971 in that it:

firstly, did away with the requirement of the consent of certain holders of real rights, deemed to be necessary originally, and

secondly, allowed Sectional Titles Schemes to be registered where the proposed scheme encroaches on contiguous land, provided this encroachment is not at ground level and that it is authorised under some law or servitude.

The Sectional Titles Act, the Regulations and the Amendments can be referred to in the appendix at the back of this treatise.

D I S C U S S I O N O N T H E A C T

D I S C U S S I O N O N T H E A C T

It should be noted that only the more important aspects of the Sectional Titles Act will be discussed. Generally, these aspects are not too apparent from the Act, and this discussion will be an attempt to clarify these aspects, bearing in mind certain points not discussed here may be important in someone else's opinion.

PROPERTY TO WHICH THE ACT APPLIES

1. Property within a Local Authority can only qualify for Sectional Title development (See Sections 4(i) and 1(xiv) of the Act).
2. Buildings only can be subdivided within the context of the Act whereas land subdivision is done in the normal way. However if owners of sections want control over specific parts of the land, this can be achieved by:-
 - (a) an agreement between the owners of sections,
 - (b) a servitude registered against the Title Deeds of the common property, or in terms of
 - (c) rules or terms of conditions on sectional plans.
3. Buildings of permanent structure can only qualify. (See Section 1(iii) of the Act.)
4. Only buildings that can be subdivided into more than one section can qualify. (See Section 1(iii) of the Act.)
5. Existing buildings as well as new buildings to be erected can qualify so that buildings can be specifically built for this purpose and approval for the scheme can be

obtained before being built. (See Sections 1(iii) and (x) of the Act.)

6. There may be more than one building on the same piece of land and each of these buildings must be sub-divided to qualify as sections under the Sectional Titles Act. However, if any of these buildings are not sub-divided into sections, then that particular building or buildings will become common property and will be jointly owned by the owners of the other sections. (See Section 4(2) of the Act.)
7. Single or multi-storey buildings can qualify for Sectional Title development as long as there is more than one section in the building.
8. Residential, commercial, industrial or combinations of some of these types of buildings could all equally qualify for Sectional Title development.

Diagrammatical Representation of the Foregoing Principles:

The following basic sketches, which are contained in an article entitled "The Scope of the Sectional Titles Act with Special Reference to Group and Cluster Housing and Phased Developments" by Dr. D.V. Cowen and form a supplement to the Planning and Building Developments magazine, are intended to clarify the foregoing principles of the Sectional Titles Act.

NOTE 1. The arrows, where shown in some of the sketches, represent the access from the public road to each individual section.

2. The numbers, where shown in some of the sketches, indicate the number of each individual section under the Sectional Titles Act.
3. Each sketch represents a piece of ground containing a building or buildings.
4. Certain sketches show the buildings as blocks using isometric drawings, but more important, the principle must be noted.

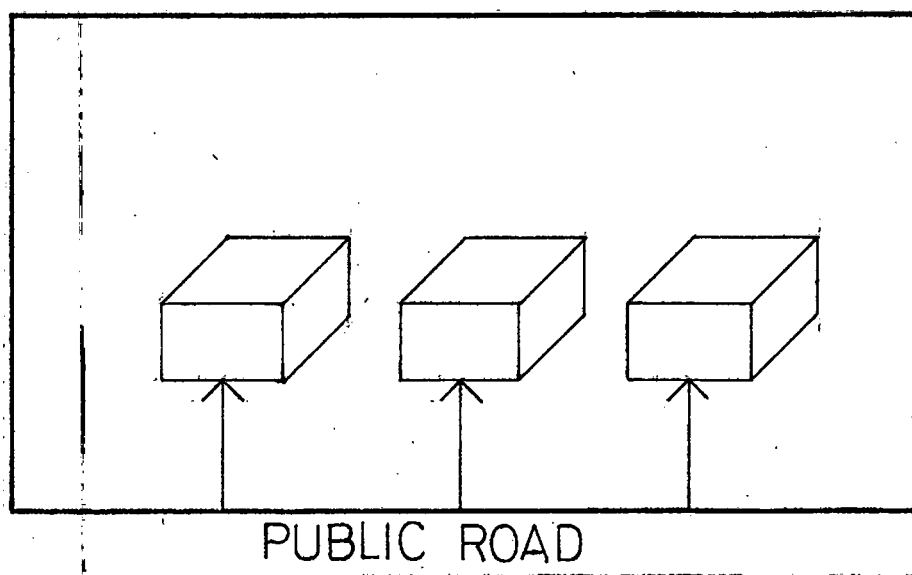


Fig. 1

Figure 1 shows detached, single-storeyed undivided buildings.

Sectional Title is not possible for this scheme because none of the buildings have been divided into sections.

The above situation could be found in a Group Housing Scheme but this requires that each building has its own piece of land, and the land in Figure 1 would have to be divided into as many sections as there are buildings, each piece of land having one building.

The above situation could also be found in a Cluster Housing Scheme, but as in the case of Group Housing, each building has its own piece of land with the exception that part of the overall piece of land on which no buildings stand, is now called private open space which is owned and administered jointly by the owners of the houses in this scheme.

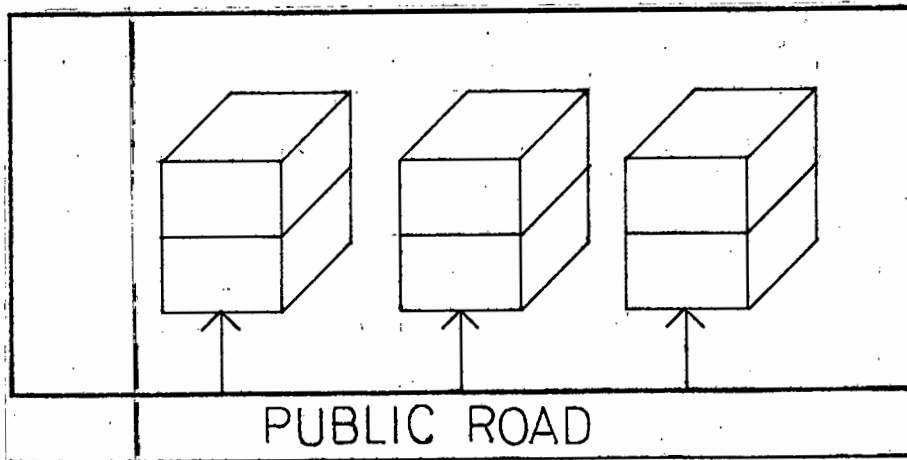


Fig. 2

Figure 2 shows detached, double-storeyed (or higher) individual buildings.

As was the case with Figure 1 these buildings have not been divided into sections because each building constitutes a separate unit, which again means that Sectional Title is not possible.

The above situation could again be found in Group Housing Schemes or alternatively in Cluster Housing Schemes with the necessary changes as previously mentioned.

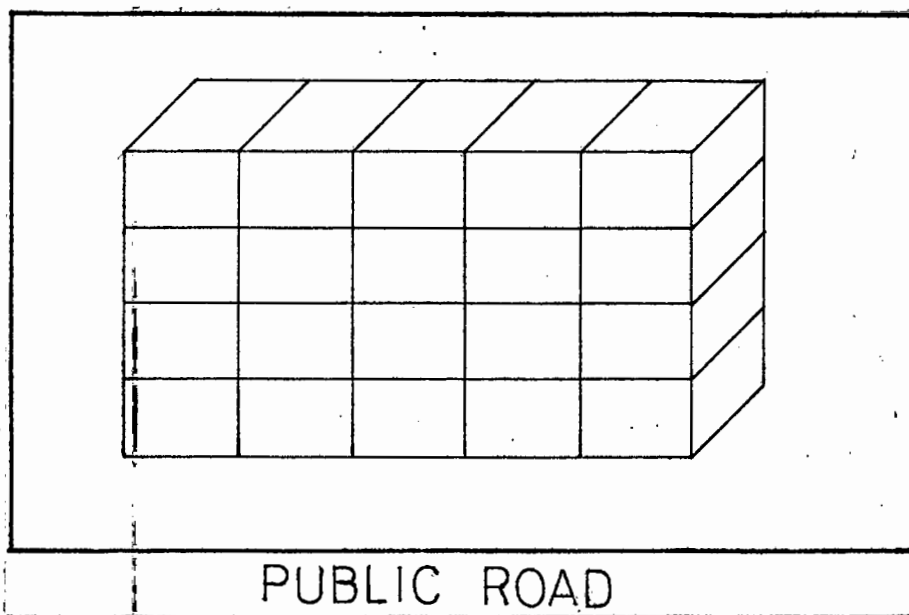


Fig. 3

Figure 3 shows a multi-storeyed undivided building. Sectional Title is not possible because the building has not been divided into sections but comprises one unit instead. This building can be converted to Sectional Titles by application for registration under Sectional Titles Act, however this will be discussed later.

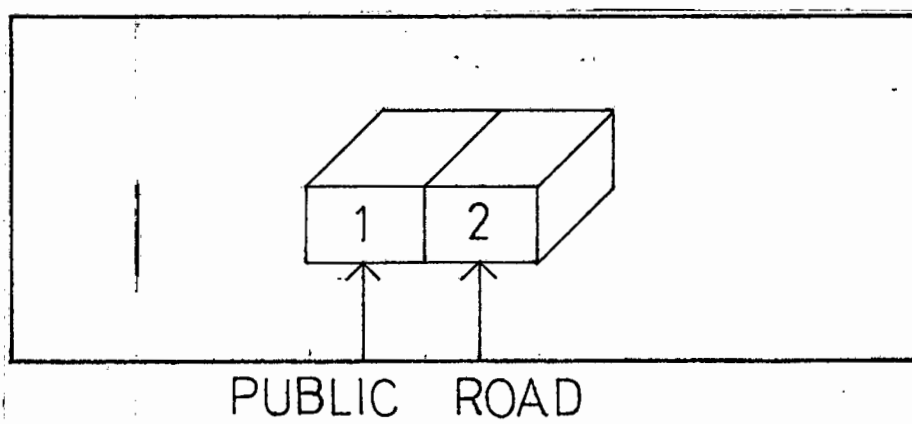


Fig. 4

Figure 4 shows a pair of divided semi-detached houses. Because the building is divided into two sections, Sectional Title is possible for this scheme.

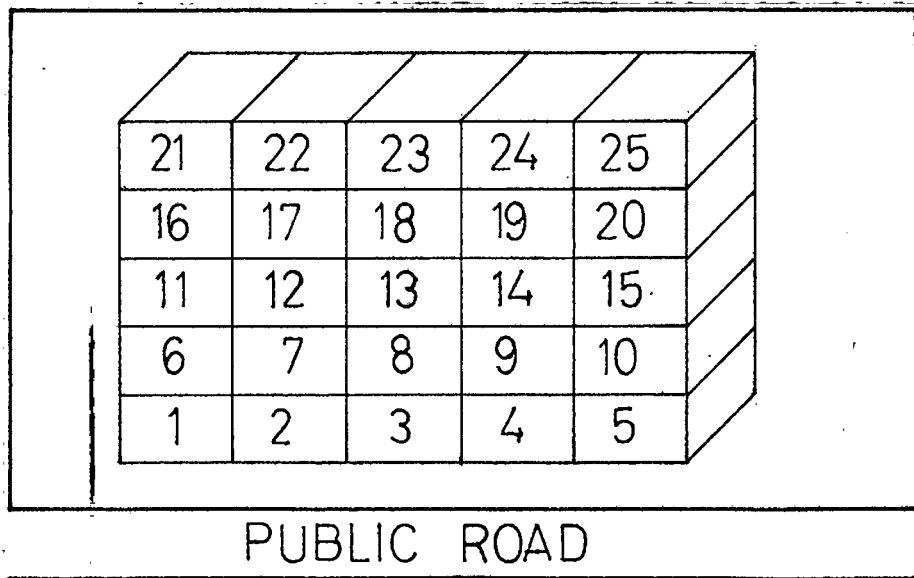


Fig. 5

Figure 5 shows a multi-storeyed building divided into many flats. As was the case in Figure 4, this building has been divided into a number of sections and therefore Sectional Title is possible.

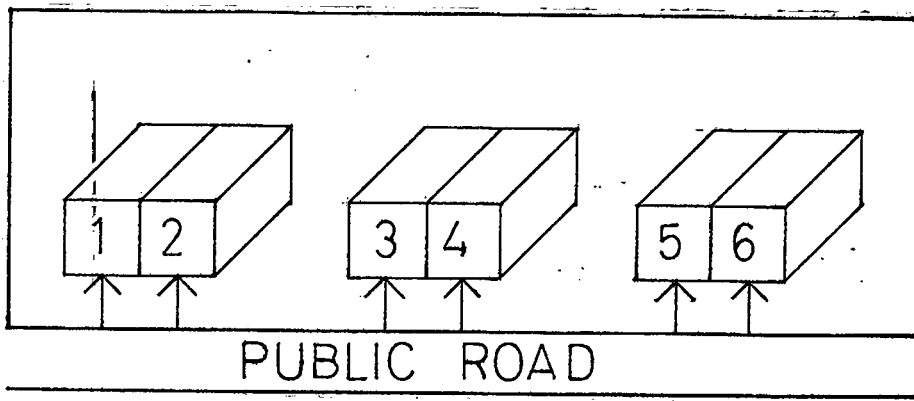


Fig. 6

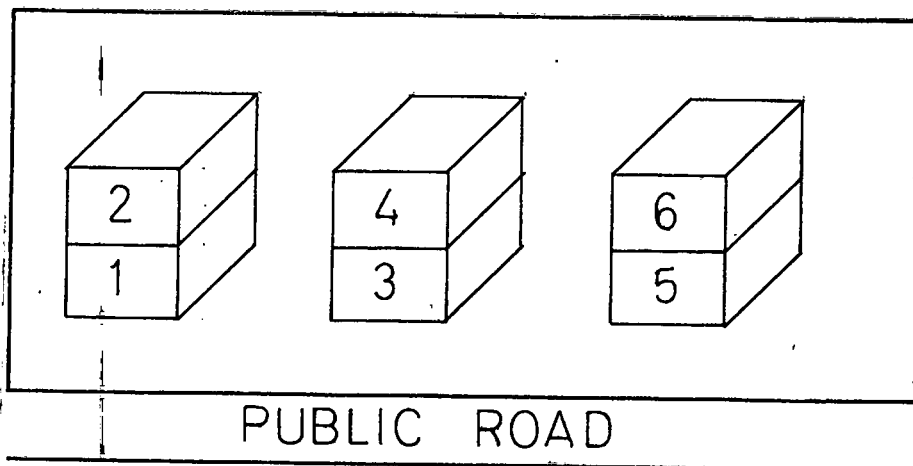


Fig. 7

Figure 6 shows a group of pairs of semi-detached buildings, single-storeyed and each building divided into two sections. Figure 7 shows a group of detached double-storeyed buildings each building divided into two sections.

Because all the buildings individually in both Figures 6 and 7 have been divided into sections, Sectional Title is possible. However, if only one of the buildings in either Figure 6 or 7 was divided into two sections, then Sectional Title would still be possible except that the other buildings in that particular scheme would become common property, as can be seen in Figure 9.

The buildings in Figure 6 could also become maisonnettes whereby each of the sections comprise two storeys or more. These buildings would still qualify for Sectional Titles.

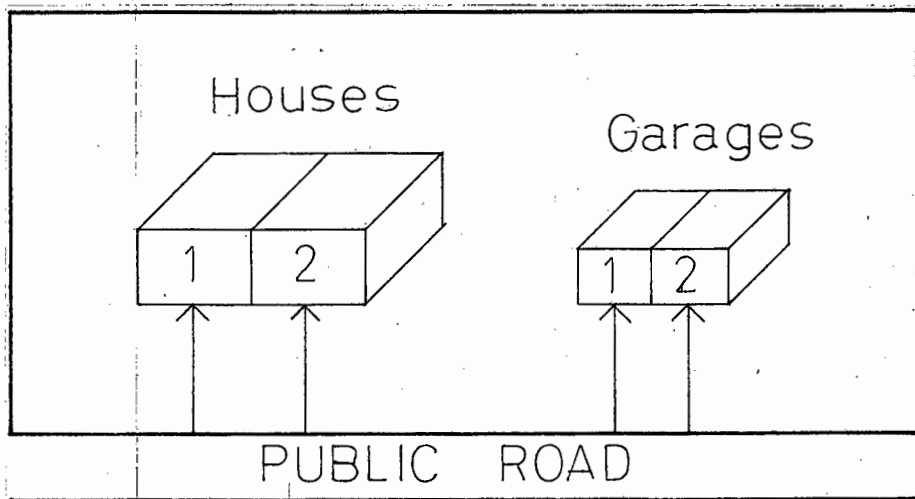


Fig. 8

Figure 8 shows a pair of divided semi-detached houses including a detached garage for each house in a divided building.

Sectional Title is possible for this development.

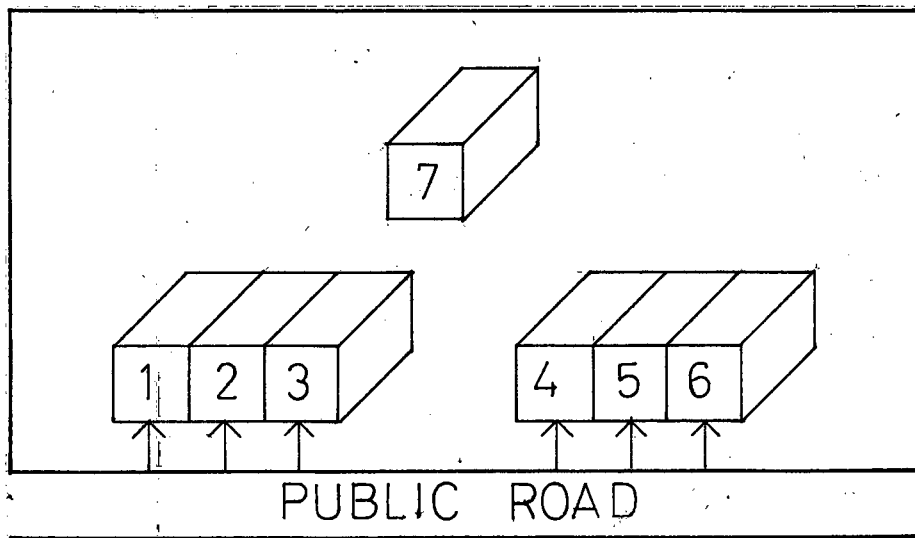


Fig. 9

Figure 9 shows two divided buildings and one undivided building.

Sectional Title is possible for this scheme because it contains buildings that have been divided into sections, viz. those that contain sections 1 to 6. But the building that has not been divided and consists of only one section i.e. section 7, does not qualify for being a section and consequently becomes common property. In fact, any number of buildings that comprises of only one section will become common property in a Sectional Title scheme where at least one building must be divided into sections. However, the more undivided buildings in a scheme, the more uneconomical it becomes because of the increase in liability for the section owners.

The situation in Figure 9 is found in a Sectional Title scheme where section 7 could be servants quarters or a club house.

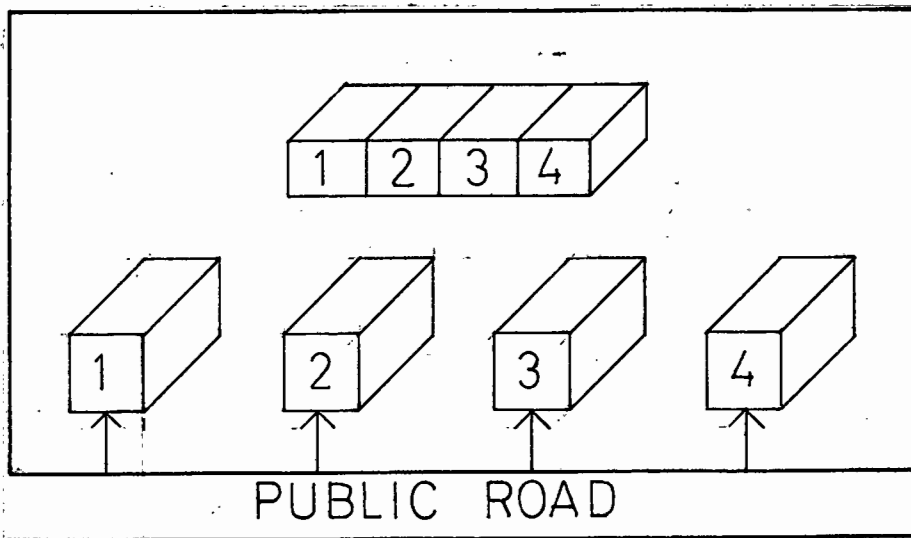


Fig. 10

Figure 10 shows four detached undivided houses as well as a building divided into four sections representing separate servants rooms for each of the houses.

Sectional Title is not possible because only where ownership can be conferred on a section which in turn must be part of a building comprising of at least two sections, can Sectional Title take place. In Figure 10, none of the sections for which separate ownership can be obtained are divided into sections and even though the building containing the servants rooms is divided into sections, these sections cannot be owned, thus ruling out Sectional Title.

This situation can be found in Cluster or Group Housing schemes.

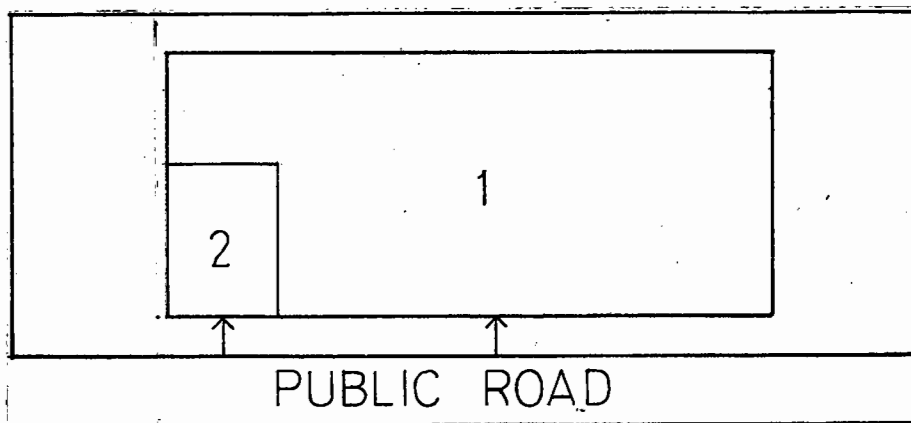


Fig. 11

Figure 11 shows a self-standing house divided into two sections viz. the dwelling part or section 1 and the garage part or section 2.

Sectional Title is possible if allowed by the local town planning scheme. It is interesting to note that if a developer has a number of houses on a property which he wishes to convert to Sectional Title, he merely has to divide the houses into two sections by adding a garage as an integral part of the house (as in Figure 11).

The first Sectional Title scheme in the Cape viz. "Dulwich Green" in Rondebosch (registered as Sectional Title Scheme No. 1 of 1974) consisted of one building comprising 14 flats and 7 garages. The garages in this scheme were also given Sectional Title but the local authority, the Cape Town City Council, wisely stipulated, when approving that scheme, that only owners of the sections of that scheme could obtain transfer for the garage sections.

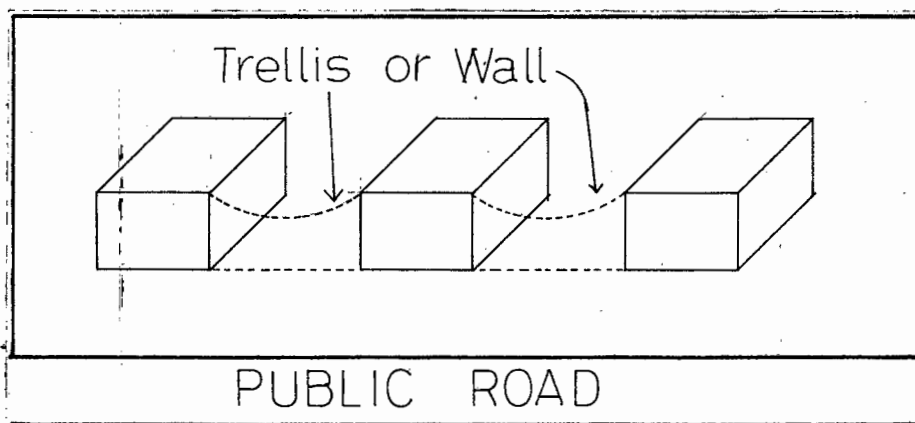


Fig. 12

Figure 12 shows a number of detached undivided buildings linked by a trellis or wall.

Sectional Title is not possible for this scheme because the buildings are not divided even though they may be linked by a trellis or wall. Section 6(3) of the Act requires that "the boundary between sections or sections and common property shall be the median line of the dividing wall, floor or ceiling". The wall or trellis has common property on both sides of it and cannot fall into the category of Section 6(3) of the Act and therefore Sectional Title is not possible.

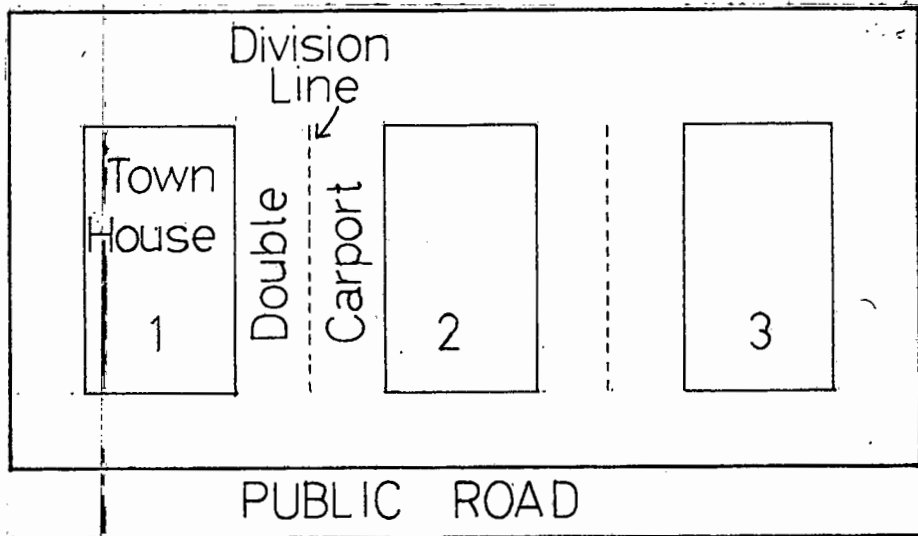


Fig. 13

Figure 13 shows a row of townhouses linked by double carports with no walls except where they abut the townhouses. The division for each unit is through the carports.

Sectional Title is not possible because carports, having no walls at the back and front, become common property with the result that there is again common property on both sides of the dividing line as in Figure 12.

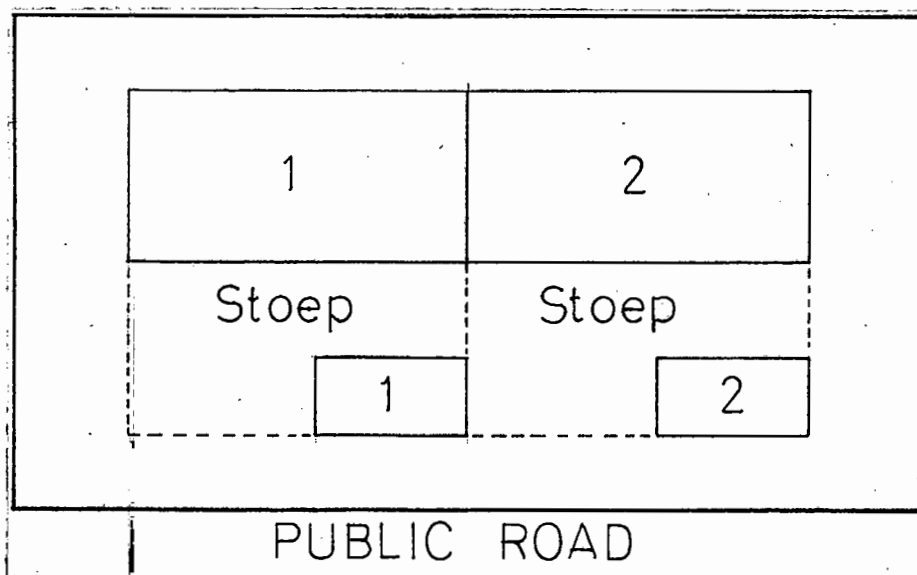


Fig. 14

Figure 14 shows a pair of divided semi-detached buildings with undivided and detached garages except for a stoep (unwalled raised slab) linking them to the main building. The intention is to include the garages as part of the main sections.

Sectional Title is not possible because the division between the garages and stoeps are still common property even though the Act makes provision for stoeps to be part of sections (Section 6(2)(d) of the Act). For a stoep to be part of a section it is generally partly walled in with a roof or balcony over it and does not abut any self-standing buildings; however this may not be so and the decision regarding the possibility of Sectional Titles is still controversial.

To make Sectional Title possible, the stoep could be walled in and covered with a roof to make the two sections one complete building or alternatively the garages and stoeps could be excluded from the sections by making them common property

and exclusive use of the stoep and garage for a particular section could then be obtained either in terms of the rules for this scheme or by means of a servitude.

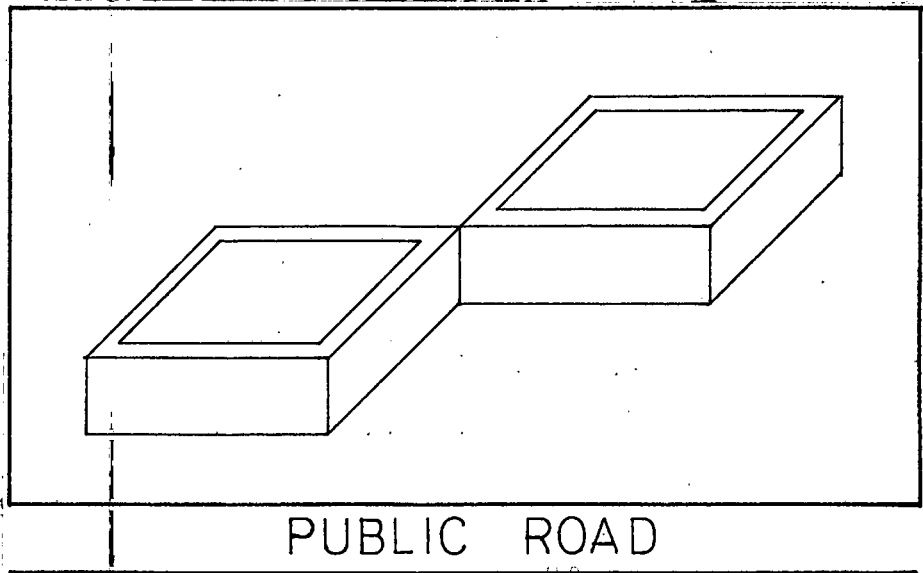


Fig. 15

Figure 15 shows two detached undivided buildings just touching at the corner points.

Sectional Title is not possible because even though the buildings touch there is no common wall, floor or ceiling and neither of the buildings are divided.

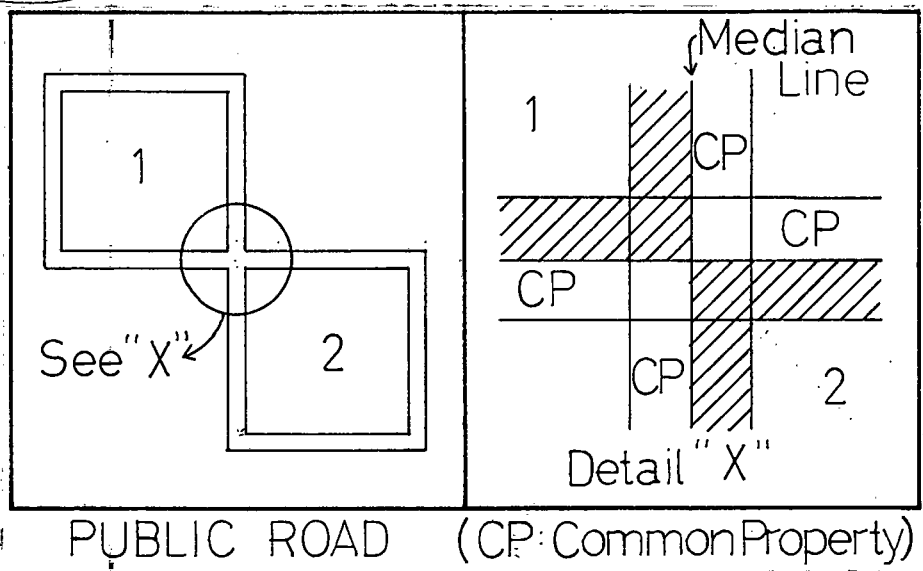


Fig. 16

Figure 16 shows two houses built into each other.

Sectional Title is possible because the houses constitute one building with a common wall where the houses are connected, thus rendering the building divisible for Sectional Titles.

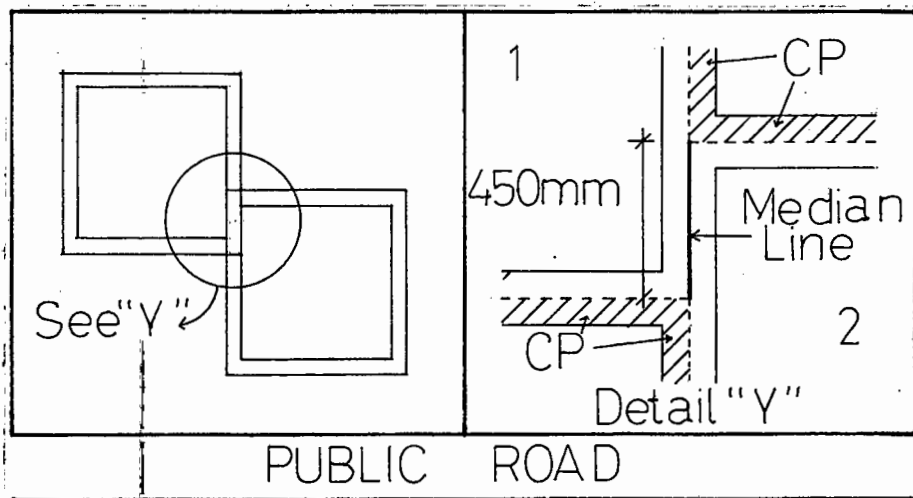


Fig. 17

Figure 17 shows two houses that share a common wall with the median line only 450 mm long.

Sectional Title is possible because the houses constitute one building with a common wall where the houses are connected. The building can be divided into two sections and is a development on Figure 16 and is still therefore possible for Sectional Title development.

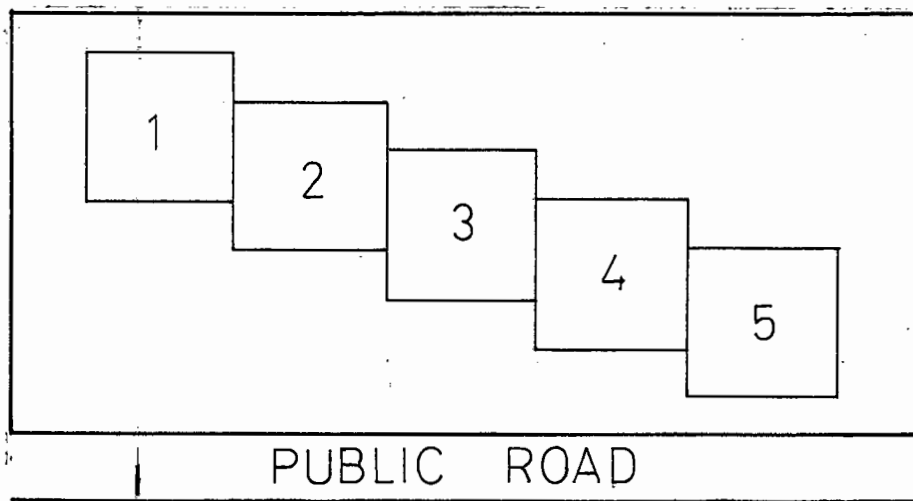


Fig. 18

Figure 18 shows a row of staggered duplexes built into each other and sharing common walls.

Sectional Title is possible because the row of duplexes constitute one building with a common wall where the duplexes abut each other. The building can therefore be divided along the median lines of the common walls.

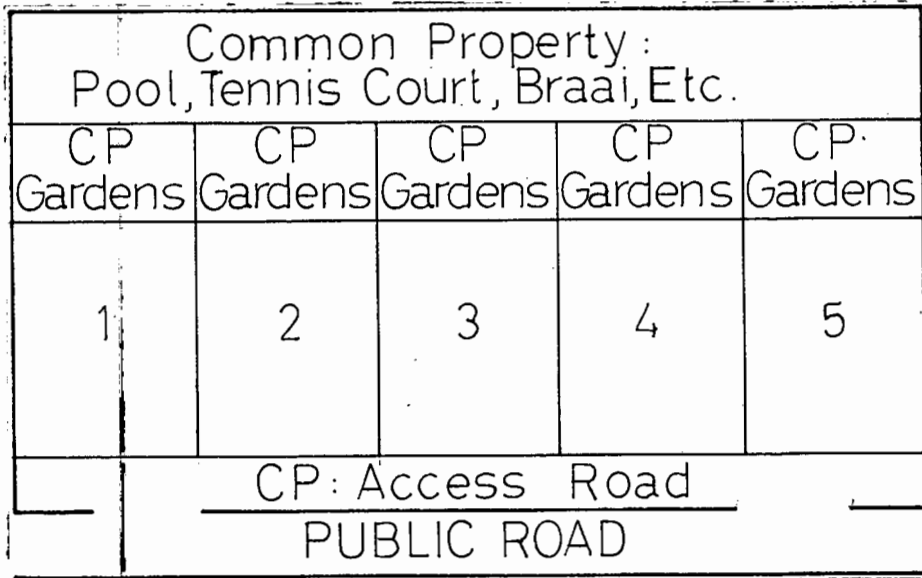


Fig. 19

Figure 19 shows a duplex development with common property that contains swimming pool, tennis court, braai area, access road etc. and separate private garden areas.

Sectional Title is possible because one building has been divided into sections but the sections cannot include the separate private gardens, which will remain common property. However, exclusive use can be obtained for the separate garden areas by the owners of the sections by either provision within the rules of the scheme or by registering a servitude.

Most of the problems that have arisen are due to the Act's requirement that a section must be part of a divided building

and secondly stoeps, balconies, porches or projections only can be included in the section because they are attached and all other detached buildings with no sections in them remain common property unless certain conditions are imposed to obtain exclusive use. Recently the Australian condominium legislation (New South Wales Strata Titles Act, 1961 on which the South African Sectional Titles Act is largely based) was amended to include yards, whether paved or not and private garden areas as part of sections because they were experiencing the same problems that South Africa is now experiencing.

COMMON PROPERTY

The common property includes the land on which the building is situated as well as any parts of the building not included in any section. (See Section 1(iv) of the Act.) The parts of the building not included in a section may include inter alia, the passages, the landings, the staircase, the lift, the forecourt access galleries, lobbies, entrances, fire escapes, the yard, the gardens, pathways, the roof, the outer skin of the building, etc.

The common property may also include certain amenities such as swimming pools, tennis courts, crèches, laundries, drying yards, carports, garages, domestic servants' rooms etc.

The reason why the outer skin of the building is included in the common property is because the Act maintains that the boundary between any section and another section or common property is the median line of the dividing floor, wall or ceiling, whichever applies. (See Section 6(3) of the Act.) In this case, the division is the wall, with a section on the one side and common property on the other side of the wall, with the

result that the wall is now split down its centre-line and everything on the side of the centre-line facing the section becomes part of the section while everything on the side of the centre-line facing the common property becomes common property, as illustrated in Figure 20.

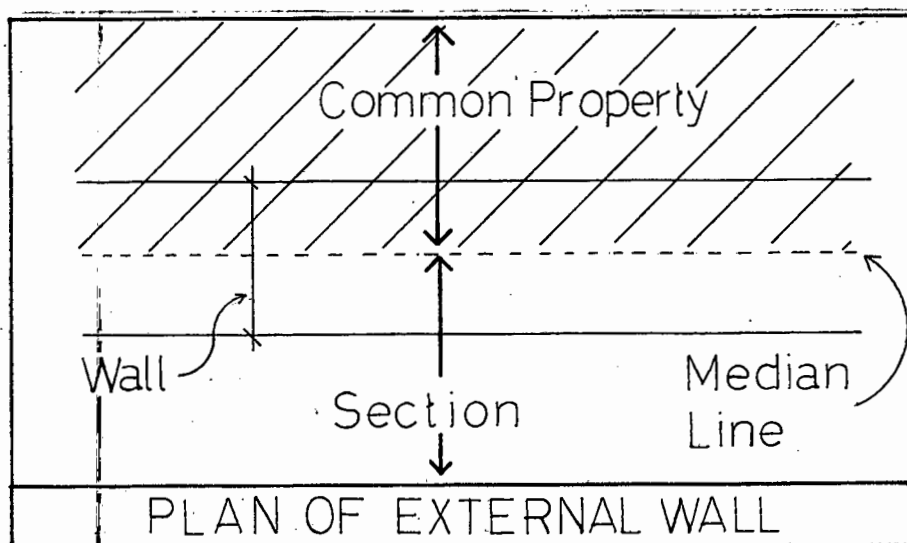


Fig. 20

The significant features about the fact that the outer skin of the building is common property is that:

1. When repairs or renovations are required e.g. if the building is to be repainted externally, all the owners of the sections are, or the Body Corporate is liable and the repainting will be uniform throughout and the cost will be borne on a pro rata basis by the owners. If this was not the case, a situation could result where some owners will repaint their section's external walls while others refuse to repaint, or repaint in a different colour, the overall effect too horrible to imagine.
2. Continuity in the external wall finish can be decided by the Body Corporate.

The Act also states that the common property is owned jointly by the owners of the sections in undivided schemes proportional to their quotas. (See Section 12(1) of the Act.) The quotas will be discussed later.

A "unit" consists of a section and an undivided share of the common property proportional to its quota (see Section 1 (xxxiv) of the Act), and only a unit can be sold or insured and must be so described in a Sectional Title Deed. (See Section 12 (2), (3) and (4) of the Act.)

A unanimous resolution of all the owners must be obtained before any part of the common property can be sold separately. (See Section 12 (3) and Section 13 of the Act.)

If the building or buildings in a Sectional Title scheme are destroyed either by intention or accident, the land or common property becomes conventional property once again, and the owners of the previous scheme's sections own the land in undivided shares proportional to their participation quotas. (See Section 37 of the Act.)

If the whole common property i.e. the whole scheme if there are still buildings on the property, is sold or transferred, the Registrar cancels the Sectional Title Deeds of the individual owners and the land again becomes conventional property. (See Section 13 (5) and (6) of the Act.)

PARTICIPATION QUOTA

The participation quota of an owner or his section is the decimal fraction correct to the nearest three places obtained by dividing the floor area, correct to the nearest square metre, by the total floor area, correct to the nearest square

metre, of all the sections in the building or buildings.

(See Section 24 (1) of the Act.)

The participation quota or quota, as it is also referred to, (see Section 1(xx) of the Act) determines:

1. The value of the owner's vote.
2. The owner's undivided share in the common property.
3. The owner's liability to contribute to a fund for expenses or debts incurred by the Body Corporate.

A great deal of criticism has been levelled at the basis for determining participation quotas according to floor areas because it has been argued that two flats (sections) with the same floor area in one building may be situated in different parts of the building, but the one flat may face backyards of neighbouring buildings, while the other flat may have a magnificent view. Both flats have the same participation quota but the one with the magnificent view may command a higher selling price.

By unanimous resolution, the Body Corporate can change the basis for 1 and 3 above but the undivided share in common property cannot be changed.

Where a Block Share Scheme has been converted to a Sectional Title Scheme (see Section 23 of the Act), the participation quota used for the Block Share Scheme will still be used in the Sectional Title Scheme but it must be noted that in the Block Share Scheme, the participation quota is determined by the market value of the flat.

BODY CORPORATE

The Body Corporate manages the Sectional Title scheme and consists of not less than one owner of a section and the developer or other owners of sections. The Body Corporate therefore comes into existence when a registered owner other than the developer owns a section or sections in a scheme. (See Section 28 (1) of the Act.) The developer is no longer a member of the Body Corporate if he no longer owns any sections of the scheme. (See Section 28 (2) of the Act.)

The Body Corporate is not a company under the Companies Act (see Section 28 (5) of the Act) but it will remain in existence as long as the scheme remains, and in its name, is capable of suing and being sued. (See Section 28 (6) of the Act.)

The Body corporate is responsible for enforcing the rules referred to in Section 27 of the Act as well as the control, administration and management of the common property. (See Section 28 (4) of the Act.)

The problem now is that not all the owners may have the time or interest to take an active role in the Body Corporate's affairs so that the Act provides for the appointment of trustees to exercise the duties and powers of the Body Corporate (see Section 31 of the Act) and the Act goes further by including a Schedule (see Schedule 1, Rules 1 to 10 inclusive, of the Act) with regulations relating to these trustees.

The duties of the Body Corporate (see Section 29 of the Act) include:

1. To insure the building and if it is damaged, to repair and rebuild if necessary using insurance monies.
2. To manage, administer and maintain the common property.
3. To comply with any law or orders of competent authority.
4. To furnish names and addresses of members and trustees in terms of any reasonable request.
5. To notify the Registrar and local authority of its address.

The powers of the Body Corporate (see Section 30 of the Act) include:

1. To establish a fund to cover the cost of repair, maintenance, control, management and administration of the common property and the payment of Local Authority charges, insurance premiums and any other claims.
2. To determine the amount required and collect the contributions from the owners according to their participation quotas.
3. To open and operate bank or building society accounts, to invest the money in the fund as well as borrow money if this is required.
4. To appoint agents and employees.
5. To purchase, to let, to mortgage or to sell units or to acquire, to purchase or to hire movable property as common property.
6. To enter into contracts for the supply of services etc.

If the Body Corporate got into financial difficulties or where the trustees have not carried out their duties properly, the Act makes provision for the appointment of an administrator by the courts to take over the functions of the trustees and administer the Body Corporate until the problems have been overcome and the appointment of new trustees has been arranged.

DUTIES OF OWNERS

An owner must abide by the rules of the scheme and must ensure that the rules are being observed and it is every owner's duty (see Section 32 of the Act):

1. To allow any person, appointed by the Body Corporate, access to his section to do maintenance, repairwork or renew work to the building.
2. To carry out work on his section as ordered by any competent public or local authority and pay any charges levied as well as maintaining his section in a good state of repair.
3. To use the common property so as not to unreasonably interfere with other owners or others lawfully on the property.
4. To prevent nuisance or disturbance to emanate from his section.
5. To notify the Body Corporate of any change of ownership of his section or any other rights.

It should be noted that the Act does not expressly state what steps to be followed in non-compliance by an owner to

perform a duty, but it is probably implied that the Common Law procedure should be followed. If an owner, therefore, refuses to comply with any instructions by the Body Corporate, he could be taken to court and thereafter, if he still refuses to comply with the instructions, he would most probably be charged with contempt of court.

CERTAIN PROVISIONS OF THE RENTS ACT, 1950

Where (a) premises which (was) first occupied on or before the 31st May 1966 and which falls under Rent Control, an owner, provided he requires occupation for himself, parents or children, can give the tenant three months' notice to vacate according to Section 21 (1) (c) of the Rents Act.

However, according to the Sectional Titles Act, the owner is unable to make the tenant vacate where the premises falls under Rent Control. This has a very bad effect on the market for Sectional Title units and this will be discussed later.

REGULATIONS

When the Sectional Titles Act was promulgated in 1971, the Act was only really available for reference purposes with a very brief outline of what the regulations were to contain. Only on the 30th March 1973, when the Regulations (No. R.475) governing the Act (was) gazetted, could the Act be implemented. These regulations therefore provided the instruments with which the Act could be implemented and includes basically:

1. The procedure to be followed in implementing the Act.

2. The form and layout of all the necessary documentation and drawings or diagrams that accompanies the above procedure.
3. Any fees that are required to be paid whether it is to the Local Authorities, Architects, Land Surveyors, Conveyancers, Notaries Public or whoever is entitled to fees as a result of the Act being implemented.

A copy of the Regulations can be found in the appendix at the back of this treatise for reference purposes.

RULES

Rules form an integral part of a Sectional Titles scheme (see Section 27 of the Act) because it was ideally drawn up to govern the smooth flow of such a scheme. These rules are found in Schedules 1 and 2 of the Act.

The rules in Schedule 1 deal very specifically with matters affecting the trustees, general meetings and voting while the rules in Schedule 2 deal very basically with, to quote from G. Seeff's book entitled Sectional Titles Made Easy, "the duty of owners to preserve the value and good order of the building".

For a Sectional Title scheme to operate successfully, certain provisions would have to be made. These provisions are extracted from The South African Property Owners Association's (S.A.P.O.A.) book entitled "Guidelines For Sectional Title Rules" which was edited by Dr. D.V. Cowen, the Law Adviser to the Johannesburg City Council, and one of the pioneers of Sectional Titles in South Africa. Dr. Cowen provided the explanatory

comments throughout the book and these included the provisions for:

1. Effective organs and agencies of management, including people who have time and knowledge to do the necessary work.
2. A set of fair and workable rules not only for the owners but also for the controlling body.
3. Effective enforcement of these rules.

However, Dr. Cowen continued by saying that "...the legislature in providing its own guidelines in the first and second schedules, did not impose on the public any inflexible straight-jacket. On the contrary it made very specific provisions for changing the rules in Schedule 1 and 2".

The Body Corporate may change, add to or amend any or all the rules in Schedule 1 by unanimous resolution and may do the same to the rules in Schedule 2 but by a special resolution, which is the consent of 75% of the owners or 75% of the value of owners' sections.

In all cases the Act provides for a basic minimum in the way of rules and this is:

- (a) To provide for the control, management, administration, use and enjoyment of the sections and the common property.
(See Section 27 (2) (a) of the Act.)
- (b) That there must be trustees to exercise the powers and duties of the Body Corporate. (See Section 31 of the Act.)

Dr. Cowen states that initially the most effective way of changing the rules of a Sectional Title scheme would be for the developer to sell only one unit and at the same time take irrevocable power of attorney from that first transferee of the unit or he could transfer the unit to a chosen person. A Body Corporate would then be formed (see Section 28 (1) of the Act) which would then be able to transform the rules as it wishes, or rather as the developer wishes.

In reply to a question of why anyone should want to amend the rules that were so carefully drafted in Parliament, Dr. Cowen said that developers and potential mortgagees wanted the greatest possible protection for their investment while on the other hand the man in the street has equally legitimate aspirations of becoming a real owner under the Sectional Titles Act, especially ownership which originated from the need for higher density living.

A suitable compromise had to be found, and this resulted in the S.A.P.O.A. in conjunction with The Association of Building Societies and some legal authorities drawing up the guidelines for Sectional Title rules.

Dr. Cowen said that the guidelines only contained "model" rules and were only for interest, however he warned that, when making rules for Sectional Title schemes, they must not bind owners down too tightly, not be over-protective and also not clutter up the rules with irritating and trivial prohibitions.

To illustrate his previous remark, Dr. Cowen had a specimen of house rules for a project in Munich which included specific rules for only the swimming bath:

"Drunks are not allowed in the swimming bath".

"The superintendent shall be entitled to exclude persons from the use of the bath if in his opinion it is too full" and

"People with long hair (including men) must wear bathing caps".

If rules as these above are not carefully considered, most people would be deterred from investing in Sectional Titles.

SECTIONAL PLANS

As every piece of land in South Africa is registered in one of the Deeds Registries throughout the country, the Sectional Titles Act makes provision for a part of a building plus a proportional share (according to the participation quota) of the common property now to be registered at the Deeds Registries. (See Section 8 of the Act.)

Instead of an entry to the Land Register, a Sectional Title Register is now opened for that piece of land and building or buildings attached to it.

One of the requirements of the opening of a Sectional Title Register is the Sectional Plan.

The definition of a Sectional Plan can be illustrated best in an extract from an article in the Planning and Building Development magazine entitled "The Role of the Architect in the Preparation of Sectional Plans" by the architect, Mr. M.D. Ringrose in which he writes:

"A Sectional Plan, in effect, is similar to a land surveyor's diagram in that it is a document which serves to describe a portion of 'real property' by means of diagrams, dimensions and descriptions, the difference being that in the Sectional Plan the buildings on the land are deemed to be part of the land and are therefore subdivisible."

The Act stipulates that either an architect or a land surveyor prepares the Sectional Plan and also assumes responsibility for it. (See Section 7 of the Act.)

The Act does not specifically state what the architect's or land surveyor's duties are in their own capacities for a specific Sectional Plan; however as the architect, M.D. Ringrose, states in the same article previously mentioned:

"The work in connection with the division and registration of land is naturally that of a land surveyor and not of the architect who is untrained for this task, not equipped, and in fact, not allowed to do this work legally."

He goes further by saying:

"The architect, however, is trained in the field of providing accommodation and is, we hope, responsible for the design and execution of the buildings which are to be subdivided in terms of the Sectional Titles Act. He is therefore in a better position of knowing what constitutes the building and how it is intended to be used and how it should be subdivided into sections."

Preliminary work in connection with Sectional Titles Act:

A developer wishing to develop a project, either existing or proposed must first ascertain whether Sectional Title is possible and also suitable for his project before the Sectional Plans can be done.

The developer's other prerequisite in most cases is finance which will dictate whether the developer can go ahead with the scheme. This is where the experience of the quantity surveyor can be used to determine whether the developer shall proceed or not. The quantity surveyor could prepare a report for a developer showing the full cost implications of a proposed scheme as well as ascertaining what the values or selling prices of the units would be and thereby determining whether the scheme would be financially possible and profitable for the developer.

The determination of the cost of the scheme would be the sum total of an estimate, which is the quantity surveyor's job, plus all the necessary fees to be paid in connection with the registration of the scheme. The value or selling price of the unit will be discussed later.

Even though the quantity surveyor plays a small role in Sectional Titles developments, it is nevertheless an important role to a developer.

Preparation of the Sectional Plan:

When it has been established that the property is registered in the name of the developer, only then can the architect or land surveyor or both proceed with the work involved in preparing the Sectional Plan. The work includes:

1. The determination of the section boundaries which includes the demarcation of the median lines between the sections and

- the decision of whether to include parts of the property in a section or whether a servitude should be registered.
2. The measurement on site of the site and the buildings to an accuracy of 0,01 m.
 3. The calculation of the Participation Quota is determined by using the dimensions obtained from the measurement on site and calculating the areas of the sections to the nearest square metre.
 4. The preparation of the Sectional Plan documents which must include:
 - (a) The title page which gives information about the project e.g. the Title Deed, the developer's name, any servitudes registered, the architect's and land surveyor's name.
 - (b) The Block Plan or site plan of the project to a scale of 1:500, showing dimensions of building.
 - (c) Section Plans which show the extent of each section on plan including the area of the section to the nearest square metre, but no dimensions of the building are required.
 - (d) The Participation Quota is calculated for each section and represented as a decimal fraction to the nearest three places.
 5. The submission of the Sectional Plans including the Title Deeds of the property and Conveyancer's certificate to the Local Authorities for approval then follows; however

this might require amendments. Similarly when application is made to the Registrar of Deeds for title deeds, amendments might be required.

If the Local Authority approves the scheme, the developer will, through his conveyancer, submit the original Sectional Plan and another copy, which would have been returned to him, to the Registry of Deeds.

The architect and land surveyor are finally required to keep all the documentation for the preparation of the Sectional Plan in a "protocol" for at least six years.

An example of a Sectional Plan can be found on the following pages, and this Sectional Plan is the "Model" Sectional Plan contained in the Chief Registrar's Circular No. 6/1975; however the circular states that the "Model" Sectional Plan, which relates to existing buildings, does not cover all the contingencies which may arise, but that it merely serves as a guideline.

LOCAL AUTHORITY : City Council of Johannesburg		SHEET N ^o 1	
LOCAL AUTHORITY REFERENCE N ^o		(Comprising this sheet and Annexure A hereto.)	
SECTIONAL PLAN N ^o		OF 16 SHEETS	
PARTICULARS			
REGISTERED DESCRIPTION OF LAND	Lot No.1024 Daveglen Park Township, situate in the Registration Division - I.R. Transvaal Province Measuring 4242 (Four thousand two hundred and forty two) Square Metres		
DIAGRAM NUMBER	S. G. No. A9706/68		
TITLE DEED WITH WHICH DIAGRAM IS FILED	Deed of Transfer No.12360/1970		
NAME AND ADDRESS OF DEVELOPER	A & A (PROPRIETRY) LIMITED (Co. No. 70/123) 25 America Street Cape Town		
NUMBER AND DATE OF DEVELOPER'S TITLE DEED	Deed of Transfer No.12360/1970 dated 12th August, 1970		
NAME OF BUILDINGS	THE COURTYARDS		
DESCRIPTION OF BUILDINGS	5 Buildings, namely : a. Building 1 being a two-storey building comprising 8 simplex flats; b. Building 2 being a two-storey building comprising 2 duplex flats; c. Building 3 being a two-storey building comprising 4 duplex flats. d. Building 4 being two-storey in part and one-storey in part, and comprising 1 duplex flat and 1 simplex flat, 16 carports, 4 servants rooms with a shower room and toilet, 2 transformer rooms and 1 store room; e. Building 5 being a one-storey building comprising 2 change rooms		
ENCROACHMENTS ON THE LAND	Nil		
PARTICULARS OF SERVITUDES OTHER REAL RIGHTS AND CONDITIONS	See Annexure A		
<p>LAND SURVEYOR'S CERTIFICATE</p> <p>A. Donk 18 Portugal Street Johannesburg</p> <p>I, Andries Donk, hereby certify that :-</p> <p>a. I have prepared sheets 1 and 2 of this sectional plan from actual measurements undertaken by me in terms of section 7(1)(a) of the Sectional Titles Act, 1971, in a manner which will ensure accurate results and in accordance with the requirements of the said Act,</p> <p>b. Regulation 5(14) has not been contravened</p> <p style="text-align: right;">Signed..... Date.....</p>			
<p>ARCHITECT'S CERTIFICATE</p> <p>T. Jones 12 Spain Avenue Johannesburg</p> <p>I, Tom Jones, hereby certify that :-</p> <p>a. I have prepared sheets 3-16 inclusive of this sectional plan from actual measurements undertaken by me in terms of section 7(1)(a) of the Sectional Titles Act, 1971, in a manner which will ensure accurate results and in accordance with the requirements of the said Act,</p> <p>b. it is impracticable to give measurements to the medians of the walls to an accuracy of 0,01 metre.</p> <p style="text-align: right;">Signed..... Date.....</p>			

SECTIONAL PLAN NO.:
NAME OF BUILDING(S):

ANNEXURE A TO
SHEET NO. 1.

I, the undersigned conveyancer hereby certify that in terms of Deed of Transfer No. 12360/1970 the following servitudes, other real rights and conditions, burden or benefit Lot No. 1024, Daveglen Park Township:-

.....
.....
.....
.....

(N.B.: All conditions as per title deed and all relevant servitudes, other real rights and conditions must be quoted and when there are none, this must be stated).

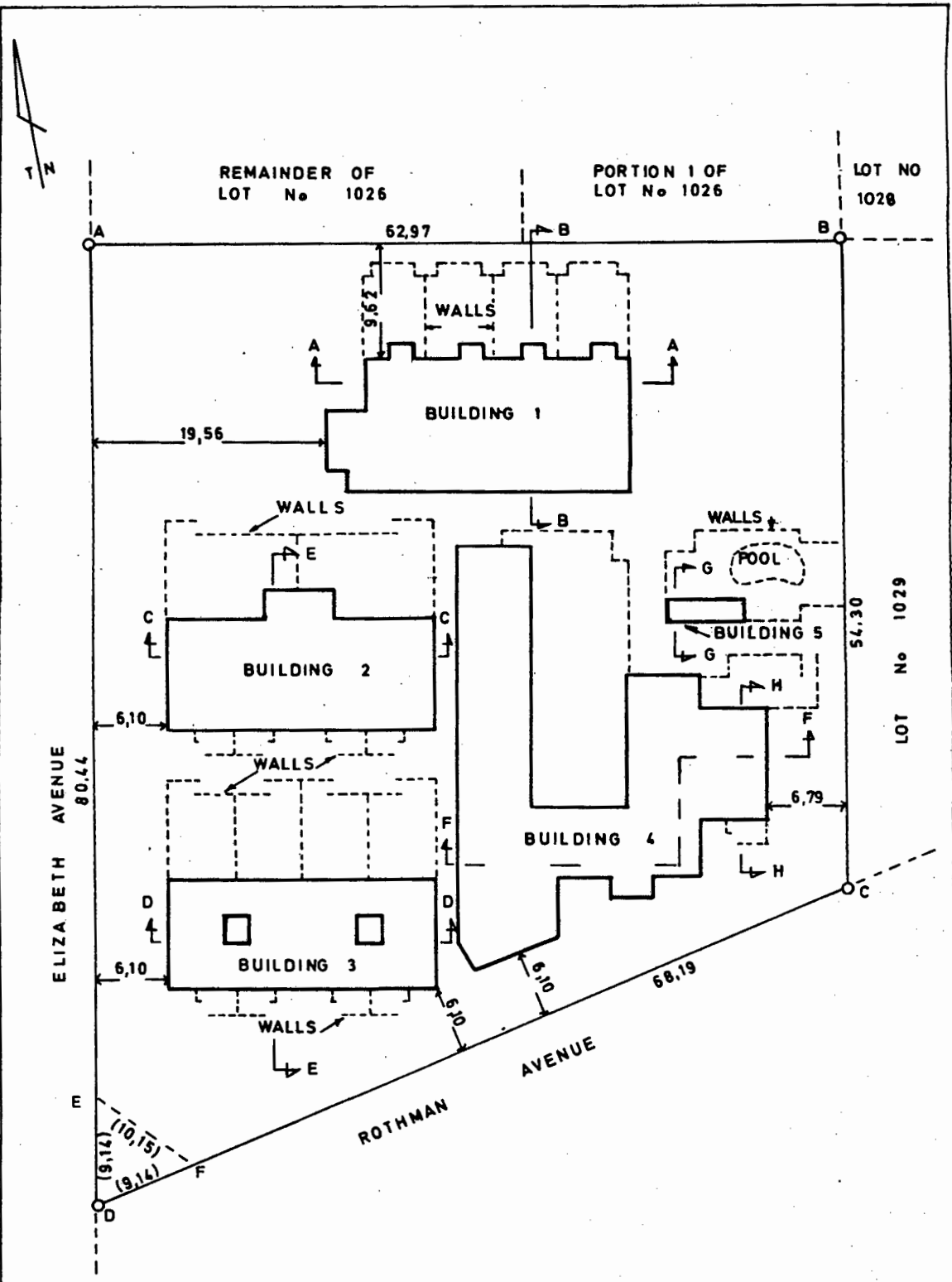
.....
.....
.....

Signed at on the day of
19.....

CONVEYANCER

EXPLANATORY NOTES:

1. The abovementioned certificate must accompany the sectional plan when lodged with the local authority. (See Regulation 5(2)(a)(x)).
2. On lodgment of the sectional plan with the Registrar of Deeds for registration, the conveyancer must confirm by means of a further certificate or certificates whether any further conditions have been registered against the title deed or imposed by the developer, local authority or Administrator.
3. All conditions must be quoted verbatim in the abovementioned certificates.



NOTES:

- 1 The figure ABCDA represents Lot No 1024 Daveglen Park Township
- 2 The figure DEF represents a Servitude of Right of Way over Lot No 1024 Vide diagram S.G. No A1391/70 Deed of Servitude 1714/70^S
- 3 All measurements are given in metres
- 4 Measurements from land boundaries to buildings relate to the external faces of the buildings.

SECTIONAL PLAN No.

SHEET No. 2 OF 16 SHEETS

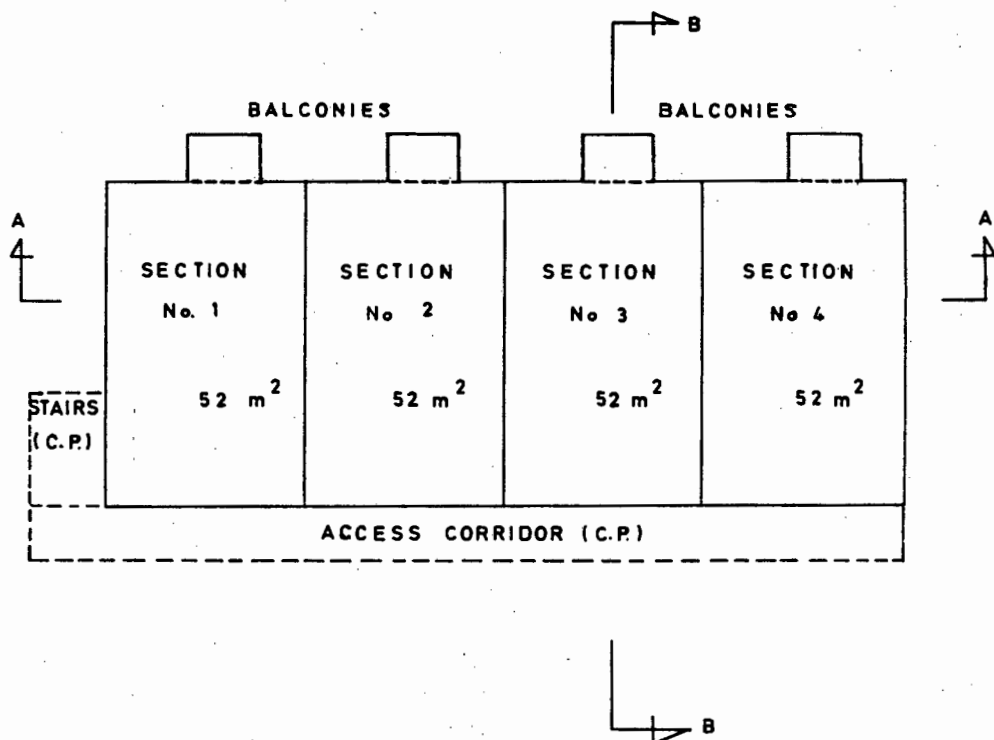
DRAWING TITLE : THE COURTYARDS
BLOCK PLAN

SCALE : 1:500

DATE :

A. DONK,
19 PORTUGAL STREET,
PRETORIA.
TEL 41-1024

SIGNED
LAND SURVEYOR



NOTES :

- 1 For participation quotas see sheet 16
- 2 m² denotes square metres
- 3 Areas stated denote total area of section concerned
- 4 (C.P.) denotes common property

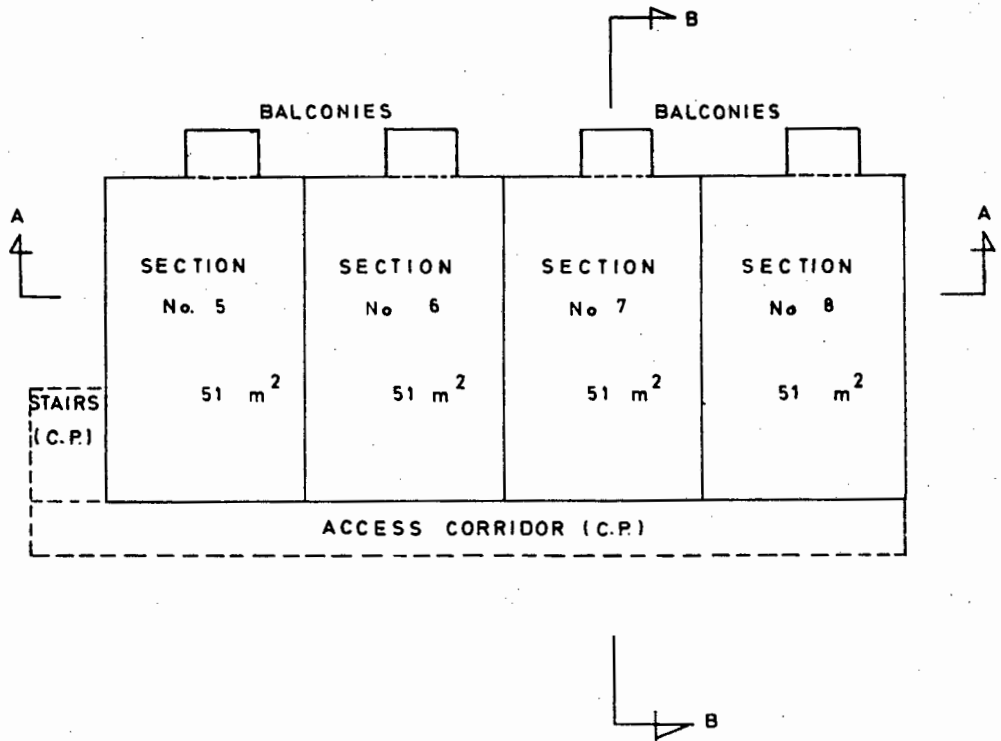
SECTIONAL PLAN No.
SHEET No. 3 OF 16 SHEETS

DRAWING TITLE : THE COURTYARDS
Building 1 GROUND FLOOR PLAN
SCALE : 1:200
DATE :

TOM JONES
12 SPAIN AVENUE,
JOHANNESBURG
TEL 314-2657

SIGNED

ARCHITECT



NOTES :

- 1 For participation quotas see sheet 16
- 2 m² denotes square metres
- 3 Areas stated denote total area of section concerned
- 4 (C.P.) denotes common property

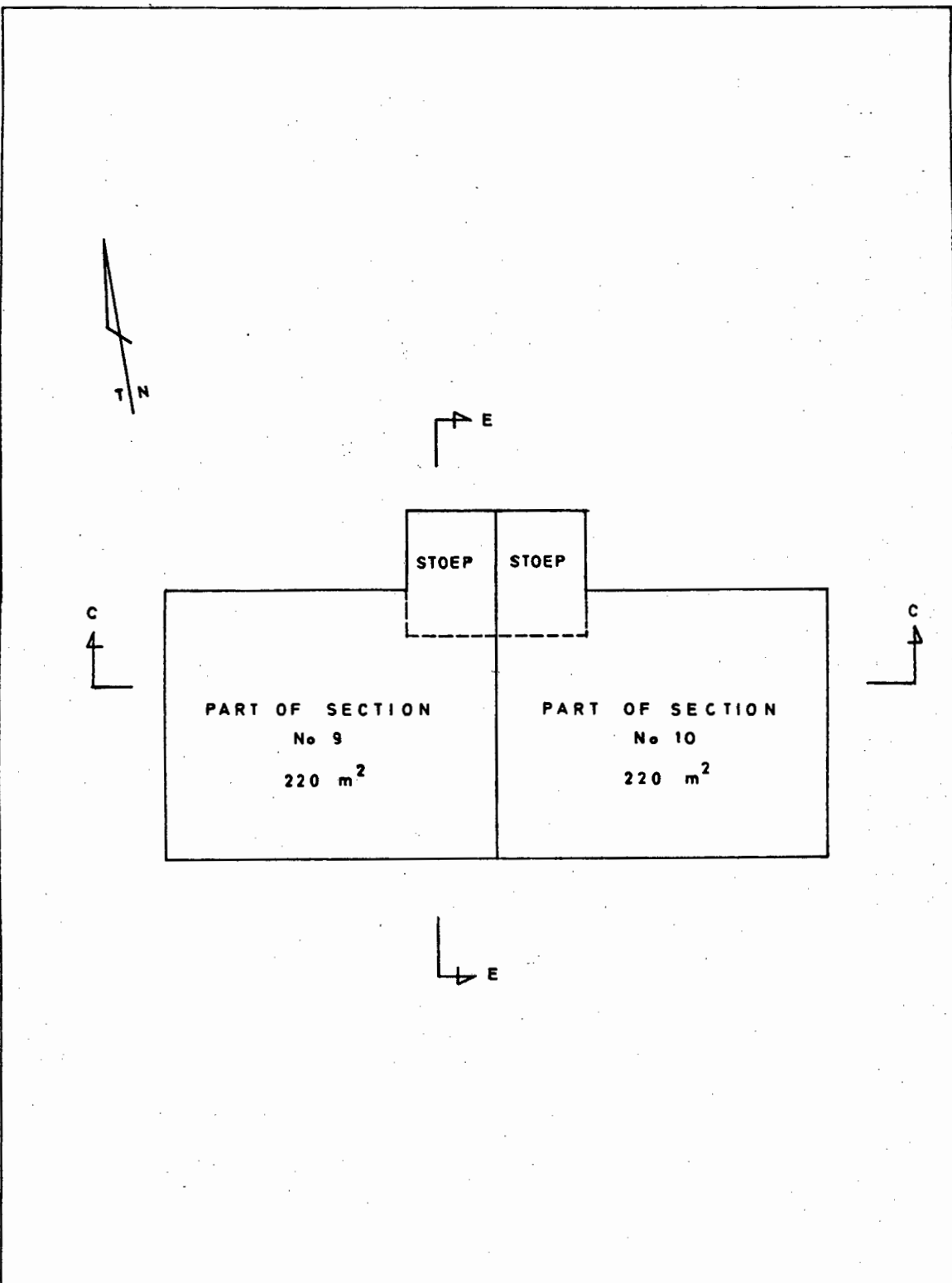
SECTIONAL PLAN No.
SHEET No. 4 OF 16 SHEETS

DRAWING TITLE : THE COURTYARDS
Building 1 FIRST FLOOR PLAN
SCALE : 1:200
DATE :

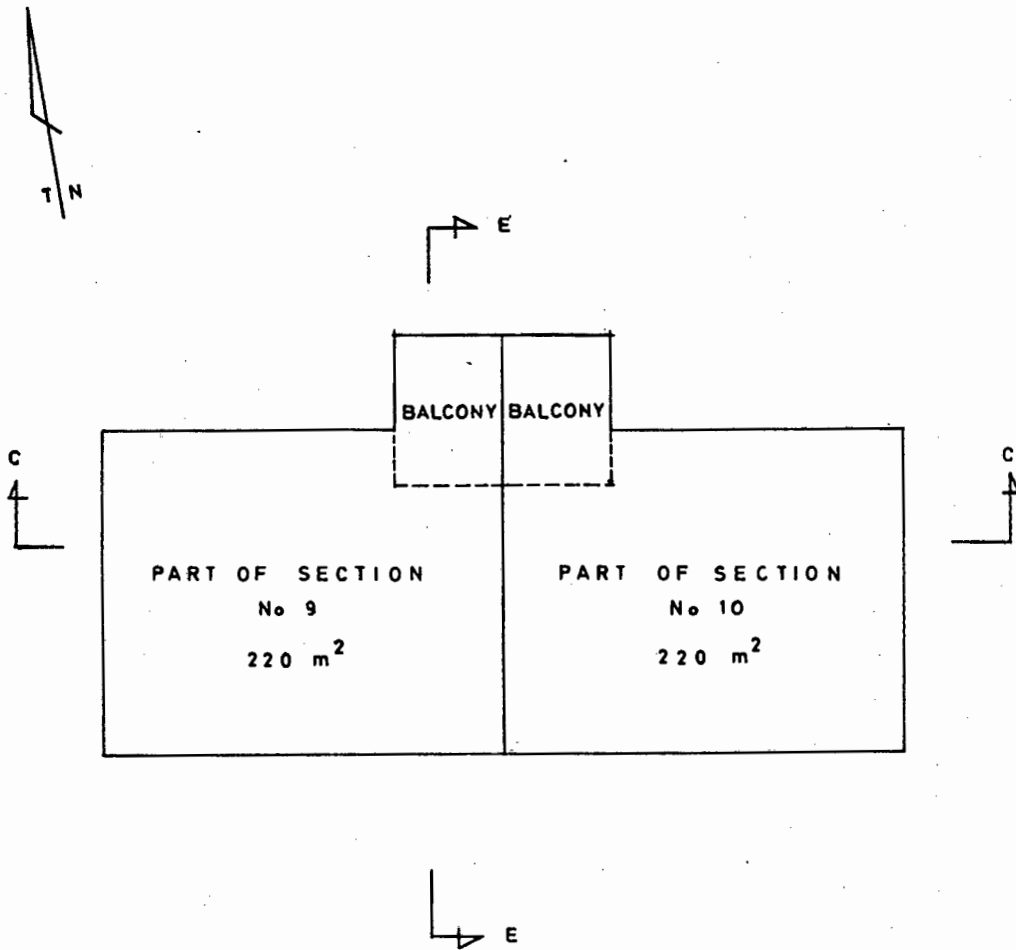
TOM JONES
12 SPAIN AVENUE,
JOHANNESBURG
TEL 314-2657

SIGNED

ARCHITECT



<p>NOTES :</p> <p>1 For participation quotas see sheet 16</p> <p>2 m² denotes square metres</p> <p>3 Areas stated denote total area of section concerned</p> <p>4 For remaining portions of sections see sheet 6</p>	<p>SECTIONAL PLAN No.</p> <p>SHEET No. 5 OF 16 SHEETS</p>
	<p>DRAWING TITLE : THE COURTYARDS</p> <p>Building 2 GROUND FLOOR PLAN</p> <p>SCALE : 1 200</p> <p>DATE :</p>
	<p>TOM JONES</p> <p>12 SPAIN AVENUE, JOHANNESBURG</p> <p>TEL 314-2657</p> <p style="text-align: right;">SIGNED ARCHITECT</p>



NOTES :

- 1 For participation quotas see sheet 16
- 2 m² denotes square metres
- 3 Areas stated denote total area of section concerned
- 4 For remaining portions of sections see sheet 5

SECTIONAL PLAN No.

SHEET No. 6 OF 16 SHEETS

DRAWING TITLE : THE COURTYARDS

Building 2 FIRST FLOOR PLAN

SCALE : 1 200

DATE :

TOM JONES

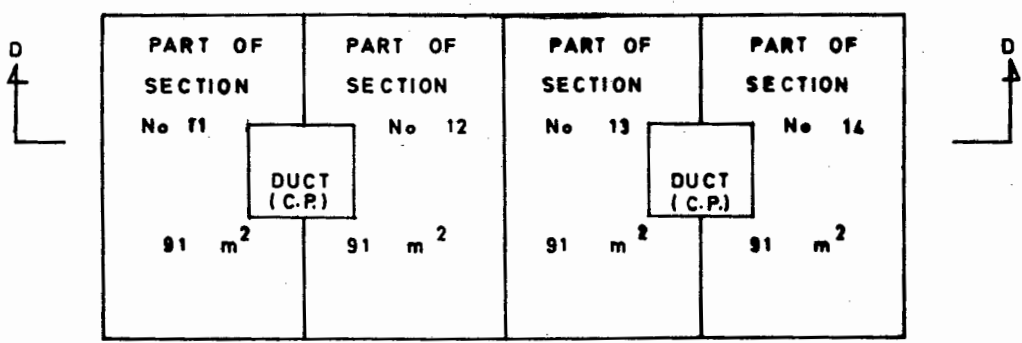
12 SPAIN AVENUE,

JOHANNESBURG

TEL 314-2657

SIGNED

ARCHITECT



NOTES :

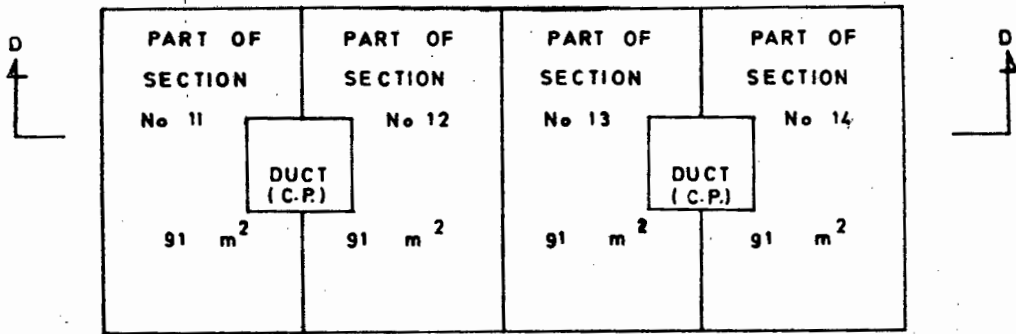
- 1 For participation quotas see sheet 16
- 2 m² denotes square metres
- 3 Areas stated denote total area of section concerned
- 4 For remaining portions of sections see sheet 8
- 5 (C.P) denotes common property

SECTIONAL PLAN No.
SHEET No. 7 OF 16 SHEETS

DRAWING TITLE : THE COURTYARDS
Building 3 GROUND FLOOR PLAN
SCALE : 1 200
DATE :

TOM JONES
12 SPAIN AVENUE,
JOHANNESBURG
TEL 314-2657

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NOTES :

- 1 For participation quotas see sheet 16
- 2 m² denotes square metres
- 3 Areas stated denote total area of section concerned
- 4 For remaining portions of sections see sheet 7
- 5 (C.P) denotes common property

SECTIONAL PLAN No.

SHEET No. 8 OF 16 SHEETS

DRAWING TITLE : THE COURTYARDS

Building 3 FIRST FLOOR PLAN

SCALE : 1 200

DATE :

TOM JONES

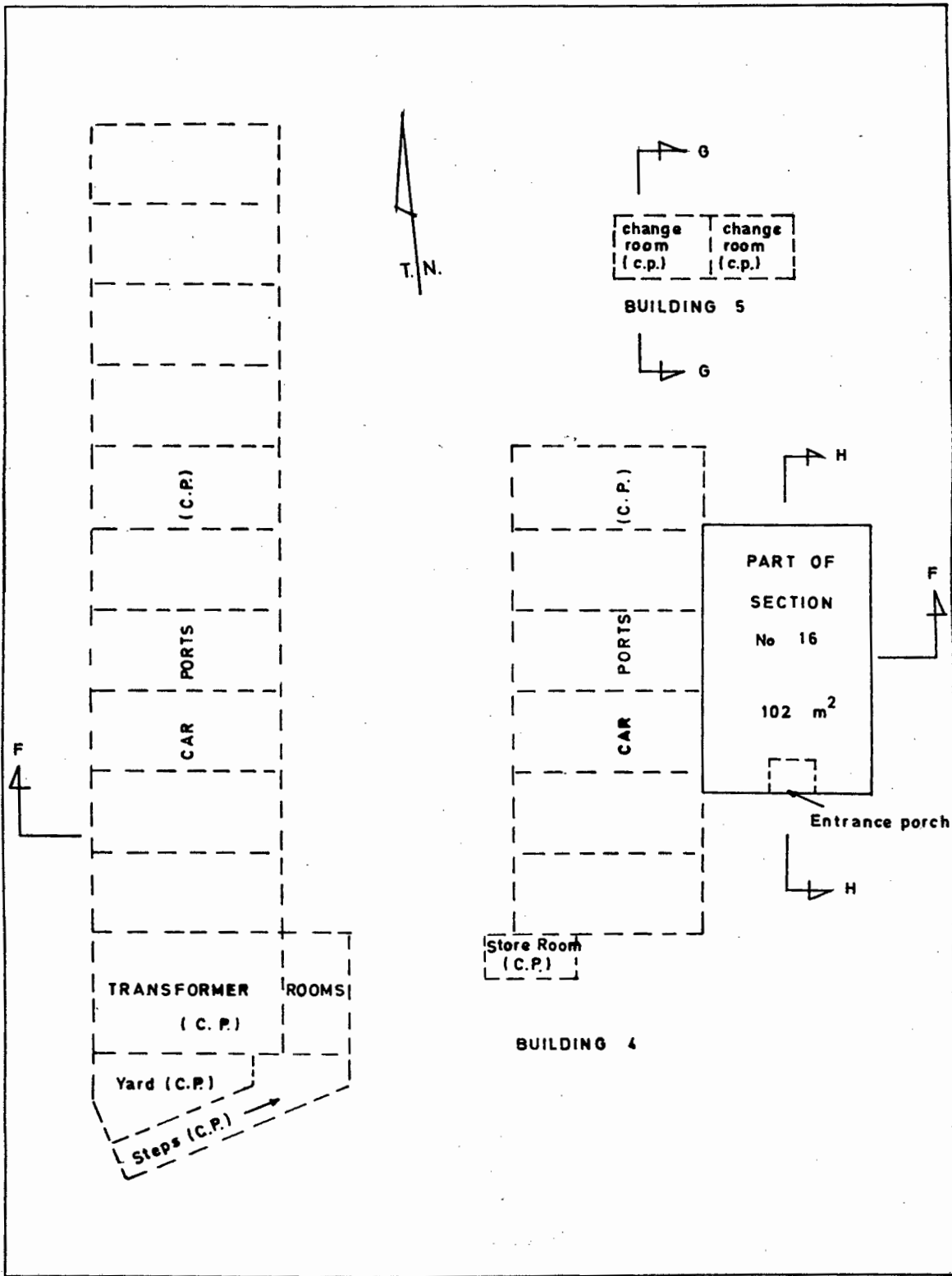
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NOTES :

1. For remaining portion of section 16 see sheet 10
2. (C.P.) denotes common property
3. For participation quotas see sheet 16
4. m² denotes square metres
5. Areas stated denote total area of section concerned

SECTIONAL PLAN No.
SHEET No. 9 OF 16 SHEETS

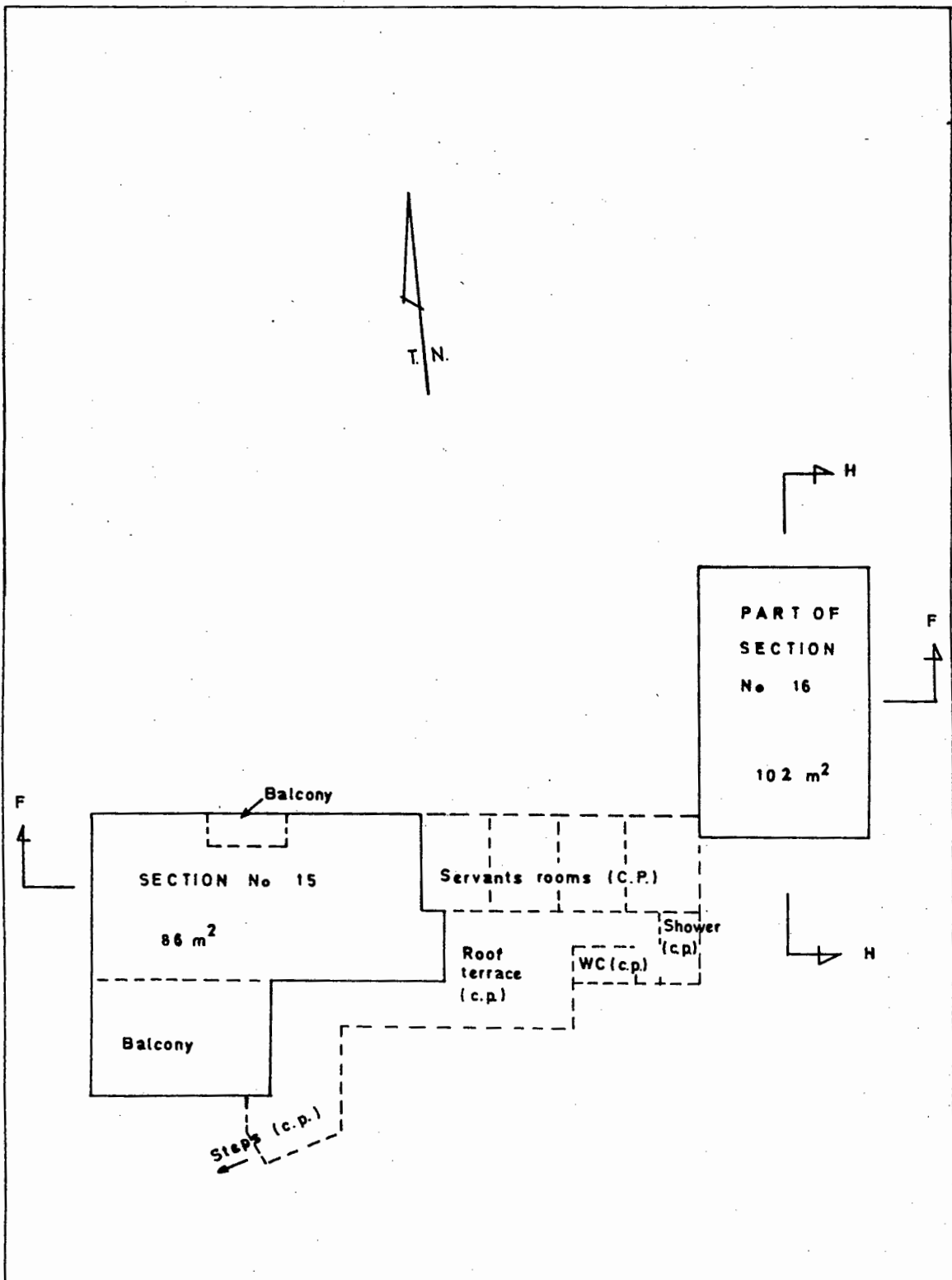
DRAWING TITLE : THE COURTYARDS
 Buildings 4 and 5 **GROUND FLOOR PLAN**

SCALE : 1 : 200

DATE :

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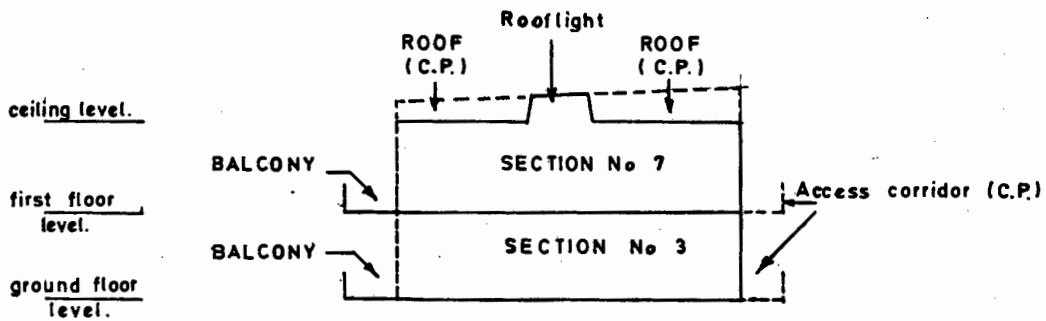
NOTES :

- 1 For remaining portion of section 16 see sheet 9
- 2 (C.P.) denotes common property
- 3 For participation quotas see sheet 16
- 4 m² denotes square metres
- 5 Areas stated denote total area of section concerned

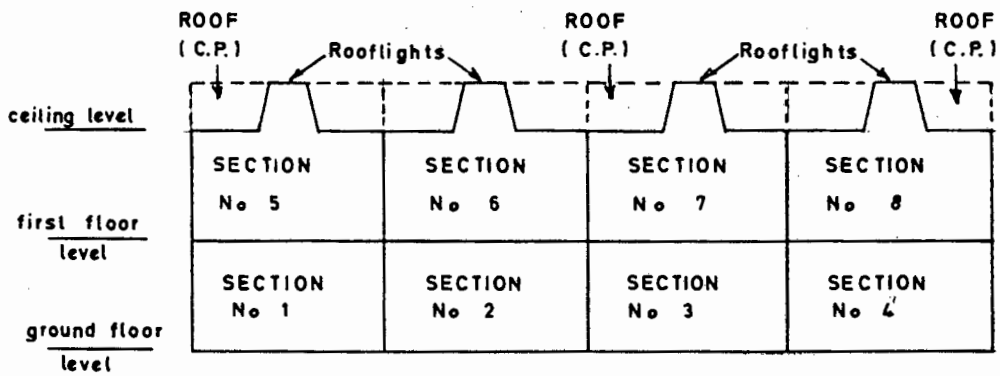
SECTIONAL PLAN No.
SHEET No. 10 OF 16 SHEETS

DRAWING TITLE : THE COURTYARDS
Building 4 FIRST FLOOR PLAN
SCALE : 1 : 200
DATE :

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BUILDING 1
CROSS SECTION B-B



BUILDING 1
CROSS SECTION A-A

NOTES :

1. (C.P) denotes common property

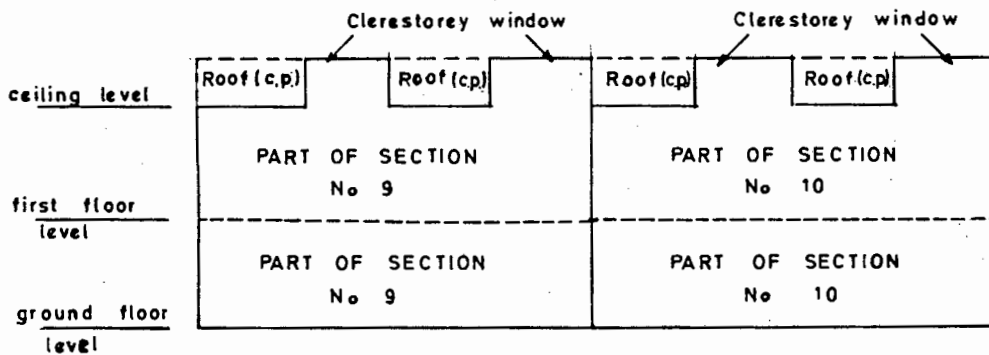
SECTIONAL PLAN No.
SHEET No. 11 OF 15 SHEETS

DRAWING TITLE : THE COURTYARDS
Building 1 CROSS SECTIONS A-A, B-B
SCALE : 1 : 200
DATE :

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BUILDING 2
CROSS SECTION C-C

NOTES:
1 (C.P.) denotes common property

SECTIONAL PLAN No.
SHEET No. 12 OF 16 SHEETS

DRAWING TITLE : THE COURTYARDS
Building 2 CROSS SECTION C-C
SCALE : 1:200
DATE :

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ceiling level

first floor
level

ground floor
level

PART OF SECTION No 11	DUCT (C.P.)	PART OF SECTION No 12	PART OF SECTION No 13	DUCT (C.P.)	PART OF SECTION No 14
PART OF SECTION No 11		PART OF SECTION No 12	PART OF SECTION No 13		PART OF SECTION No 14

BUILDING 3
CROSS SECTION D-D

NOTES :

1 (C.P.) denotes common property

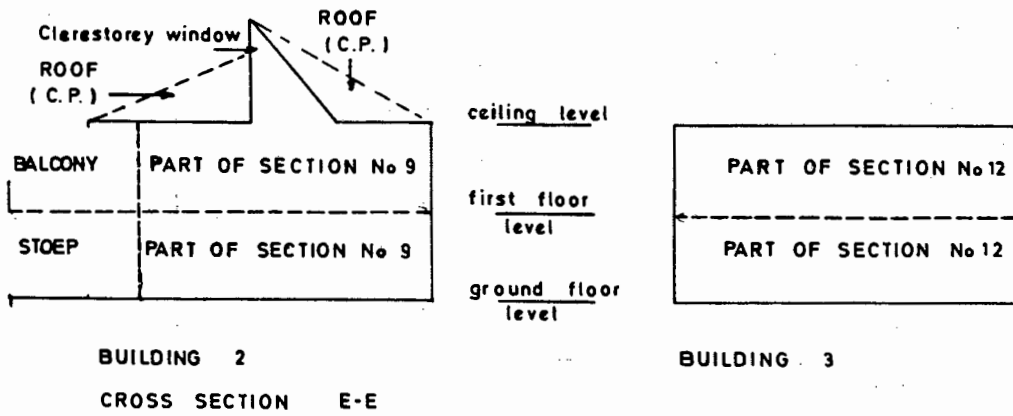
SECTIONAL PLAN No.
SHEET No. 13 OF 16 SHEETS

DRAWING TITLE : THE COURTYARDS
Building 3 CROSS SECTION D-D
SCALE : 1 : 200
DATE :

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NOTES :

1 (C.P.) denotes common property

SECTIONAL PLAN No.

SHEET No. 14 OF 16 SHEETS

DRAWING TITLE : THE COURTYARDS
Buildings 2 and 3 CROSS SECTION E-E

SCALE : 1:200

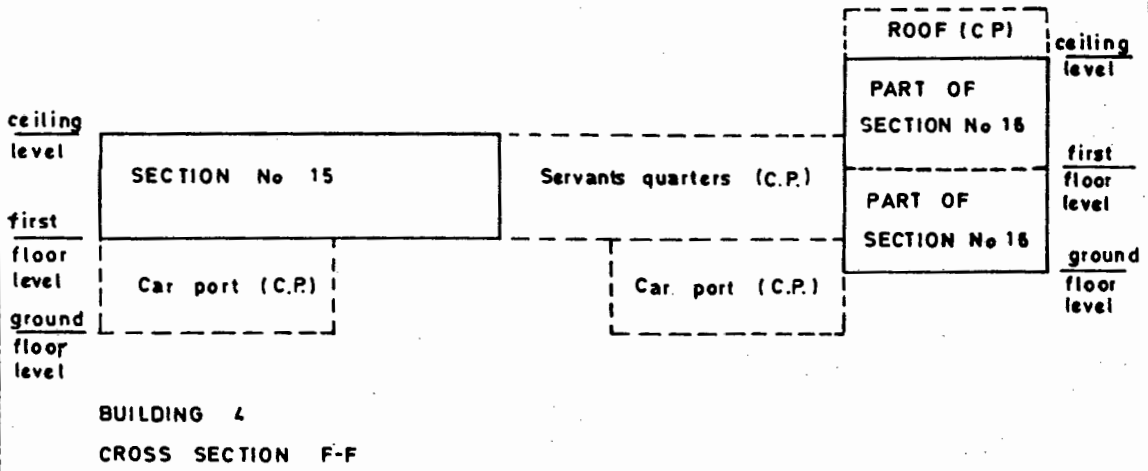
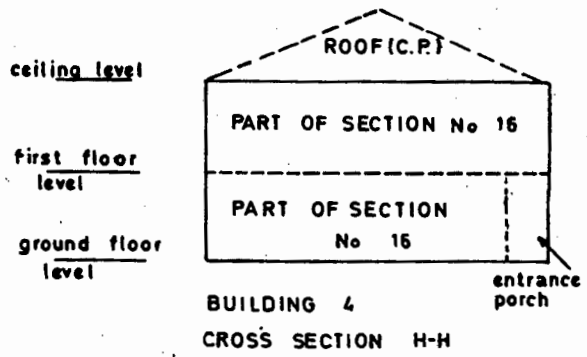
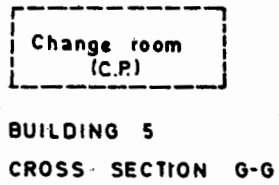
DATE :

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NOTES :
1 (C.P.) denotes common property

SECTIONAL PLAN No.
SHEET No. 15 OF 16 SHEETS

DRAWING TITLE : THE COURTYARDS
Buildings 4 and 5 CROSS SECTIONS FF,GG,HH
SCALE : 1:200
DATE :

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JOHANNESBURG
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<u>SECTION No.</u>	<u>FLOOR AREA SQUARE METRES</u>	<u>PARTICIPATION QUOTA</u> (ADJUSTED TO TOTAL 1,000)
1	52	0,037
2	52	0,037
3	52	0,037
4	52	0,037
5	51	0,036
6	51	0,036
7	51	0,036
8	51	0,036
9	220	0,157
10	220	0,157
11	91	0,065
12	91	0,065
13	91	0,065
14	91	0,065
15	86	0,061
16	102	0,073
	<u>14 04</u> TOTAL	<u>1,000</u>

NOTES : 1 FLOOR AREA MEASURED TO MEDIAN LINE OF BOUNDARY WALLS OF EACH SECTION TO THE NEAREST SQUARE METRE	SECTIONAL PLAN No. SHEET No. 16 OF 16 SHEETS
	DRAWING TITLE : THE COURTYARDS PARTICIPATION QUOTA SCHEDULE SCALE : DATE :
TOM JONES 12 SPAIN AVENUE, JOHANNESBURG TEL 314-2657 SIGNED _____ ARCHITECT	

FINANCIAL ASPECTS RELATING TO
SECTIONAL TITLE SCHEMES

FINANCIAL ASPECTS RELATING TO SECTIONAL TITLE SCHEMES

In any property transaction, the financial aspect is as important as the legal aspect because it determines the market for these transactions, which will in turn be governed by legislation.

As far as Sectional Title Schemes are concerned, because of its relatively short period of existence in South Africa, the market for Sectional Title units within these schemes is still very small compared to the market for houses; however the valuation and financing of Sectional Titles units will be examined here.

VALUATION OF SECTIONAL TITLE UNITS

The object of Sectional Title Schemes was to alleviate the shortage of housing in South Africa by building medium or high density accommodation in the form of single or multiple buildings comprising sections that can be separately owned, and furthermore, that these sections should theoretically be cheaper than conventional houses.

This theory has been proved overseas but in South Africa this is the opposite, resulting in this form of ownership mainly acquirable by persons in the higher income groups.

Prices paid for flats under the Block Share Scheme could ideally be a good basis to value Sectional Title units but unfortunately these are not published or available to the public as for property sold by conventional transfer.

By comparison with conventional housing, the valuation of Sectional Title units encompasses the valuation of four distinct constituents, and these are:

1. The section itself must be valued and this could be done based on similar units sold in similar environments. However, it is not always possible to find a similar situation and as a last resort a house in the vicinity of the section could be used as a basis.
2. The undivided share of the common property must be ascertained to determine what effect it has on the value of the unit. This is done by basing it on a similar unit. Consequently, the base unit's value would have to be adjusted to determine the value of the unit in question. The items that may determine adjustments are the state of repair of the building, the finish of the building that pertains to common property and especially special amenities such as swimming pools, tennis courts, etc.
3. The undivided share in the Body Corporate's fund should be determined because it relates to the condition of the common property of the scheme. To a large extent, the fund originated out of a need to maintain and repair the common property and, in most cases, the condition of the building and state of the common property affect the value of the property and subsequently the value of the unit.
4. The participation quota determines the amount of money that an owner of a section is entitled to contribute to the fund, as was previously described. There is no

direct relationship between value of the unit and the contribution because the participation quota is based on the proportion of the floor areas whereas the value of the unit could be determined by the demand for Sectional Title units, the position of the unit within the scheme, the area in which the scheme is situated, the age of the building and the aesthetic appeal of the building.

However, a large flat area means a greater amount of money to be paid towards the fund and some prospective buyers might see this as an extra burden and therefore the value might drop.

The total of these constituent values and the adjustments to them should give the value of the unit.

FINANCE FOR SECTIONAL TITLE SCHEMES AND UNITS

The developer of a Sectional Title scheme is at a disadvantage when it comes to the financing of the scheme, because he must either have sufficient capital of his own or somehow obtain the necessary finance to complete the construction of the entire project.

The reason why the developer must have his own capital is because the Act provides that a certificate from the architect or land surveyor must accompany the application to the Deeds Registry stating that the building is ready for occupation, (see Section 5 (3) (e) of the Act) with the result that the developer must complete the building before a Sectional Titles Register can be opened. Until such time, transfer of units cannot be carried out nor can bonds be obtained for these units.

Some building societies prefer to lend smaller sums of money to home owners rather than large sums of money to a developer of a block of flats and by doing so, prevent the expense of the double registration of a bond i.e. firstly when the developer obtains a bond in his name, and secondly when a buyer obtains a bond for an individual unit.

Owners of existing blocks of flats who wished to develop them into Sectional Title schemes have experienced difficulty in persuading bondholders (particularly under Participation Mortgage Bond, used for a large number of blocks of flats) to release units from the bond as they are sold. Generally these bondholders prefer to withdraw the entire bond, in which case the developer has to find an alternative bondholder, like a Building Society, whose basic functions are to finance schemes and receive payments in small amounts.

Some building societies have been reluctant to grant bonds on flats on the upper floor of high rise buildings because they feel that if the lift service failed those flats would drop in value. Theoretically, the Body Corporate could either obtain a contribution from the owners of the units or borrow money to create a fund in the event of a lift failure, but owners of sections on the lower floors probably would not cooperate because they were not affected by the lift.

Developers of particularly large Sectional Title Schemes i.e. schemes with more than one building divided into sections are now contemplating the phasing of these schemes.

Phasing of Sectional Title Schemes:

The advantages that this form of development has for the

developer can best be illustrated by four points listed by G. Seeff in his book "Sectional Titles Made Easy":

1. It would minimise the astronomical amount of capital required to complete the whole scheme as a single entity.
2. The proceeds of the sales of the earlier phases can then be used to finance the construction of later phases.
3. The rate of construction can be geared to the absorption of units by the market, by delaying or expediting construction of later phases according to rate of sales.
4. The market acceptability of the design and price of the first phase can be proved before the developer commits himself to the design of the later phases.

The Act does make provision for the extension of a scheme (see Section 18 (8) of the Act) but this also necessitates that the developer must retain at least one section, otherwise, if he sells all the units, he then ceases to be a developer (see Section 26 (2) of the Act) and thus has no further interest vested in the scheme.

However, by simply retaining one section in the Sectional Title scheme, does not confer adequate protection for the developer to proceed with the next phase, but the Act makes provision for the registration of a set of conditions (see Section 5 (3) (d) (i) of the Act), which would give the developer a real right to proceed with the development.

The Chief Registrar of Deeds in the Circular No. 1 of 1975 has approved this form of development by giving four basic requirements of these conditions which were aptly summarised by D.V. Cowen in the article "The Scope of the Sectional Titles Act

with Special Reference to Group and Cluster Housing and Phased Developments" which forms a supplement to the Planning and Building Developments magazine, in which he states that the conditions must:

1. Restrict the rights of ownership of each unit owner and his successors in title by taking away the rights which they enjoy, as owners in terms of the Act, to withhold written consent to specified extensions of the scheme.
2. Restrict their rights which each unit owner and his successors in title have as co-owners of the common property to prevent the erection of the additional buildings on the common property.
3. Give the developer the positive right to erect additional buildings on the common property in a specified way free from interference.
4. Give the right to the developer to become the owner of the units when complete and to dispose of them for his own benefit and account.

An alternative to this can be illustrated in an extract from G. Seeff's book entitled "Sectional Titles Made Easy" in which he states:

"Alternatively, where feasible, the land comprising the scheme can be subdivided in the conventional manner into a number of portions, each comprising a single phase, and can be completed as separate properties. If there are common facilities for the use of all the unit holders either on the remaining land or on one

phase of the scheme, the use of these can be ensured to other unit holders by registration of reciprocal servitudes."

However, the documentation for both these solutions are cumbersome and costly and should be handled with extreme care, although it might be better that the Act be amended to allow for the phasing of schemes.

S U M M A R Y O F A D V A N T A G E S
A N D D I S A D V A N T A G E S

S U M M A R Y O F A D V A N T A G E S
A N D D I S A D V A N T A G E S

The more important advantages and disadvantages of Sectional Titles that have emerged up until now, ^{are} will be listed below. Some of these points may have been discussed previously in this treatise, others only mentioned and some are new points.

ADVANTAGES

1. It allows a person to buy a flat rather than to rent it and subsequently gives the owner security of tenure. It is interesting to note that in an article entitled "Younger people buying under Sectional Titles" in the Cape Times on the 7th February 1976, Mr. N. Amery, an administrative manager of Voysey Bond (Cape), an estate agency, said that:

"More Capetonians in the 30 to 40 age bracket appear to be turning to the ownership of Sectional Title apartments, both as a means of achieving their home and also as an investment medium."

Mr. Amery also said that:

"... the ideal of Sectional Titles - to place home ownership within the reach of the man in the street."

However, for older persons, there are also definite advantages such as security, communal cleaning system and delegation of management functions to trustees and managing agents.

2. Capital gain is possible on the resale of a flat under Sectional Titles like for other forms of property.

3. Investment in property is tax-free, whereas for a tenant renting a premises there is no tax saving on the rent he pays.
4. There is a greater circulation of funds because developers can now sell separate units rather than having to wait for a considerable period of time before the whole development is sold.
5. Sectional Titles allows medium or high density development to take place at a brisk pace especially at a time when the cost of land, building and municipal services are continually rising.
6. For the developer, the value of a Sectional Title scheme is increased because he can now sell individual units instead of having to sell the whole scheme with the result that the total value of all the units may add up to more than the value of the scheme undivided. Even though Sectional Titles is new on the property market, this increase in value has amounted to up to 50% in some schemes.
7. The main advantage that Sectional Titles has over the Block Share Scheme is that the owners have a real right to their units which allows for greater security and ease of financing i.e. a bond may be raised for a Sectional Title unit.
8. Instead of making a new Deed of Transfer or document for each transaction (i.e. each unit being sold), the Deeds held by the owner and the Deeds Registry are simply

endorsed with each transaction, thus making it simpler than the transfer of conventional property.

9. Sectional Title Schemes can be done in phases but great care must be taken with the necessary documentation.
10. It gives Block Share owners the right to force the registered owner i.e. the company to apply for Sectional Titles, which is considered superior to Block Share Schemes.
11. If the owner of a Sectional Title unit wishes to sell his unit, the sale goes through in the normal way except for the simplified procedure of transferring title whereby the new owner simply takes over all the rights attached to the unit.
12. An owner can lease his Sectional Title unit to a lessee or tenant who can have full rights as an owner and member of the Body Corporate including voting rights, as long as the lease is for 99 years or the life of the building, and on condition that the lease is registered for the rights to apply.
13. An owner can subdivide a Sectional Title unit and sell or lease a section of it, but this can only be done with the consent of the Local Authority and a special resolution of the Body Corporate.
14. Exclusive use for certain parts of the common property e.g. the gardens, carports, parking bays, servant's quarters etc., can be obtained by a servitude being registered or in terms of the rules of the scheme.

15. The "Guidelines for Sectional Title Rules" makes provision for the members of the Body Corporate or the registered mortgagee of the unit to instruct the trustees to appoint a managing agent to control, manage, and administer the common property including to collect contributions levied and to appoint a supervisor, superintendent or caretaker.
16. The Body Corporate of the Sectional Title Scheme with its strong control and bargaining power through a united front may be considered better to deal with than a Home Owners' Association in a Cluster Scheme.
17. Owners of Sectional Title units pay a monthly levy, based on their Participation Quota, towards the running costs, cleaning, maintenance, insurance, electricity and water for the common property, and spread over a number of units; the amount could be much less than for a house. Excellent group-insurance cover could be obtained for the common property as well as lower food and goods costs being achieved through group buying; however the services for each section are metered separately.
18. The outer skin of the building is common property and any matter regarding it must be dealt with by the Body Corporate e.g. the decision on the type or colour of wall finish, if the external walls are to be renovated, will be decided by the Body Corporate.

DISADVANTAGES

1. Because Sectional Titles is a new form of legislation in South Africa, problems can be expected in the beginning

which might hamper the workings of the Act, even though much thought went into the drafting of the Act. These "teething" problems are inevitable with almost any new form of legislation and unfortunately some of these problems even have to be decided in court.

2. The documentation of Sectional Titles is drawn to stringent specifications and has to be approved by the Local Authority and the Registrar of Deeds. The problem is the time consuming process of approval which is even greater if the scheme is rejected and has to be resubmitted during which time the cost of building materials may have risen.
3. The transfer cost under Sectional Titles is higher than Share transfer in a Block Share Scheme but there are other advantages, as was previously discussed.
4. The Act is very rigid in specifying to which types of buildings Sectional Titles can apply (as was previously discussed) which resulted in a low rate of application for Sectional Titles.
5. Some people might be deterred from buying under Sectional Title because of:
 - (a) Less privacy than a normal house because sections are only separated by a wall on either side or a floor slab above or below.
 - (b) Certain people regard living in a flat as being only a temporary form of accommodation until they find and can afford to buy a house.

- (c) Charges that they are expected to pay which are determined by the Body Corporate and that they personally feel are not necessary e.g. people living on the lower floors of a high rise block of flats may refuse to contribute towards a lift fund.
 - (d) Liabilities of the Body Corporate which become the liabilities of each owner on a pro rata basis.
 - (e) Decisions that have to be taken by a vote could result in differences of opinion amongst the owners.
6. Rules of Sectional Title Schemes can be extremely tedious if not carefully considered.
7. The Act prevents an owner of a unit from gaining occupancy of the premises if they were occupied before 31st May 1966 or if they fall under Rent Control; and provided the tenant maintains normal behaviour, he may remain in the flat indefinitely. The Rents Act also lays down heavy fines for landlords who use unlawful means in an attempt to get the tenant to vacate e.g. threatening the tenant or depriving the tenant of services he is entitled to.

The S.A. Portfolio Managers (Sales) (Pty.) Ltd. stated in a report entitled "Buying your own flat", in connection with flats under rent control, which appeared in the Cape Times on the 26th January 1974, that:

"In these circumstances a purchaser can secure a flat by the payment of a deposit which is held in trust and draws interest until such time as vacant possession can be given.

Alternatively the purchaser can set a specific date by which he must be given occupation, failing which, he has the option of resiling from his contract and having the deposit plus interest refunded to him."

Another alternative is to make the sale effective immediately and start collecting rental income from the tenant.

8. Mainly Sectional Title units in the luxury class and units in high rise buildings have been on the market. To make the optimum use of the Act there should be more flats available in the price range below R20000 and developments should be kept to medium rise buildings i.e. up to three storeys high.
9. Building societies are wary of granting loans to Sectional Title units because of the Act being very new, and are often reluctant to grant loans to flats on upper floors of high rise buildings.
10. There is a reluctance of bondholders to release individual Sectional Title units from the overall bond for transfer in connection with the subdivision of existing buildings.
11. The buying and selling of flats or the buying and developing of blocks of flats and subsequent selling of individual flats could attract tax. The determination of liability for tax is very complex but the principle is that where it is not the seller's business of buying and selling flats he will most probably not be liable for tax. The onus is on the seller to prove that the intention of selling flats is not a profit-making operation, in which case the profit is trading profit and is liable for tax.

12. There is a problem of valuation of Sectional Title units because of insufficient sales statistics to enable valuers to compare selling prices, and the extra burden of having to value the Participation Quota and the proportional undivided share in the common property and the Body Corporate fund.
13. There is a great deal of uncertainty amongst prospective buyers about the security of investment under Sectional Titles. There are certain fundamentals that have to be ascertained before a buyer can have an undisputed security over a Sectional Title unit. These fundamentals are extracted from an article by Mr. R. Gutschow of Sectitle, an estate agency, and is entitled "Buying a home under Sectional Titles" which appeared in the Cape Times on the 28th February 1976:
 - (a) The Sectional Title scheme must first be approved by the Municipality (Local Authority) it is situated in.
 - (b) A Sectional Title Register is open or about to be opened at the Deeds Registry.
 - (c) Only buy under Sectional Titles if one is absolutely certain that a building society is prepared to advance a bond on the particular unit.
 - (d) Only part with the money towards the payment of unit if one is completely satisfied that the entire amount of money is placed into a trust account that nobody can touch until transfer has been given.

Mr. Gutschow also said that, "The above is a good and healthy business practice and every developer will respect a

prospective buyer's request to place any deposit into a lawyer's trust account."

14. The number of Bantu servants "living in" on a Sectional Title Scheme, which falls into the category of flats, is limited to five according to Section 9 (3) of the Bantu (Urban Areas) Consolidation Act of 1945. This might deter persons who normally require Bantu domestic servants on a "living in" basis from investing in a Sectional Title unit; however Mr. K.R. Dodman, the managing director of K.R. Dodman (Pty.) Ltd., an estate agency, said in an article entitled "Limit on living-in Africans" which appeared in the Cape Times on the 14th June 1975, that:

"... the limit on living-in servants should not be seen as a drawback. South Africans are used to living-in servants. In a Sectional Title Scheme however, the need for servants is greatly reduced. All exterior work for example, is now handled by the workers employed by the Body Corporate."

15. Sectional Titles has not featured at all in the sale of units for office space in South Africa because few businessmen would buy a floor or two in a building and then discover later that they cannot expand because the floors above and below have been sold to someone else.

The Johannesburg property expert, Mr. Alistair Barclay of Dunlop Heywood, gave the reasons for this in an article entitled "Buying or selling of office space under Sectional Titles is a non-starter" in the Cape Times on the 17th March 1973 in which he said that this problem existed because of:

- (a) Dynamism of the country and consistent growth of companies.
- (b) Ability of developers to raise long term finance and therefore lack of interest to sell quickly.
- (c) Direct participation in property by institutional investors who traditionally buy investments for long term growth i.e. insurance companies will buy or develop property rather than buy portions of the buildings.
- (d) Individual tenants intending to buy offices may have difficulty in obtaining long term finance from financial institutions who are probably not used to handling small amounts of money.
- (e) Pension fund and insurance companies are not keen to finance the subdivision of a central city office block because this leads to the self-destruction of one of their own avenues of property investment.
- (f) Desire of business to be flexible and not to tie up too much capital in non-productive aspects of business e.g. large supermarket chains prefer to lease buildings or parts of buildings for their business operations.

C O N C L U S I O N

C O N C L U S I O N

The Sectional Titles Act has finally been ingrained into the South African property "scene" and as Mr. Emdin, one of the pioneers of Sectional Titles in South Africa commented, he was glad that it had beaten television in that it was introduced first.

The Act itself was well drafted and is relatively easy to understand after much thought and studying of other systems elsewhere in the world.

The Act however is very rigid as to the types of buildings to which Sectional Titles can apply and to a certain extent restricts the smooth flow of the Act.

Problems of valuation of Sectional Title units as well as finance for these units will probably be solved with the passing of time and after more experience is gained from use of this type of ownership.

If the necessary precautions are taken by prospective buyers under Sectional Title, more and more people, especially "the man in the street", will readily identify Sectional Titles as being a safe investment potential, the registration procedure being simple, and it could be carried out quickly if done properly.

The Act could be modified to allow phasing of schemes giving sufficient protection on buyers and developers but will give developers the incentive to develop more schemes.

People will soon realise that the Body Corporate with its united front has certain advantages and also Sectional Title Schemes

can be run to suit the owners.

The problems under the Sectional Title Act are relatively few and small but as more experience is gained through more use, the Act could be amended to allow this form of home ownership to expand even more but still to retain the security of investment that it offers by protecting the Sectional Title owner and as one property agent said, "Sectional Titles is the future".

B I B L I O G R A P H Y

B I B L I O G R A P H Y

- * Chief Registrar's Circular No. 1/1975 - Sectional Titles Act (No. 66 of 1971): Development in Stages.
- * Chief Registrar's Circular No. 5/1975 - Sectional Titles Act (No. 66 of 1971): Sectional Plans.
- * Cowen, D.V. - Blocksharing or Sectional Title? A pamphlet reprinted from Tydskrif vir Heedendaagse Romeins - Hollandse Reg. May 1975.
- * Cowen, D.V. - S.A.P.O.A. workshop session called "A General Survey of Experience in the Practical Working of the Sectional Titles Act to Date with Particular Reference to Problem Areas", article in Planning and Building Development No. 15 (July/August 1975).
- * Cowen, D.V. - "The Scope of the Sectional Titles Act with Special Reference to Group and Cluster Housing and Phased Developments", supplement to Planning and Building Developments No. 14 (May/June 1975).
- * Institute of Foreign and Comparative Law - University of South Africa report on symposium called "Flat Ownership in South Africa". Pretoria 1969.
- * McCulloch, J. - "The valuation Problems Created by The Sectional Titles Act", article in Planning and Building Developments No. 12 (January/February 1975).
- * Nix, F.E.M. and Ringrose, M.D. - "The Role of the Architect in the Preparation of Sectional Plans", article in Planning and Building Developments No. 6 (January/February 1974).
- * S.A.P.O.A. - "Guidelines for Sectional Title Rules", second (revised) edition with explanatory comment by Dr. D.V. Cowen.
- * Sectional Titles Bill (Second Reading) - Extract from Hansard No. 16 (24th to 28th May, 1971) which forms the Appendix to Shrand on Sectional Titles Act by D. Shrand.
- * Seeff, G.W. - Sectional Titles Made Easy.
- * Shrand, D. - Shrand on Sectional Titles Act.

- * Shrand, D. - Supplement to Shrand on Sectional Titles Act.
- * The Cape Times (Cape Town) - Property Sections (March 1973 - March 1978).
- * The Rand Daily Mail (Johannesburg) - "Your Sectional Title Questions Answered", article in newspaper on 15th June 1976.

A C K N O W L E D G E M E N T S

A C K N O W L E D G E M E N T S

I wish to express my sincere thanks to the following people and organisations who helped me produce this treatise:

- * Mr. G.W. Seeff - estate agent and property consultant
- * Mr. O. Cooper - estate agent
- * Mrs. M. Jochelson - of S.A.P.O.A.
- * Mrs. Honeysett - Cape Times Librarian
- * Mr. V. Ayson - architect
- * Mr. R. Dennis - retired school teacher who helped with the reading of the draft
- * Miss U. Ingham - typist
- * Globe Trade Rulers - book binders
- * I also wish to express my thanks to everybody else who in any way helped with the production of this treatise.

K.R. COETZEE

A P P E N D I X

CONTAINING :

- THE SECTIONAL TITLES ACT
- THE SECTIONAL TITLES AMENDMENT ACT
- THE REGULATIONS UNDER THE SECTIONAL TITLES ACT



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Price 10c Prys
Overseas 15c Oorsee
POST FREE—POSVRY

VOL. 72.]

CAPE TOWN, 30TH JUNE, 1971.

[No. 3169.

KAAPSTAD, 30 JUNIE 1971.

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1115.

30th June, 1971

No. 1115.

30 Junie 1971.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

o. 66 of 1971: Sectional Titles Act, 1971.

No. 66 van 1971: Wet op Deeltitels, 1971.

ACT

To provide for the division of buildings into sections and common property and for the acquisition of separate ownership in such sections coupled with joint ownership in such common property; to provide for the control of certain incidents attaching to separate ownership in such sections and joint ownership in such common property; to provide for the registration of leases and other real rights in respect of parts of buildings; to apply this Act to the territory of South-West Africa and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 10th June, 1971.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Definitions.

1. In this Act and the rules, unless the context otherwise indicates—

- (i) “architect” means a person registered as an architect in terms of any provision of section 19 of the Architects’ Act, 1970 (Act No. 35 of 1970); (i)
- (ii) “body corporate”, in relation to a building and the land on which such building is situated, means the controlling body of that building referred to in section 28 (3); (xxix)
- (iii) “building” means a structure of a permanent nature—
 - (a) which is divided or is capable of being divided or, when erected, will be capable of being divided into two or more sections as in this Act provided; and
 - (b) which is shown on a sectional plan as part of a scheme; (xi)
- (iv) “common property”, in relation to any building or buildings comprised in a scheme, means—
 - (a) the land on which the said building or buildings is or are situated; and
 - (b) such parts of the said building or buildings as are not included in a section; (xii)
- (v) “conveyancer” means a conveyancer as defined in the Deeds Registries Act; (xxxiii)
- (vi) “Court” means the provincial or local division of the Supreme Court having jurisdiction; (xvi)
- (vii) “Deeds Registries Act” means the Deeds Registries Act, 1937 (Act No. 47 of 1937), and any regulation made thereunder; (xxvi)
- (viii) “deeds registry” means a deeds registry as defined in the Deeds Registries Act, including the office of the registrar of Rand townships; (xxvii)
- (ix) “developer” means a person who is the registered owner of land which is situated within the area of jurisdiction of a local authority and on which is situated or to be erected a building or buildings which he has divided or proposes to divide into two or more sections in terms of a scheme, or his successor-in-title, and for the purpose of section 18, includes the body corporate, and for the purpose of rebuilding in

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Om voorsiening te maak vir die verdeling van geboue in dele en gemeenskaplike eiendom en vir die verkryging van afsonderlike eiendomsreg in sodanige dele gekoppel met gesamentlike eiendomsreg in sodanige gemeenskaplike eiendom; om voorsiening te maak vir die beheer oor sekere regte verbonde aan afsonderlike eiendomsreg in sodanige dele en gesamentlike eiendomsreg in sodanige gemeenskaplike eiendom; om voorsiening te maak vir die registrasie van huurkontrakte en ander saaklike regte ten opsigte van gedeeltes van geboue; om hierdie Wet op die gebied Suidwes-Afrika toe te pas; en om voorsiening te maak vir bykomstige aangeleenthede.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 10 Junie 1971.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

- 1.** In hierdie Wet en die reëls, tensy uit die samehang anders blyk, beteken— Woordomskrivings.
- (i) „argitek” iemand wat as ’n argitek geregistreer is ingevolge ’n bepaling van artikel 19 van die Wet op Argitekke, 1970 (Wet No. 35 van 1970); (i)
 - (ii) „deel” ’n deel wat as sodanig op ’n deelplan getoon word; (xxv)
 - (iii) „deelnemingskwota” met betrekking tot ’n deel of die eienaar van ’n deel, die desimale breuk ooreenkomstig die bepalings van artikel 24 (1) vir daardie deel bepaal vir die doeleindes in artikel 24 (2) genoem; (xviii)
 - (iv) „deelplan” met betrekking tot ’n skema, ’n plan—
 - (a) wat as ’n deelplan beskryf word;
 - (b) wat die gebou of geboue en die grond wat deur die skema behels word, toon as in twee of meer dele en gemeenskaplike eiendom verdeel; en
 - (c) wat aan die vereistes van artikel 6 voldoen;
 en ook ’n plan ten opsigte van ’n addisionele gebou of ’n uitbreiding van ’n gebou op die grond getoon op die kragtens hierdie Wet geregistreerde deelplan en ’n plan van onderverdeling van ’n deel, en ’n plan van heronderverdeling van dele, omskryf op die kragtens hierdie Wet geregistreerde deelplan; (xxvii)
 - (v) „deeltitelbewys” ’n sertifikaat van geregistreerde deeltitel, of so ’n deeltitelbewys waarop ’n aantekening ingevolge artikel 11 (1) (a) aangebring is; (xxviii)
 - (vi) „deeltitelregister” die in artikel 8 (1) (b) bedoelde register, en ook ’n kragtens hierdie Wet geregistreerde deelplan, en die registrasiekantoor se duplikaat van ’n sertifikaat van geregistreerde deeltitel, wat geag word by bedoelde register ingelyf te wees; (xxxix)
 - (vii) „deelverband” ’n verband wat ’n eenheid of grond wat kragtens ’n deeltitelbewys besit word of ’n geregistreerde huurkontrak of onderverhuring van enige

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- accordance with the relevant registered sectional plan any building that is deemed to have been destroyed, includes the body corporate or the person to whom the body corporate has transferred the land pursuant to section 37 (6); (xxi)
- (x) "development scheme" means a scheme in terms of which a building or buildings situated or to be erected on land is or are, for the purpose of selling, letting or otherwise dealing with parts of that building or buildings, divided or to be divided into two or more sections; (xxii)
- (xi) "land" means the land shown on a sectional plan as part of a scheme; (xiii)
- (xii) "land surveyor" means a person registered as a land surveyor under the Land Surveyors' Registration Act, 1950 (Act No. 14 of 1950); (xviii)
- (xiii) "lease" means a lease which, when entered into, was for a period of not less than ten years or for the natural life of the lessee or any other person mentioned in the lease or which is renewable from time to time at the will of the lessee indefinitely or for periods which, together with the first period, amount in all to not less than ten years; (xv)
- (xiv) "local authority" means any institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), and any municipality or village management board established or constituted or deemed to be established or constituted under the Municipal Ordinance, 1963 (Ordinance No. 13 of 1963, of the territory of South-West Africa), or the Village Management Boards Ordinance, 1963 (Ordinance No. 14 of 1963, of the territory of South-West Africa); (xxiv)
- (xv) "Minister" means the Minister of Justice; (xix)
- (xvi) "notary public" means a notary public as defined in the Deeds Registries Act; (xx)
- (xvii) "owner", in relation to a unit or a section or an undivided share in the common property forming part of such unit, means—
- (a) the person (including the State) in whose name the unit is registered in a deeds registry or in whom the ownership of the unit is vested by statute; or
- (b) the person (including the State) by whom the unit is held under a lease for a period of ninety-nine years or longer or for the life of the building or buildings concerned and registered in a deeds registry;
- and "owned" and "ownership" have a corresponding meaning; (x)
- (xviii) "participation quota", in relation to a section or the owner of a section, means the decimal fraction determined in accordance with the provisions of section 24 (1) in respect of that section for the purposes referred to in section 24 (2); (iii)
- (xix) "prescribed" means prescribed by this Act or by regulation; (xxxiv)
- (xx) "quota", in relation to a section or the owner of a section, means the participation quota of that section; (xvii)
- (xxi) "registrar" means a registrar of deeds as defined in the Deeds Registries Act, and includes the registrar of Rand townships; (xxviii)
- (xxii) "regulation" means a regulation made and in force under this Act; (xxx)
- (xxiii) "rule", in relation to a building and the land on which such building is situated, means a rule in force under this Act in respect of such building and land; (xxv)
- (xxiv) "scheme" means a development scheme; (xxxix)
- (xxv) "section" means a section shown as such on a sectional plan; (ii)

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- sodanige eenheid of grond of 'n ander geregistreerde saaklike reg in of oor enige sodanige eenheid of grond verhipotekeer; (xxvi)
- (viii) „eenheid” 'n deel tesame met sy onverdeelde aandeel in die gemeenskaplike eiendom wat ooreenkomstig die kwota van daardie deel aan daardie deel toegeedeel is; (xxxiv)
- (ix) „eenparige besluit” 'n besluit eenparig geneem op 'n algemene vergadering waarvan minstens veertien dae kennis, waarin die voorgestelde eenparige besluit vermeld word, gegee is en waarop al die eienaars van dele persoonlik of deur 'n gevolmagtigde of 'n deur die reg erkende verteenwoordiger teenwoordig is; (xxxii)
- (x) „eenaar”, met betrekking tot 'n eenheid of 'n deel of 'n onverdeelde aandeel in die gemeenskaplike eiendom wat deel van daardie eenheid uitmaak—
- (a) die persoon (met inbegrip van die Staat) op wie se naam die eenheid in 'n registrasiekantoor geregistreer is of in wie eiendomsreg in die eenheid by wet gevestig is; of
- (b) die persoon (met inbegrip van die Staat) deur wie die eenheid besit word kragtens 'n in 'n registrasiekantoor geregistreerde huurkontrak vir 'n tydperk van nege-en-negentig jaar of langer of vir die bestaansduur van die betrokke gebou of geboue; en het „eenaar wees van” en „eiendomsreg” 'n ooreenstemmende betekenis; (xvii)
- (xi) „gebou” 'n bouwerk van 'n permanente aard—
- (a) wat in twee of meer dele verdeel is of verdeel kan word of, wanneer dit opgerig is, verdeel sal kan word, soos in hierdie Wet bepaal; en
- (b) wat op 'n deelplan as deel van 'n skema getoon word; (iii)
- (xii) „gemeenskaplike eiendom”, met betrekking tot 'n gebou of geboue wat deur 'n skema behels word—
- (a) die grond waarop bedoelde gebou of geboue geleë is; en
- (b) die gedeeltes van bedoelde gebou of geboue wat nie by 'n deel ingesluit is nie; (iv)
- (xiii) „grond” die grond wat op 'n deelplan getoon word as deel van 'n skema; (xi)
- (xiv) „hierdie Wet” ook die regulasies; (xxxii)
- (xv) „huurkontrak” 'n huurkontrak waarby, toe dit aangegaan is, 'n huurtermyn beding is van nie minder nie as tien jaar of die natuurlike lewensduur van die huurder of van iemand anders wat in die huurkontrak genoem word, of wat na keuse van die huurder van tyd tot tyd hernieu kan word vir 'n onbepaalde duur of vir termyne wat saam met die eerste termyn altesame nie minder nie as tien jaar bedra; (xiii)
- (xvi) „Hof” die provinsiale of plaaslike afdeling van die Hooggeregshof wat regsbevoegdheid het; (vi)
- (xvii) „kwota” met betrekking tot 'n deel of die eenaar van 'n deel, die deelnemingskwota van daardie deel; (xx)
- (xviii) „landmeter” iemand wat as 'n landmeter geregistreer is kragtens die Landmetersregistrasiewet, 1950 (Wet No. 14 van 1950); (xii)
- (xix) „Minister” die Minister van Justisie; (xv)
- (xx) „notaris” 'n notaris soos omskryf in die Registrasie van Aktes Wet; (xvi)
- (xxi) „ontwikkelaar” iemand wat die geregistreerde eenaar is van grond wat binne die regsgebied van 'n plaaslike bestuur geleë is en waarop 'n gebou of geboue geleë is of opgerig gaan word wat hy verdeel het of voornemens is om te verdeel in twee of meer dele ingevolge 'n skema, of sy opvolger in titel, en by die toepassing van artikel 18, ook die regspersoon, en vir die doel van die heroprigting ooreenkomstig die relevante geregistreerde deelplan van 'n gebou wat geag word ver-

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- (xxvi) "sectional mortgage bond" means a sectional mortgage bond hypothecating a unit or land held under a sectional title deed or a registered lease or sub-lease of any such unit or land or any other registered real right in or over any such unit or land; (vii)
- (xxvii) "sectional plan", in relation to a scheme, means a plan—
- (a) which is described as a sectional plan;
 - (b) which shows the building or buildings and the land comprised in the scheme as divided into two or more sections and common property; and
 - (c) which complies with the requirements of section 6; and includes a plan in respect of an additional building or an extension of a building on the land shown on the sectional plan registered under this Act and a plan of subdivision of any section and a plan of resubdivision of any sections defined on the sectional plan registered under this Act; (iv)
- (xxviii) "sectional title deed" means a certificate of registered sectional title, or any such sectional title deed which is endorsed in terms of section 11 (1) (a); (v)
- (xxix) "sectional title register" means the register referred to in section 8 (1) (b), and includes any sectional plan registered under this Act and the deeds registry's duplicate of any certificate of registered sectional title deemed to be incorporated in such register; (vi)
- (xxx) "special resolution" means a resolution passed by a majority of not less than three-fourths of the votes (reckoned in value) and not less than three-fourths of the votes (reckoned in number) of all the owners of sections, at a general meeting of which at least fourteen days' notice specifying the proposed special resolution has been given; (xxxii)
- (xxxi) "this Act" includes the regulations; (xiv)
- (xxxii) "unanimous resolution" means a resolution passed unanimously at a general meeting of which at least fourteen days' notice specifying the proposed unanimous resolution has been given and at which all owners of sections are present personally or by proxy or by a representative recognized by law; (ix)
- (xxxiii) "undivided share in the common property", in relation to an owner, means the undivided share of that owner in the common property as determined in accordance with the quota of the section of which he is the owner, and, in relation to a section, means the undivided share in the common property apportioned to that section in accordance with the quota of that section; (xxiii)
- (xxxiv) "unit" means a section together with its undivided share in the common property apportioned to that section in accordance with the quota of that section. (viii)

Ownership and real rights in or over parts of buildings, and registration of title to ownership or other real rights in or over such parts.

2. Notwithstanding anything to the contrary in any law or the common law contained—

- (a) a building or buildings comprised in a scheme and the land on which such building or buildings is or are situated may be divided into sections and common property in accordance with the provisions of this Act;
- (b) separate ownership in such sections may be acquired in accordance with the provisions of this Act;
- (c) the owners of such sections shall own such common property in undivided shares in accordance with the provisions of this Act;

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- nietig te wees, ook die regs persoon of die persoon aan wie die regs persoon die grond ingevolge artikel 37 (6) oorgedra het; (ix)
- (xxii) „ontwikkelingskema” ’n skema waarkragtens ’n gebou of geboue wat op grond geleë is of opgerig gaan word, vir die doeleindes van die vervreemding of verhuring van of die beskikking op ’n ander wyse oor gedeeltes van daardie gebou of geboue, in twee of meer dele verdeel is of verdeel gaan word; (x)
- (xxiii) „onverdeelde aandeel in die gemeenskaplike eiendom”, met betrekking tot ’n eenaar, die onverdeelde aandeel van daardie eenaar in die gemeenskaplike eiendom soos bepaal ooreenkomstig die kwota van die deel waarvan hy die eenaar is, en, met betrekking tot ’n deel, die onverdeelde aandeel in die gemeenskaplike eiendom wat ooreenkomstig die kwota van daardie deel aan daardie deel toegedeel is; (xxxiii)
- (xxiv) „plaaslike bestuur” ’n instelling of liggaam in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), beoog, en ’n munisipaliteit of dorpsbestuur wat gestig of ingestel is of geag word gestig of ingestel te wees kragtens die Munisipale Ordonnansie, 1963 (Ordonnansie No. 13 van 1963, van die gebied Suidwes-Afrika), of die Ordonnansie op Dorpsbesture, 1963 (Ordonnansie No. 14 van 1963, van die gebied Suidwes-Afrika); (xiv)
- (xxv) „reël”, met betrekking tot ’n gebou en die grond waarop daardie gebou geleë is, ’n reël kragtens hierdie Wet ten opsigte van daardie gebou en grond van krag; (xxiii)
- (xxvi) „Registrasie van Aktes Wet” die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), en ’n daarkragtens uitgevaardigde regulasie; (vii)
- (xxvii) „registrasiekantoor” ’n registrasiekantoor soos omskryf in die Registrasie van Aktes Wet, en ook die kantoor van die registrateur van Randdorpe; (viii)
- (xxviii) „registrateur” ’n registrateur van aktes soos omskryf in die Registrasie van Aktes Wet, en ook die registrateur van Randdorpe; (xxi)
- (xxix) „regspersoon”, met betrekking tot ’n gebou en die grond waarop daardie gebou geleë is, die in artikel 28 (3) bedoelde beherende liggaam van daardie gebou; (ii)
- (xxx) „regulasie” ’n regulasie kragtens hierdie Wet uitgevaardig en van krag; (xxii)
- (xxxi) „skema” ’n ontwikkelingskema; (xxiv)
- (xxxii) „spesiale besluit” ’n besluit geneem deur ’n meerderheid van minstens drie-kwart van die stemme (gereken volgens waarde) en minstens drie-kwart van die stemme (gereken volgens getal) van al die eenaars van dele, op ’n algemene vergadering waarvan minstens veertien dae kennis, waarin die voorgestelde spesiale besluit vermeld word, gegee is; (xxx)
- (xxxiii) „transportbesorger” ’n transportbesorger soos omskryf in die Registrasie van Aktes Wet; (v)
- (xxxiv) „voorgeskryf” of „voorgeskrewe” by hierdie Wet of by regulasie voorgeskryf. (xix)

2. Ondanks andersluidende wets- of regsbepalings—
- (a) kan ’n gebou of geboue wat deur ’n skema behels word en die grond waarop daardie gebou of geboue geleë is, in dele en gemeenskaplike eiendom ooreenkomstig die bepalings van hierdie Wet verdeel word;
- (b) kan afsonderlike eiendomsreg oor sodanige dele ooreenkomstig die bepalings van hierdie Wet verkry word;
- (c) moet die eenaars van sodanige dele die eenaars wees van sodanige gemeenskaplike eiendom in onverdeelde aandeel ooreenkomstig die bepalings van hierdie Wet;

Eiendomsreg en saaklike regte in of oor gedeeltes van geboue, en registrasie van titel tot eiendomsreg of ander saaklike regte in of oor sodanige gedeeltes.

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- (d) any real right may be acquired in or over any such section or common property in accordance with the provisions of this Act; and
- (e) a registrar may, in accordance with the provisions of this Act, register in a deeds registry a title deed whereby ownership in, or any lease of, or any other real right in or over, any such section or common property is acquired.

Application of Deeds Registries Act, and units deemed to be land.

3. (1) Save as is otherwise provided in this Act or in any other law or the context otherwise indicates, the provisions of the Deeds Registries Act shall, in so far as such provisions can be so applied, apply *mutatis mutandis* with reference to all documents registered or filed or intended to be registered or filed in a deeds registry in terms of this Act.

(2) A unit shall for all purposes be deemed to be land and urban immovable property.

Approval of development scheme.

4. (1) A developer who proposes to divide a building situated or to be erected on land within the area of jurisdiction of a local authority, into two or more sections in accordance with a scheme, shall make application to the local authority for the approval of the scheme.

(2) A scheme may relate to more than one building situated or to be erected on the same piece of land.

(3) Such application shall be made in such form and be accompanied by the sectional plan and such other documents and information as may be prescribed.

(4) If the land is subject to a mortgage bond or any other registered real right, the developer shall, together with such application, lodge the written consent of the mortgagee and the holder of any such registered real right to the approval of the scheme.

(5) At any time after the receipt of an application referred to in subsection (1), the local authority may require the developer to furnish it with such further particulars, information, plans or drawings as it may deem necessary, including, in any case where it has any doubt, a certificate by a land surveyor that the building or buildings shown on the sectional plan is or are wholly within the boundaries of the land shown thereon.

(6) The local authority shall not consider an application for the approval of a scheme unless it is satisfied that such scheme is not in conflict with any proposed or approved townplanning scheme.

(7) After consideration of the application the local authority may grant or refuse the application or postpone a decision thereon either in whole or in part.

(8) When granting an application either in whole or in part the local authority may impose any condition it may deem fit.

(9) If the applicant feels aggrieved by any decision of the local authority, or if the local authority fails to approve the scheme within sixty days after the application was made to it or after the developer complied with the requirements of the local authority under subsection (5), the developer may appeal to the Administrator in accordance with the provisions of the regulations, and the Administrator may grant or refuse the application, and if he grants the application either in whole or in part, he may impose any condition he may deem fit.

(10) The decision of the Administrator shall for the purposes of this Act be deemed to be the decision of the local authority.

Application for opening of sectional title register.

5. (1) A developer may, after approval of the scheme by the local authority and, in the case of a building which had not yet been erected when the scheme was approved, upon the

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- (d) kan 'n saaklike reg in of oor enige sodanige deel of gemeenskaplike eiendom ooreenkomstig die bepalings van hierdie Wet verkry word;
- (e) kan 'n registrateur ooreenkomstig die bepalings van hierdie Wet 'n titelbewys in 'n registrasiekantoor registreer waarkragtens eiendomsreg in of 'n huurkontrak oor, of 'n ander saaklike reg in of oor, enige sodanige deel of gemeenskaplike eiendom verkry word.

3. (1) Behalwe vir sover hierdie Wet of 'n ander wet anders bepaal of uit die samehang anders blyk, is die bepalings van die Registrasie van Aktes Wet, vir sover daardie bepalings aldus toegepas kan word, *mutatis mutandis* van toepassing met betrekking tot alle dokumente wat in 'n registrasiekantoor geregistreer of geliasseer is of bestem is om in 'n registrasiekantoor geregistreer of geliasseer te word ingevolge hierdie Wet.

(2) 'n Eenheid word vir alle doeleindes geag grond en stedelike vaste eiendom te wees.

Toepassing van Registrasie van Aktes Wet, en eenhede word geag grond te wees.

4. (1) 'n Ontwikkelaar wat voornemens is om 'n gebou wat geleë is of opgerig gaan word op grond binne die regsgebied van 'n plaaslike bestuur, in twee of meer dele ooreenkomstig 'n skema te verdeel, moet by die plaaslike bestuur aansoek doen om die goedkeuring van die skema.

Goedkeuring van Ontwikkelingskema.

(2) 'n Skema kan betrekking hê op meer as een gebou wat geleë is of opgerig gaan word op dieselfde stuk grond.

(3) Sodanige aansoek word in die voorgeskrewe vorm gedoen en word vergesel van die deelplan en die ander voorgeskrewe dokumente en inligting.

(4) Indien die grond onderworpe is aan 'n verband of 'n ander geregistreerde saaklike reg, moet die ontwikkelaar, saam met bedoelde aansoek, die skriftelike toestemming van die verbandhouer en die houer van so 'n geregistreerde saaklike reg tot die goedkeuring van die skema indien.

(5) Te eniger tyd na die ontvangs van 'n in subartikel (1) bedoelde aansoek, kan die plaaslike bestuur die ontwikkelaar versoek om die plaaslike bestuur te voorsien van die verdere besonderhede, inligting, planne of tekeninge wat die plaaslike bestuur nodig ag, met inbegrip, in 'n geval waar die plaaslike bestuur twyfel het, van 'n sertifikaat deur 'n landmeter dat die gebou of geboue wat op die deelplan getoon word, heeltemal binne die grense val van die grond wat daarop getoon word.

(6) Die plaaslike bestuur oorweeg nie 'n aansoek om die goedkeuring van 'n skema tensy hy oortuig is dat bedoelde skema nie met 'n voorgestelde of goedgekeurde dorpsaanlegskema in stryd is nie.

(7) Na oorwëging van die aansoek kan die plaaslike bestuur die aansoek toestaan of weier of 'n besluit daarvoor uitstel in sy geheel of ten dele.

(8) Wanneer die plaaslike bestuur 'n aansoek in sy geheel of ten dele toestaan, kan hy enige voorwaarde wat hy goedvind, ople.

(9) Indien die applikant hom veronreg voel deur 'n besluit van die plaaslike bestuur, of indien die plaaslike bestuur versuim om die skema goed te keur binne sestig dae nadat die aansoek by hom gedoen is of nadat die ontwikkelaar aan die vereistes van die plaaslike bestuur ingevolge subartikel (5) voldoen het, kan die ontwikkelaar ooreenkomstig die bepalings van die regulasies na die Administrateur appelleer, en die Administrateur kan die aansoek toestaan of weier, en as hy die aansoek in sy geheel of ten dele toestaan, kan hy enige voorwaarde wat hy goedvind, ople.

(10) Die besluit van die Administrateur word by die toepassing van hierdie Wet geag die besluit van die plaaslike bestuur te wees.

5. (1) 'n Ontwikkelaar kan, na goedkeuring van die skema deur die plaaslike bestuur en, in die geval van 'n gebou wat nog nie opgerig was toe die skema goedgekeur is nie, by uitreiking

Aansoek om opening van deeltitelregister.

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building being certified by an architect or a land surveyor as sufficiently completed for occupation, apply to the registrar in charge of the deeds registry in which the land comprised in the scheme is registered, for the opening of a sectional title register in respect of the land and building or buildings in question and for the registration of the sectional plan relating to the scheme.

- (2) (a) If the building has been or is to be erected on land consisting of two or more pieces of land within the meaning of section 40 (1) of the Deeds Registries Act, the developer shall, in respect of the said pieces of land, apply for a certificate of consolidated title in terms of the said section, whereupon the provisions of that section shall apply with reference to the title deed or title deeds of the land in question.
- (b) The certificate of consolidated title referred to in paragraph (a) shall be registered in the relevant land register before registration of the sectional plan concerned.
- (c) If a portion only of a piece of land is comprised in a scheme, the developer shall, in respect of such portion, apply for a certificate of registered title in accordance with the provisions of section 43 of the Deeds Registries Act, and such certificate of registered title shall be registered in the relevant land register before registration of the sectional plan concerned.
- (3) An application under subsection (1) shall be accompanied by—
- (a) the title deed of the land in question;
- (b) any mortgage bond to which the land may be subject, together with the consent of the mortgagee to the opening of the sectional title register and to the endorsement of such bond to the effect that it attaches to the sections and common property shown on the sectional plan;
- (c) the consent of the holder of any lease or other real right registered against the land, to the opening of the sectional title register;
- (d) the sectional plan relating to the scheme in question—
- (i) endorsed with the servitudes, other real rights and conditions, if any, certified by a conveyancer as burdening or benefiting the land or the sections and common property in terms of the developer's title deed or as conditions of sectional title imposed by the developer or the local authority or the Administrator;
- (ii) endorsed with or accompanied by a certificate by the local authority concerned to the effect that the scheme has been approved by the local authority;
- (e) in the case of a building or buildings which had not yet been erected when the scheme was approved, a certificate by an architect or a land surveyor that the building or buildings has or have been erected in accordance with the sectional plan and is or are sufficiently complete for occupation;
- (f) a schedule setting out the rules by means of which the land and the building or buildings situated on the said land shall be managed and controlled in the event of ownership in any section being acquired by any person other than the developer;
- (g) certificates of registered sectional title in the prescribed form in respect of each section and its undivided share in the common property made out in favour of the developer; and
- (h) such other documents and information as may be prescribed.

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deur 'n argitek of 'n landmeter van 'n sertifikaat dat die gebou voldoende voltooi is vir okkupasie, aansoek doen by die registrateur wat aan die hoof staan van die registrasiekantoor waarin die grond wat deur die skema behels word, geregistreer is, om die opening van 'n deeltitelregister ten opsigte van die betrokke grond en gebou of geboue en om die registrasie van die deelplan wat op die skema betrekking het.

- (2) (a) Indien die gebou opgerig is of opgerig gaan word op grond bestaande uit twee of meer stukke grond volgens die bedoeling van artikel 40 (1) van die Registrasie van Aktes Wet, moet die ontwikkelaar, ten opsigte van bedoelde stukke grond, om 'n sertifikaat van gekonsolideerde titel ooreenkomstig bedoelde artikel aansoek doen, waarop die bepalinge van daardie artikel met betrekking tot die titelbewys of titelbewyse van die betrokke grond van toepassing is.
- (b) Die in paragraaf (a) bedoelde sertifikaat van gekonsolideerde titel moet voor registrasie van die betrokke deelplan in die betrokke grondregister geregistreer word.
- (c) Indien alleen 'n gedeelte van 'n stuk grond in 'n skema behels word, moet die ontwikkelaar, ten opsigte van daardie gedeelte, om 'n sertifikaat van geregistreerde titel ooreenkomstig die bepalinge van artikel 43 van die Registrasie van Aktes Wet aansoek doen, en bedoelde sertifikaat van geregistreerde titel moet voor registrasie van die betrokke deelplan in die betrokke grondregister geregistreer word.
- (3) 'n Aansoek ingevolge subartikel (1) gaan vergesel van—
 - (a) die titelbewys van die betrokke grond;
 - (b) 'n verband wat op die grond rus, tesame met die toestemming van die verbandhouer tot die opening van die deeltitelregister en tot die maak van 'n aantekening op die verband ten effekte dat dit die dele en gemeenskaplike eiendom wat op die deelplan getoon word, verbind;
 - (c) die toestemming van die houer van 'n huurkontrak of ander saaklike reg teen die grond geregistreer, tot die opening van die deeltitelregister;
 - (d) die deelplan wat betrekking het op die betrokke skema—
 - (i) met die serwitute, ander saaklike regte en voorwaardes, as daar is, daarop aangeteken wat volgens 'n sertifikaat van 'n transportbesorger die grond of die dele en gemeenskaplike eiendom beswaar of bevoordeel ingevolge die ontwikkelaar se titelbewys of as voorwaardes van deeltitel opgelê deur die ontwikkelaar of die plaaslike bestuur of die Administrateur;
 - (ii) met 'n sertifikaat van die betrokke plaaslike bestuur daarop aangeteken, of vergesel van so 'n sertifikaat, ten effekte dat die skema deur die plaaslike bestuur goedgekeur is;
 - (e) in die geval van 'n gebou of geboue wat nog nie opgerig was toe die skema goedgekeur is nie, 'n sertifikaat van 'n argitek of 'n landmeter dat die gebou of geboue ooreenkomstig die deelplan opgerig is en voldoende voltooi is vir okkupasie;
 - (f) 'n bylae wat die reëls uitcensit deur middel waarvan die grond en die gebou of geboue op bedoelde grond bestuur en beheer moet word in die geval waar eiendomsreg in 'n deel deur 'n ander persoon as die ontwikkelaar verkry word;
 - (g) sertifikate van geregistreerde deeltitel in die voorgeskrewe vorm ten opsigte van elke deel en sy onverdeelde aandeel in die gemeenskaplike eiendom uitgemaak ten gunste van die ontwikkelaar; en
 - (h) die ander voorgeskrewe dokumente en inligting.

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Manner of preparing a sectional plan.

6. (1) A sectional plan shall be prepared in accordance with the provisions of this Act and the numerical and other data recorded thereon shall be within the prescribed limits of accuracy.

(2) A sectional plan shall—

- (a) delineate the external surface boundaries of the land to which it relates and the location of the building or buildings in relation thereto;
- (b) furnish the number of the approved diagram of the land; the number of the title deed with which such diagram is filed; the registered description of the land; the full name of the developer; and the number and date of his title deed;
- (c) indicate the name of the building or buildings shown thereon;
- (d) include a drawing to scale of each storey in the building or buildings shown thereon and define each section in the building or buildings with reference to the floors, walls and ceilings thereof (including any stoep, porch, balcony or projection), each section to be distinguished by a number;
- (e) show the floor area to the median line of the boundary walls of each section, correct to the nearest square metre, and the total floor area of all the sections, correct to the nearest square metre;
- (f) have endorsed upon it a schedule specifying the quota of each section in the manner referred to in section 24 (1) and the total of the quotas of all sections shown thereon;
- (g) contain such other particulars as may be prescribed.

(3) The common boundary between any section and another section or common property shall be the median line of the dividing floor, wall or ceiling, as the case may be.

(4) A section may consist of non-contiguous parts of a building or buildings comprised in a scheme.

(5) In framing a sectional plan it shall not be necessary to comply with any regulation made under the Land Survey Act, 1927 (Act No. 9 of 1927).

(6) No sectional plan need be submitted to or be approved by the Surveyor-general.

(7) No sectional plan shall be accepted in any deeds registry for registration therein unless it has been prepared by or under the direction of and signed by an architect or a land surveyor.

Duties of architect or land surveyor and non-liability of the State.

7. (1) An architect or a land surveyor shall—

- (a) where the building concerned has been erected, prepare the sectional plan from actual measurement undertaken by him or under his direction in such manner as will ensure accurate results, and in accordance with this Act;
- (b) where the building concerned has not been erected, prepare the sectional plan in accordance with this Act and shall, after the building has been erected, certify that the building has been erected in accordance with the sectional plan or in accordance with the sectional plan as amended by him;
- (c) when required by the registrar, without delay correct any error in any measurement of a building undertaken by him or under his direction or in any work pertaining thereto, due to failure to comply with the provisions of this Act, and take such steps as may be necessary to ensure the amendment of any sectional plan and title deed based on such incorrect measurement or work.

(2) Neither the State nor any officer thereof shall be liable for any defective measurement or work appertaining thereto performed by any architect or land surveyor, notwithstanding that the sectional plan relating to such measurement or work has been accepted for registration in a deeds registry.

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6. (1) 'n Deelplan moet ooreenkomstig die bepalings van hierdie Wet opgestel word en die numerieke en ander data daarop aangeteken moet binne die voorgeskrewe grense van noukeurigheid val. **Wyse waarop 'n deelplan opgestel moet word.**

(2) 'n Deelplan moet—

- (a) die buitenste oppervlaktegrense van die grond waarop dit betrekking het en die ligging van die gebou of geboue met betrekking daartoe, skets;
- (b) die nommer van die goedgekeurde kaart van die grond; die nommer van die titelbewys waarby bedoelde kaart geliasseer is; die geregistreerde beskrywing van die grond; die volle naam van die ontwikkelaar; en die nommer en datum van sy titelbewys verstrek;
- (c) die naam van die gebou of geboue daarop getoon, aandui;
- (d) 'n tekening volgens skaal insluit van elke verdieping in die gebou of geboue daarop getoon en elke deel in die gebou of geboue met betrekking tot die vloere, mure en plafonne daarvan (met inbegrip van 'n stoep, portaal, balkon of projeksie) omskryf, en elke deel moet deur 'n nommer onderskei word;
- (e) die vloeroppervlakte tot die middellyn van die buitenste mure van elke deel, korrek tot die naaste vierkante meter, en die totale vloeroppervlakte van al die dele, korrek tot die naaste vierkante meter, toon;
- (f) 'n skedule daarop aangeteken hê waarin vermeld word die kwota van elke deel op die in artikel 24 (1) bedoelde wyse en die totaal van die kwotas van al die dele daarop getoon;
- (g) die ander besonderhede bevat wat voorgeskryf word.

(3) Die gemeenskaplike grens tussen 'n deel en 'n ander deel of gemeenskaplike eiendom is die middellyn van die skeidingsvloer, -muur of -plafon, na gelang van die geval.

(4) 'n Deel kan bestaan uit nie-aangrensende gedeeltes van 'n gebou of geboue wat deur 'n skema behels word.

(5) By die opstel van 'n deelplan is dit nie nodig om aan 'n kragtens die Opmetingswet, 1927 (Wet No. 9 van 1927), uitgevaardigde regulasie te voldoen nie.

(6) Geen deelplan hoef aan die Landmeter-generaal voorgelê of deur hom goedgekeur te word nie.

(7) Geen deelplan word in 'n registrasiekantoor vir registrasie daarin aangeneem nie tensy dit opgestel is deur of onder die toesig van en onderteken is deur 'n argitek of 'n landmeter.

7. (1) 'n Argitek of 'n landmeter moet—

- (a) waar die betrokke gebou opgerig is, die deelplan opstel van werklike opmeting onderneem deur hom of onder sy toesig op 'n wyse wat akkurate resultate sal verseker, en ooreenkomstig hierdie Wet;
- (b) waar die betrokke gebou nie opgerig is nie, die deelplan ooreenkomstig hierdie Wet opstel en moet, nadat die gebou opgerig is, sertifiseer dat die gebou opgerig is ooreenkomstig die deelplan of ooreenkomstig die deelplan soos deur hom gewysig;
- (c) wanneer hy aangesê word deur die registrateur, onverwyld 'n fout wat by 'n opmeting van 'n gebou wat deur hom of onder sy toesig onderneem is of in werk wat daarop betrekking het, begaan is as gevolg van versuim om aan die bepalings van hierdie Wet te voldoen, regstel en moet die stappe doen wat nodig is om die wysiging van 'n deelplan en 'n titelbewys wat op die foutiewe opmeting of werk gegrond is, te verseker.

(2) Nóg die Staat nóg 'n beampte in die diens van die Staat is aanspreeklik vir 'n defektiewe opmeting of werk wat daarop betrekking het, wat deur 'n argitek of landmeter gedoen is, ondanks die feit dat die deelplan wat op daardie opmeting of werk betrekking het, vir registrasie in 'n registrasiekantoor aangeneem is.

Pligte van argitek of landmeter en nie-aanspreeklikheid van die Staat.

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Registration of sectional plan and opening of sectional title register.

8. (1) When the requirements of sections 4 and 5 and of any other relevant law have been complied with, the registrar shall—

- (a) register the sectional plan and allot a distinctive number to it;
 - (b) open in respect of the land and building or buildings shown on the sectional plan a sectional title register in the form of a main file and subfiles or in such other form as may be prescribed, in which shall be filed or recorded all dealings with units, sections and common property in accordance with the provisions of this Act.
- (2) Simultaneously with the opening of the sectional title register, the registrar shall—

- (a) close the entry in the relevant land register of the developer's title deed of the land and make a note therein to the effect that a sectional title register has been opened in respect of the said land and the building or buildings thereon, which building or buildings shall be referred to by the name referred to in section 6 (2) (c) and by a distinctive number allotted thereto by the registrar;
- (b) endorse on the title deed and any mortgage bond, deed of lease and other deed embodying any other real right referred to in section 5 (3) (a), (b) or (c), that the land therein described is subject to a development scheme and is registered in the sectional title register;
- (c) endorse on the documents referred to in paragraph (b) the name of the building or buildings referred to in section 6 (2) (c), and the number referred to in paragraph (a) of this subsection;
- (d) register the land and building or buildings referred to in paragraph (a) by issuing to the developer a certificate of registered sectional title in the prescribed form in respect of each section and its undivided share in the common property; and
- (e) make an endorsement on the mortgage bond referred to in paragraph (b) and on the sectional title deeds referred to in paragraph (d) to the effect that the sections and common property shown on the sectional plan and held under the said sectional title deeds are subject to the said bond, and shall make on the deed of lease and other deed referred to in paragraph (b) and on the sectional plan an endorsement to the effect that the said sections and common property are subject to the said deed of lease and other deed.

(3) The registrar shall notify the Surveyor-general and the local authority of the registration of the sectional plan.

Amendment and cancellation of registered sectional plan.

9. (1) The registrar may require the architect, land surveyor, developer or body corporate to alter or amend or to cause to be altered or amended, or to substitute another sectional plan for, any registered sectional plan found to be incorrect.

(2) If any such alteration, amendment or substitution affects the extent or designation of any section or common property, the registrar shall so far as is necessary amend in accordance therewith the relative sectional title deed in his deeds registry.

(3) If any such section has been transferred in terms of the provisions of this Act, the registrar shall, before effecting any registration of a subsequent transfer of such section or any portion thereof or undivided share therein, likewise amend the relative sectional title deed belonging to the owner of such section and any sectional mortgage bond affected thereby.

(4) The registration of any sectional plan may, on the application of the developer, be cancelled by the registrar if no section shown thereon has been transferred or is let under a lease or, in the event of any section having been transferred, if the developer has re-acquired the unencumbered ownership thereof.

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8. (1) Wanneer daar aan die vereistes van artikels 4 en 5 Registrasie van deelplan en 'n ander toepaslike wet voldoen is, moet die registrateur—
 (a) die deelplan registreer en 'n onderskeidende nommer daaraan toeken; **deelplan en opening van deeltitelregister**
 (b) ten opsigte van die grond en gebou of geboue wat op die deelplan getoon word, 'n deeltitelregister open in die vorm van 'n hoofêer en onderlêers of in die ander vorm wat voorgeskryf word, waarin geliasseer of te boek gestel moet word alle handeling met eenhede, dele en gemeenskaplike eiendom ooreenkomstig die bepalings van hierdie Wet.
- (2) Gelyktydig met die opening van die deeltitelregister, moet die registrateur—
 (a) die inskrywing in die betrokke grondregister van die ontwikkelaar se titelbewys oor die grond afsluit en 'n aantekening daarin aanbring ten effekte dat 'n deeltitelregister ten opsigte van bedoelde grond en gebou of geboue daarop geopen is, na welke gebou of geboue verwys word met die in artikel 6 (2) (c) bedoelde naam en 'n deur die registrateur daaraan toegekende onderskeidende nommer;
 (b) op die titelbewys en 'n verband, huurkontrak en ander akte waarin beliggaam is 'n ander saaklike reg waarna in artikel 5 (3) (a), (b) of (c) verwys word, aantekening daarin beskrywe grond aan 'n ontwikkelingskema onderhewig is en in die deeltitelregister geregistreer is;
 (c) die in artikel 6 (2) (c) bedoelde naam van die gebou of geboue en die in paragraaf (a) van hierdie subartikel bedoelde nommer aantekening op die dokumente in paragraaf (b) bedoel;
 (d) die in paragraaf (a) bedoelde grond en gebou of geboue registreer deur 'n sertifikaat van geregistreerde deeltitel in die voorgeskrywe vorm ten opsigte van elke deel en sy onverdeelde aandeel in die gemeenskaplike eiendom aan die ontwikkelaar uit te reik; en
 (e) op die in paragraaf (b) bedoelde verband en op die in paragraaf (d) bedoelde deeltitelbewyse 'n aantekening maak ten effekte dat bedoelde verband die dele en gemeenskaplike eiendom wat op die deelplan getoon en kragtens bedoelde deeltitelbewyse gehou word, verbind, en moet hy op die in paragraaf (b) bedoelde huurkontrak en ander akte en op die deelplan 'n aantekening maak ten effekte dat bedoelde huurkontrak en ander akte die dele en gemeenskaplike eiendom wat op die deelplan getoon word, verbind.
- (3) Die registrateur moet die Landmeter-generaal en die plaaslike bestuur van die registrasie van die deelplan in kennis stel.

9. (1) Die registrateur kan die argitek, landmeter, ontwikkelaar of regspersoon aansê om 'n geregistreerde deelplan wat foutief bevind is, te verander of te wysig of te laat verander of wysig, of om dit deur 'n ander deelplan te vervang. **Wysiging en rojering van geregistreerde deelplan.**

(2) Indien so 'n verandering, wysiging of vervanging die grootte of beskrywing van 'n deel of die gemeenskaplike eiendom raak, moet die registrateur dienooreenkomstig die betrokke deeltitelbewys in sy registrasiekantoor sover as wat nodig is, wysig.

(3) Indien so 'n deel ingevolge die bepalings van hierdie Wet getranspoteer is, moet die registrateur, voordat hy registrasie van 'n latere transport van daardie deel of 'n gedeelte daarvan of onverdeelde aandeel daarin, bewerkstellig, ook die betrokke deeltitelbewys wat aan die eienaar van daardie deel behoort, en 'n deelverband wat daardeur geraak word, wysig.

(4) Die registrasie van 'n deelplan kan, op aansoek van die ontwikkelaar, deur die registrateur gerojering word indien geen daarop getoonde deel getranspoteer of kragtens 'n huurkontrak verhuur is nie of, in die geval waar 'n deel wel getranspoteer is, indien die ontwikkelaar weer die onbeswaarde eiendomsreg daarin verkry het.

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(5) If any section shown on a sectional plan referred to in subsection (4) is hypothecated, the sectional mortgage bond and the consent of the holder of the said bond to the cancellation of the said bond shall be produced to the registrar.

(6) Whenever the registration of a sectional plan is cancelled under this section, the registrar shall in the manner prescribed make all such alterations, amendments, endorsements and entries on the developer's sectional title deeds and in the registers and records kept by him as may be necessary to record such cancellation and the reversion of the land in question to the relevant land register and shall in the manner prescribed revive the developer's title deed referred to in section 5 (3) (a), or shall issue to the developer a certificate of registered title in the form prescribed under the Deeds Registries Act for the said land, subject or entitled to such servitudes, other real rights and conditions, if any, as are certified by a conveyancer to be still applicable to or in respect of such land.

(7) The registrar shall notify the Surveyor-general and the local authority of the cancellation of the registration of a sectional plan.

Effect of registration of sectional plan and sectional title deed.

10. (1) Upon the registration of a sectional plan the building or buildings and the land shown thereon shall, subject to the provisions of this Act, be deemed to be divided into sections and common property as shown on the sectional plan.

(2) A sectional plan shall upon registration of such plan, and a deeds registry's duplicate of a certificate of registered sectional title shall upon registration of such title deed, be deemed to be embodied in the relevant sectional title register, and an owner's title to his section and his undivided share in the common property shall be subject to or shall benefit by—

- (a) the servitudes, other real rights and conditions, if any, which burden or benefit the land shown on the sectional plan or his section and the common property and which are endorsed on the sectional plan; and
- (b) any alteration to the building or buildings or to a section or to the common property shown on the sectional plan.

(3) Upon the registration of a sectional plan any mortgage bond, lease, other real right or condition then registered against or affecting the land shown on the sectional plan, shall be deemed to be converted into a bond, lease, other real right or condition registered against or affecting the sections and common property shown on the sectional plan.

Registration of transfer of ownership and registration of other rights in respect of parts of buildings.

11. (1) When a sectional title register has been opened and the relevant sectional plan has been registered—

- (a) ownership in any unit or land held under a sectional title deed shall, subject to the provisions of sections 13 and 16, be transferred by means of an endorsement made by the registrar on such sectional title deed in the prescribed manner;
- (b) the registrar shall register any notarial lease of a unit and any notarial cancellation or modification of such a lease by means of an endorsement made by him on the sectional title deed in the prescribed manner; and he shall register any notarial sub-lease and any notarial cession of such a lease or sub-lease and any notarial cancellation or modification of such a sub-lease by means of an endorsement made by him on the lease in question in the prescribed manner: Provided that if any such lease or sub-lease has lapsed by effluxion of time, the registrar shall cancel the registration on production of proof that the lease or sub-lease has so lapsed;

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(5) Indien 'n deel getoon op 'n in subartikel (4) bedoelde deelplan verhipotekeer is, moet die deelverband en die toestemming van die houër van die verband tot die rojering van die verband, aan die registrateur voorgelê word.

(6) Wanneer die registrasie van 'n deelplan kragtens hierdie artikel gerojêer word, moet die registrateur op die voorgeskrewe wyse al die veranderings, wysigings, aantekeninge en inskrywings op die ontwikkelaar se deeltitelbewyse en in die registers en rekords wat deur hom gehou word, maak wat nodig is om bedoelde rojering en die terugvalling van die betrokke grond na die toepaslike grondregister te boek te stel, en moet hy op die voorgeskrewe wyse die in artikel 5 (3) (a) bedoelde titelbewys van die ontwikkelaar laat herleef of moet hy aan die ontwikkelaar 'n sertifikaat van geregistreerde titel in die vorm wat kragtens die Registrasie van Aktes Wet voorgeskryf word, vir daardie grond uitreik, onderworpe aan of geregtig op die serwitute, ander saaklike regte en voorwaardes, as daar is, wat volgens 'n sertifikaat van 'n transportbesorger nog van toepassing is op of ten opsigte van daardie grond.

(7) Die registrateur moet die Landmeter-generaal en die plaaslike bestuur van die rojering van die registrasie van 'n deelplan in kennis stel.

10. (1) By registrasie van 'n deelplan word die gebou of geboue en die grond daarop getoon, onderworpe aan die bepalinge van hierdie Wet, geag in dele en gemeenskaplike eiendom, soos op die deelplan getoon, verdeel te wees. Uitwerking van registrasie van deelplan en deeltitelbewys.

(2) 'n Deelplan word by registrasie van daardie plan, en 'n registrasiekantoor se duplikaat van 'n sertifikaat van geregistreerde deeltitel word by registrasie van daardie titelbewys, geag by die betrokke deeltitelregister ingelyf te wees, en 'n eienaar se titel tot sy deel en sy onverdeelde aandeel in die gemeenskaplike eiendom is onderworpe aan of word bevoordeel deur—

(a) die serwitute, ander saaklike regte en voorwaardes, indien daar is, wat die op die deelplan getoonde grond of sy deel en die gemeenskaplike eiendom beswaar of bevoordeel en wat op die deelplan aangeteken is; en

(b) 'n verandering aan die gebou of geboue of aan 'n deel of aan die gemeenskaplike eiendom op die deelplan getoon.

(3) By die registrasie van 'n deelplan word 'n verband, huurkontrak, ander saaklike reg of voorwaarde wat dan teen die grond wat op die deelplan getoon word, geregistreer is of wat dan daardie grond verbind, geag omgeskep te wees in 'n verband, huurkontrak, ander saaklike reg of voorwaarde wat teen die dele en gemeenskaplike eiendom wat op die deelplan getoon word, geregistreer is of wat daardie dele en gemeenskaplike eiendom verbind.

11. (1) Wanneer 'n deeltitelregister geopen en die betrokke deelplan geregistreer is— Registrasie van oordrag van eiendomsreg en registrasie van ander regte ten opsigte van gedeeltes van geboue.

(a) word eiendomsreg in 'n eenheid of grond wat kragtens 'n deeltitelbewys gehou word, behoudens die bepalinge van artikels 13 en 16, oorgedra by wyse van 'n aantekening deur die registrateur op sodanige deeltitelbewys op die voorgeskrewe wyse gemaak;

(b) moet die registrateur 'n notariële huurkontrak van 'n eenheid en 'n notariële kansellasië of wysiging van so 'n huurkontrak registreer by wyse van 'n aantekening deur hom op die voorgeskrewe wyse gemaak op die deeltitelbewys; en moet hy 'n notariële onderverhuring en 'n notariële sessie van so 'n huurkontrak of onderverhuring en 'n notariële kansellasië of wysiging van so 'n onderverhuring registreer by wyse van 'n aantekening deur hom op die voorgeskrewe wyse gemaak op die betrokke huurkontrak: Met dien verstande dat indien so 'n huurkontrak of onderverhuring deur verloop van tyd verval het, die registrateur die registrasie moet kanselleer by lewering van bewys dat die huurkontrak of onderverhuring aldus verval het;

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- (c) the registrar shall register any sectional mortgage bond whereby a unit or land held under a sectional title deed or a registered lease or sub-lease of a unit or such land or any registered real right in or over any such unit or land is hypothecated, and any cession, cancellation or modification of such a bond (except any modification of conditions annexed to such a bond), by means of an endorsement made by him on the sectional title deed or on the registered lease or sub-lease or bond or other deed in the prescribed manner;
- (d) the registrar shall register any other real right (which is embodied in a notarial deed) in or over a unit or land held under a sectional title deed, and any notarial cancellation or modification of such a real right, by means of an endorsement made by him in the prescribed manner on the sectional title deed: Provided that in the case of any registered real right which has lapsed for any reason, the registrar shall cancel the registration on production of proof that the real right has lapsed.

(2) Notwithstanding anything to the contrary in any other law contained, it shall not be necessary to annex a diagram to any sectional title deed under which a unit or an undivided share in a unit is held, if reference is made in such deed to the registered sectional plan.

(3) When transfer of a unit is passed in pursuance of a will by which such unit has been bequeathed to any person subject to a usufruct or other limited interest such as a fideicommissum, the endorsement which the registrar is required to make on the relevant sectional title deed shall contain the name of the beneficiary and shall state that the beneficiary takes transfer subject to the terms and conditions of the will.

(4) The registrar shall not register a transfer of a unit or any portion thereof or undivided share therein unless there is produced to him a conveyancer's certificate in the prescribed form certifying—

- (a) the names, dates of birth and the status of the parties;
- (b) that all moneys due to the body corporate by the transferor in respect of the said unit have been paid or that provision has been made to the satisfaction of the body corporate for the payment thereof;
- (c) if the transfer is to be registered in a deeds registry in the Republic, that the provisions of the Group Areas Act, 1966 (Act No. 36 of 1966), have been complied with;
- (d) that according to a sworn declaration furnished by the transferor there are no interdicts, caveats or other notices applicable and the transferor is not insolvent;
- (e) if the transferor or the transferee is a company, that the memorandum and articles of association of the company have been checked and that the transaction is within the powers of the company; and
- (f) such other particulars as may be prescribed by regulation,

and unless such certificate is endorsed with or accompanied by—

- (i) a certificate by the receiver of revenue that the transfer duty has been paid or secured or that no transfer duty is payable and that the stamp duty has been paid or that no stamp duty is payable; and

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- (c) moet die registrateur 'n deelverband waardeur 'n eenheid of grond wat kragtens 'n deeltitelbewys gehou word, of 'n geregistreerde huurkontrak of onderverhuring van 'n eenheid of sodanige grond of 'n geregistreerde saaklike reg in of oor enige sodanige eenheid of grond verhipotekeer word, en 'n sessie, rojering of wysiging van so 'n verband (behalwe 'n wysiging van voorwaardes by so 'n verband aangeheg), registreer by wyse van 'n aantekening deur hom op die voorgeskrewe wyse op die deeltitelbewys of op die geregistreerde huurkontrak of onderverhuring of verband of ander akte gemaak;
- (d) moet die registrateur 'n ander saaklike reg (wat in 'n notariële akte beliggaam is) in of oor 'n eenheid of grond wat kragtens 'n deeltitelbewys gehou word, en 'n notariële kansellasië of wysiging van so 'n saaklike reg, registreer by wyse van 'n aantekening deur hom op die voorgeskrewe wyse gemaak op die deeltitelbewys: Met dien verstande dat in die geval van 'n geregistreerde saaklike reg wat om die een of ander rede vervál het, die registrateur die registrasie moet kanselleer by lewering van bewys dat die saaklike reg vervál het.
- (2) Ondanks andersluidende wetsbepalings, is dit nie nodig om 'n kaart te heg aan 'n deeltitelbewys waarkragtens 'n eenheid of 'n onverdeelde aandeel in 'n eenheid gehou word nie, indien in so 'n titelbewys na die geregistreerde deelplan verwys word.
- (3) Wanneer oordrag van 'n eenheid bewerkstellig word ingevolge 'n testament waarby daardie eenheid aan iemand bemaak is onderworpe aan 'n vruggebruik of 'n ander beperkte belang soos 'n fideikommis, moet die aantekening wat die registrateur op die betrokke deeltitelbewys moet maak, die naam van die bevoordeelde bevat en verklaar dat die bevoordeelde oordrag neem onderworpe aan die bedinge en voorwaardes van die testament.
- (4) Die registrateur registreer nie oordrag van 'n eenheid of 'n gedeelte daarvan of 'n onverdeelde aandeel daarin nie tensy daar aan hom voorgelê word 'n sertifikaat in die voorgeskrewe vorm deur 'n transportbesorger waarin gesertifiseer word—
- (a) die name, datums van geboorte en die status van die partye;
- (b) dat alle gelde wat aan die regspersoon deur die transportgewer, ten opsigte van bedoelde eenheid verskuldig is, betaal is of dat voorsiening vir die betaling daarvan tot bevrediging van die regspersoon gemaak is;
- (c) indien die oordrag in 'n registrasiekantoor in die Republiek geregistreer moet word, dat aan die bepalinge van die Groepsgebiedewet, 1966 (Wet No. 36 van 1966), voldoen is;
- (d) dat volgens 'n beëdigde verklaring wat deur die transportgewer verstrekk is, daar geen interdikte, caveats of ander kennisgewings van toepassing is nie en die transportgewer nie insolvent is nie;
- (e) indien die transportgewer of die transportnemer 'n maatskappy is, dat die akte van oprigting en die statute van die maatskappy nagegaan is en dat die transaksie binne die bevoegdhede van die maatskappy is; en
- (f) die ander besonderhede wat by regulasie voorgeskryf word,
- en tensy sodanige sertifikaat daarop aangeteken het of vergesel gaan van—
- (i) 'n sertifikaat van die ontvanger van inkomste dat die hereregte betaal of verseker is of dat geen hereregte betaalbaar is nie en dat die seëlregte betaal is of dat geen seëlregte betaalbaar is nie; en

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(ii) if the transferor is a deceased estate, a certificate by the Master of the Supreme Court that the estate duty, if any, has been paid or secured and that there is no objection to the registration of the transfer and in which is declared whether the transfer is subject to any usufruct or other conditions imposed by the will of the deceased or any other person and, if so, what those conditions are.

(5) Notwithstanding anything to the contrary in any law contained, it shall not be necessary, before transfer of a unit or of any portion thereof or undivided share therein is registered, to produce to the registrar a clearance certificate to the effect that all rates and taxes due to the local authority in respect of the land and building or buildings comprised in the scheme have been paid.

(6) A certificate referred to in subsection (4) shall so far as the registrar is concerned be conclusive evidence of the facts stated therein.

(7) The registrar shall not register a notarial lease, notarial sub-lease, sectional mortgage bond or any other deed unless such lease, sub-lease, bond or other deed is endorsed with or accompanied by a certificate by the receiver of revenue that the stamp duty has been paid or that no stamp duty is payable.

(8) A unit shall be capable of being held by two or more persons in joint ownership.

(9) Any person who is the joint owner of a unit held by such person and one or more other persons under one sectional title deed, may, upon application to the registrar in the prescribed manner, obtain a certificate of registered sectional title in the prescribed form in respect of his undivided share in such unit, and no transfer of a fraction only of his undivided share in such unit and no hypothecation or lease of the whole or any fraction of his undivided share in such unit shall be registered in a deeds registry unless a certificate of registered sectional title in the prescribed form in respect of such undivided share is produced to the registrar.

(10) The conveyancer who has furnished a certificate in terms of subsection (4) shall retain his file of documents relating to the transaction in question for a period of at least six years after the date of the said certificate.

**Ownership of
common
property.**

12. (1) The common property shall be owned by the owners of the sections jointly in undivided shares proportionate to the quotas of their respective sections as specified on the relevant sectional plan.

(2) A sectional title deed in respect of a section shall, in a separate paragraph, describe the undivided share in the common property of the owner of the section as an undivided share in the common property apportioned to the section in accordance with the quota of the section.

(3) A section and its undivided share in the common property shall together be deemed to be one unit, and, subject to the provisions of section 16, no section shall be disposed of or be otherwise dealt with apart from its appurtenant undivided share in the common property nor, save as in section 13 provided, shall an undivided share in the common property be disposed of or be otherwise dealt with apart from the section to which it is appurtenant.

(4) Any insurance of a section shall be deemed also to insure the undivided share in the common property of the owner of the section, even if no express reference is made to such share.

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(ii) indien die transportgewer 'n bestorwe boedel is, 'n sertifikaat van die Meester van die Hooggeregshof dat die boedelbelasting, as daar is, betaal of verseker is, en dat daar geen beswaar teen die registrasie van die oordrag is nie, en waarin verklaar word of die transport onderworpe is aan 'n vruggebruik of ander voorwaardes opgelê deur die testament van die oorledene of 'n ander persoon en, indien wel, wat daardie voorwaardes is.

(5) Ondanks andersluidende wetsbepalings, is dit nie nodig om, voordat oordrag van 'n eenheid of van 'n gedeelte daarvan of onverdeelde aandeel daarin geregistreer word, 'n belastingsbewys ten effekte dat alle tariewe en belastings wat aan die plaaslike bestuur verskuldig is ten opsigte van die grond en gebou of geboue wat deur die skema behels word, betaal is, aan die registrateur voor te lê nie.

(6) 'n In subartikel (4) bedoelde sertifikaat is, vir sover dit die registrateur aangaan, afdoende bewys van die feite daarin vermeld.

(7) Die registrateur registreer nie 'n notariële huurkontrak, 'n notariële onderverhuring, 'n deelverband of 'n ander akte nie tensy sodanige huurkontrak, onderverhuring, verband of ander akte daarop aangeteken het of vergesel gaan van 'n sertifikaat van die ontvanger van inkomste dat die seëlregte betaal is of dat geen seëlregte betaalbaar is nie.

(8) Eiendomsreg in 'n eenheid kan deur twee of meer persone gesamentlik besit word.

(9) Iemand wat 'n mede-eienaar is van 'n eenheid wat deur daardie persoon en een of meer ander persone kragtens een deeltitelbewys besit word, kan, op skriftelike aansoek by die registrateur op die voorgeskrewe wyse, 'n sertifikaat van geregistreerde deeltitel in die voorgeskrewe vorm ten opsigte van sy onverdeelde aandeel in sodanige eenheid verkry, en geen oordrag van slegs 'n breukdeel van sy onverdeelde aandeel in sodanige eenheid en geen verband of huurkontrak oor die geheel of 'n breukdeel van sy onverdeelde aandeel in die eenheid word in 'n registrasiekantoor geregistreer nie, tensy 'n sertifikaat van geregistreerde deeltitel in die voorgeskrewe vorm ten opsigte van daardie onverdeelde aandeel aan die registrateur voorgelê word.

(10) Die transportbesorger wat 'n sertifikaat ingevolge subartikel (4) verstrek het, moet sy lêer met dokumente wat op die betrokke transaksie betrekking het, vir 'n tydperk van minstens ses jaar na die datum van bedoelde sertifikaat bewaar.

12. (1) Die eienaars van die dele is gesamentlik eienaars van die gemeenskaplike eiendom in onverdeelde aandeel eweredig aan die kwotas van hul onderskeie dele soos op die betrokke deelplan vermeld. | **Eiendomsreg in gemeenskaplike eiendom.**

(2) 'n Deeltitelbewys ten opsigte van 'n deel moet in 'n afsonderlike paragraaf die onverdeelde aandeel in die gemeenskaplike eiendom van die eienaar van die deel beskryf as 'n onverdeelde aandeel in die gemeenskaplike eiendom wat aan die deel ooreenkomstig die kwota van die deel toegedeel is.

(3) 'n Deel en sy onverdeelde aandeel in die gemeenskaplike eiendom, word saam geag een eenheid te wees, en, behoudens die bepalinge van artikel 16, word geen deel afsonderlik van sy bybehorende onverdeelde aandeel in die gemeenskaplike eiendom vervreem of andersins mee gehandel nie, en, behalwe soos in artikel 13 bepaal, word geen onverdeelde aandeel in die gemeenskaplike eiendom afsonderlik van die deel waarby dit behoort, vervreem of andersins mee gehandel nie.

(4) Versekering van 'n deel word geag ook die onverdeelde aandeel in die gemeenskaplike eiendom van die eienaar van die deel te verseker, selfs al word daar nie uitdruklik na bedoelde aandeel verwys nie.

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Dealings with
common
property.

13. (1) The owners may by unanimous resolution direct the body corporate on their behalf to alienate common property or any part thereof or to let common property or any part thereof under a lease, and thereupon the body corporate shall, notwithstanding any provision of section 20 of the Deeds Registries Act, but subject to compliance with the provisions of any relevant laws relating to the subdivision of land or to the letting of a part of a piece of land, as the case may be, have power to deal with such common property or such part thereof in the manner directed and to execute any deed required for the purpose.

(2) Any transaction in pursuance of a resolution referred to in subsection (1) shall be accompanied by a copy of the relevant resolution as certified by two trustees of the body corporate: Provided that where the transaction in question requires to be notorially executed, such resolution so certified shall be produced to the notary public concerned and be retained by him in his protocol.

(3) The registrar shall register—

- (a) a transfer of land comprised in the common property by issuing to the transferee a certificate of registered sectional title in the prescribed form for the land transferred, after making an appropriate endorsement on the registered sectional plan in the prescribed manner, and, if a portion only of the land comprised in the common property is so transferred, no endorsement thereof shall be made on the sectional title deeds of the owners of units: Provided that if a portion only of the land comprised in the common property is so transferred, a diagram of such portion approved by the Surveyor-general in terms of the Land Survey Act, 1927 (Act No. 9 of 1927), shall be annexed to the said title deed;
- (b) any notarial lease of any such land by making an appropriate endorsement on the sectional plan, and no endorsement thereof shall be made on the sectional title deeds of the owners of units.

(4) (a) Where, pursuant to the provisions of subsection (1), it is sought to alienate or to let a portion of the common property on which is erected a section or part of a section, the registrar shall not register the transfer or lease unless the registration of the section in question has been cancelled with the written consent of the owner, and the sectional plan has been amended accordingly.

(b) When the registration of a section is cancelled under paragraph (a), the quota of the section shall be extinguished and the total of the quotas of the sections correspondingly reduced.

(5) When the whole of the land comprised in the common property shown on the sectional plan is transferred by the body corporate pursuant to this section, the sectional title deeds of the owners of the common property shall be surrendered to the registrar for cancellation.

(6) Where any land comprised in the common property shown on a sectional plan has been transferred pursuant to this section, the transferee shall apply to the registrar to revert the said land to the land register, and the registrar shall thereupon note such reversion on the registered sectional plan and in the land register and on the transferee's certificate of registered sectional title in the manner prescribed, and shall issue to the transferee a certificate of registered title in the form prescribed under the Deeds Registries Act for such land, subject or entitled to such servitudes, other real rights and conditions, if any, as are

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13. (1) Die eienaars kan by eenparige besluit die regspersoon gelas om gemeenskaplike eiendom of 'n gedeelte daarvan namens hulle te vervreem, of kragtens 'n huurkontrak te verhuur, en daarna is die regspersoon, ondanks 'n bepaling van artikel 20 van die Registrasie van Aktes Wet maar onderworpe aan voldoening aan die toepaslike wetsbepalings met betrekking tot die onderverdeling van grond of die verhuring van 'n gedeelte van 'n stuk grond, na gelang van die geval, bevoeg om op die wyse gelas met sodanige gemeenskaplike eiendom of sodanige gedeelte daarvan te handel en om die ter sake dienende akte te onderteken.

Handelinge met gemeenskaplike eiendom.

(2) 'n Transaksie ingevolge 'n in subartike. (1) bedoelde besluit moet vergesel gaan van 'n afskrif van die betrokke besluit soos deur twee trustees van die regspersoon gesertifiseer: Met dien verstande dat waar die transaksie notarieel verly moet word, die aldus gesertifiseerde besluit aan die betrokke notaris voorgelê en deur hom in sy protokol gehou moet word.

(3) Die registrateur registreer—

(a) 'n oordrag van grond wat deel uitmaak van die gemeenskaplike eiendom deur aan die transportnemer 'n sertifikaat van geregistreeerde deeltitel in die voorgeskrewe vorm vir die grond wat oorgedra word, uit te reik, nadat hy op die geregistreeerde deelplan op die voorgeskrewe wyse 'n paslike aantekening gemaak het, en, indien net 'n gedeelte van die grond wat deel uitmaak van die gemeenskaplike eiendom, aldus oorgedra word, word geen aantekening daarvan op die deeltitelbewyse van die eienaars van eenhede gemaak nie: Met dien verstande dat indien net 'n gedeelte van die grond wat deel uitmaak van die gemeenskaplike eiendom, aldus oorgedra word, 'n kaart van daardie gedeelte wat ingevolge die Opmetingswet, 1927 (Wet No. 9 van 1927), deur die Landmeter-generaal goedgekeur is, aan bedoelde titelbewys geheg moet word;

(b) 'n notariële huurkontrak van enige sodanige grond deur 'n paslike aantekening op die deelplan te maak, en geen aantekening daarvan word op die deeltitelbewyse van die eienaars van eenhede gemaak nie.

(4) (a) Waar daár ingevolge die bepaling van subartikel (1) beoog word om 'n gedeelte van die gemeenskaplike eiendom waarop 'n deel of 'n gedeelte van 'n deel opgerig is, te vervreem of te verhuur, registreer die registrateur nie die oordrag of huurkontrak nie tensy die registrasie van die betrokke deel met die skriftelike toestemming van die eenaar gekanselleer is en die deelplan dienooreenkomstig gewysig is.

(b) Wanneer die registrasie van 'n deel ingevolge paragraaf (a) gekanselleer word, moet die kwota van die deel uitgewis en die totaal van die kwotas van die dele dienooreenkomstig verminder word.

(5) Waar die geheel van die grond wat behels word in die gemeenskaplike eiendom wat op die deelplan getoon word, ingevolge hierdie artikel deur die regspersoon oorgedra word, moet die deeltitelbewyse van die eienaars van die gemeenskaplike eiendom by die registrateur ingelewer word vir kansellasië.

(6) Waar grond wat deel uitmaak van die gemeenskaplike eiendom wat op 'n deelplan getoon word, ingevolge hierdie artikel oorgedra is, moet die transportnemer by die registrateur aansoek doen om bedoelde grond op die grondregister terug te plaas, en daarop moet die registrateur bedoelde terugplasing op die geregistreeerde deelplan, en in die grondregister en op die transportnemer se sertifikaat van geregistreeerde deeltitel op die voorgeskrewe wyse aanteken en moet hy aan die transportnemer 'n sertifikaat van geregistreeerde titel in die vorm wat kragtens die Registrasie van Aktes Wet voorgeskryf word vir daardie grond uitreik onderworpe aan of geregtig op die serwitute, ander saaklike regte en voorwaardes, as daar is, wat

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certified by a conveyancer to be still applicable to or in respect of such land.

(7) The registrar shall notify the Surveyor-general and the local authority of the reversion of the land in question to the land register.

Transfer of mortgaged unit, cession of mortgaged lease or real right or transfer of mortgaged common property or land.

14. The provisions of sections 56 and 57 of the Deeds Registries Act shall apply *mutatis mutandis* with reference to the transfer of any mortgaged unit, the cession of any mortgaged lease of a unit, the cession of any mortgaged real right in or over a unit, and the transfer under section 13 or 37 of any mortgaged common property or land or an undivided share therein.

Application for subdivision of a section.

15. (1) If the owner of a section proposes to alienate a portion of his section, or to let a portion of his section under a lease or for any other reason to separate a portion of his section from the whole, he shall make application to the local authority for approval of a plan of subdivision.

(2) Such application shall be made in such form and be accompanied by the plan of subdivision and such other documents and information as may be prescribed.

(3) A section shall not be subdivided without the approval of the local authority and the approval by special resolution of the body corporate.

(4) The provisions of this Act relating to sectional plans and the provisions of subsections (4) to (10), inclusive, of section 4 shall apply *mutatis mutandis* to such plan of subdivision and to such application.

Subdivision of a section.

16. (1) After approval of the plan of subdivision by the local authority, the owner of the section may apply to the registrar for the registration of the plan of subdivision.

(2) An application under subsection (1) shall be accompanied by—

- (a) the sectional title deed of the section in question;
- (b) any sectional mortgage bond to which the section may be subject, together with the consent of the mortgagee to the cancellation of the registration of the bond or to the release of the portion of the section from the operation of the bond;
- (c) the consent of the holder of any lease or other real right registered against the section, to the proposed subdivision;
- (d) the plan of subdivision—
 - (i) endorsed with the servitudes, other real rights and conditions, if any, which encumber or benefit the section and its share in the common property;
 - (ii) endorsed with a schedule in which the quota of the section is apportioned between the portion of the section and the remainder of the section; and
 - (iii) endorsed with, or accompanied by, a certificate of the local authority concerned to the effect that the subdivision has been approved by the local authority;
- (e) a copy of the relevant resolution of the body corporate approving of the subdivision, as certified by two trustees of the body corporate;
- (f) the partition agreement, if any, if the section is owned by more than one owner; and
- (g) such other documents and information as may be prescribed.

(3) When the requirements of this section and of any other relevant law have been complied with, the registrar shall register the plan of subdivision referred to in subsection (2) (d), and allot a distinctive number to it.

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volgens 'n sertifikaat van 'n transportbesorger nog van toepassing is op of ten opsigte van daardie grond.

(7) Die registrateur moet die Landmeter-generaal en die plaaslike bestuur van die terugplasing van die betrokke grond op die grondregister in kennis stel.

14. Die bepalings van artikels 56 en 57 van die Registrasie van Aktes Wet geld *mutatis mutandis* met betrekking tot die oordrag van 'n met verband beswaarde eenheid, die sessie van 'n met verband beswaarde huurkontrak van 'n eenheid, die sessie van 'n met verband beswaarde saaklike reg in of oor 'n eenheid, en die oordrag kragtens artikel 13 of 37 van met verband beswaarde gemeenskaplike eiendom of grond of 'n onverdeelde aandeel daarin.

Oordrag van met verband beswaarde eenheid, sessie van met verband beswaarde huurkontrak of saaklike reg of oordrag van met verband beswaarde gemeenskaplike eiendom of grond.

15. (1) Indien die eienaar van 'n deel voornemens is om 'n gedeelte van sy deel te vervreem of kragtens 'n huurkontrak te verhuur, of om 'n ander rede van die geheel te skei, moet hy aansoek doen by die plaaslike bestuur om goedkeuring van 'n plan van onderverdeling.

Aansoek om onderverdeling van 'n deel.

(2) Sodanige aansoek moet gedoen word in die vorm en moet vergesel gaan van die plan van onderverdeling en die ander dokumente en inligting wat voorgeskryf word.

(3) 'n Deel word nie onderverdeel sonder die goedkeuring van die plaaslike bestuur en die goedkeuring by spesiale besluit van die regs persoon nie.

(4) Die bepalings van hierdie Wet met betrekking tot deelplanne en die bepalings van subartikels (4) tot en met (10) van artikel 4 is *mutatis mutandis* op so 'n plan van onderverdeling en op so 'n aansoek van toepassing.

16. (1) Na goedkeuring van die plan van onderverdeling deur die plaaslike bestuur, kan die eienaar by die registrateur aansoek doen om die registrasie van die plan van onderverdeling.

Onderverdeling van 'n deel.

(2) 'n Aansoek kragtens subartikel (1) word vergesel van—

- (a) die deeltitelbewys van die betrokke deel;
- (b) 'n deelverband wat op die deel rus tesame met die toestemming van die verbandhouer tot die rojering van die registrasie van die verband of tot die vrystelling van die gedeelte van die deel van die verband;
- (c) die toestemming van die houer van 'n huurkontrak of ander saaklike reg wat teen die deel geregistreer is, tot die voorgestelde onderverdeling;
- (d) die plan van onderverdeling—
 - (i) met die serwitute, ander saaklike regte en voorwaardes, as daar is, wat die deel en sy aandeel in die gemeenskaplike eiendom beswaar of bevoordeel, daarop aangeteken;
 - (ii) met 'n skedule daarop aangeteken waarin die kwota van die deel verdeel word tussen die gedeelte van die deel en die restant van die deel; en
 - (iii) met 'n sertifikaat van die betrokke plaaslike bestuur daarop aangeteken, of vergesel van so 'n sertifikaat, ten effekte dat die onderverdeling deur die plaaslike bestuur goedgekeur is;
- (e) 'n afskrif van die betrokke besluit van die regs persoon waarby die onderverdeling goedgekeur is, soos deur twee trustees van die regs persoon gesertifiseer;
- (f) die verdelingsooreenkoms, indien daar een is, indien die deel deur meer as een eienaar besit word; en
- (g) die ander dokumente en inligting wat voorgeskryf word.

(3) Wanneer aan die voorskrifte van hierdie artikel en van 'n ander toepaslike wet voldoen is, moet die registrateur die in subartikel (2) (d) bedoelde plan van onderverdeling registreer, en ken hy 'n onderskeidende nommer daaraan toe.

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(4) Upon registration of the plan of subdivision the portion of the section in question shall be deemed to be separated from the remainder of the section and the said portion shall, like the remainder of the section, be deemed to be a section.

(5) Simultaneously with the registration of the plan of subdivision the registrar shall register the subdivision by issuing to the owner of the section a certificate of registered sectional title in the prescribed form in respect of the portion of the section and an undivided share in the common property apportioned to such portion in accordance with the quota thereof, and shall make such endorsements on or amendments to the sectional title deed, sectional bond, lease and other deed referred to in subsection (2) (a), (b) and (c) and such endorsements on or amendments to the registered sectional plan as he may deem necessary to give effect to the provisions of this section: Provided that if the owners have entered into a partition agreement, the registrar shall in lieu of the sectional title deed referred to in subsection (2) (a), issue to each of the said owners a sectional title deed in the prescribed form in respect of the portion of the section awarded to each owner in terms of the said agreement.

Resubdivision of sections.

17. (1) Any owner or owners may with the approval of the local authority and with the approval by special resolution of the body corporate, resubdivide his or their sections by causing a plan of resubdivision relating to the sections so resubdivided to be registered in the manner provided by this Act for the registration of sectional plans.

(2) Save as is otherwise provided in this section, the provisions of this Act relating to sectional plans and to applications for the approval and the registration of such plans and to appeals from any decision of the local authority or any failure by the local authority to make a decision, shall *mutatis mutandis* apply to or in respect of such resubdivision.

(3) The servitudes, other real rights and conditions, if any, to be endorsed on the plan of resubdivision as required by section 5 (3) (d) (i), as applied by subsection (2) of this section, shall be the servitudes, other real rights and conditions, if any, encumbering or benefiting such sections shown on the registered sectional plan as are included in the resubdivision.

(4) The schedule to be endorsed on the plan of resubdivision as required by section 6 (2) (f), as applied by subsection (2) of this section, shall apportion between the sections shown on the plan of resubdivision the quotas of such sections shown on the registered sectional plan as are included in the resubdivision.

(5) Simultaneously with the registration of the plan of resubdivision the registrar shall register the resubdivision by issuing to the owner or owners concerned, in lieu of the sectional title deeds held by him or them, a certificate of registered sectional title in the prescribed form in respect of each section shown on the plan of resubdivision and an undivided share in the common property apportioned to each such section in accordance with the quota of such section, and shall make such endorsements on or amendments to the registered sectional plan as he may deem necessary to give effect to the provisions of this section.

Extension of building.

18. (1) Where a building, in respect of which a sectional plan has been registered under this Act, is to be extended in such a manner that an existing section is to be added to or that the building may be further divided into more sections, the developer or, if the developer has ceased to have any share in the common property, the body corporate, with the consent in writing of all the owners of sections and of all holders of sectional mortgage bonds, and other registered real rights, shall—

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(4) By registrasie van die plan van onderverdeling word die gedeelte van die deel geag afgeskei te wees van die restant van die deel en word bedoelde gedeelte, net soos die restant van die deel, geag 'n deel te wees.

(5) Gelyktydig met die registrasie van die plan van onderverdeling moet die registrateur die onderverdeling registreer deur aan die eienaar van die deel 'n sertifikaat van geregistreeerde deeltitel in die voorgeskrewe vorm uit te reik ten opsigte van die gedeelte van die deel en 'n onverdeelde aandeel in die gemeenskaplike eiendom wat aan daardie gedeelte ooreenkomstig die kwota daarvan toegedeel is, en moet hy die aantekeninge op of wysiging aan die in subartikel (2) (a), (b) en (c) bedoelde deeltitelbewys, deelverband, huurkontrak en ander akte en op die geregistreeerde deelplan maak of aanbring wat hy nodig ag om aan die bepalings van hierdie artikel gevolg te gee: Met dien verstande dat indien die eienaars 'n onderverdelingsooreenkoms aangegaan het, die registrateur, in die plek van die in subartikel (2) (a) bedoelde deeltitelbewys, aan elk van bedoelde eienaars 'n deeltitelbewys in die voorgeskrewe vorm moet uitreik ten opsigte van die gedeelte van die deel wat aan elke eienaar ingevolge die bedoelde ooreenkoms toegewys is.

17. (1) 'n Eienaar of eienaars kan met die goedkeuring van die plaaslike bestuur en met die goedkeuring by spesiale besluit van die regs persoon, sy of hulle dele heronderverdeel deur 'n plan van heronderverdeling met betrekking tot die dele aldus heronderverdeel te laat registreer op die wyse wat by hierdie Wet voorgeskryf word vir die registrasie van deelplanne. Heronderverdeling van dele.

(2) Behalwe waar in hierdie artikel anders bepaal word, is die bepalings van hierdie Wet met betrekking tot deelplanne en tot aansoeke om die goedkeuring en die registrasie van sodanige planne en tot appèlle teen 'n besluit van die plaaslike bestuur of 'n versuim van die plaaslike bestuur om 'n besluit te neem, *mutatis mutandis* op of ten opsigte van so 'n heronderverdeling van toepassing.

(3) Die serwitute, ander saaklike regte en voorwaardes, as daar is, wat volgens voorskrif van artikel 5 (3) (d) (i), soos deur subartikel (2) van hierdie artikel toegepas, op die plan van heronderverdeling aangeteken moet word, is die serwitute, ander saaklike regte en voorwaardes, as daar is, wat die dele op die geregistreeerde deelplan getoon wat by die heronderverdeling ingesluit is, beswaar of bevoordeel.

(4) Die skedule wat volgens voorskrif van artikel 6 (2) (f), soos deur subartikel (2) van hierdie artikel toegepas, op die plan van heronderverdeling aangeteken moet wees, moet die kwotas van die dele op die geregistreeerde deelplan getoon wat by die heronderverdeling ingesluit is, tussen die dele wat op die plan van heronderverdeling getoon word, verdeel.

(5) Gelyktydig met die registrasie van die plan van heronderverdeling moet die registrateur die heronderverdeling registreer deur aan die betrokke eienaar of eienaars, in die plek van die deeltitelbewyse deur hom of hulle gehou, 'n sertifikaat van geregistreeerde deeltitel in die voorgeskrewe vorm uitreik ten opsigte van elke deel op die plan van heronderverdeling getoon en 'n onverdeelde aandeel in die gemeenskaplike eiendom aan elke sodanige deel ooreenkomstig die kwota van daardie deel toegedeel, en moet die aantekeninge op of wysigings aan die geregistreeerde deelplan maak of aanbring wat hy nodig ag om aan die bepalings van hierdie artikel gevolg te gee.

18. (1) Waar 'n gebou ten opsigte waarvan 'n deelplan kragtens hierdie Wet geregistreeer is, op so 'n wyse uitgebrei gaan word dat 'n bestaande deel vergroot gaan word of dat die gebou verder in meer dele verdeel kan word, moet die ontwikkelaar of, indien die ontwikkelaar opgehou het om 'n aandeel in die gemeenskaplike eiendom te hê, die regs persoon, met die skriftelike toestemming van al die eienaars van dele en van alle houters van deelverbande en ander geregistreeerde saaklike regte— Uitbreiding van gebou.

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- (a) prepare a scheme in respect of the extension and, in terms of section 4, submit that scheme to the local authority for approval;
- (b) if the scheme in question is approved by the local authority, upon the extension being certified by an architect or a land surveyor as being sufficiently complete for occupation, apply to the registrar for the registration of a plan in respect of the relevant extension.
- (2) Save as is otherwise provided in this section, the provisions of this Act relating to sectional plans and to applications for the approval and the registration of such plans and to appeals from any decision of the local authority or any failure by the local authority to make a decision, shall *mutatis mutandis* apply to or in respect of such extension.
- (3) The servitudes, other real rights and conditions, if any, to be endorsed on the plan in respect of the extension as required by section 5 (3) (d) (i), as applied by subsection (2) of this section, shall be the servitudes, other real rights and conditions, if any, endorsed on the registered sectional plan.
- (4) The schedule to be endorsed on the plan in respect of the extension as required by section 6 (2) (f), as applied by subsection (2) of this section, shall specify such quota or quotas in respect of the section or sections shown thereon as would have been specified on the registered sectional plan if the extension had originally formed part of the building shown thereon.
- (5) When the provisions of subsection (1) have been complied with, the provisions of this Act shall *mutatis mutandis* apply with reference to such extension as if it had originally formed part of the building to which it relates and as if the said provisions should have been applied with reference thereto.
- (6) The quota of each section in the building shown on the registered sectional plan shall, in consequence of the extension, be reviewed and adjusted, and the registrar shall amend the schedule endorsed on that plan in terms of section 6 (2) (f) accordingly, or substitute an amended schedule therefor.
- (7) The provisions of subsections (1), (2), (3) and (5) shall apply *mutatis mutandis* where a building, in respect of which a sectional plan has been registered under this Act, is to be extended in such a manner that an existing section is not to be added to or that the building cannot be further divided into more sections.
- (8) The provisions of this section shall *mutatis mutandis* apply with reference to any additional building to be erected on land shown on a sectional plan registered under this Act.

Implied
servitudes.

19. (1) There shall be implied—

(a) in favour of each section—

- (i) a servitude for the subjacent and lateral support of the section by the common property and by any other section capable of affording such support;
- (ii) a servitude for the passage or provision of water, sewerage, drainage, gas, electricity, garbage, artificially heated or cooled air and other services, including telephone, wireless and television services, through or by means of any pipes, wires, cables or ducts existing on or under the land or in the building, to the extent to which such pipes, wires, cables or ducts are capable of being used in connection with the enjoyment of the section; and

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- (a) 'n skema ten opsigte van die uitbreiding opstel en, ooreenkomstig die bepalings van artikel 4, daardie skema aan die plaaslike bestuur vir goedkeuring voorlê;
- (b) indien die betrokke skema deur die plaaslike bestuur goedgekeur word, by uitreiking deur 'n argitek of 'n landmeter van 'n sertifikaat dat die uitbreiding voldoende voltooi is vir okkupasie, by die registrateur aansoek doen om die registrasie van 'n plan ten opsigte van die betrokke uitbreiding.
- (2) Behalwe waar in hierdie artikel anders bepaal word, is die bepalings van hierdie Wet met betrekking tot deelplanne en tot aansoeke om die goedkeuring en die registrasie van sodanige planne en tot appèlle teen 'n besluit van die plaaslike bestuur of 'n versuim van die plaaslike bestuur om 'n besluit te neem, *mutatis mutandis* op of ten opsigte van so 'n uitbreiding van toepassing.
- (3) Die serwitute, ander saaklike regte en voorwaardes, as daar is, wat volgens voorskrif van artikel 5 (3) (d) (i), soos deur subartikel (2) van hierdie artikel toegepas, op die plan ten opsigte van die uitbreiding aangeteken moet word, is die serwitute, ander saaklike regte en voorwaardes, as daar is, wat op die geregistreerde deelplan aangeteken is.
- (4) Die skedule wat volgens voorskrif van artikel 6 (2) (f), soos deur subartikel (2) van hierdie artikel toegepas, op die plan ten opsigte van die uitbreiding aangeteken moet wees, moet ten opsigte van die deel of dele daarop getoon die kwota of kwotas vermeld wat op die geregistreerde deelplan vermeld sou gewees het as die uitbreiding oorspronklik deel van die daarop getoonde gebou uitgemaak het.
- (5) Wanneer daar aan die bepalings van subartikel (1) voldoen is, is die bepalings van hierdie Wet *mutatis mutandis* met betrekking tot sodanige uitbreiding van toepassing asof dit oorspronklik deel uitgemaak het van die gebou waarop dit betrekking het en asof bedoelde bepalings met betrekking daartoe toegepas moes gewees het.
- (6) Die kwota van elke deel in die gebou wat op die geregistreerde deelplan getoon word, moet, ten gevolge van die uitbreiding, hersien en aangepas word en die registrateur moet die skedule wat volgens voorskrif van artikel 6 (2) (f) op daardie plan aangeteken is dienoooreenkomstig wysig, of dit deur 'n gewysigde skedule vervang.
- (7) Waar 'n gebou ten opsigte waarvan 'n deelplan kragtens hierdie Wet geregistreer is, op so 'n wyse uitgebrei staan te word dat 'n bestaande deel nie vergroot word nie of dat die gebou nie verder in meer dele verdeel kan word nie, is die bepalings van subartikels (1), (2), (3) en (5) *mutatis mutandis* van toepassing.
- (8) Die bepalings van hierdie artikel is *mutatis mutandis* van toepassing met betrekking tot 'n addisionele gebou wat opgerig staan te word op grond wat op 'n kragtens hierdie Wet geregistreerde deelplan getoon word.

19. (1) Daar is stilswyend inbegrepe—

(a) ten gunste van elke deel—

- (i) 'n serwituut vir die ondersteuning en sydelingse steun van die deel deur die gemeenskaplike eiendom en deur 'n ander deel wat sodanige steun kan verleen;
- (ii) 'n serwituut vir die deurgang of voorsiening van water, riolering, dreinerings, gas, elektrisiteit, afval, kunsmatig verwarmde of verkoelde lug en ander dienste, met inbegrip van telefoon-, radio- en televisiedienste, deur of deur middel van pype, drade, kables of buise wat op of onder die grond of in die gebou bestaan, in die mate waarin sodanige pype, drade, kables of buise in verband met die benutting van die deel gebruik kan word; en

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stilswyend
inbegrepe.

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- (b) against each section—
- (i) a servitude for the subjacent and lateral support of the common property and of any other section capable of enjoying such support;
 - (ii) the servitudes referred to in paragraph (a) (ii) through or by means of any pipes, wires, cables or ducts existing within such section, in favour of the common property and in favour of every other section capable of enjoying such servitudes.

(2) The servitudes referred to in subsection (1)—

- (a) shall be deemed to be incorporated in the title deeds of the owners affected thereby; and
- (b) shall confer on the owners of sections the right, to be exercised by the body corporate, to have access to each section from time to time during reasonable hours to the extent necessary to maintain, repair or renew any part of the building or any pipes, wires, cables or ducts therein, or for making emergency repairs therein necessary to prevent damage to the common property or any other section or sections.

Creation of servitudes.

20. (1) The owners may by special resolution direct the body corporate—

- (a) to execute on their behalf a servitude or restrictive agreement burdening the land shown on the relevant sectional plan;
- (b) to accept on their behalf a servitude or restrictive agreement benefiting the said land.

(2) Every such servitude or agreement shall be embodied in a notarial deed and shall be registered by the registrar by noting such deed on the registered sectional plan and on the title deeds of any party to such servitude or restrictive agreement whose title deeds are registered in the land register.

(3) If the land to be burdened by a servitude or restrictive agreement is hypothecated, the written consent of every mortgagee to the registration of such servitude or restrictive agreement shall be lodged with the registrar.

Ancillary servitudal rights.

21. All ancillary rights and obligations reasonably necessary to make servitudes effective shall apply in respect of servitudes implied or created under this Act.

Deeds Registries Act and servitudes implied or created under this Act.

22. The provisions of the Deeds Registries Act shall not apply with reference to servitudes or restrictions as to user implied or created under this Act, and such servitudes and restrictions shall take effect and be enforceable immediately upon registration of a sectional title deed.

Conversion of certain rights of occupancy into ownership.

23. (1) If the right to occupy any part of a building is vested in any person by reason of the fact that he holds a share or shares in a company, the company or, if the company is not the owner of the building, the owner of the building shall, on the application of that person, take the steps contemplated in this Act for the purpose of conveying ownership to that person in respect of the part in question, whereupon the provisions of this Act shall apply with reference to the building in question and the land on which it is situated: Provided that—

- (i) every part of the building with regard to which the occupational right is vested in any person by reason of the fact that he holds a share or shares in the company shall be defined on the relevant sectional plan as a section, which section shall in all respects correspond to and be identical with such part;

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(b) teen elke deel—

- (i) 'n serwituut vir die ondersteuning en sydelingse steun van die gemeenskaplike eiendom en van 'n ander deel wat bedoelde steun kan benut;
- (ii) die in paragraaf (a) (ii) genoemde serwitute deur of deur middel van pype, drade, kables of buise wat binne so 'n deel bestaan, ten gunste van die gemeenskaplike eiendom en ten gunste van elke ander deel wat in staat is om sodanige serwitute te benut.

(2) Die in subartikel (1) bedoelde serwitute—

- (a) word geag by die titelbewyse van die eienaars daardeur geraak, ingelyf te wees; en
- (b) verleen aan die eienaars van dele die reg, uitgeoefen te word deur die regspersoon, om van tyd tot tyd gedurende redelike ure toegang te hê tot elke deel in die mate wat nodig is om 'n gedeelte van die gebou of pype, drade, kables of buise daarin in stand te hou, te herstel of te hernieu of om dringende reparasies daarin uit te voer om skade aan die gemeenskaplike eiendom of 'n ander deel of dele te verhoed.

20. (1) Die eienaars kan by spesiale besluit die regspersoon **Skepping van gelas— serwitute.**

- (a) om namens hulle 'n serwituut of beperkende ooreenkoms te verly wat die grond wat op die betrokke deelplan getoon word, beswaar;
- (b) om namens hulle 'n serwituut of beperkende ooreenkoms te aanvaar wat bedoelde grond bevoordeel.

(2) Elke sodanige serwituut of ooreenkoms word in 'n notariële akte beliggaam en word deur die registrateur geregistreer deur daardie akte op die geregistreerde deelplan en op die titelbewyse van 'n party by die serwituut of beperkende ooreenkoms wie se titelbewys in die grondregister geregistreer is, aan te teken.

(3) Indien die grond wat deur 'n serwituut of beperkende ooreenkoms belas gaan word, verhipotekeer is, moet die skriftelike toestemming van elke verbandhouer tot die registrasie van die serwituut of beperkende ooreenkoms aan die registrateur voorgelê word.

21. Alle bykomstige regte en verpligtinge wat redelikerwys **Bykomstige nodig is om serwitute doeltreffend te maak, is van toepassing serwituutregte.** met betrekking tot serwitute wat kragtens hierdie Wet stilswyend inbegrepe is of geskep is.

22. Die bepalinge van die Registrasie van Aktes Wet is nie **Registrasie van van toepassing met betrekking tot serwitute of beperkings Aktes Wet en betreffende gebruik wat kragtens hierdie Wet stilswyend serwitute inbegrepe is of geskep is nie, en sodanige serwitute en beperkings inbegrepe of tree in werking en is afdwingbaar onmiddellik na registrasie geskep kragtens van 'n deeltitelbewys. hierdie Wet.**

23. (1) Indien die reg om 'n gedeelte van 'n gebou te okkupeer in 'n persoon gevestig is uit hoofde van die feit dat hy 'n **Omskepping van aandeel of aandele in 'n maatskappy besit, moet die maatskappy of, indien die maatskappy nie die eenaar van die gebou sekere okkupasieregte tot is nie, moet die eenaar van die gebou, op aansoek van daardie eiendomsreg. persoon, die in hierdie Wet bedoelde stappe doen ten einde eiendomsreg ten opsigte van die betrokke gedeelte aan daardie persoon oor te dra, waarop die bepalinge van hierdie Wet van toepassing is met betrekking tot die betrokke gebou en die grond waarop dit geleë is: Met dien verstande dat—**

- (i) elke gedeelte van die gebou met betrekking waartoe die reg van okkupasie in iemand gevestig is uit hoofde van die feit dat hy 'n aandeel of aandele in die maatskappy besit, op die betrokke deelplan as 'n deel omskryf moet word, welke deel in alle opsigte moet ooreenstem met en gelyk moet wees aan daardie gedeelte;

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- (ii) the value of the votes of the owners of the respective sections shall, notwithstanding anything contained in section 24 to the contrary, be determined in accordance with the existing shareholding rights in the respective parts;
- (iii) the costs incurred by the said company or owner to enable it or him to give effect to the provisions of this subsection shall in the first instance be borne by the said company or owner and that any person who applies for the conversion of his occupational rights into ownership, shall pay to the said company or owner a share of the said costs on a *pro rata* basis in proportion to the quota of his section;
- (iv) the said company or owner shall transfer a section and an undivided share in the common property apportioned to that section in accordance with the quota of that section to the shareholder in whom the occupational right in that section is vested and who applies for the conversion of his occupational right into ownership, at a consideration not exceeding the amount which would have been payable in respect of such transfer at the time the relevant share was or shares were issued or transferred to that shareholder and against which so much of the purchase price of such share or shares as has been paid at the time of the registration of the relevant sectional title deed, is set off;
- (v) upon the registration of ownership in a section in favour of a shareholder in whom the rights to occupy the section are vested by reason of the fact that he holds a share or shares in a company, all rights of the company to occupy the section under a lease or otherwise shall lapse and all rights of occupancy attached to the said share or shares inconsistent with sectional ownership shall *ipso facto* lapse and the shareholder, if his share or shares is or are not cancelled under section 44 of the Companies Act, 1926 (Act No. 46 of 1926), shall not thereafter deal with or dispose of his share or shares;
- (vi) where any such shares have been pledged, the pledgee shall consent to the said conversion and may require the amount still owing to him to be secured by a sectional mortgage bond registered against the relevant unit.

(2) The articles and memorandum of association of a company or an owner, being a company, referred to in subsection (1) shall be deemed to be amended so as to contain the powers necessary to give effect to the provisions of that subsection, including the power to raise the costs of complying with the provisions of sections 4 and 5 and any other relevant law by means of a mortgage bond over the land and the building concerned.

(3) If a sectional plan has been prepared in accordance with the provisions of proviso (i) to subsection (1) and has in terms of section 4 been lodged with the local authority for approval of the scheme and the local authority decides to approve such scheme, the local authority shall send by registered post a notice to every person in whom is vested a right to occupy any part of the building by reason of the fact that he holds a share or shares in the company concerned, stating that it has decided to approve the said scheme and that the scheme and the sectional plan will be kept available for inspection in the office of the local authority for a period of forty-two days from a date to be fixed by the local authority, but which shall not be earlier than seven days after the date on which any such notice

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- (ii) die waarde van die stemme van die eienaars van die onderskeie dele, ondanks 'n andersluidende bepaling van artikel 24, bepaal moet word ooreenkomstig die bestaande regte in die onderskeie gedeeltes uit hoofde van aandeelbesit;
- (iii) die koste wat deur bedoelde maatskappy of eienaar aangegaan word om hom in staat te stel om aan die bepalings van hierdie subartikel gevolg te gee, in die eerste instansie deur bedoelde maatskappy of eienaar gedra moet word en dat iemand wat aansoek doen om die omskepping van sy okkupasieregte tot eiendomsreg, 'n gedeelte van bedoelde koste aan bedoelde maatskappy of eienaar op 'n *pro rata*-grondslag moet vergoed na verhouding tot die kwota van sy deel;
- (iv) bedoelde maatskappy of eienaar 'n deel en 'n onverdeelde aandeel in die gemeenskaplike eiendom wat ooreenkomstig die kwota van daardie deel aan daardie deel toegedeel is, aan die aandeelhouer in wie die okkupasiereg ten opsigte van daardie deel gevestig is en wat aansoek doen om die omskepping van sy okkupasiereg tot eiendomsreg, moet oordra teen 'n prys wat nie die bedrag te bowe gaan nie wat ten opsigte van sodanige oordrag betaalbaar sou gewees het toe die betrokke aandeel of aandele aan daardie aandeelhouer uitgereik of oorgedra is en waarteen soveel van die koopprys van sodanige aandeel of aandele as wat ten tyde van die registrasie van die betrokke deeltitelbewys betaal is, in verrekening gebring word;
- (v) by die registrasie van eiendomsreg in 'n deel ten gunste van 'n aandeelhouer in wie die reg om die deel te okkupeer gevestig is uit hoofde van die feit dat hy 'n aandeel of aandele in 'n maatskappy besit, alle regte van die maatskappy om die deel ingevolge 'n huurkontrak of andersins te okkupeer, verval en alle regte van okkupasie wat aan bedoelde aandeel of aandele gekoppel is en wat met eiendomsreg van 'n deel onbestaanbaar is, *ipso facto* verval, en die aandeelhouer, indien sy aandeel of aandele nie kragtens artikel 44 van die Maatskappywet, 1926 (Wet No. 46 van 1926), gekanselleer word nie, nie daarna met sy aandeel of aandele mag handel of dit vervreem nie;
- (vi) waar sodanige aandele verpand is, die pandhouer tot bedoelde omskepping moet instem en kan vereis dat die bedrag wat nog uitstaande is, deur 'n teen die betrokke eenheid geregistreerde deelverband versekureer word.

(2) Die statute en akte van oprigting van 'n in subartikel (1) bedoelde maatskappy of eienaar wat 'n maatskappy is, word geag gewysig te wees om die bevoegdheide in te sluit wat nodig is om uitvoering aan die bepalings van daardie subartikel te gee, met inbegrip van die bevoegdheid om die koste om aan die bepalings van artikels 4 en 5 en 'n ander toepaslike wetsbepaling te voldoen, by te bring by wyse van 'n verband oor die betrokke grond en gebou.

(3) Indien 'n deelplan ooreenkomstig die bepalings van voorbehoud (i) by subartikel (1) opgestel is en ingevolge die bepalings van artikel 4 by die plaaslike bestuur ingedien is vir goedkeuring van die skema en die plaaslike bestuur besluit om die skema goed te keur, moet die plaaslike bestuur aan elke persoon in wie 'n reg gevestig is om 'n gedeelte van die gebou te okkupeer uit hoofde van die feit dat hy 'n aandeel of aandele in die betrokke maatskappy besit, 'n kennisgewing by aangeleekende pos stuur waarin verklaar word dat hy besluit het om bedoelde skema goed te keur en dat die skema en die deelplan ter insae beskikbaar gehou sal word in die kantoor van die plaaslike bestuur vir 'n tydperk van twee-en-veertig dae vanaf 'n datum deur die plaaslike bestuur bepaal, maar wat nie vroeër is nie as sewe dae na die datum waarop so 'n kennisge-

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is so sent, and calling upon any such person who objects to the scheme or the sectional plan, to lodge his objection with the local authority.

(4) If within a period of sixty days from the date fixed in such notice no such objection has been so lodged by any person, the local authority shall approve the scheme.

(5) If within such period of sixty days any objection has been lodged with the local authority, the local authority shall, if every person affected by such objection undertakes in writing, within a period of twenty-eight days from the date of the expiration of the said period of sixty days to accept the award of an arbitrator or arbitrators to be appointed by the local authority, as final and conclusive upon all matters in dispute and in regard to the costs of or incidental to such arbitration, appoint an arbitrator or arbitrators to determine such matters, and his or their award thereon shall be final and conclusive.

(6) If any person fails to lodge an objection within the period prescribed in subsection (4) or if any person who has lodged an objection, fails within the period prescribed in subsection (5) to give the undertaking therein referred to, he shall be deemed to have agreed to the scheme and the sectional plan.

(7) As soon as the objections which have been proceeded with, have been disposed of and the necessary amendments to the sectional plan have been made in accordance with any award of the arbitrator or arbitrators appointed under subsection (5), the local authority shall approve the scheme.

(8) In the absence of agreement, the consideration to be paid in terms of proviso (iv) to subsection (1) shall be fixed by arbitration.

(9) The registrar shall not register transfer of a unit unless there is produced to him a certificate by the receiver of revenue that the transfer duty has been paid or secured or that no transfer duty is payable and that the stamp duty has been paid or that no stamp duty is payable.

(10) If the company or owner referred to in subsection (1) feels aggrieved by any decision of the local authority or if the local authority fails to decide in terms of subsection (3) to approve the scheme within sixty days after the application was made to it or after the said company or owner complied with the requirements of the local authority under section 4 (5), the said company or owner may appeal to the Administrator in accordance with the provisions of the regulations, and the Administrator may decide to approve or not to approve the scheme.

(11) If the Administrator decides to approve the scheme, his decision shall be deemed to be the decision of the local authority and thereupon the local authority shall take the other steps contemplated in subsections (3) to (7), inclusive.

**Participation
quota.**

24. (1) The participation quota of a section or of the owner of a section shall be a decimal fraction, correct to three places, arrived at by dividing the floor area, correct to the nearest square metre, of the section by the floor area, correct to the nearest square metre, of all the sections in the building or buildings comprised in the scheme.

(2) Subject to the provisions of proviso (ii) to section 23 (1), and to subsection (3) of this section, the quota of a section shall determine—

- (a) the value of the vote of the owner of the section, in any case where the vote is to be reckoned in value;
- (b) the undivided share in the common property of the owner of the section; and
- (c) the proportion in which the owner of the section shall make contributions for the purposes of section 30 (1) or may in terms of section 35 be held liable for the payment of a judgment debt of the body corporate of which he is a member.

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wing aldus gestuur word, en waarin so 'n persoon wat teen die skema of die deelplan beswaar maak, aangesê word om sy beswaar by die plaaslike bestuur in te dien.

(4) Indien geen sodanige beswaar binne sestig dae vanaf die in die kennisgewing bepaalde datum deur iemand aldus ingedien is nie, moet die plaaslike bestuur bedoelde skema goedkeur.

(5) Indien 'n beswaar binne bedoelde tydperk van sestig dae by die plaaslike bestuur ingedien is, moet die plaaslike bestuur, indien elke persoon wat deur daardie beswaar geraak word, binne 'n tydperk van agt-en-twintig dae vanaf die datum waarop bedoelde tydperk van sestig dae verstryk, skriftelik onderneem om die beslissing van 'n arbiter of arbiters deur die plaaslike bestuur aangestel te word, as finaal en afdoende te aanvaar op alle geskilpunte en met betrekking tot die koste van of ontstaande uit die arbitrasie, 'n arbiter of arbiters aanstel om bedoelde geskilpunte te besleg, en sy of hulle beslissing is finaal en afdoende.

(6) Indien iemand versuim om 'n beswaar binne die in subartikel (4) voorgeskrewe tydperk in te dien of indien iemand wat 'n beswaar ingedien het, versuim om binne die in subartikel (5) voorgeskrewe tydperk die daarin bedoelde onderneming te gee, word hy geag tot die skema en die deelplan toe te gestem het.

(7) Sodra die besware waarmee voortgegaan is, afgehandel is en die nodige wysigings aan die deelplan ooreenkomstig die beslissing van die arbiter of arbiters wat kragtens subartikel (5) aangestel is, aangebring is, moet die plaaslike bestuur die skema goedkeur.

(8) By ontstentenis van ooreenkoms moet die prys wat ingevolge voorbehoud (iv) by subartikel (1) betaal moet word, by arbitrasie vasgestel word.

(9) Die registrateur registreer nie oordrag van 'n eenheid tensy daar aan hom voorgelê word 'n sertifikaat deur die ontvanger van inkomste dat die hereregte betaal of verseker is of dat geen hereregte betaalbaar is nie en dat die seëlreg betaal is of dat geen seëlreg betaalbaar is nie.

(10) Indien die in subartikel (1) bedoelde maatskappy of eienaar hom veronreg voel deur 'n besluit van die plaaslike bestuur, of indien die plaaslike bestuur nie binne sestig dae nadat die aansoek by hom gedoen is of nadat bedoelde maatskappy of eienaar aan die vereistes van die plaaslike bestuur ingevolge artikel 4 (5) voldoen het, ingevolge subartikel (3) besluit om die skema goed te keur nie, kan bedoelde maatskappy of eienaar ooreenkomstig die bepalings van die regulasies na die Administrateur appelleer, en die Administrateur kan besluit om die skema goed te keur of af te keur.

(11) Indien die Administrateur besluit om die skema goed te keur, word sy besluit geag die besluit van die plaaslike bestuur te wees en daarna moet die plaaslike bestuur die ander stappe doen wat in subartikels (3) tot en met (7) beoog word.

24. (1) Die deelnemingskwota van 'n deel of van die eienaar van 'n deel is 'n desimale breuk, korrek tot drie plekke, verkry deur die vloeroppervlakte, korrek tot die naaste vierkante meter, van die deel te verdeel deur die vloeroppervlakte, korrek tot die naaste vierkante meter, van al die dele in die gebou of geboue wat deur die skema behels word.

(2) Behoudens die bepalings van voorbehoud (ii) by artikel 23 (1) en van subartikel (3) van hierdie artikel, bepaal die kwota van 'n deel—

- (a) die waarde van die stem van die eienaar van die deel, in 'n geval waar die stem volgens waarde gereken moet word;
- (b) die onverdeelde aandeel in die gemeenskaplike eiendom van die eienaar van die deel; en
- (c) die verhouding waarin die eienaar van die deel bydraes vir die doeleindes van artikel 30 (1) moet maak of ingevolge artikel 35 verantwoordelik gehou kan word vir die betaling van 'n vonnisskuld van die regspersoon waarvan hy 'n lid is.

Deelnemingskwota.

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(3) The members of the body corporate may by unanimous resolution make rules under section 27 whereby a different value is attached to the vote of the owner of any section or the liability of the owner of any section to make contributions for the purposes of section 30 (1) or 35 is modified.

(4) The specification in the schedule to the sectional plan of the quota of each section and of the total of the quotas of all the sections in the building or buildings comprised in a scheme, shall be deemed to be correct in the absence of proof to the contrary.

Sale or letting of sections.

25. Subject to the provisions of section 23, nothing in this Act or any other law contained shall be construed as preventing a developer from selling certain sections in a building and letting other sections therein or from letting all the sections therein.

Share of developer in building and land.

26. (1) The developer shall be the owner of any section in respect of which the ownership is not held by any other person, and the quota of such section or, if there is more than one such section, the total of the quotas of such sections, shall determine the share of the developer in the common property.

(2) When the ownership in every section is held by any person or persons other than the developer, the developer shall cease to have any share in the common property.

(3) When a developer has in one transaction alienated the whole of his interest in the land and the building or buildings comprised in a scheme or a share in the whole of such interest to any other person, the registrar shall register the transaction by endorsing the fact of such alienation and the full name of the successor-in-title on the developer's sectional title deeds.

(4) The registrar shall not register a transaction referred to in subsection (3) unless there is produced to him a conveyancer's certificate in the prescribed form certifying—

- (a) if there is a body corporate, that all moneys due to the body corporate by the developer have been paid or that provision has been made to the satisfaction of the body corporate for the payment thereof;
- (b) if there is no body corporate, that all rates and taxes due to the local authority by the developer have been paid;
- (c) if the transfer is to be registered in a deeds registry in the Republic, that the provisions of the Group Areas Act, 1966 (Act No. 36 of 1966), have been complied with;
- (d) that according to a sworn declaration furnished by the transferor there are no interdicts, caveats or other notices applicable and the transferor is not insolvent;
- (e) if the transferor or transferee is a company, that the memorandum and articles of association of the company have been checked and that the transaction is within the powers of the company; and
- (f) such other particulars as may be prescribed by regulation,

and unless such certificate is endorsed with or accompanied by—

- (i) a certificate by the receiver of revenue that the transfer duty has been paid or secured or that no transfer duty is payable and that the stamp duty has been paid or that no stamp duty is payable; and
- (ii) if the transferor is a deceased estate, a certificate by the Master of the Supreme Court that the estate duty, if any, has been paid or secured and that there is no objection to the registration of the transfer.

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(3) Die lede van die regs persoon kan by eenparige besluit kragtens artikel 27 reëls uitvaardig waarby 'n ander waarde geheg word aan die stem van die eienaar van 'n deel of die verantwoordelikheid van die eienaar van 'n deel om bydraes vir die doeleindes van artikel 30 (1) of 35 te maak, gewysig word.

(4) Die vermelding in die skedule by die deelplan van die kwota van elke deel en van die totaal van die kwotas van al die dele in die gebou of geboue wat deur 'n skema behels word, word geag korrek te wees tensy die teendeel bewys word.

25. Behoudens die bepalings van artikel 23, word geen bepaling van hierdie Wet of 'n ander wet uitgelê in die sin dat dit 'n ontwikkelaar belet om sekere dele in 'n gebou te verkoop en ander dele daarin te verhuur of om al die dele daarin te verhuur nie.

Verkoping of verhuring van dele.

26. (1) Die ontwikkelaar is die eienaar van 'n deel ten opsigte waarvan die eiendomsreg nie deur iemand anders besit word nie, en die kwota van so 'n deel of, indien daar meer as een so 'n deel is, die totaal van die kwotas van daardie dele, bepaal die aandeel van die ontwikkelaar in die gemeenskaplike eiendom.

Aandeel van ontwikkelaar in gebou en grond.

(2) Wanneer die eiendomsreg in elke deel deur 'n ander persoon of persone as die ontwikkelaar besit word, hou die ontwikkelaar op om 'n aandeel in die gemeenskaplike eiendom te hê.

(3) Wanneer 'n ontwikkelaar in een transaksie die geheel van sy belang in die grond en gebou of geboue wat deur 'n skema behels word, of 'n aandeel in die geheel van bedoelde belang, aan 'n ander persoon vervreem het, registreer die registrateur die transaksie deur die feit van sodanige vervreemding en die volle naam van die opvolger-in-titel op die ontwikkelaar se deeltitelbewyse aan te teken.

(4) Die registrateur registreer nie 'n in subartikel (3) bedoelde transaksie nie tensy daar aan hom voorgelê word 'n transportbesorger se sertifikaat in die voorgeskrewe vorm waarin gesertifiseer word—

- (a) indien daar 'n regs persoon is, dat alle gelde wat deur die ontwikkelaar aan die regs persoon verskuldig is, betaal is of dat voorsiening vir die betaling daarvan tot bevrediging van die regs persoon gemaak is;
- (b) indien daar nie 'n regs persoon is nie, dat alle tariewe en belastinge wat deur die ontwikkelaar aan die plaaslike bestuur verskuldig is, betaal is;
- (c) indien die oordrag in 'n registrasiekantoor in die Republiek geregistreer moet word, dat aan die bepalings van die Groepsgebiedewet, 1966 (Wet No. 36 van 1966), voldoen is;
- (d) dat volgens 'n beëdigde verklaring wat deur die transportgewer verstrekk is, daar geen interdikte, caveats of ander kennisgewings van toepassing is nie en die transportgewer nie insolvent is nie;
- (e) indien die transportgewer of die transportnemer 'n maatskappy is, dat die akte van oprigting en statute van die maatskappy nagegaan is en dat die transaksie binne die bevoegdheid van die maatskappy is; en
- (f) die ander besonderhede wat by regulasie voorgeskryf word,

en tensy sodanige sertifikaat daarop aangeteken het of vergesel gaan van—

- (i) 'n sertifikaat van die ontvanger van inkomste dat die hereregte betaal of verseker is of dat geen hereregte betaalbaar is nie en dat die seëlregte betaal is of dat geen seëlregte betaalbaar is nie; en
- (ii) indien die transportgewer 'n bestorwe boedel is, 'n sertifikaat van die Meester van die Hooggeregshof dat die boedelbelasting, as daar is, betaal of verseker is en dat daar geen beswaar teen die registrasie van die oordrag is nie.

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(5) A certificate referred to in subsection (4) shall so far as the registrar is concerned be conclusive evidence of the facts stated therein.

(6) In any case where a conveyancer furnishes a certificate in terms of subsection (4) (a) it shall not be necessary, before a transfer referred to in subsection (3) is registered, to produce to the registrar a clearance certificate to the effect that the rates and taxes due to the local authority in respect of the land and building or buildings comprised in the scheme have been paid.

(7) The provisions of this section shall *mutatis mutandis* apply with reference to a company or owner contemplated in section 23.

(8) The conveyancer who has furnished a certificate in terms of subsection (4) shall retain his file of documents relating to the transaction in question for a period of at least six years after the date of the said certificate.

Rules.

27. (1) A building and the land on which it is situated shall as from the date of the establishment of the body corporate be controlled and managed, subject to the provisions of this Act, by means of rules.

(2) (a) The rules shall provide for the control, management, administration, use and enjoyment of sections and the common property, and shall include—

(i) the rules contained in Schedule 1 which shall not be added to, amended or repealed except by unanimous resolution of the members of the body corporate;

(ii) the rules contained in Schedule 2 which may be added to, amended or repealed by special resolution of the members of the body corporate.

(b) Until such time as special rules are made for the control and management of a building and the land on which it is situated, the rules set forth in Schedules 1 and 2 shall, as from the date of the establishment of the body corporate, be in force in respect of such building and land.

(c) When any such special rules have been made, or when any rule has been added to, amended or repealed, the body corporate shall lodge with the registrar a notification in the prescribed form of such special rules, addition, amendment or repeal, and the registrar shall in the prescribed manner make a reference thereto on the schedule to the relevant sectional plan referred to in section 5 (3) (f).

(3) No addition to or amendment or repeal of any rule pursuant to subsection (2) (a) (i) shall be of any force or effect until the body corporate has lodged with the registrar a notification in the prescribed form of such addition, amendment or repeal and the registrar has in the prescribed manner made a reference thereto on the schedule to the relevant sectional plan referred to in section 5 (3) (f).

(4) The body corporate shall, on the application of any owner or any person having a registered real right in or over a unit, or any person authorized in writing by such owner or person, make the rules then in force available for inspection and for the purpose of making copies thereof or taking extracts therefrom.

(5) Subject to the provisions of subsection (3), the rules shall bind the body corporate and the owners and all persons occupying any section.

Establishment of body corporate.

28. (1) With effect from the date on which any person other than the developer becomes an owner of a unit in a building, there shall be deemed to be established for that building a body corporate of which the developer and such person are members, and every person who thereafter becomes an owner of a unit in that building, shall be a member of that body corporate.

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(5) 'n In subartikel (4) bedoelde sertifikaat is, vir sover dit die registrateur aangaan, afdoende bewys van die feite daarin vermeld.

(6) In 'n geval waar 'n transportbesorger 'n sertifikaat ingevolge subartikel (4) (a) verstrek, is dit nie nodig om, voordat 'n in subartikel (3) bedoelde oordrag geregistreer word, 'n belastingbewys ten effekte dat alle tariewe en belastings wat aan die plaaslike bestuur verskuldig is ten opsigte van die grond en gebou of geboue wat deur die skema behels word, betaal is, aan die registrateur voor te lê nie.

(7) Die bepaling van hierdie artikel is *mutatis mutandis* van toepassing met betrekking tot 'n in artikel 23 bedoelde maatskappy of eienaar.

(8) Die transportbesorger wat 'n sertifikaat ingevolge subartikel (4) verstrek het, moet sy lêer met dokumente wat op die betrokke transaksie betrekking het, vir 'n tydperk van minstens ses jaar na die datum van bedoelde sertifikaat bewaar.

27. (1) 'n Gebou en die grond waarop dit geleë is, word **Reëls.** vanaf die datum van die instelling van die regspersoon, behoudens die bepaling van hierdie Wet, deur middel van reëls beheer en bestuur.

(2) (a) Die reëls moet vir die beheer, bestuur, administrasie, gebruik en genot van dele en die gemeenskaplike eiendom voorsiening maak en moet insluit—

- (i) die reëls in Bylae 1 vervat wat, behalwe by eenparige besluit van die lede van die regspersoon, nie aangevul, gewysig of herroep mag word nie;
- (ii) die reëls in Bylae 2 vervat wat by spesiale besluit van die lede van die regspersoon aangevul, gewysig of herroep kan word.

(b) Tot tyd en wyl spesiale reëls vir die beheer en bestuur van 'n gebou en die grond waarop dit geleë is, uitgevaardig is, is die reëls in Bylaes 1 en 2 uiteengesit, vanaf die datum van die instelling van die regspersoon, van krag ten opsigte van sodanige gebou en grond.

(c) Wanneer enige sodanige spesiale reëls uitgevaardig is, of wanneer 'n reël aangevul, gewysig of herroep is, moet die regspersoon 'n kennisgewing in die voorgeskrewe vorm van sodanige spesiale reëls, aanvulling, wysiging of herroeping by die registrateur indien, en die registrateur moet op die voorgeskrewe wyse 'n verwysing daarna op die in artikel 5 (3) (f) bedoelde bylae by die betrokke deelplan aanteken.

(3) Geen aanvulling of wysiging of herroeping van 'n reël ingevolge subartikel (2) (a) (i) is van krag nie totdat die regspersoon 'n kennisgewing in die voorgeskrewe vorm van sodanige aanvulling, wysiging of herroeping by die registrateur ingedien het en die registrateur op die voorgeskrewe wyse 'n verwysing daarna op die in artikel 5 (3) (f) bedoelde bylae by die betrokke deelplan aangeteken het.

(4) Die regspersoon moet, op aansoek van 'n eienaar of 'n persoon wat 'n geregisteerde saaklike reg in of oor 'n eenheid het, of iemand skriftelik deur so 'n eienaar of persoon gemagtig, die reëls wat dan van krag is, beskikbaar stel ter insae en vir die doel om afskrifte daarvan te maak of uittreksels daaruit te neem.

(5) Behoudens die bepaling van subartikel (3), is die reëls bindend vir die regspersoon en die eienaars en alle persone wat 'n deel okkupeer.

28. (1) Met ingang van die datum waarop 'n ander persoon **Instelling van regspersoon.** as die ontwikkelaar 'n eienaar van 'n eenheid in 'n gebou word, word daar geag vir daardie gebou 'n regspersoon ingestel te wees waarvan die ontwikkelaar en daardie persoon lede is, en elke persoon wat daarna 'n eienaar van 'n eenheid in daardie gebou word, is 'n lid van daardie regspersoon.

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(2) The developer shall cease to be a member of the body corporate when he ceases to have a share in the common property as contemplated in section 26 (2), and any other member of the body corporate shall cease to be a member thereof when he ceases to be the owner of a section in the building in question: Provided that any person who, in terms of the provisions of section 37 (3), remains a co-owner of the land on which the building in question was situated, shall be deemed to remain a member of the body corporate: Provided further that if a lease of a unit referred to in paragraph (b) of the definition of "owner" in section 1, expires, the developer or the person who granted the lease shall again become a member of the body corporate.

(3) The body corporate shall be designated as the "Controlling Body of the (name) Building No. . . ."; the name and number to be inserted shall be the name and number referred to in section 6 (2) (c) and section 8 (1) (a), respectively.

(4) The body corporate shall, subject to the provisions of this Act, be responsible for the enforcement of the rules referred to in section 27, and for the control, administration and management of the common property.

(5) The provisions of the Companies Act, 1926 (Act No. 46 of 1926), shall not apply with reference to the body corporate.

(6) The body corporate shall have perpetual succession and shall be capable of suing and of being sued in its corporate name in respect of—

- (a) any contract made by it;
- (b) any damage to the common property;
- (c) any matter in connection with the land or building for which the body corporate is liable or for which the owners are jointly liable;
- (d) any matter arising out of the exercise of any of its powers or the performance or non-performance of any of its duties under this Act or any rule.

Duties of body corporate.

29. (1) The body corporate shall carry out the duties assigned to it by or under this Act or the rules, and such duties shall include the duty—

- (a) to insure the building and keep it insured to its replacement value against fire and such other risks as may be prescribed;
- (b) to insure against such other risks as the owners may by special resolution determine;
- (c) subject to the provisions of section 36 and to the rights of the holder of any sectional mortgage bond, forthwith to apply any insurance money received by it in respect of damage to the building, in rebuilding and reinstating the building in so far as this may be effected;
- (d) to pay the premiums on any policy of insurance effected by it;
- (e) properly to maintain the common property and to keep it in a state of good and serviceable repair;
- (f) to comply with any notice or order by any competent authority requiring any repairs to or work in respect of the relevant land or building;
- (g) to comply with any reasonable request for the names and addresses of the persons who are the trustees of the body corporate in terms of Schedule 1 or who are the members of the body corporate;
- (h) to notify the registrar and the local authority concerned of its *domicilium citandi et executandi*, which shall be its address for service of any process;
- (i) to ensure compliance with any laws relating to the common property or to any improvement on land comprised in the common property;
- (j) control, manage and administer the common property for the benefit of all owners;

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(2) Die ontwikkelaar hou op om 'n lid van die regspersoon te wees wanneer hy binne die bedoeling van artikel 26 (2) ophou om 'n aandeel in die gemeenskaplike eiendom te hê, en 'n ander lid van die regspersoon hou op om 'n lid daarvan te wees wanneer hy ophou om die eienaar van 'n deel in die betrokke gebou te wees: Met dien verstande dat iemand wat ooreenkomstig die bepalings van artikel 37 (3) mede-eienaar van die grond bly waarop die betrokke gebou geleë was, geag word lid van die regspersoon te bly: Met dien verstande voorts dat wanneer 'n in paragraaf (b) van die omskrywing van „eienaar” in artikel 1 bedoelde huurkontrak van 'n eenheid verstryk, die ontwikkelaar of die persoon wat die huurkontrak verleen het weer lid van die regspersoon word.

(3) Na die regspersoon word verwys as die „Beherende Liggaam van die (naam) gebou No.”; die naam en nommer wat ingevul moet word, is die naam en nommer onderskeidelik in artikel 6 (2) (c) en artikel 8 (1) (a) bedoel.

(4) Die regspersoon is, behoudens die bepalings van hierdie Wet, verantwoordelik vir die toepassing van die in artikel 27 bedoelde reëls en vir die beheer, administrasie en bestuur van die gemeenskaplike eiendom.

(5) Die bepalings van die Maatskappywet, 1926 (Wet No. 46 van 1926), is nie met betrekking tot die regspersoon van toepassing nie.

(6) Die regspersoon geniet ewigdurende opvolging en is bevoeg om in sy naam as regspersoon as eiser en verweerder in regte op te tree ten opsigte van—

- (a) 'n kontrak deur hom aangegaan;
- (b) skade aan die gemeenskaplike eiendom;
- (c) 'n aangeleentheid in verband met die grond of gebou waarvoor die regspersoon aanspreeklik is of die eienaars gesamentlik aanspreeklik is;
- (d) 'n aangeleentheid wat ontstaan uit die uitoefening van sy bevoegdhede of die uitvoering of nie-uitvoering van enige van sy pligte kragtens hierdie Wet of 'n reël.

29. (1) Die regspersoon moet die pligte uitvoer wat deur of kragtens hierdie Wet of die reëls hom opgelê word, en daardie pligte sluit die plig in—

- (a) om die gebou tot die vervangingswaarde daarvan teen brand en sodanige ander risiko's as wat voorgeskryf word, te verseker en verseker te hou;
- (b) om teen sodanige ander risiko's as wat die eienaars by spesiale besluit bepaal, te verseker;
- (c) om, behoudens die bepalings van artikel 36 en die regte van die houer van 'n deelverband, onverwyld versekeringsgeld deur hom ten opsigte van skade aan die gebou ontvang, aan te wend vir die herbou en herstel van die gebou vir sover dit gedoen kan word;
- (d) om die premies te betaal op 'n versekeringspolis deur hom aangegaan;
- (e) om die gemeenskaplike eiendom behoorlik te onderhou en dit in 'n goeie en diensbare toestand in stand te hou;
- (f) om aan 'n kennisgewing of bevel van 'n bevoegde gesag te voldoen waarkragtens herstel aan of werk ten opsigte van die betrokke grond of gebou vereis word;
- (g) om te voldoen aan 'n redelike versoek om die name en adresse van die persone wat ingevolge Bylae I trustees van die regspersoon is of wat lede van die regspersoon is;
- (h) om die betrokke registrateur en plaaslike bestuur in kennis te stel van sy *domicilium citandi et executandi*, wat sy adres vir die betekening van elke prosesstuk is;
- (i) om nakoming van wetsbepalings betreffende die gemeenskaplike eiendom of 'n verbetering op grond wat deel van die gemeenskaplike eiendom uitmaak, te verseker;
- (j) om die gemeenskaplike eiendom tot voordeel van alle eienaars te beheer, te bestuur en te administreer;

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- (k) keep in a state of good and serviceable repair and properly maintain the plant, machinery, fixtures and fittings (including elevators) used in connection with the common property;
- (l) subject to the rights of the local authority, maintain and repair (including renewal where reasonably necessary) pipes, wires, cables and ducts existing on the land and capable of being used in connection with the enjoyment of more than one section or of the common property;
- (m) on the written request of any owner or registered mortgagee of a section, produce to such owner or mortgagee, or any person authorized in writing by such owner or mortgagee, the policy or policies of insurance effected by the body corporate and the receipt or receipts for the last premium or premiums in respect thereof.

(2) The body corporate shall, for the purpose of effecting any insurance under subsection (1) (a), be deemed to have an insurable interest in the replacement value of the building and shall, for the purpose of effecting any other insurance under that subsection, be deemed to have an insurable interest in the subject-matter of such insurance.

**Powers of
body corporate.**

30. (1) The body corporate may exercise the powers conferred upon it by or under this Act or the rules, and such powers shall include the power—

- (a) to establish for administrative expenses a fund sufficient in the opinion of the body corporate for the repair, upkeep, control, management and administration of the common property, for the payment of rates and taxes and other local authority charges on the building and land and any charges for the supply of electric current, gas, water, fuel and sanitary and other services to the building and land and any premiums of insurance, and for the discharge of any duty or other obligation of the body corporate;
- (b) to require the owners, whenever necessary, to make contributions to such fund for the purposes of satisfying any claims against the body corporate;
- (c) to determine from time to time the amounts to be raised for the purposes aforesaid;
- (d) to raise the amounts so determined by levying contributions on the owners in proportion to the quotas of their respective sections;
- (e) to open and operate a current account and a savings account with a banking institution or a building society;
- (f) to appoint such agents and employees as it may deem fit;
- (g) to purchase or otherwise acquire, to take transfer of, to mortgage, to sell, to give transfer of, or to hire or let units;
- (h) to purchase, hire or otherwise acquire movable property for the use of owners in connection with their enjoyment of the common property;
- (i) where practicable, to establish and maintain suitable lawns and gardens and playing facilities for children on the common property;
- (j) to borrow moneys required by it in the performance of its duties or the exercise of its powers;
- (k) to secure the repayment of moneys borrowed by it and the payment of interest thereon, by negotiable instrument or the hypothecation of unpaid contributions (whether levied or not) or by mortgaging any property vested in it;

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- (k) om die installasie, masjinerie, vaste en ander toebehore (met inbegrip van hysers) wat in verband met die gemeenskaplike eiendom gebruik word, in 'n goeie en diensbare toestand te hou en behoorlik in stand te hou;
 - (l) om, behoudens die regte van die plaaslike bestuur, pype, drade, kables en buise wat op die grond bestaan en in verband met die benutting van meer as een deel of van die gemeenskaplike eiendom gebruik kan word, in stand te hou en te herstel (met inbegrip van hernuwing waar redelikerwys nodig);
 - (m) om op die skriftelike versoek van 'n eienaar of geregistreerde verbandhouer van 'n deel aan daardie eienaar of verbandhouer of 'n persoon skriftelik deur daardie eienaar of verbandhouer gemagtig, die versekeringspolis of -polisse wat deur die regspersoon aangegaan is, en die kwitansie of kwitansies vir die jongste premie of premies ten opsigte daarvan, te toon.
- (2) Die regspersoon word, vir die doeleindes van die aangaan van versekering kragtens subartikel (1) (a), geag 'n versekerbare belang in die vervangingswaarde van die gebou te besit en word, vir die doeleindes van die aangaan van enige ander versekering kragtens daardie subartikel, geag 'n versekerbare belang in die onderwerp van sodanige versekering te besit.

30. (1) Die regspersoon kan die bevoegdhede uitoefen wat deur of kragtens hierdie Wet of die reëls aan hom verleen word, en daardie bevoegdhede sluit die bevoegdheid in—

Bevoegdhede van regspersoon.

- (a) om vir administratiewe uitgawes 'n fonds in te stel wat na die oordeel van die regspersoon voldoende is vir die herstel, instandhouding, beheer, bestuur en administrasie van die gemeenskaplike eiendom, vir die betaling van tariewe en belastinge en ander plaaslike bestuursvorderings op die gebou en grond en vorderings vir die verskaffing van elektriese krag, gas, water, brandstof en reinigings- en ander dienste aan die gebou en grond en versekeringspremies en vir die vervulling van enige plig of ander verpligting van die regspersoon;
- (b) om van die eienaars te vereis om, wanneer nodig, bydraes tot bedoelde fonds te maak vir die doel om aan vorderings teen die regspersoon te voldoen;
- (c) om van tyd tot tyd die bedrae te bepaal wat vir voor-noemde doeleindes gehef moet word;
- (d) om die aldus bepaalde bedrae te verkry deur bydraes op die eienaars te hef na verhouding van die kwotas van hul onderskeie dele;
- (e) om 'n lopende en 'n spaarrekening by 'n bankinstelling of 'n bouvereniging te open en daarop te werk;
- (f) om die agente en werknemers aan te stel wat hy goedvind;
- (g) om eenhede te koop of andersins te verkry, om oordrag daarvan te neem, om eenhede te verhipotekeer, te verkoop en oordrag daarvan te gee of om eenhede te huur of te verhuur;
- (h) om roerende goed vir die gebruik van eienaars in verband met hul benutting van die gemeenskaplike eiendom te koop, te huur of andersins te verkry;
- (i) om waar uitvoerbaar, geskikte grasperke en tuine en speelgeriewe vir kinders op die gemeenskaplike eiendom aan te lê en in stand te hou;
- (j) om geld op te neem wat hy nodig het in die uitvoering van sy pligte of die uitoefening van sy bevoegdhede;
- (k) om die terugbetaling van gelde deur hom opgeneem en die betaling van rente daarop te versekureer deur middel van 'n verhandelbare stuk of die verhipotekering van onbetaalde bydraes (hetsy gehef al dan nie) of die beswaring deur verband van eiendom in hom gevestig;

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- (l) to invest any moneys of the fund referred to in paragraph (a);
- (m) to enter into an agreement with the local authority or any other person or body for the supply to the building and the land of electric current, gas, water, fuel and sanitary and other services;
- (n) to enter into an agreement with any owner or occupier of a section for the provision of amenities or services by it to such section or to the owner or occupier thereof;
- (o) to do all things reasonably necessary for the enforcement of the rules and the control, management and administration of the common property.

(2) Any contributions levied under any provision of subsection (1) shall be due and payable on the passing of a resolution to that effect by the trustees of the body corporate, and may be recovered by the body corporate by action in any court (including any magistrate's court) of competent jurisdiction from the persons who are owners of units at the time when such resolution is passed.

(3) The body corporate shall, on the application of an owner or a mortgagee of a unit, or any person authorized by such owner or mortgagee, certify in writing—

- (a) the amount determined as the contribution of that owner;
- (b) the manner in which such contribution is payable;
- (c) the extent to which such contribution has been paid by that owner; and
- (d) the amount of any rate paid by the body corporate in terms of section 38 and not recovered by it.

Duties and powers of body corporate to be performed or exercised by trustees.

31. The duties and powers of the body corporate shall, subject to the provisions of this Act and the rules and to any restriction imposed or direction given at a general meeting of the owners of sections, be performed or exercised by the trustees of the body corporate holding office in terms of the rules.

Duties of owners.

32. An owner shall—

- (a) permit any person authorized in writing by the body corporate, at all reasonable hours on notice (except in case of emergency when no notice shall be required), to enter his section for the purpose of inspecting it and maintaining, repairing or renewing pipes, wires, cables and ducts existing in the section and capable of being used in connection with the enjoyment of any other section or common property, or for the purpose of maintaining, repairing or renewing common property, or for the purpose of ensuring that the provisions of this Act and the rules are being observed;
- (b) forthwith carry out all work that may be ordered by any competent public or local authority in respect of his section, other than such work as may be for the benefit of the building generally, and pay all charges, expenses and assessments that may be payable in respect of his section;
- (c) repair and maintain his section in a state of good repair;
- (d) use and enjoy the common property in such a manner as not unreasonably to interfere with the use and enjoyment thereof by other owners or other persons lawfully on the premises;
- (e) not use his section or permit it to be used in such manner or for such purpose as shall cause a nuisance to any occupier of a section;

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- (l) om gelde van die in paragraaf (a) bedoelde fonds te belê;
- (m) om 'n ooreenkoms met die plaaslike bestuur of 'n ander persoon of liggaam aan te gaan vir die verskaffing aan die gebou en die grond van elektriese krag, gas, water, brandstof en reinigings- en ander dienste;
- (n) om 'n ooreenkoms met 'n eienaar of okkupeerder van 'n deel aan te gaan vir die verskaffing van geriewe of dienste deur hom aan daardie deel of aan die eienaar of okkupeerder daarvan;
- (o) om alle dinge te doen wat redelikerwys nodig is vir die toepassing van die reëls en die beheer, bestuur en administrasie van die gemeenskaplike eiendom.

(2) Bydraes wat ingevolge 'n bepaling van subartikel (1) gehef word, is verskuldig en betaalbaar wanneer 'n besluit te dien effekte deur die trustees van die regspersoon geneem word, en kan deur die regspersoon by geding in 'n bevoegde hof (met inbegrip van 'n landdroshof) verhaal word op die persone wat eienaars van eenhede is op die tydstip wanneer bedoelde besluit geneem word.

(3) Die regspersoon moet op aansoek van 'n eienaar van of 'n houer van 'n verband oor 'n eenheid of 'n persoon deur so 'n eienaar of verbandhouer gemagtig, skriftelik—

- (a) die bedrag sertifiseer wat as die bydrae van daardie eienaar bepaal is;
- (b) die wyse sertifiseer waarop sodanige bydrae betaalbaar is;
- (c) sertifiseer in watter mate sodanige bydrae deur daardie eienaar betaal is; en
- (d) die bedrag van 'n belasting sertifiseer wat deur die regspersoon ingevolge artikel 38 betaal is en nie deur hom teruggevorder is nie.

31. Die pligte en bevoegdhede van die regspersoon word, behoudens die bepalings van hierdie Wet en die reëls en 'n beperking of opdrag op 'n algemene vergadering van die eienaars van dele opgelê of gegee, verrig of uitgeoefen deur die trustees van die regspersoon wat hulle amp ingevolge die reëls beklee.

Pligte en bevoegdhede van regspersoon deur trustees verrig of uitgeoefen te word.

32. 'n Eienaar moet—

- (a) 'n persoon, skriftelik deur die regspersoon gemagtig, te alle redelike ure na kennisgewing (behalwe in 'n noodgeval, wanneer geen kennisgewing nodig is nie), toelaat om sy deel binne te gaan vir die doel om dit te inspekteer en om pype, drade, kables en buise wat in die deel bestaan en gebruik kan word in verband met die benutting van 'n ander deel of gemeenskaplike eiendom, in stand te hou, te herstel of te hernieu, of vir die doel om gemeenskaplike eiendom in stand te hou, te herstel of te hernieu, of vir die doel om te verseker dat die bepalings van hierdie Wet en die reëls nagekom word;
- (b) onverwyld alle werk verrig wat deur 'n bevoegde openbare of plaaslike gesag ten opsigte van sy deel gelas word, behalwe die werk wat tot voordeel van die gebou in die algemeen strek, en alle vorderings, onkoste en aanslae betaal wat ten opsigte van sy deel betaalbaar is;
- (c) sy deel herstel en in 'n goeie toestand in stand hou;
- (d) die gemeenskaplike eiendom op so 'n wyse gebruik en benut dat hy nie op onredelike wyse die gebruik en benutting daarvan deur ander eienaars of ander persone wat wettiglik op die perseel is, belemmer nie;
- (e) nie sy deel op 'n wyse of vir 'n doel gebruik of toelaat dat dit aldus gebruik word dat 'n oorlas aan 'n okkupeerder van 'n deel veroorsaak word nie;

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- (f) notify the body corporate forthwith of any change of ownership in his section and of any mortgage or other dealing in connection with his section.

Insurance by owners.

33. (1) Notwithstanding the existence of a valid policy of insurance effected by the body corporate pursuant to the provisions of section 29 (1) (a), an owner may effect a policy of insurance in respect of any damage to his section arising from risks covered by the policy effected by the body corporate.

(2) Where a policy of insurance contemplated in subsection (1) is in force, and—

- (a) where the damage to the section is made good by the body corporate pursuant to the provisions of section 29 (1) (c), the insurer shall not be liable in terms of the policy of insurance effected by the owner;
- (b) where the damage to the section is covered by the policy of insurance effected by the body corporate pursuant to the provisions of section 29 (1) (a), but is not made good by the body corporate, the insurer shall be liable in terms of the policy of insurance effected by the owner;
- (c) where the damage to the section is not covered by the policy of insurance effected by the body corporate as aforesaid, the terms and conditions of the policy of insurance effected by the owner shall apply.

(3) Nothing in this section contained shall limit the rights of an owner to insure against risks other than damage to his section.

Appointment of administrator.

34. (1) The body corporate, the local authority, a judgment creditor of the body corporate for an amount of not less than five hundred rand, any owner or any person having a registered real right in or over a unit may apply to the Court for the appointment of an administrator.

(2) (a) The Court may in its discretion appoint an administrator for an indefinite period or a fixed period on such terms and conditions as to remuneration as it deems fit.

(b) The remuneration and expenses of the administrator shall be administrative expenses within the meaning of section 30 (1) (a).

(3) The administrator shall, to the exclusion of the body corporate, have the powers and duties of the body corporate or such of those powers and duties as the Court may direct.

(4) The Court may in its discretion and on the application of any person or body referred to in subsection (1) remove from office or replace the administrator or, on the application of the administrator, replace the administrator.

(5) The Court may, with regard to any application under this section, make such order for the payment of costs as it deems fit.

Recovery from owners of unsatisfied judgment against the body corporate.

35. If a creditor of the body corporate has obtained judgment against the body corporate, and such judgment, notwithstanding the issue of a writ, remains unsatisfied, the judgment creditor may, without prejudice to any other remedy he may have, apply to the court which gave the judgment, for the joinder of the members of the body corporate in their personal capacities as joint judgment debtors in respect of the judgment debt and, upon such joinder, the judgment creditor may recover the amount of the judgment debt still outstanding from the said members on a *pro rata* basis in proportion to their respective quotas: Provided that any member who is so required to make a payment to a judgment creditor after he has paid to the body corporate any contribution which he was required to pay to that body in respect of the same debt, shall be entitled to obtain a

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- (f) die regspersoon onverwyld van 'n verandering in die eiendomsreg in sy deel en van 'n verband of ander handeling in verband met sy deel in kennis stel.

33. (1) Ondanks die bestaan van 'n geldige versekeringspolis deur die regspersoon ooreenkomstig die bepalings van artikel 29 (1) (a) aangegaan, kan 'n eienaar 'n versekeringspolis aangaan ten opsigte van skade aan sy deel wat ontstaan uit risiko's wat deur die polis gedek word wat deur die regspersoon aangegaan is.

Versekering deur eienaars.

(2) Waar 'n in subartikel (1) beoogde versekeringspolis van krag is, en—

(a) waar die skade aan die deel vergoed word deur die regspersoon ingevolge die bepalings van artikel 29 (1) (c), is die versekeraar nie ingevolge die versekeringspolis wat deur die eienaar aangegaan is, aanspreeklik nie;

(b) waar die skade aan die deel gedek word deur 'n versekeringspolis deur die regspersoon ingevolge die bepalings van artikel 29 (1) (a) aangegaan, maar nie deur die regspersoon vergoed word nie, is die versekeraar aanspreeklik ooreenkomstig die versekeringspolis deur die eienaar aangegaan;

(c) waar die skade aan die deel nie deur die versekeringspolis gedek word wat deur die regspersoon soos voormeld aangegaan is nie, is die bedinge en voorwaardes van die versekeringspolis deur die eienaar aangegaan van toepassing.

(3) Geen bepaling van hierdie artikel beperk die regte van 'n eienaar om teen ander risiko's as skade aan sy deel te verseker nie.

34. (1) Die regspersoon, die plaaslike bestuur, 'n vonnis-skuldeiser van die regspersoon vir 'n bedrag van nie minder nie as vyfhonderd rand, 'n eienaar of iemand wat 'n geregistreerde saaklike reg in of oor 'n deel het, kan by die Hof aansoek doen om die aanstelling van 'n administrateur.

Aanstelling van administrateur.

(2) (a) Die Hof kan na goëddunke 'n administrateur vir 'n onbepaalde termyn of 'n bepaalde termyn aanstel op die bedinge en voorwaardes betreffende vergoeding wat die Hof goëdvind.

(b) Die vergoeding en uitgawes van 'n administrateur is administratiewe uitgawes binne die bedoeling van artikel 30 (1) (a).

(3) Die administrateur beskik, tot uitsluiting van die regspersoon, oor die bevoëghede en pligte van die regspersoon of oor soveel van daardie bevoëghede en pligte as wat die Hof gelas.

(4) Die Hof kan na goëddunke en op aansoek van 'n in subartikel (1) bedoelde persoon of liggaam, die administrateur van sy amp onthef of hom vervang, of, op aansoek van die administrateur, die administrateur vervang.

(5) Die Hof kan, met betrekking tot 'n aansoek ingevolge hierdie artikel, die bevel met betrekking tot die betaling van koste gee wat hy goëdvind.

35. Indien 'n krediteur van die regspersoon vonnis verkry het teen die regspersoon, en daardie vonnis, ondanks die uitreiking van 'n lasbrief, onvoldaan bly, kan die vonnisskuldeiser, sonder benadeling van 'n ander regsmiddel wat hy besit, by die hof wat die vonnis gegee het, aansoek doen om die voëging van die lede van die regspersoon in hulle persoonlike hoëdanighede as mede-vonnisskuldenaars ten opsigte van die vonnisskuld en, na sodanige voëging, kan die vonnisskuldeiser die bedrag van die vonnisskuld wat nog uitstaande is, op bedoelde lede op 'n *pro rata*-basis na verhouding tot hulle onderskeie kwotas verhaal: Met dien verstande dat 'n lid wat aldus 'n betaling aan die vonnisskuldeiser moet maak nadat hy aan die regspersoon 'n bydrae ten opsigte van dieselfde skuld moes betaal het, geregtig

Verhaal op eienaars van onvoldane vonnis teen die regspersoon.

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refund from the body corporate of the amount of the payment so made to the said creditor.

**Destruction of,
and damage
to, building.**

36. (1) The building or buildings comprised in a scheme shall, for the purposes of this Act, be deemed to be destroyed—

- (a) upon the physical destruction of the building or buildings; or
- (b) when the owners by unanimous resolution so determine and the holders of registered sectional mortgage bonds and the persons with registered real rights agree thereto in writing; or
- (c) when the Court is satisfied that, having regard to all the circumstances, it is just and equitable that the building or buildings shall be deemed to have been destroyed, and makes an order to that effect.

(2) In any case where an order is made pursuant to subsection (1) (c), the Court may impose such conditions and give such directions as it deems fit for the purpose of adjusting the effect of the order between the body corporate and the owners and mutually among the owners, the holders of registered sectional mortgage bonds and persons with registered real rights.

(3) (a) Where the building or buildings is or are damaged or is or are destroyed within the meaning of subsection (1), the owners may by unanimous resolution or the Court may by order authorize a scheme—

- (i) for the rebuilding and reinstatement in whole or in part of the building or buildings;
- (ii) for the transfer of the interests of owners of sections which have been wholly or partially destroyed, to the other owners.

(b) In the exercise of their or its powers under this subsection, the owners may pass such resolution or the Court may make such order as they deem or it deems necessary or expedient to give effect to the scheme, covering, *inter alia*—

- (i) the application of insurance moneys received by the body corporate in respect of damage to or the destruction of the building or buildings;
- (ii) the payment of money by or to the body corporate or by or to the owners or by or to one or more of them;
- (iii) an amendment of the sectional plan so as to include in the common property an addition thereto;
- (iv) the variation of the quota of any section;
- (v) the imposition of conditions.

(4) An application may, for the purposes of this section, be made to the Court by the body corporate or by any owner or by the holder of a registered sectional mortgage bond or a registered lease, or by any insurer who has effected insurance on the building or any section therein, or by the local authority.

(5) Any insurer who has effected insurance on the building or buildings or any part thereof (being insurance against destruction of sections or damage to the building or buildings) shall, on any application to the Court under this section, have the right to intervene in the proceedings.

(6) (a) The Court may, on the application of the body corporate or any member thereof or any judgment creditor, by order make provision for the winding-up of the affairs of the body corporate.

(b) The Court may, by the same or any subsequent order, declare the body corporate dissolved as from a date specified in the order.

(7) The Court may, with regard to any application under this section, make such order for the payment of costs as it deems fit.

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is om 'n terugbetaling van die bedrag wat hy aldus aan bedoelde skuldeiser betaal het, van die regspersoon te verkry.

36. (1) Die gebou of geboue wat deur 'n skema behels word, word by die toepassing van hierdie Wet geag vernietig te wees— **Vernietiging of beskadiging van gebou.**
- (a) wanneer die gebou of geboue fisies vernietig word; of
 - (b) wanneer die eienaars by eenparige besluit aldus bepaal en die houters van geregistreerde deelverbande en die persone met geregistreerde saaklike regte skriftelik daartoe instem; of
 - (c) wanneer die Hof oortuig is dat, al die omstandighede in ag genome, dit reg en billik is dat die gebou of geboue geag word vernietig te wees, en 'n bevel in dier voege uitreik.
- (2) Die Hof kan, in 'n geval waar 'n bevel ingevolge subartikel (1) (c) uitgereik word, die voorwaardes oplê en die opdragte gee wat hy goedvind ten einde die uitwerking van die bevel tussen die regspersoon en die eienaars en onderling tussen die eienaars, die houters van geregistreerde deelverbande en persone met geregistreerde saaklike regte aan te pas.
- (3) (a) Waar die gebou of geboue beskadig word of binne die bedoeling van subartikel (1) vernietig word, kan die eienaars by eenparige besluit of die Hof by bevel 'n skema magtig—
- (i) vir die herbou en herstel van die hele of 'n gedeelte van die gebou of geboue;
 - (ii) vir die oordrag van die belange van eienaars van dele wat in die geheel of gedeeltelik vernietig is, aan die ander eienaars.
- (b) By die uitoefening van hulle of sy bevoegdhede ingevolge hierdie subartikel, kan die eienaars die besluit aanneem of kan die Hof die bevel uitreik wat hulle of die Hof nodig of dienstig ag ten einde uitvoering aan die skema te gee, oor, onder andere—
- (i) die aanwending van versekeringsgelde deur die regspersoon ontvang ten opsigte van skade aan of die vernietiging van die gebou of geboue;
 - (ii) die betaling van geld deur of aan die regspersoon of deur of aan die eienaars of deur of aan een of meer van hulle;
 - (iii) die wysiging van die deelplan om 'n toevoeging tot die gemeenskaplike eiendom daarby in te sluit;
 - (iv) die verandering van die kwota van 'n deel;
 - (v) die oplegging van voorwaardes.
- (4) 'n Aansoek kan, vir die doeleindes van hierdie artikel, aan die Hof gerig word deur die regspersoon of deur 'n eienaar of deur die houer van 'n geregistreerde deelverband of 'n geregistreerde huurkontrak of deur 'n versekeraar wat die gebou of 'n deel daarin verseker het, of deur die plaaslike bestuur.
- (5) 'n Versekeraar wat die gebou of geboue of 'n gedeelte daarvan verseker het (synde versekering teen vernietiging van dele of skade aan die gebou of geboue), het die reg, wanneer 'n aansoek by die Hof kragtens hierdie artikel gedoen word, om tot die verrigtinge toe te tree.
- (6) (a) Die Hof kan, op aansoek van die regspersoon of 'n lid daarvan of 'n vonnisskuldeiser by bevel voorsiening maak vir die likwidasië van die sake van die regspersoon.
- (b) Die Hof kan, in dieselfde of 'n later bevel, die regspersoon vanaf 'n in die bevel bepaalde datum as ontbind verklaar.
- (7) Die Hof kan, met betrekking tot 'n aansoek kragtens hierdie artikel, die bevel vir die betaling van koste gee wat hy goedvind.

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(8) Where two or more buildings are comprised in a scheme and only one or part of one of the said buildings is damaged or destroyed, the provisions of this section shall apply *mutatis mutandis* as if the said buildings were one building and part of such building had been damaged or destroyed.

**Disposal on
destruction of
a building.**

37. (1) When in terms of section 36 the building or buildings comprised in a scheme is or are deemed to be destroyed and the owners have by a majority resolved not to rebuild the building or buildings, the body corporate shall lodge with the registrar a notification in the prescribed form of such destruction and a copy of the relevant resolution of the owners as certified by two trustees of the body corporate.

(2) Upon receipt of such notification the registrar shall, in the prescribed manner, make an entry thereof on the relevant sectional plan.

(3) When such entry has been made on the relevant sectional plan—

- (a) the owners shall cease to be separate owners of sections but shall, subject to the provisions of section 36 (2), remain co-owners of the land in undivided shares proportionate to the quotas of the respective sections previously owned by them;
- (b) any sectional mortgage bond, lease, other real right or condition then registered against or affecting a unit shall be deemed to be converted into a bond, lease, other real right or condition registered against or affecting the undivided share in the land which formed part of such unit.

(4) The co-owners may by unanimous resolution direct the body corporate to sell the land or any portion thereof on their behalf, and thereupon the body corporate shall, notwithstanding any provision of section 20 of the Deeds Registries Act, but subject to compliance with the provisions of any relevant law relating to the subdivision of land, have power to deal with such land or portion in the manner directed and to execute any deed required for the purpose.

(5) Any transaction in pursuance of a resolution referred to in subsection (4) shall be accompanied by a copy of the relevant resolution as certified by two trustees of the body corporate.

(6) Subject to the provisions of subsection (10), the registrar shall register the transfer of the land so sold by issuing to the transferee a certificate of registered sectional title in the prescribed form for the land transferred: Provided that if a portion only of the land is so transferred, a diagram of such portion approved by the Surveyor-general in terms of the Land Survey Act, 1927 (Act No. 9 of 1927), shall be annexed to the said certificate of registered sectional title and the registrar shall, before issuing such certificate in respect of such portion, make an appropriate endorsement on the registered sectional plan and on the sectional title deeds of the owners of the land.

(7) Where the whole of the land shown on the sectional plan is transferred by the body corporate pursuant to this section, the sectional title deeds of the owners of the land shall be surrendered to the registrar for cancellation.

(8) Where the whole of the land shown on the registered sectional plan has been transferred pursuant to this section and if the transferee has rebuilt the building in accordance with the said sectional plan and wishes to sell sections in the building or to let such sections under a lease, he shall lodge with the registrar—

- (a) the title deed of the land in question;
- (b) any sectional mortgage bond to which the land may be subject, together with the consent of the mortgagee to the endorsement of the said bond to the effect that

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(8) Waar twee of meer geboue deur 'n skema behels word, en net een of 'n gedeelte van een van bedoelde geboue beskadig of vernietig word, is die bepaling van hierdie artikel *mutatis mutandis* van toepassing asof bedoelde geboue een gebou was en 'n gedeelte van daardie gebou beskadig of vernietig was.

37. (1) Wanneer ingevolge artikel 36 die gebou of geboue wat deur 'n skema behels word, geag word vernietig te wees, en die eienaars by 'n meerderheidsbesluit besluit het om nie die gebou of geboue te herbou nie, moet die regspersoon 'n kennisgewing in die voorgeskrewe vorm van sodanige vernietiging en 'n afskrif van die betrokke besluit van die eienaars soos gesertifiseer deur twee trustees van die regspersoon by die registrateur indien.

Beskikking by vernietiging van gebou.

(2) By ontvangs van bedoelde kennisgewing moet die registrateur op die voorgeskrewe wyse 'n aantekening daarvan op die betrokke deelplan aanbring.

(3) Wanneer bedoelde aantekening op die deelplan aangebring is—

(a) hou die eienaars op om afsonderlike eienaars van dele te wees maar, behoudens die bepaling van artikel 36 (2), bly hulle mede-eienaars van die grond in onverdeelde aandeel in verhouding tot die kwotas van die onderskeie dele waarvan hulle voorheen eienaars was;

(b) word 'n deelverband, huurkontrak, ander saaklike reg of voorwaarde wat dan teen 'n eenheid geregistreer is of wat dan 'n eenheid verbind, geag omgeskep te wees in 'n deelverband, huurkontrak, ander saaklike reg of voorwaarde wat teen die onverdeelde aandeel in die grond wat deel van daardie eenheid uitgemaak het, geregistreer is of wat daardie onverdeelde aandeel in die grond verbind.

(4) Die mede-eienaars kan by eenparige besluit die regspersoon gelas om namens hulle die betrokke grond of 'n gedeelte daarvan te verkoop, en daarna is die regspersoon, ondanks 'n bepaling van artikel 20 van die Registrasie van Aktes Wet maar onderworpe aan voldoening aan die toepaslike wetsbepaling met betrekking tot die onderverdeling van grond, bevoeg om op die wyse gelas met sodanige grond of gedeelte daarvan te handel en om 'n akte wat vir die doel vereis word, te onderteken.

(5) 'n Transaksie ingevolge 'n in subartikel (4) bedoelde besluit, moet vergesel gaan van 'n afskrif van die betrokke besluit soos deur twee trustees van die regspersoon gesertifiseer.

(6) Behoudens die bepaling van subartikel (10), registreer die registrateur die oordrag van die grond aldus verkoop deur aan die transportnemer 'n sertifikaat van geregistreerde deeltitel in die voorgeskrewe vorm vir die grond wat oorgedra word, uit te reik: Met dien verstande dat indien net 'n gedeelte van die grond aldus oorgedra word, 'n kaart van daardie gedeelte wat ingevolge die Opmetingswet, 1927 (Wet No. 9 van 1927), deur die Landmeter-generaal goedgekeur is, aan bedoelde sertifikaat van geregistreerde deeltitel geheg moet word, en die registrateur, voordat hy bedoelde sertifikaat ten opsigte van bedoelde gedeelte uitreik, 'n paslike aantekening op die geregistreerde deelplan en op die deeltitelbewyse van die eienaars van die grond moet maak.

(7) Waar die geheel van die grond wat op die deelplan getoon word, ingevolge hierdie artikel deur die regspersoon oorgedra word, moet die deeltitelbewyse van die eienaars van die grond by die registrateur ingelewer word vir rojering.

(8) Waar die geheel van die grond wat op die geregistreerde deelplan getoon word, ingevolge hierdie artikel oorgedra is en die transportnemer die gebou ooreenkomstig bedoelde deelplan herbou het en begerig is om dele in die gebou te verkoop of kragtens huurkontrak te verhuur, moet hy by die registrateur indien—

(a) die titelbewys van die betrokke grond;

(b) 'n deelverband wat op die grond rus tesame met die toestemming van die verbandhouer tot die maak van 'n aantekening op die verband ten effekte dat dit die

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- it attaches to the sections and common property shown on the registered sectional plan;
- (c) the consent of the holder of any lease or other real right registered against the land to the building and land being divided into sections and common property in accordance with the said sectional plan;
 - (d) a certificate by an architect or a land surveyor that the building has been rebuilt in accordance with the said sectional plan and is sufficiently complete for occupation;
 - (e) certificates of registered sectional title in the prescribed form in respect of each section and its undivided share in the common property made out in favour of the transferee; and
 - (f) such other documents as may be prescribed.

(9) When in the opinion of the registrar the requirements of subsection (8) have been complied with, the building and the land on which it has been erected shall, subject to the provisions of this Act, be deemed to be divided into sections and common property as shown on the registered sectional plan, and the provisions of section 10 (3) shall apply *mutatis mutandis* in respect of any mortgage bond, lease, other real right or condition then registered against or affecting the land shown on the sectional plan, and the registrar shall—

- (a) in lieu of the title deed referred to in subsection (8) (a), issue to the transferee a certificate of registered sectional title in the prescribed form in respect of each section and its undivided share in the common property; and
- (b) make an endorsement on the mortgage bond referred to in subsection (8) (b) and on the sectional title deeds referred to in paragraph (a) of this subsection to the effect that the sections and common property shown on the registered sectional plan and held under the said sectional title deeds are subject to the said bond, and shall make on any deed of lease and other deed embodying any other real right referred to in subsection (8) (c) and on the registered sectional plan an endorsement to the effect that the said sections and common property are subject to the said deed of lease and other deed.

(10) Subject to the provisions of subsections (8) and (9), where the whole or any portion of the land shown on the sectional plan has been transferred pursuant to this section, the transferee may apply to the registrar to revert the said land or portion thereof to the land register, and the registrar shall thereupon note such reversion on the registered sectional plan and in the land register and on the transferee's certificate of registered sectional title in the manner prescribed, and shall issue to the transferee a certificate of registered title in the form prescribed under the Deeds Registries Act for such land or portion, subject or entitled to such servitudes, other real rights and conditions, if any, as are certified by a conveyancer as being still applicable to or in respect of such land or portion.

(11) The registrar shall notify the Surveyor-general and the local authority of the reversion of the land in question to the land register.

Valuation of land and buildings and recovery of rates by local authority.

38. (1) (a) When a local authority causes land and buildings comprised in a scheme to be valued for any lawful purpose, the land and buildings thereon shall be valued as if they were owned by a single owner, and for the purposes of such valuation and all purposes incidental thereto (including an objection to a valuation), the land and buildings thereon shall be deemed to be owned by the body corporate.

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- dele en gemeenskaplike eiendom wat op die geregi-
streerde deelplan getoon word, verbind;
- (c) die toestemming van die houer van 'n huurkontrak of
ander saaklike reg teen die grond geregistreer, tot die
verdeling van die gebou en die grond in dele en
gemeenskaplike eiendom ooreenkomstig bedoelde
deelplan;
- (d) 'n sertifikaat deur 'n argitek of 'n landmeter dat die
gebou ooreenkomstig bedoelde deelplan herbou is en
voldoende voltooi is vir okkupasie;
- (e) sertifikate van geregistreerde deeltitel in die voorge-
skrewe vorm ten opsigte van elke deel en sy onver-
deelde aandeel in die gemeenskaplike eiendom uit-
gemaak ten gunste van die transportnemer; en
- (f) die ander dokumente wat voorgeskryf word.

(9) Wanneer volgens die oordeel van die registrateur aan die
voorskrifte van subartikel (8) voldoen is, word die gebou en
grond waarop dit opgerig is, onderworpe aan die bepalings van
hierdie Wet, geag in dele en gemeenskaplike eiendom, soos op
die geregistreerde deelplan getoon, verdeel te wees en is die
bepalings van artikel 10 (3) *mutatis mutandis* van toepassing ten
opsigte van 'n verband, huurkontrak, ander saaklike reg of
voorwaarde wat dan teen die grond wat op die deelplan getoon
word, geregistreer is of wat dan daardie grond verbind en moet
die registrateur—

(a) in die plek van die titelbewys in subartikel (8) (a)
bedoel, 'n sertifikaat van geregistreerde deeltitel in die
voorgeskrewe vorm ten opsigte van elke deel en sy
onverdeelde aandeel in die gemeenskaplike eiendom
aan die transportnemer uitreik; en

(b) op die verband in subartikel (8) (b) bedoel, en op die
deeltitelbewyse in paragraaf (a) van hierdie subartikel
bedoel, 'n aantekening maak ten effekte dat bedoelde
verband die dele en gemeenskaplike eiendom wat op
die deelplan getoon en kragtens bedoelde deeltitel-
bewyse gehou word, verbind, en moet hy op 'n huur-
kontrak en ander akte waarin 'n in subartikel (8) (c)
bedoelde ander saaklike reg beliggaam is en op die
geregistreerde deelplan 'n aantekening maak ten effekte
dat bedoelde huurkontrak en ander akte bedoelde dele
en gemeenskaplike eiendom verbind.

(10) Behoudens die bepalings van subartikels (8) en (9), waar
die geheel of 'n gedeelte van die grond wat op die deelplan getoon
word, ingevolge hierdie artikel oorgedra is, kan die transport-
nemer by die registrateur aansoek doen om bedoelde grond of
gedeelte daarvan op die grondregister terug te plaas, en daarop
moet die registrateur bedoelde terugplasing op die geregistreerde
deelplan, en in die grondregister en op die transportnemer se
sertifikaat van geregistreerde deeltitel op die voorgeskrewe wyse
aanteken en moet hy aan die transportnemer 'n sertifikaat van
geregistreerde titel in die vorm wat kragtens die Registrasie van
Akte Wet voorgeskryf word, vir daardie grond of gedeelte
uitreik, onderworpe aan of geregtig op die serwitute, ander
saaklike regte en voorwaardes, as daar is, wat volgens 'n certifi-
kaat van 'n transportbesorger nog van toepassing is op of ten
opsigte van daardie grond of gedeelte.

(11) Die registrateur moet die Landmeter-generaal en die
plaaslike bestuur van die terugplasing van die betrokke grond
op die grondregister in kennis stel.

38. (1) (a) Wanneer 'n plaaslike bestuur grond en geboue
wat in 'n skema behels word, vir 'n wettige doel laat
waardeer, word die grond en geboue daarop gewaar-
deer asof dit deur 'n enkele eienaar besit word, en vir
die doeleindes van so 'n waardasie en alle bykomstige
doeleindes (met inbegrip van 'n beswaar teen 'n
waardasie), word die grond en geboue daarop geag
deur die regs persoon besit te word.

Waardasie van
grond en geboue
en invordering
van belastinge
deur plaaslike
bestuur.

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- (b) A separate valuation shall be made of—
- (i) the land; and
 - (ii) the building or buildings.

(2) Subject to the provisions of section 35, the local authority may recover any rates and taxes levied by it, from the body corporate.

Certain provisions of Rents Act, 1950 (Act No. 43 of 1950), not applicable to sections or to certain leases of sections.

39. (1) The provisions of section 21 (1) (c) of the Rents Act, 1950, shall not apply with reference to a section if that section is otherwise subject to the provisions of that Act.

(2) The provisions of section 25 of the Rents Act, 1950, shall not be construed as prohibiting the grant of a lease of a unit upon conditions which involve the payment of a lump sum as consideration for the grant of the lease and the payment thereafter of a proportionate share of the expenses of maintaining the building.

Regulations.

40. (1) The Minister may, after consultation with the deeds registries regulations board established under section 9 of the Deeds Registries Act, make regulations in regard to—

- (a) the form of sectional title registers (which may be loose-leaf registers or card index systems or files) to be opened and kept by a registrar, the particulars contained in any registered deed which shall be entered or filed in any such register or to be endorsed on any sectional plan deemed to be part of such register, the form in which the particulars required to be entered or filed in any such register or to be endorsed on any such plan shall be entered or filed therein or be endorsed thereon, the form in which the folios of any such register shall be framed, the number of folios to be included in a volume, and the nature and quality of the covers of the volumes;
- (b) the form of any deed, bond, document, certificate or consent to be registered or filed in a deeds registry;
- (c) the fees of office (if any) to be charged in respect of any act, matter or thing required or permitted to be done in or in relation to a deeds registry, including any report made to the Court by the registrar in connection with any application or action to which he is not a party;
- (d) the fees and charges of conveyancers and notaries public in connection with the preparation, passing and registration of deeds or other documents registered or filed or intended for registration or filing in a deeds registry, and the fees and other charges of any other legal practitioners in connection with the preliminary work required for the purpose of any such deed or other document, the manner in which and the person by whom such fees and charges shall be taxed, the costs of such taxation and by whom they shall be borne;
- (e) the registration of notarial leases and sub-leases of units;
- (f) the registration, amendment and cancellation of sectional mortgage bonds;
- (g) the sectional plans or drawings required in connection with the registration of any section or any lease or sub-lease or other deed in a deeds registry, the size thereof, the scale according to which and the manner in which such sectional plans and drawings shall be prepared, the information to be recorded thereon, the number of sectional plans or drawings to be supplied, and the manner and form in which such plans and drawings shall be registered;

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- (b) 'n Afsonderlike waardasie word gemaak van—
 (i) die grond; en
 (ii) die gebou of geboue.

(2) Behoudens die bepalings van artikel 35, kan die plaaslike bestuur alle tariewe en belastinge wat hy hef, van die regspersoon invorder.

39. (1) Die bepalings van artikel 21 (1) (c) van die Wet op Huurgelde, 1950, geld nie met betrekking tot 'n deel as daardie deel andersins aan die bepalings van daardie Wet onderhewig is nie.

Sekere bepalings van Wet op Huurgelde, 1950 (Wet No. 43 van 1950), nie op dele of sekere verhurings van dele van toepassing nie.

(2) Die bepalings van artikel 25 van die Wet op Huurgelde, 1950, word nie uitgelê in die sin dat dit die toekenning verbied van 'n huurkontrak van 'n eenheid op voorwaardes wat die betaling meebring van 'n enkelbedrag as teenprestasie vir die toekenning van die huurkontrak en die betaling daarna van 'n *pro rata*-deel van die onkoste om die gebou in stand te hou nie.

40. (1) Die Minister kan, na raadpleging van die registrasie-regulasieraad kragtens artikel 9 van die Registrasie van Aktes Wet ingestel, regulasies uitvaardig met betrekking tot—

Regulasies.

- (a) die vorm van deeltitelregisters (wat losbladregisters of kaarte-indeks-stelsels of lêers kan wees) wat deur 'n registrateur geopen en gehou moet word, die besonderhede in 'n geregistreerde akte vervat wat in so 'n register ingeskryf of geliasseer moet word of wat op 'n deelplan wat geag word deel van so 'n register te wees, aangeteken moet word, die vorm waarin die besonderhede wat in so 'n register ingeskryf of geliasseer of op so 'n plan aangeteken moet word, daarin ingeskryf of geliasseer of daarop aangeteken moet word, die vorm waarin die folio's van so 'n register opgestel moet word, die getal folio's wat in 'n volume opgeneem moet word en die aard en kwaliteit van die omslae van die volumes;
- (b) die vorm van 'n akte, verband, dokument, sertifikaat of toestemming wat in 'n registrasiekantoor geregistreer of geliasseer moet word;
- (c) die ampse, indien daar is, wat bereken moet word ten opsigte van 'n handeling, aangeleentheid of saak wat gedoen moet of kan word in of met betrekking tot 'n registrasiekantoor, met inbegrip van 'n verslag gedoen aan die Hof deur die registrateur in verband met 'n aansoek of geding waarby hy nie 'n party is nie;
- (d) die gelde en kosteberekening van transportbesorgers en notaris in verband met die opstel, passeer en registreer van aktes of ander dokumente geregistreer of geliasseer of bestem om geregistreer of geliasseer te word in 'n registrasiekantoor, en die gelde en ander kosteberekenings van ander regspraktisyns in verband met die voorlopige werk wat gedoen moet word ten opsigte van so 'n akte of ander dokument, die wyse waarop en die persoon deur wie daardie gelde en kosteberekening getakseer moet word, die koste van sodanige taksasie en deur wie dit betaal moet word;
- (e) die registrasie van notariële huurkontrakte en onderverhurings van eenhede;
- (f) die registrasie, wysiging en rojering van deelverbande;
- (g) die deelplanne of tekeninge wat vereis word in verband met die registrasie van 'n deel of 'n huurkontrak of onderverhuring of ander akte in 'n registrasiekantoor, die grootte daarvan, die skaal waarvolgens en die wyse waarop sodanige deelplanne en tekeninge opgestel moet word, die inligting wat daarop aangeteken moet word, die getal deelplanne of tekeninge wat verskaf moet word, en die wyse waarop en die vorm waarin sodanige planne en tekeninge geregistreer moet word;

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- (h) the fees to be paid to architects and land surveyors for any sectional plan or drawing, the manner in which and the person by whom such fees may be taxed, the costs of such taxation and by whom they shall be borne;
- (i) the manner and form in which endorsements or entries required by this Act to be made on registered deeds or other documents or in registers shall be made thereon or therein;
- (j) the manner and form in which and the qualifications of the person by whom any deed or other document required or permitted by this Act to be lodged, registered or filed in any deeds registry shall be prepared, lodged, executed, registered, filed or delivered and the time within which any deed shall be executed;
- (k) the method according to which sectional plans, buildings and sections shall be numbered;
- (l) any matter required or permitted to be prescribed by regulation under this Act;
- (m) the procedure to be followed in a deeds registry to give effect to the provisions of this Act;
- (n) the procedure to be followed in arbitration proceedings under this Act and the powers and duties of arbitrators appointed under this Act;
- (o) generally, any matter which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

(2) Different regulations may be made in respect of the several deeds registries and the matters to be dealt with therein.

Notice to registrar of application to Court.

41. Before any application is made to the Court for an order affecting the performance of any act in a deeds registry, the applicant shall give notice in writing to the registrar concerned at least seven days before the hearing of such application and such registrar may submit to the Court such report thereon as he may deem fit.

Exemption from liability for acts or omissions in the registrar's office.

42. No act or omission of the registrar or of an official who is employed in a deeds registry, in the course of the administration of this Act, shall make the State or that registrar or official liable for damages suffered by anyone in consequence of such act or omission: Provided that if a court finds that such act or omission was *mala fide*, the State shall be liable for such damages.

Application of this Act to the territory of South-West Africa.

43. This Act and any amendment thereof shall also apply in the territory of South-West Africa, including the Eastern Caprivi Zipfel.

Short title and commencement.

44. This Act shall be called the Sectional Titles Act, 1971, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*: Provided that different dates may be so fixed in respect of the several deeds registries.

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- (h) die gelde wat vir 'n deelplan of tekening aan argitekte en landmeters betaal moet word, die wyse waarop n die pe soon deur wie daardie gelde getakseer kan word, die koste van sodanige iaksasie en deur wie dit betaal moet word;
 - (i) die wyse waarop en die vorm waarin aantekeninge of inskrywings wat volgens voorskrif van hierdie Wet gemaak moet word op geregistreerde aktes of ander dokumente of in registers, daarop of daarin gemaak moet word;
 - (j) die wyse waarop en die vorm waarin en die kwalifikasies van die persoon deur wie 'n akte of ander dokument wat ingevolge hierdie Wet in 'n registrasiekantoor ingedien, geregistreer, of geliasseer moet of kan word, opgestel, ingedien, onderteken, geregistreer, geliasseer of oorhandig moet word en die tydperk waarin 'n akte verly moet word;
 - (k) die metode waarvolgens deelplanne, geboue en dele genommer moet word;
 - (l) enige aangeleentheid wat kragtens hierdie Wet by regulasie voorgeskryf moet of kan word;
 - (m) die prosedure wat in 'n registrasiekantoor gevolg moet word om aan die bepalings van hierdie Wet gevolg te gee;
 - (n) die prosedure wat by arbitrasieverrigtinge kragtens hierdie Wet gevolg moet word en die bevoegdhede en pligte van arbiters kragtens hierdie Wet aangestel;
 - (o) oor die algemeen, enige aangeleentheid wat hy nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te verwesenlik.
- (2) Verskillende regulasies kan uitgevaardig word ten opsigte van die verskillende registrasiekantore en die aangeleenthede waarmee daarin gehandel moet word.

41. Voordat 'n aansoek by die Hof gedoen word om 'n bevel wat die verrigting van 'n handeling in 'n registrasiekantoor raak, moet die applikant, minstens sewe dae voor die verhoor, skriftelik kennis van die aansoek aan die betrokke registrateur gee, en kan die registrateur die verslag daarvoor aan die Hof voorlê wat hy goedvind.

Kennisgewing aan registrateur van aansoek by Hof.

42. Geen handeling of versuim van die registrateur of van 'n amptenaar wat in 'n registrasiekantoor in diens is, in die loop van die uitvoering van hierdie Wet, maak die Staat of daardie registrateur of amptenaar aanspreeklik vir skade wat iemand ten gevolge van daardie handeling of versuim gely het nie: Met dien verstande dat indien 'n hof bevind dat bedoelde handeling of versuim te kwader trou was, die Staat vir bedoelde skade aanspreeklik is.

Vrystelling van aanspreeklikheid vir handeling of versuime in die registrateur se kantoor.

43. Hierdie Wet en enige wysiging daarvan is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel.

Toepassing van hierdie Wet op Suidwes-Afrika.

44. Hierdie Wet heet die Wet op Deeltitels, 1971, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal: Met dien verstande dat verskillende datums aldus bepaal kan word ten opsigte van die verskillende registrasiekantore.

Kort titel en inwerkingtreding.

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Schedule 1.

(Section 27 (2) (a) (i).)

**Trustees of the
body corporate.**

1. There shall be not less than three nor more than seven trustees who shall be owners, or nominees of owners who are juristic persons, and who shall be elected at each annual general meeting: Provided that where there are only two or three owners, all the owners who are natural persons and one nominee of each owner who is a juristic person, shall be the trustees.

2. Except where all the owners or their nominees are trustees, the body corporate may by resolution at an extraordinary general meeting remove any trustee from his office before the expiration of his term of office and appoint another owner, or another nominee of an owner who is a juristic person, in his place to hold office until the next annual general meeting.

3. Any casual vacancy among the trustees may be filled by the remaining trustees.

4. At a meeting of trustees, two trustees shall form a quorum where there are four or less than four trustees; three trustees shall form a quorum where there are five or six trustees; and where there are seven trustees, four trustees shall form a quorum.

5. (a) At the commencement of the first meeting of the trustees after the annual general meeting, the trustees shall elect a chairman, who shall hold office as such until the next ensuing annual general meeting and who shall have a casting as well as a deliberative vote.

(b) If any chairman so elected vacates his office as chairman before the expiration of his period of office, the trustees shall elect another chairman who shall hold office as such for the remainder of the period for which the first-mentioned chairman was so elected and who shall have the same rights of voting.

(c) If any chairman so elected vacates the chair during the course of a meeting, or is for any reason unable to preside at any meeting, the trustees shall choose another chairman for that meeting who shall have the same rights of voting.

6. All matters at any meeting of the trustees shall be determined by simple majority vote.

7. The trustees may—

(a) meet together for the conduct of business, adjourn and otherwise regulate their meetings as they deem fit; Provided that they shall meet when any trustee gives to the other trustees not less than seven days' notice of a meeting proposed by him, specifying the reason for calling such meeting;

(b) appoint for and on behalf of the body corporate such agents and employees as they deem fit in connection with the control, management and administration of the common property and the exercise and performance of the powers and duties of the body corporate;

(c) subject to any restriction imposed or direction given at a general meeting, delegate to one or more of the trustees such of their powers and duties as they deem fit, and at any time revoke such delegation.

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Bylae 1.

(Artikel 27 (2) (a) (i).)

1. Daar moet minstens drie en hoogstens sewe trustees wees, wat eienaars, of benoemdes van eienaars wat regspersone is, moet wees en wat op elke algemene jaarvergadering verkies word: Met dien verstande dat waar daar net twee of drie eienaars is, al die eienaars wat natuurlike persone is e. a. een benoemde van elke eienaar wat 'n regspersoon is, die trustees is. Trustees van die regspersoon.
2. Die regspersoon kan, behalwe waar al die eienaars of hul benoemdes die trustees is, by besluit op 'n buitengewone algemene vergadering 'n trustee voor die verstryking van sy ampstermyn van sy amp onthef en 'n ander eienaar, of 'n ander benoemde van 'n eienaar wat 'n regspersoon is, in sy plek aanstel om tot die volgende algemene jaarvergadering te dien.
3. 'n Toevallige vakature in die geledere van die trustees kan deur die oorblywende trustees gevul word
4. Op 'n vergadering van trustees waar daar vier of minder as vier trustees is, maak twee trustees 'n kworum uit; waar daar vyf of ses trustees is, maak drie trustees 'n kworum uit; en waar daar sewe trustees is, maak vier trustees 'n kworum uit.
5. (a) By die aanvang van die eerste vergadering van die trustees na die algemene jaarvergadering kies die trustees 'n voorsitter wat sy amp as sodanig beklee tot die eersvolgende algemene jaarvergadering en wat benewens sy beraadslagende stem ook 'n beslissende stem het.
- (b) Indien 'n aldus gekose voorsitter sy amp as voorsitter voor die verstryking van sy ampstermyn ontruim, kies die trustees 'n ander voorsitter wat sy amp as sodanig beklee vir die oorblywende tydperk waarvoor die eersgenoemde voorsitter aldus gekies is en wat dieselfde stemreg het.
- (c) Indien 'n aldus gekose voorsitter die voorsitterstoel gedurende die loop van 'n vergadering ontruim, of indien hy om die een of ander rede nie op 'n vergadering kan voorsit nie, kies die trustees 'n ander voorsitter vir daardie vergadering wat dieselfde stemreg het.
6. Alle sake op 'n vergadering van die trustees word by gewone meerderheidstem beslis.
7. Die trustees kan—
 - (a) na goeiddunke, vir die afhandeling van sake vergader, verdaag en andersins hul vergaderings reël: Met dien verstande dat hulle moet vergader wanneer 'n trustee aan die ander trustees minstens sewe dae kennis van 'n vergadering deur hom voorgestel, gee, en die rede vir die byeenroeping van die vergadering vermeld;
 - (b) in verband met die beheer, bestuur en administrasie van die gemeenskaplike eiendom en die uitoefening en verrigting van die bevoegdhede en pligte van die regspersoon, die agente en werknemers vir en ten behoeve van die regspersoon aanstel wat hul goeievind;
 - (c) behoudens 'n beperking of opdrag op 'n algemene vergadering opgelê of gegee, aan een of meer van die trustees soveel van hul bevoegdhede en pligte delegeer as wat hul goeievind, en te eniger tyd bedoelde delegering intrek.

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8. The trustees shall—

- (a) keep minutes of their proceedings;
- (b) cause minutes to be kept of general meetings;
- (c) cause proper books of account to be kept in respect of all sums of money received and expended by them and the matters in respect of which such receipt and expenditure occur;
- (d) for each annual general meeting, prepare proper accounts, audited by a registered accountant, relating to all moneys and the income and expenditure of the body corporate;
- (e) on the application of an owner or any person authorized in writing by him, make the books of account available for inspection at all reasonable times.

9. Any act performed in good faith by the trustees shall, notwithstanding that it is after the performance of the act discovered that there was some defect in the appointment or continuance in office of any trustee, be as valid as if such trustee had been duly appointed or had duly continued in office.

10. Two trustees shall sign every instrument on behalf of the body corporate.

General meetings.

11. A general meeting of owners shall be held within three months of the date on which the body corporate comes into being as contemplated in section 28 (1).

12. Subsequent general meetings shall be held once in each year: Provided that not more than fifteen months shall elapse between the date of one annual general meeting and that of the next.

13. All general meetings other than the annual general meetings shall be called extraordinary general meetings.

14. The trustees may, whenever they think fit, and shall, upon a requisition in writing made by owners entitled to twenty-five *per centum* of the total of the quotas of all the sections, convene an extraordinary general meeting.

15. Seven days' notice of every general meeting specifying the place, the date and the hour of the meeting and, in the case of special business, the general nature of such business, shall be given to all owners and to all holders of sectional mortgage bonds who have advised the body corporate of their interests: Provided that inadvertent omission to give such notice to any owner or mortgagee or the non-receipt of such notice by any owner or mortgagee shall not invalidate any proceedings at any such meeting.

Proceedings at general meetings.

16. Save that consideration of the accounts and the election of trustees at an annual general meeting shall be ordinary business, all business at any general meeting shall be special business.

17. (1) Save as in this Schedule is otherwise provided, no business shall be transacted at any general meeting unless a quorum of persons entitled to vote is present at the time when the meeting proceeds to business.

(2) One-half of the persons entitled to vote in person or by proxy shall constitute a quorum.

18. If within half an hour from the time appointed for a general meeting a quorum is not present, the meeting shall stand adjourned to the same day in the next week at the same place and time, and if at the adjourned meeting a quorum is not

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8. Die trustees moet—

- (a) notules van hul verrigtinge hou;
- (b) notules van algemene vergaderings laat hou;
- (c) behoorlike rekeningboeke laat hou ten opsigte van alle somme geld deur hul ontvang en uitgegee en die aangeleenthede ten opsigte waarvan sodanige ontvangs en uitgawe plaasvind;
- (d) behoorlike state betreffende alle gelde en die inkomste en uitgawe van die regspersoon, vir elke algemene jaarvergadering opstel en deur 'n geregistreerde rekenmeester laat ouditeer;
- (e) die rekeningboeke te alle redelike tye op aansoek van 'n eienaar of iemand skriftelik deur hom gemagtig, ter insae beskikbaar stel.

9. 'n Handeling te goeder trou deur die trustees verrig, is, ondanks die bevinding na die verrigting van die handeling dat daar 'n gebrek in die aanstelling of voortsetting in die amp van 'n trustee was, geldig asof so 'n trustee behoorlik aangestel was of sy amp reëlmatig voortgesit het.

10. Elke stuk moet deur twee trustees namens die regspersoon onderteken word.

11. 'n Algemene vergadering van eienaars moet gehou word binne drie maande vanaf die datum waarop die regspersoon tot stand kom soos in artikel 28 (1) beoog. **Algemene vergaderings.**

12. Daaropvolgende algemene vergaderings word een keer in elke jaar gehou: Met dien verstande dat nie meer as vyftien maande tussen die datum van een algemene jaarvergadering en dié van die volgende mag verloop nie.

13. Alle algemene vergaderings, behalwe algemene jaarvergaderings, word buitengewone algemene vergaderings genoem.

14. Die trustees kan wanneer hul dit goedvind, en moet op skriftelike aanvraag deur eienaars wat op vyf-en-twintig persent van die totaal van die kwotas van al die dele geregtig is, 'n buitengewone algemene vergadering belê.

15. Van elke algemene vergadering moet sewe dae kennis, waarin die plek, die datum en die uur van die vergadering en, in die geval van spesiale sake, die algemene aard van sodanige sake, vermeld word, aan alle eienaars en aan alle houer van deelverbande wat die regspersoon van hulle belange verwittig het, gegee word: Met dien verstande dat onopsetlike versuim om bedoelde kennis aan 'n eienaar of verbandhouer te gee of die nie-ontvangs van bedoelde kennisgewing deur 'n eienaar of verbandhouer nie die verrigtinge by so 'n vergadering ongeldig maak nie.

16. Behalwe dat oorweging van die rekenings en die verkiesing van trustees op 'n algemene jaarvergadering gewone sake is, is al die sake op 'n algemene vergadering spesiale sake. **Verrigtinge by algemene vergaderings.**

17. (1) Behalwe waar in hierdie Bylae anders bepaal word, word geen sake op 'n algemene vergadering behandel nie tensy 'n kworum van stemgeregtigde persone teenwoordig is wanneer die vergadering tot sake oorgaan.

(2) Die helfte van die persone wat geregtig is om persoonlik of by volmag te stem, maak 'n kworum uit.

18. Indien 'n kworum nie binne 'n halfuur na die bepaalde aanvangstyd vir 'n algemene vergadering teenwoordig is nie, is die vergadering verdaag tot die ooreenstemmende dag in die daaropvolgende week op dieselfde plek en tyd, en indien 'n kworum nie op die verdaagde vergadering binne 'n halfuur na

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present within half an hour from the time appointed for the meeting, the persons present and entitled to vote shall be a quorum.

19. At the commencement of a general meeting, a chairman shall be elected for the meeting.

20. (1) At any general meeting a resolution by the vote of the meeting shall be decided on a show of hands unless a poll is demanded by any owner in person or by proxy.

(2) Unless a poll be so demanded, a declaration by the chairman that a resolution has on the show of hands been carried shall be conclusive evidence of that fact without proof of the number or proportion of votes recorded in favour of or against such resolution.

(3) A demand for a poll may be withdrawn.

21. A poll, if demanded, shall be taken in such manner as the chairman thinks fit, and the result of the poll shall be deemed to be the resolution of the meeting at which such poll was demanded.

22. In the case of equality in the votes, whether on a show of hands or on a poll, the chairman of the meeting shall be entitled to a casting vote in addition to his deliberative vote.

Votes of owners.

23. On a show of hands, the owner or owners of a section shall have one vote; for the purposes of a special resolution (with or without a poll) or on a poll, the value of the vote of the owner or owners of a section shall, subject to the provisions of proviso (ii) to section 23 (1), correspond with the quota of his or their section.

24. On a show of hands or on a poll, votes may be given either personally or by proxy.

25. (1) An instrument appointing a proxy shall be in writing under the hand of the appointer or his agent and may be either general or for a particular meeting.

(2) A proxy need not be an owner.

26. Except in cases where a special resolution or a unanimous resolution is required under this Act, no owner shall be entitled to vote at any general meeting unless all contributions payable by him in respect of his section and his undivided share in the common property have been duly paid.

27. Where an owner of a section is as such a trustee for a beneficiary, he shall exercise the voting rights in respect of the section to the exclusion of persons beneficially interested in the trust, and such persons shall not vote.

Schedule 2.

(Section 27 (2) (a) (ii).)

1. An owner shall not—

- (a) use his section or permit his section to be used for any purpose which is injurious to the reputation of the building;
- (b) keep or do anything on the common property after notice in that behalf from the trustees;

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die bepaalde aanvangstyd vir die vergadering teenwoordig is nie, maak die stemgeregtigde persone wat teenwoordig is, 'n kworum uit.

19. By die aanvang van 'n algemene vergadering word 'n voorsitter vir die vergadering gekies.

20. (1) Op 'n algemene vergadering word 'n besluit deur stemming van die vergadering deur die opsteek van hande geneem tensy 'n stemming per brief deur 'n eenaar persoonlik of deur sy gevolmagtigde aangevra word.

(2) Tensy 'n stemming per brief aldus aangevra word, is 'n verklaring deur die voorsitter dat 'n besluit by die opsteek van hande geneem is, afdoende bewys daarvan sonder bewys van die getal of verhouding van stemme wat ten gunste van of teen daardie besluit uitgebring is.

(3) 'n Aanvraag om 'n stemming per brief kan teruggetrek word.

21. 'n Stemming per brief, indien aangevra, geskied op die wyse wat die voorsitter goedvind, en die uitslag van die stemming per brief word geag die besluit van die vergadering te wees waarby daardie stemming per brief aangevra is.

22. By 'n staking van stemme, hetsy by die opsteek van hande of by stemming per brief, het die voorsitter van die vergadering benewens sy beraadslagende stem ook 'n beslissende stem.

23. By die opsteek van hande het die eenaar of eenaars van 'n deel een stem; vir die doeleindes van 'n spesiale besluit (met of sonder 'n stemming per brief) of by 'n stemming per brief, stem die waarde van die stem van die eenaar of eenaars van 'n deel, behoudens die bepalinge van voorbehoud (ii) by artikel 23 (1), ooreen met die kwota van sy of hulle deel. Stemme van eenaars.

24. By die opsteek van hande of by 'n stemming per brief kan stemme of persoonlik of deur 'n gevolmagtigde uitgebring word.

25. (1) Die stuk waarkragtens 'n gevolmagtigde aangestel word, moet skriftelik en deur die benoemer of sy agent onderteken wees en kan of algemeen of vir 'n besondere vergadering wees.

(2) 'n Gevolmagtigde hoef nie 'n eenaar te wees nie.

26. Behalwe in gevalle waar 'n spesiale besluit of 'n eenparige besluit ingevolge hierdie Wet vereis word, is 'n eenaar nie geregtig om op 'n algemene vergadering te stem nie tensy alle bydraes wat deur hom ten opsigte van sy deel en sy onverdeelde aandeel in die gemeenskaplike eiendom betaalbaar is, behoorlik betaal is.

27. Waar 'n eenaar van 'n deel as sodanig trustee vir 'n begunstigde is, oefen hy die stemreg ten opsigte van die deel uit tot uitsluiting van persone wat 'n voordelige belang in die trust het, en mag sodanige persone nie stem nie.

Bylae 2.

(Artikel 27 (2) (a) (ii).)

1. 'n Eenaar mag nie—

- (a) sy deel vir 'n doel gebruik of toelaat dat dit gebruik word vir 'n doel wat vir die goeie naam van die gebou skadelik is nie;
- (b) na kennisgewing in dier voege deur die trustees, enigiets op die gemeenskaplike eiendom hou of doen nie;

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- (c) keep any animal in his section or on the common property after notice in that behalf from the trustees;
- (d) do or permit to be done in his section or on the common property anything which will or may increase the rate of the premium payable by the body corporate on any insurance policy.

2. When the purpose for which a section is intended to be used, is shown expressly or by necessary implication on or by the registered sectional plan, an owner shall not use or permit his section to be used for any other purpose.

3. No duty shall be placed upon any owner in regard to the provision of any improvement on or to the common property unless a proposal to make such improvement has been approved by a special resolution at a general meeting of owners of sections.

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- (c) na kennisgewing in dier voege deur die trustees, 'n dier in sy deel of op die gemeenskaplike eiendom aanhou nie;
- (d) enigiets in sy deel of op die gemeenskaplike eiendom doen of toelaat dat enigiets daarin of daarop gedoen word wat die skaal van die premie wat deur die regs-persoon op 'n assuransiepolis betaalbaar is, sal of moontlik sal verhoog nie.

2. Wanneer die doel waarvoor 'n deel bestem is om gebruik te word, uitdruklik of by noodwendige implikasie op of deur die geregistreerde deelplan aangetoon word, mag 'n eenaar nie sy deel vir 'n ander doel gebruik of toelaat dat dit vir 'n ander doel gebruik word nie.

3. Geen verpligting met betrekking tot die voorsiening van 'n verbetering op of aan die gemeenskaplike eiendom word op 'n eenaar geplaas nie tensy 'n voorstel om sodanige verbetering aan te bring by 'n spesiale besluit op 'n algemene vergadering van eenaars van dele goedgekeur is nie.



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

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Vol. 140]

KAAPSTAD, 25 FEBRUARIE 1977

[No. 5415

CAPE TOWN, 25 FEBRUARY 1977

DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 308. 25 Februarie 1977.

No. 308. 25 February 1977.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 1 van 1977: Wysigingswet op Deeltitels, 1977

No. 1 of 1977: Sectional Titles Amendment Act, 1977

ACT

To amend the Sectional Titles Act, 1971, in order to do away with the requirement that the consent of certain holders of real rights be obtained for the approval of development schemes, the opening of sectional title registers, the subdivision of sections, the preparation of schemes in respect of the extension of buildings and the division of buildings and land into sections and common property in the case of rebuilt buildings; to provide for sectional plans where overhanging parts of buildings encroach upon contiguous land; and to provide for matters incidental thereto.

*(Afrikaans text signed by the State President.)
(Assented to 18 February 1977.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of
section 4 of
Act 66 of 1971.

1. Section 4 of the Sectional Titles Act, 1971 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the deletion of subsection (4); and
- (b) by the substitution for subsection (5) of the following subsection:

“(5) At any time after the receipt of an application referred to in subsection (1), the local authority may require the developer to furnish it with such further particulars, information, plans or drawings as it may deem necessary.”

Amendment of
section 5 of
Act 66 of 1971.

2. Section 5 of the principal Act is hereby amended by the deletion of paragraph (c) of subsection (3).

Amendment of
section 6 of
Act 66 of 1971.

3. Section 6 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (2) of the following paragraph:

“(b) furnish the number of the approved diagram of the land; the number of the title deed with which such diagram is filed; the registered description of the land; the full name of the developer; the number and date of his title deed; and a reference to any authority granted by or under any law, or to a registered servitude, permitting an overhanging part of the building or buildings shown on the plan to encroach upon contiguous land;”

Amendment of
section 8 of
Act 66 of 1971.

4. Section 8 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (2) of the following paragraph:

“(b) endorse on the title deed of the land in question, any mortgage bond to which the land may be subject and any deed of lease and other deed embodying any other

WET

Tot wysiging van die Wet op Deeltitels, 1971, ten einde weg te doen met die vereiste dat die toestemming van sekere houers van saaklike regte verkry word vir die goedkeuring van ontwikkelingskemas, die opening van deeltitelregisters, die onderverdeling van dele, die opstel van skemas ten opsigte van die uitbreiding van geboue en die verdeling van geboue en grond in dele en gemeenskaplike eiendom in die geval van herboude geboue; om voorsiening te maak vir deelplanne waar oorhangende gedeeltes van geboue op aangrensende grond oorskry; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 18 Februarie 1977.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 4 van die Wet op Deeltitels, 1971 (hieronder die Hoofwet genoem), word hierby gewysig—
 - (a) deur subartikel (4) te skrap; en
 - (b) deur subartikel (5) deur die volgende subartikel te vervang:

„(5) Te eniger tyd na die ontvangs van 'n in subartikel (1) bedoelde aansoek, kan die plaaslike bestuur die ontwikkelaar versoek om die plaaslike bestuur te voorsien van die verdere besonderhede, inligting, planne of tekeninge wat die plaaslike bestuur nodig ag.”.

Wysiging van artikel 4 van Wet 66 van 1971.
2. Artikel 5 van die Hoofwet word hierby gewysig deur paragraaf (c) van subartikel (3) te skrap.

Wysiging van artikel 5 van Wet 66 van 1971.
3. Artikel 6 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

„(b) die nommer van die goedgekeurde kaart van die grond; die nommer van die titelbewys waarby bedoelde kaart geliasseer is; die geregistreerde beskrywing van die grond; die volle naam van die ontwikkelaar; die nommer en datum van sy titelbewys; en 'n verwysing na 'n magtiging verleen deur of kragtens 'n wet, of na 'n geregistreerde serwituut, waarby vergunning verleen word dat 'n oorhangende gedeelte van die gebou of geboue wat op die plan getoon word op aangrensende grond oorskry, verstrek;”.

Wysiging van artikel 6 van Wet 66 van 1971.
4. Artikel 8 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

„(b) op die titelbewys van die betrokke grond, 'n verband wat op die grond rus, en 'n huurkontrak en ander akte waarin 'n ander saaklike reg teen die grond geregistreer,

Wysiging van artikel 8 van Wet 66 van 1971.

Act No. 1, 1977

SECTIONAL TITLES AMENDMENT ACT, 1977

real right registered against the land, that the land therein described is subject to a development scheme and is registered in the sectional title register.”

Amendment of section 16 of Act 66 of 1971.

5. Section 16 of the principal Act is hereby amended—
- (a) by the deletion of paragraph (c) of subsection (2); and
 - (b) by the substitution for subsection (5) of the following subsection:

“(5) Simultaneously with the registration of the plan of subdivision the registrar shall register the subdivision by issuing to the owner of the section a certificate of registered sectional title in the prescribed form in respect of the portion of the section and an undivided share in the common property apportioned to such portion in accordance with the quota thereof, and shall make such endorsements on or amendments to the sectional title deed of the section in question, any sectional bond to which the section may be subject, any lease and other deed embodying any other real right registered against the section and such endorsements on or amendments to the registered sectional plan as he may deem necessary to give effect to the provisions of this section: Provided that if the owners have entered into a partition agreement, the registrar shall in lieu of the sectional title deed referred to in subsection (2) (a), issue to each of the said owners a sectional title deed in the prescribed form in respect of the portion of the section awarded to each owner in terms of the said agreement.”

Amendment of section 18 of Act 66 of 1971.

6. Section 18 of the principal Act is hereby amended by the substitution for all the words preceding paragraph (a) of subsection (1) of the following words:

“(1) Where a building, in respect of which a sectional plan has been registered under this Act, is to be extended in such a manner that an existing section is to be added to or that the building may be further divided into more sections, the developer or, if the developer has ceased to have any share in the common property, the body corporate, with the consent in writing of all the owners of sections and of all holders of mortgage bonds shall—”.

Amendment of section 37 of Act 66 of 1971.

7. Section 37 of the principal Act is hereby amended—
- (a) by the deletion of paragraph (c) of subsection (8); and
 - (b) by the substitution for paragraph (b) of subsection (9) of the following paragraph:

“(b) make an endorsement on the mortgage bond referred to in subsection (8) (b) and on the sectional title deeds referred to in paragraph (a) of this subsection to the effect that the sections and common property shown on the registered sectional plan and held under the said sectional title deeds are subject to the said bond, and shall make on any deed of lease and other deed embodying any other real right and on the registered sectional plan an endorsement to the effect that the said sections and common property are subject to the said deed of lease and other deed.”.

Short title.

8. This Act shall be called the Sectional Titles Amendment Act, 1977.

WYSIGINGSWET OP DEELTITELS, 1977

Wet No. 1, 1977

beliggaam is, aanteken dat die daarin beskrewe grond aan 'n ontwikkelingskema onderhewig is en in die deeltitelregister geregistreer is;”.

5. Artikel 16 van die Hoofwet word hierby gewysig—
 (a) deur paragraaf (c) van subartikel (2) te skrap; en
 (b) deur subartikel (5) deur die volgende subartikel te vervang:

Wysiging van artikel 16 van Wet 66 van 1971.

„(5) Gelyktydig met die registrasie van die plan van onderverdeling moet die registrateur die onderverdeling registreer deur aan die eienaar van die deel 'n sertifikaat van geregistreerde deeltitel in die voorgeskrewe vorm uit te reik ten opsigte van die gedeelte van die deel en 'n onverdeelde aandeel in die gemeenskaplike eiendom wat aan daardie gedeelte ooreenkomstig die kwota daarvan toegedeel is, en moet hy die aantekeninge op of wysiging aan die deeltitelbewys van die betrokke deel, 'n deelverband wat op die deel rus, 'n huurkontrak en ander akte waarin 'n ander saaklike reg teen die deel geregistreer, beliggaam is en op die geregistreerde deelplan maak of aanbring wat hy nodig ag om aan die bepalings van hierdie artikel gevolg te gee: Met dien verstande dat indien die eienaars 'n onderverdelingsooreenkoms aangegaan het, die registrateur, in die plek van die in subartikel (2) (a) bedoelde deeltitelbewys, aan elk van bedoelde eienaars 'n deeltitelbewys in die voorgeskrewe vorm moet uitreik ten opsigte van die gedeelte van die deel wat aan elke eienaar ingevolge die bedoelde ooreenkoms toegewys is.”.

6. Artikel 18 van die Hoofwet word hierby gewysig deur die gedeelte wat paragraaf (a) van subartikel (1) voorafgaan deur die volgende te vervang:

Wysiging van artikel 18 van Wet 66 van 1971.

„(1) Waar 'n gebou ten opsigte waarvan 'n deelplan kragtens hierdie Wet geregistreer is, op so 'n wyse uitgebrei gaan word dat 'n bestaande deel vergroot gaan word of dat die gebou verder in meer dele verdeel kan word, moet die ontwikkelaar of, indien die ontwikkelaar opgehou het om 'n aandeel in die gemeenskaplike eiendom te hê, die regspersoon, met die skriftelike toestemming van al die eienaars van dele en van alle houers van verbande—”.

7. Artikel 37 van die Hoofwet word hierby gewysig—
 (a) deur paragraaf (c) van subartikel (8) te skrap; en
 (b) deur paragraaf (b) van subartikel (9) deur die volgende paragraaf te vervang:

Wysiging van artikel 37 van Wet 66 van 1971.

„(b) op die verband in subartikel 8 (b) bedoel, en op die deeltitelbewyse in paragraaf (a) van hierdie subartikel bedoel, 'n aantekening maak ten effekte dat bedoelde verband die dele en gemeenskaplike eiendom wat op die geregistreerde deelplan getoon en kragtens bedoelde deeltitelbewyse gehou word, verbind, en moet hy op 'n huurkontrak en ander akte waarin 'n ander saaklike reg beliggaam is en op die geregistreerde deelplan 'n aantekening maak ten effekte dat bedoelde huurkontrak en ander akte bedoelde dele en gemeenskaplike eiendom verbind.”.

8. Hierdie Wet heet die Wysigingswet op Deeltitels, 1977.

Kort titel.



STAATSKOERANT
VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE

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Registered at the Post Office as a Newspaper

Vol. 93]

PRETORIA, 30 MAART 1973
30 MARCH

[No. 3822

GOEWERMENSKENNISGEWING

DEPARTEMENT VAN JUSTISIE

No. R. 475 30 Maart 1973

**REGULASIES KRAGTENS DIE WET OP
DEELTITELS, 1971**

Kragtens die bevoegdheid my verleen by artikel 40 van die Wet op Deeltitels, 1971 (Wet 66 van 1971), vaardig ek, Petrus Cornelius Pelser, Minister van Justisie, na raadpleging van die registrasie-regulasieraad in daardie artikel bedoel, hierby die regulasies in die Bylae vervat, uit.

P. C. PELSER, Minister van Justisie.

BYLAE

Woordoms krywing

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

“die gebied” die gebied Suidwes-Afrika;

“hooflêer” die hooflêer in regulasie 6 bedoel;

“onderlêer” die onderlêer in regulasie 6 bedoel;

“provinsiale administrasie” ook die Administrasie van die gebied;

“provinsiale sekretaris” ook die Sekretaris van Suidwes-Afrika;

“provinsie” ook die gebied;

“takseermeester” die registrateur van aktes of Randdorpe, 'n adjunk-registrateur van aktes of Randdorpe, 'n assistent-registrateur van aktes of Randdorpe of, in die geval waar 'n assistent-registrateur nie vir 'n registrasiekantoor aangestel is nie, die mees senior beamppte in die personeel van die registrateur van die betrokke registrasiekantoor;

“Wet” die Wet op Deeltitels, 1971 (Wet 66 van 1971); en het 'n woord of uitdrukking waaraan 'n betekenis in die Wet gheg is, daardie betekenis.

Aansoek om Goedkeuring van 'n Ontwikkelingskema

2. (1) Die aansoek in artikel 4 (1) van die Wet bedoel, moet in die vorm uiteengesit in Vorm A in Aanhangsel 1 wees en word in tweevoud by die betrokke plaaslike bestuur ingedien.

A—9806

GOVERNMENT NOTICE

DEPARTMENT OF JUSTICE

No. R. 475 30 March 1973

**REGULATIONS UNDER THE SECTIONAL
TITLES ACT, 1971**

By virtue of the powers vested in me by section 40 of the Sectional Titles Act, 1971 (Act 66 of 1971), I, Petrus Cornelius Pelser, Minister of Justice, after consultation with the Deeds Registries Regulations Board referred to in that section, hereby make the regulations contained in the Schedule.

P. C. PELSER, Minister of Justice.

SCHEDULE

Definitions

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

“Act” means the Sectional Titles Act, 1971 (Act 66 of 1971);

“main file” means the main file referred to in regulation 6;

“province” includes the territory;

“provincial administration” includes the Administration of the territory;

“provincial secretary” includes the Secretary for South-West Africa;

“subfile” means the subfile referred to in regulation 6;

“taxing master” means the registrar of deeds or Rand townships registrar, a deputy registrar of deeds or Rand townships, an assistant registrar of deeds or Rand townships, or, in the case where an assistant registrar has not been appointed for a deeds registry, the most senior officer on the staff of the registrar of the deeds registry concerned;

“the territory” means the Territory of South-West Africa;

and a word or expression to which a meaning has been assigned in the Act, bears that meaning.

Application for Approval of a Development Scheme

2. (1) The application referred to in section 4 (1) of the Act, shall be in the form set out in Form A in Annexure 1 and shall be lodged in duplicate with the local authority concerned.

1—3822

(2) Die aansoek moet, benewens die deelplan en die skriftelike toestemming in artikel 4 (4) van die Wet bedoel, vergesel gaan van—

(a) waar die aansoek onderteken is deur 'n persoon wat gemagtig is om namens die ontwikkelaar te onderteken, 'n skriftelike magtiging deur die ontwikkelaar waarin bedoelde persoon gemagtig word om die aansoek namens die ontwikkelaar te onderteken;

(b) in die geval van—

(i) 'n gebou wat nog opgerig moet word, die goedgekeurde bouplanne of die plaaslike bestuur se verwysing na die goedgekeurde bouplanne;

(ii) 'n bestaande gebou, die goedgekeurde bouplanne of die plaaslike bestuur se verwysing na die goedgekeurde bouplanne of, indien 'n afwyking, verandering of wysiging van sodanige planne goedgekeur is, 'n saamgestelde plan wat bestaan uit die goedgekeurde bouplanne en die goedgekeurde afwykings-, veranderings- of wysigingsplanne, of, indien geen sodanige afwykings-, veranderings- of wysigingsplanne beskikbaar is nie, 'n tekening wat die afmetings toon van 'n afwyking of verandering met betrekking tot die afmetings van die gebou;

(iii) 'n bestaande gebou waar geen goedgekeurde bouplanne beskikbaar is nie, 'n tekening wat die afmetings van die gebou toon, welke tekening moet voldoen aan al die vereistes van 'n bouplan;

en sodanige plan of planne of tekening moet die buitenste mure van elke deel wat op die deelplan getoon word met 'n onderskeidende kleur aandui;

(c) twee afskrifte van die deelplan, waarvan een afskrif op deursigtige materiaal moet wees;

(d) 'n afskrif van die titelbewys van die grond waarop die deelplan betrekking het;

(e) die ander dokumente of planne in Vorm A in Aanhangsel 1 genoem, indien daar is.

(3) Wanneer die plaaslike bestuur die aansoek om die goedkeuring van 'n skema toegestaan het, moet die plaaslike bestuur die ontwikkelaar van sy besluit in kennis stel op 'n wyse in artikel 5 (3) (d) (ii) van die Wet bedoel en, in enige ander geval, moet die plaaslike bestuur die ontwikkelaar van sy besluit in enige skriftelike vorm in kennis stel.

(4) (a) Wanneer die aansoek om die goedkeuring van 'n skema gefinaliseer is, moet die plaaslike bestuur die deelplan aan die ontwikkelaar wat dit by die plaaslike bestuur ingedien het, terugstuur, tesame met een van die afskrifte van die deelplan in paragraaf (c) van subregulasie (2) bedoel, gesertifiseer as 'n ware afskrif van die deelplan.

(b) Wanneer die plaaslike bestuur 'n endossement op die deelplan aanbring, moet hy 'n eenderse endossement op die afskrif van die deelplan in paragraaf (a) bedoel, aanbring, en wanneer die plaaslike bestuur die deelplan tesame met 'n sertifikaat of ander dokument deur hom uitgereik aan die ontwikkelaar terugstuur, moet hy eweneens die vermelde afskrif van die deelplan aan die ontwikkelaar terugstuur tesame met 'n afskrif van die vermelde sertifikaat of ander dokumente.

(c) Die ander afskrif van die deelplan in paragraaf (c) van subregulasie (2) bedoel, moet deur die plaaslike bestuur behou word.

(5) Die plaaslike bestuur verstrek onverwyld aan die ontwikkelaar 'n volledige verklaring van sy redes vir sy besluit met betrekking tot die aansoek wanneer die plaaslike bestuur weier om die aansoek toe te staan of 'n besluit daaroor in sy geheel of ten dele uitstel of enige voorwaardes met betrekking daartoe opleë.

(2) The application shall, in addition to the sectional plan and the written consent referred to in section 4 (4) of the Act, be accompanied by—

(a) where the application is signed by a person authorized to sign on behalf of the developer, a written authority by the developer in which the person referred to is authorized to sign the application on behalf of the developer;

(b) in the case of—

(i) a building to be erected, the approved building plans or the local authority's reference to the approved building plans;

(ii) an existing building, the approved building plans or the local authority's reference to the approved building plans or, if any deviation, alteration or amendment of such plans was approved, a composite plan comprising the approved building plans and the approved deviation, alteration or amendment plans, or if no such deviation, alteration or amendment plans are available, a drawing showing measurements of any variation or alteration with respect to the dimensions of that building;

(iii) an existing building where no approved building plans are available, a drawing showing measurements of the building, which drawing shall comply with all the requirements of a building plan; and any such plan or plans or drawing shall indicate the boundary walls of each section shown on the sectional plan in a distinctive colour;

(c) two copies of the sectional plan, one copy of which shall be on transparent material;

(d) a copy of the title deed of the land to which the sectional plan relates;

(e) the other documents or plans, if any, referred to in Form A in Annexure 1.

(3) When the local authority has granted the application for the approval of a scheme, the local authority shall notify the developer of its decision in any manner referred to in section 5 (3) (d) (ii) of the Act and, in any other case, the local authority shall notify the developer of its decision in any form of writing.

(4) (a) When the application for the approval of a scheme has been finalized, the local authority shall return the sectional plan to the developer who lodged it with the local authority, together with one of the copies of the sectional plan referred to in paragraph (c) of subregulation (2) certified as a true copy of the sectional plan.

(b) When the local authority makes any endorsement on the sectional plan, it shall make a similar endorsement on the copy of the sectional plan referred to in paragraph (a), and when the local authority returns the sectional plan to the developer together with a certificate or other document issued by it, it shall similarly return the said copy of the sectional plan to the developer together with a copy of the said certificate or other documents.

(c) The other copy of the sectional plan referred to in paragraph (c) of subregulation (2) shall be retained by the local authority.

(5) The local authority shall forthwith furnish the developer with a complete statement of its reasons for its decision with regard to the application whenever the local authority refuses to grant the application or postpones a decision thereon in whole or in part or imposes any conditions with reference thereto.

Appel na die Administrateur

3. (1) 'n Appel na die Administrateur ingevolge die bepalings van artikel 4 (9) van die Wet word aangeteken by wyse van 'n skriftelike kennisgewing van appel wat beteken word binne die tydperk in subregulasie (3) bedoel deur aflewering by die kantoor van die betrokke Administrateur aan 'n persoon wat oënskynlik bevoeg is om sodanige kennisgewing in ontvangs te neem of wat per geregistreerde pos binne die tydperk aldus bedoel gestuur word aan die provinsiale sekretaris van die provinsiale administrasie van die provinsie waarvoor die betrokke Administrateur aangestel is.

(2) 'n Afskrif van sodanige kennisgewing word onverwyld aan die betrokke plaaslike bestuur beteken deur aflewering van die afskrif aan 'n persoon in diens van die plaaslike bestuur wat oënskynlik bevoeg is om sodanige kennisgewing in ontvangs te neem of word per geregistreerde pos gestuur aan die hoofamptenaar van die betrokke plaaslike bestuur in die naam van die amp wat daardie amptenaar beklee.

(3) 'n Kennisgewing van appel word op die wyse in subregulasie (1) bedoel, beteken—

(a) in die geval waar die applikant hom veronreg voel deur 'n besluit van die plaaslike bestuur, binne 'n tydperk van 30 dae vanaf die datum waarop die applikant van die plaaslike bestuur se besluit in kennis gestel is; of

(b) in die geval waar die plaaslike bestuur versuim om 'n skema binne die voorgeskrewe tydperk goed te keur, binne 'n tydperk van 30 dae na verloop van 'n tydperk van 14 dae vanaf die datum van 'n skriftelike kennisgewing aan die plaaslike bestuur waarin die plaaslike bestuur versoek word om tot 'n besluit met betrekking tot die skema te geraak.

(4) Die applikant beteken, tesame met die kennisgewing van appel, 'n afskrif of fotostaat van die dokument waarin die plaaslike bestuur se besluit aan hom meegedeel is, indien sodanige besluit nie op die deelplan aangeteken is nie.

(5) (a) Die Administrateur kan, in die geval waar 'n kennisgewing van appel per geregistreerde pos beteken is, vereis dat bewys gelewer word dat sodanige kennisgewing binne die tydperk in hierdie regulasie bedoel, gepos is.

(b) Vir die doeleindes van paragraaf (a) word die datum op 'n dokument wat voorgee uitgereik te gewees het deur 'n poskantoor en 'n ontvangsbewys deur die poskantoor te wees van 'n geregistreerde stuk wat aan die betrokke provinsiale sekretaris of plaaslike bestuur geadresseer is, geag *prima facie*-bewys uit te maak dat die kennisgewing in paragraaf (a) bedoel, op daardie datum per geregistreerde pos aan die betrokke provinsiale sekretaris of plaaslike bestuur, na gelang van die geval, gepos is.

(6) Die Administrateur of iemand wat in opdrag van die Administrateur handel, kan, by die aanvoer van gronde dat die ontwikkelaar nie in staat is of was om 'n appel aan te teken binne die tydperk in subregulasie (3) bedoel nie, voor of na verloop van daardie tydperk skriftelik aan die ontwikkelaar vergunning gee om appel aan te teken binne 30 dae vanaf die datum van die skriftelike vergunning van die Administrateur, waarna die bepalings van hierdie regulasie *mutatis mutandis* van toepassing is met betrekking tot sodanige appel asof die appel betyds aangeteken was.

(7) Waar die skriftelike vergunning soos in subregulasie (6) bedoel, gegee is, moet die ontwikkelaar 'n gesertifiseerde afskrif of fotostaat van sodanige vergunning tesame met die afskrif van die kennisgewing van appel aan die plaaslike bestuur beteken.

Appeal to Administrator

3. (1) An appeal to the Administrator in terms of the provisions of section 4 (9) of the Act, shall be noted by means of a written notice of appeal which shall be served within the period referred to in subregulation (3) by delivery at the office of the Administrator concerned to a person apparently competent to accept such notice or which shall be sent within the period so referred to by registered post to the provincial secretary of the provincial administration of the province for which the Administrator concerned has been appointed.

(2) A copy of such notice shall forthwith be served on the local authority concerned by delivery of the copy to a person in the employ of the local authority who apparently is competent to accept such notice or be sent by registered post to the chief officer of the local authority concerned in the name of the office held by such officer.

(3) A notice of appeal shall be served in the manner referred to in subregulation (1)—

(a) in the case where an applicant feels aggrieved by any decision of the local authority, within a period of 30 days of the date on which the applicant was informed of the decision of the local authority; or

(b) in the case where the local authority has failed to approve a scheme within the prescribed period, within a period of 30 days of the expiry of a period of 14 days after the date of a written notice to the local authority requiring the local authority to make a decision with reference to the scheme.

(4) The applicant shall, together with the notice of appeal, serve a copy or photostat of the document in which the decision of the local authority was communicated to him, if such decision has not been endorsed on the sectional plan.

(5) (a) The Administrator may, in the case where a notice of appeal has been served by registered post, require that proof be furnished that such notice was posted within the period referred to in this regulation.

(b) For the purposes of paragraph (a), the date on a document purporting to have been issued by any post office and to be a receipt by the post office for a registered article addressed to the provincial secretary or local authority concerned, shall be deemed to constitute *prima facie* proof that the notice referred to in paragraph (a) was posted on such date by registered post to the provincial secretary or local authority concerned, as the case may be.

(6) The Administrator or a person acting by direction of the Administrator may, upon cause being shown that the developer is or was not able to note an appeal within the period referred to in subregulation (3), before or after expiry of that period grant the developer permission, in writing, to note an appeal within 30 days of the date of the written permission of the Administrator, whereupon the provisions of this regulation shall apply *mutatis mutandis* with reference to an appeal so noted as if the appeal had been timeously noted.

(7) Where the written permission referred to in subregulation (6) has been granted, the developer shall serve a certified copy or photostat of such permission with the copy of the notice of appeal on the local authority.

(8) 'n Kennisgewing van appèl moet duidelik en in besonderhede vermeld die besluit waarteen geappelleer word of dat die appèl aangeteken word weens die versuim van die plaaslike bestuur om 'n skema binne die voorgeskrewe tyd goed te keur en moet ook, waar appèl aangeteken word om 'n ander rede as die versuim van die plaaslike bestuur om 'n skema binne die voorgeskrewe tyd goed te keur, die gronde waarop die appèl berus, uiteensit.

(9) (a) Binne 'n tydperk van 30 dae vanaf die datum van die kennisgewing van appèl, moet die ontwikkelaar of die plaaslike bestuur, wie ook al in besit is van die deelplan, die deelplan en een van die afskrifte daarvan soos in paragraaf (c) van regulasie 2 (2) bedoel, tesame met enige ander dokumente of afskrifte van dokumente in sy besit wat op die deelplan betrekking het en vir die doeleindes van die appèl nodig is, by die Administrateur indien, en die plaaslike bestuur moet binne die voormelde tydperk ook 'n skriftelike verklaring by die Administrateur indien waarin aangegee word—

(i) die redes vir die plaaslike bestuur se besluit waarteen geappelleer word; of

(ii) indien geappelleer word weens die versuim van die plaaslike bestuur om die skema binne die voorgeskrewe tyd goed te keur, die redes vir sodanige versuim.

(b) Die Administrateur kan, op die skriftelike versoek van die plaaslike bestuur gedoen voor verstryking van die tydperk in paragraaf (a) bedoel, daardie tydperk vir die doeleindes in daardie paragraaf bedoel vir 'n tydperk van hoogstens 30 dae verleng en stel die betrokke plaaslike bestuur, indien aan die versoek voldoen word, skriftelik van sodanige verlenging in kennis en stuur gelyktydig 'n afskrif van die skriftelike kennisgewing aan die ontwikkelaar.

(10) (a) Die plaaslike bestuur stuur onverwyld 'n afskrif van die skriftelike verklaring in subregulasie (9) bedoel aan die betrokke ontwikkelaar, en die ontwikkelaar kan, binne 'n tydperk van 21 dae vanaf die datum van sodanige verklaring, 'n skriftelike antwoord daarop aan die Administrateur beteken op die wyse in subregulasie (1) vir die betekening van 'n kennisgewing van appèl bepaal.

(b) Die Administrateur kan, op skriftelike versoek van die ontwikkelaar gedoen voor verstryking van die tydperk in paragraaf (a) bedoel, daardie tydperk vir die doeleindes in daardie paragraaf bedoel met 'n tydperk van hoogstens 21 dae verleng en stel die ontwikkelaar, indien aan die versoek voldoen word, skriftelik in kennis van sodanige verlenging en stuur gelyktydig 'n afskrif van die skriftelike kennisgewing aan die plaaslike bestuur.

(c) Die ontwikkelaar beteken onverwyld 'n afskrif van die antwoord in paragraaf (a) bedoel aan die plaaslike bestuur op die wyse in subregulasie (2) voorgeskryf vir die betekening van 'n kennisgewing van appèl.

(11) Te eniger tyd na die ontvangs van 'n kennisgewing van appèl of 'n skriftelike verklaring of 'n skriftelike antwoord in hierdie regulasie bedoel, kan die Administrateur—

(a) die ontwikkelaar versoek om die Administrateur te voorsien van die verdere besonderhede, inligting, planne of tekeninge wat die Administrateur nodig ag, met inbegrip, indien dit nog nie deur die plaaslike bestuur verkry is nie en die Administrateur twyfel het, van 'n sertifikaat deur 'n landmeter dat die gebou of geboue wat op die deelplan getoon word, heeltemal binne die grense val van die grond wat daarop getoon word;

(b) die betrokke plaaslike bestuur versoek of laat versoek om die Administrateur te voorsien van die verdere besonderhede, inligting of dokumente wat die Administrateur nodig ag.

(8) A notice of appeal shall clearly and specifically state the decision appealed against or that the appeal is noted by reason of the failure of the local authority to approve a scheme within the prescribed period, and shall also, whenever an appeal is noted on any ground other than the failure of the local authority to approve a scheme within the prescribed period, state the grounds on which the appeal is based.

(9) (a) Within a period of 30 days of the date of the notice of appeal, the developer or the local authority, whoever is in possession of the sectional plan, shall lodge with the Administrator the sectional plan and one of the copies thereof referred to in paragraph (c) of regulation 2 (2), and together therewith any other documents or copies of documents in his or its possession relating to the sectional plan and required for the purposes of the appeal, and the local authority shall within the period aforementioned also lodge with the Administrator a statement, in writing, in which is set out—

(i) the reasons for the decision of the local authority appealed against; or

(ii) if the appeal is noted by reason of the failure of the local authority to approve the scheme within the prescribed time, the reasons for such failure.

(b) The Administrator may, upon the written request of the local authority made before expiry of the period referred to in paragraph (a), extend that period for the purposes referred to in that paragraph for a period not exceeding 30 days, and shall notify the local authority concerned, if the request is acceded to, in writing, of such extension and shall simultaneously send a copy of the written notification to the developer.

(10) (a) The local authority shall forthwith send a copy of the written statement referred to in subregulation (9) to the developer concerned, and the developer may, within a period of 21 days of the date of such statement serve a written reply thereto on the Administrator in the manner provided for in subregulation (1) for the service of a notice of appeal.

(b) The Administrator may, upon written request by the developer made before expiry of the period referred to in paragraph (a), extend that period for the purposes referred to in that paragraph for a period not exceeding 21 days and shall notify the developer, if the request is acceded to, in writing, of such extension and shall simultaneously send a copy of the written notification to the local authority.

(c) The developer shall forthwith serve a copy of the reply referred to in paragraph (a) on the local authority in the manner provided for in subregulation (2) for the service of a copy of a notice of appeal.

(11) At any time after the receipt of a notice of appeal or a written statement or a written reply referred to in this regulation, the Administrator may—

(a) request the developer to furnish the Administrator with such further particulars, information, plans or drawings as the Administrator may deem necessary, including, if not yet obtained by the local authority, and the Administrator has any doubt, a certificate by a land surveyor that the building or buildings shown on the sectional plan is or are wholly within the boundaries of the land shown thereon;

(b) request the local authority concerned or cause the local authority concerned to be requested to furnish the Administrator with such further particulars, information or documents as the Administrator may deem necessary.

(12) Die Administrateur stel die ontwikkelaar en die plaaslike bestuur van sy besluit in kennis of laat die ontwikkelaar en die plaaslike bestuur van sy besluit in kennis stel, en die bepalings van regulasie 2 (3), (4) en (5) is *mutatis mutandis* van toepassing met betrekking tot sodanige besluit.

Sertifikaat van Geregistreerde Deeltitel

4. (1) 'n Sertifikaat van geregistreerde deeltitel in artikel 5 (3) (g) van die Wet bedoel, moet in die vorm uiteengesit in Vorm B in Aanhangsel 1 wees, word deur die registrateur onderteken en gedateer en met sy ampseël geseël en word deur die registrateur kragtens artikel 8 (2) (d) van die Wet aan die ontwikkelaar uitgereik.

(2) Elke sertifikaat van geregistreerde deeltitel word genommer met dieselfde nommer wat aan die onderlêer toegeken is wat betrekking het op die betrokke deel.

(3) 'n Bylae by 'n sertifikaat van geregistreerde deeltitel word stewig aan sodanige sertifikaat geheg en maak deel van sodanige sertifikaat uit.

(4) Die endossemente waarvoor in Vorm B in Aanhangsel 1 voorsiening gemaak word, kan, in die vorm soos daarop uiteengesit, agterop die sertifikaat van geregistreerde deeltitel aangebring word of, behoudens subregulasie (3), in 'n bylae by Vorm B, en sodanige endossemente word deur die registrateur aangebring, onderteken en met sy ampseël geseël wanneer eiendomsreg in 'n eenheid of grond van een eienaar aan 'n ander oorgedra word of 'n verband of 'n huurkontrak of 'n ander handeling ingevolge 'n wet in verband met sodanige eenheid of grond deur die registrateur geregistreer word.

(5) Sertifikaat van geregistreerde deeltitel moet op papier van duursame en goeie gehalte wees van die grootte bekend as A4-standaardpapier en enige geskrif daarop moet geskryf, getik of gedruk wees en alleen swart ink van goeie kwaliteit moet gebruik word wanneer besonderhede op die sertifikaat geskryf word.

(6) 'n Sertifikaat van geregistreerde deeltitel wat nie aan die vereistes van subregulasie (5) voldoen nie, moet deur die registrateur verwerp word.

(7) 'n Sertifikaat van geregistreerde deeltitel word in tweevoud by die registrateur ingedien, waarvan die duplikaat-oorspronklike op die betrokke onderlêer gebere word.

(8) Die bepalings van hierdie regulasie is *mutatis mutandis* van toepassing met betrekking tot 'n sertifikaat van geregistreerde deeltitel of 'n deeltitelbewys wat kragtens 'n ander bepaling van die Wet uitgereik word.

Deelplanne

5. (1) (a) 'n Deelplan wat bedoel is om in 'n registrasiekantoor geliasseer en geregistreer te word, word opgestel op 'n tekenmiddel van duursame en goeie kwaliteit van 'n grootte nie kleiner as A4-standaardpapier en nie groter as A1-standaardpapier nie, en, waar dit gebruik word, moet swart ink van goeie gehalte gebruik word.

(b) Slegs een kant van die vel moet gebruik word.

(2) So 'n deelplan moet uit die volgende velle bestaan wat, behoudens die bepalings van die Wet, die besonderhede bevat wat hieronder vermeld word:

(a) 'n Eerste vel (indien nodig, met aanhangsels wat stewig daaraan geheg is en wat deel daarvan uitmaak) waarop die volgende besonderhede moet verskyn:

(i) Die velnommer in die boonste regterhoek van die vel en, daarbenewens 'n aanduiding daarby van die totale getal velle waaruit die deelplan bestaan, soos volg: "Vel No. van velle";

(ii) die geregistreerde beskrywing van die grond;

(iii) die nommer van die goedgekeurde kaart van die grond of van die betrokke algemene plan;

(12) The Administrator shall notify the developer and the local authority or cause the developer and the local authority to be notified of his decision, and the provisions of regulation 2 (3), (4) and (5) shall apply *mutatis mutandis* with reference to such decision.

Certificates of Registered Sectional Title

4. (1) A certificate of registered sectional title referred to in section 5 (3) (g) of the Act, shall be in the form set out in Form B in Annexure 1, shall be signed and dated by the registrar and sealed with his seal of office and shall be issued by the registrar to the developer in terms of section 8 (2) (d) of the Act.

(2) Each certificate of registered sectional title shall bear the same number as that allotted to the subfile relating to the section concerned.

(3) Any schedule to a certificate of registered sectional title shall be firmly secured to such certificate and shall form part of such certificate.

(4) The endorsements provided for in Form B in Annexure 1 may be made on the reverse side of the certificate of registered sectional title in the form set out thereon or, subject to subregulation (3), on a schedule to Form B, and such endorsements shall be made, signed and sealed with his seal of office by the registrar whenever ownership in a unit or land is transferred from one owner to another or a mortgage bond or lease or any other act in terms of any law in connection with such unit or land is registered by the registrar.

(5) Certificates of registered sectional title shall be on paper of durable and good quality of the size known as A4 standard paper and any writing thereon shall be written, typed or printed and only black ink of a good quality shall be used whenever particulars are written on the certificate.

(6) A certificate of registered sectional title which does not comply with the requirements of subregulation (5), shall be rejected by the registrar.

(7) A certificate of registered sectional title shall be lodged in duplicate with the registrar, of which the duplicate original shall be filed on the relevant subfile.

(8) The provisions of this regulation shall apply *mutatis mutandis* with reference to any certificate of registered sectional title or sectional title deed issued under any other provision of the Act.

Sectional Plans

5. (1) (a) A sectional plan intended to be filed and registered in a deeds registry, shall be prepared on a drawing medium of durable and good quality of a size not smaller than A4 standard paper and not larger than A1 standard paper and, where used, black ink of a good quality shall be used.

(b) Only one side of the sheet shall be used.

(2) Such a sectional plan shall consist of the following sheets which, subject to the provisions of the Act, shall contain the particulars referred to herein:

(a) A first sheet (if necessary, with annexures which shall be firmly secured thereto and shall form part thereof) which shall contain the following particulars:

(i) The sheet number in the top right-hand corner of the sheet and, in addition thereto, an indication of the total number of sheets the sectional plan consists of, as follows:

"Sheet No. of sheets";

(ii) the registered description of the land;

(iii) the number of the approved diagram of the land or of the relevant general plan;

(iv) die nommer van die titelbewys waarby bedoelde kaart geliasseer is;

(v) die volle naam en adres van die ontwikkelaar;

(vi) die nommer en datum van sy titelbewys;

(vii) die naam van die gebou of geboue op die deelplan getoon;

(viii) 'n kort beskrywing van die aard van die gebou of geboue, synde 'n gebou of geboue soos in die Wet omskryf, en van enige ander gebou of geboue op die grond, met vermelding van die getal verdiepings, motorhuise, pakkamers en bediendekwartiere daarin;

(ix) die aard van enige oorskryding op die grond waarop die skema betrekking het;

(x) besonderhede van die serwitute, ander saaklike regte en voorwaardes, as daar is, wat volgens 'n sertifikaat van 'n transportbesorger die grond of die dele en gemeenskaplike eiendom beswaar of bevoordeel;

(xi) 'n sertifikaat deur die argitek of landmeter, soos in hierdie regulasie bepaal;

(b) 'n vel waarop 'n blokplan opgestel is en wat, benewens om aan die bepalings van artikel 6 (2) (a) van die Wet te voldoen, die volgende bevat of aandui:

(i) Die buitenste oppervlaktegrense van die grond, met aangifte van die lengtes van bedoelde grense soos aangegee in die goedgekeurde kaart van die grond;

(ii) die beskrywing van aangrensende grond en die name van aangrensende strate;

(iii) die grondplan van die gebou of geboue, synde 'n gebou of geboue soos in die Wet omskryf, en van enige ander gebou of geboue op die grond;

(iv) 'n oorskryding op die grond waarop die skema betrekking het;

(v) serwitute, as daar is, wat volgens 'n sertifikaat van 'n transportbesorger die grond beswaar of bevoordeel;

(vi) 'n teken wat die rigting ware noord aandui;

(vii) 'n ruimte onderaan die vel waarin die volgende besonderhede aangeteken word:

(a) Die aantekeninge wat die argitek of landmeter met betrekking tot die blokplan wens te maak;

(b) die velnummer met 'n aanduiding van die getal velle waaruit die deelplan bestaan volgens die voorbeeld in subregulasie (2) (a) (i);

(c) die titel van die vel;

(d) die datum waarop die argitek of landmeter die plan onderteken het; en

(e) die naam en adres van die argitek of landmeter en, indien hy by 'n firma van argitek of landmeters praktiseer, die naam en adres van die firma, in blokletters, die handtekening van die argitek of landmeter en sy betiteling;

(c) afsonderlike velle waarop 'n vloerplan wat al die liniere afmetings tot 'n akkuraatheid van 0,01 meter aandui ten opsigte van elke verdieping in die gebou of geboue, soos in artikel 6 (2) (d) van die Wet bedoel, opgestel is en wat die volgende bevat of aandui:

(i) Die buitenste mure van die gebou of geboue;

(ii) die buitenste mure van elke deel;

(iii) die gemeenskaplike eiendom op elke verdieping;

(iv) die nommer van elke deel;

(v) die vloeroppervlakte van elke deel soos in artikel 6 (2) (e) van die Wet bedoel;

(vi) 'n teken wat die rigting ware noord aandui;

(vii) die ander inligting wat nodig is om elke deel te omskryf;

(viii) 'n ruimte onderaan die vel waarin die volgende besonderhede aangeteken word:

(a) Die aantekeninge wat die argitek of landmeter met betrekking tot die betrokke verdieping wens te maak;

(iv) the number of the title deed with which such diagram is filed;

(v) the full name and address of the developer;

(vi) the number and date of his title deed;

(vii) the name of the building or buildings shown on the sectional plan;

(viii) a brief description of the nature of the building or buildings, being a building or buildings as defined in the Act, and of any other building or buildings on the land, stating the number of storeys, garages, storerooms and servants' quarters therein;

(ix) the nature of any encroachment on the land to which the scheme relates;

(x) particulars of the servitudes, other real rights and conditions, if any, certified by a conveyancer as burdening or benefiting the land or the sections and common property;

(xi) a certificate by the architect or land surveyor, as provided in this regulation;

(b) a sheet on which a block plan is prepared which shall, in addition to complying with the provisions of section 6 (2) (a) of the Act, contain or indicate the following:

(i) The external surface boundaries of the land, showing the lengths of such boundaries as stated in the approved diagram of the land;

(ii) the description of contiguous land and the names of contiguous streets;

(iii) the ground plan of the building or buildings, being a building or buildings as defined in the Act, and of any other building or buildings on the land;

(iv) any encroachment on the land to which the scheme relates;

(v) servitudes, if any, certified by a conveyancer as burdening or benefiting the land;

(vi) a sign indicating the true north direction;

(vii) a space at the bottom of the sheet in which the following particulars shall be noted:

(a) Such notes as the architect or land surveyor may desire to make with respect to the block plan;

(b) the sheet number with an indication of the number of sheets the sectional plan consists of in accordance with the example in subregulation (2) (a) (i);

(c) the title of the sheet;

(d) the date on which the architect or land surveyor signed the plan; and

(e) the name and address of the architect or land surveyor and, if practising with a firm of architects or land surveyors, the name and address of the firm, in block letters, the signature of the architect or land surveyor and his designation;

(c) separate sheets on which a floor plan indicating all linear measurements to an accuracy of 0,01 metre in respect of each storey in the building or buildings, referred to in section 6 (2) (d) of the Act, is prepared and which shall contain or indicate the following:

(i) The boundary walls of the building or buildings;

(ii) the boundary walls of each section;

(iii) the common property on each storey;

(iv) the number of each section;

(v) the floor area of each section referred to in section 6 (2) (e) of the Act;

(vi) a sign indicating the true north direction;

(vii) such other information as may be necessary to define each section;

(viii) a space at the bottom of the sheet in which the following particulars shall be noted:

(a) Such notes as the architect or land surveyor may desire to make with respect to the storey concerned;

(b) die velnommer met 'n aanduiding van die getal velle waaruit die deelplan bestaan volgens die voorbeeld in subregulasie (2) (a) (i);

(c) die titel van die vel;

(d) die datum waarop die argitek of landmeter die plan onderteken het; en

(e) die naam en adres van die argitek of landmeter en, indien hy by 'n firma van argitek of landmeters praktiseer, die naam en adres van die firma, in blokletters, die handtekening van die argitek of landmeter en sy betiteling: Met dien verstande dat waar twee of meer verdiepings identies in aanleg is, sodanige identiese verdiepings deur een tekening beskrywe kan word en sodanige tekening moet duidelik aandui na welke verdiepings en dele in die gebou of geboue dit verwys;

(d) 'n vel waarop 'n diagrammatiese dwarsdeursnee van die gebou of geboue en elke verdieping in die gebou of geboue voorgestel word, voldoende gedetailleer om die bogen ondergrense van 'n deel aan te dui waar sodanige detail nodig is om die deel te identifiseer, en wat ook die volgende bevat:

(i) Die nommer of naam van elke verdieping; en

(ii) 'n ruimte onderaan die vel waarin die volgende besonderhede aangeteken word:

(a) Die aantekeninge wat die argitek of landmeter met betrekking tot die hierin bedoelde diagrammatiese dwarsdeursnee wens te maak;

(b) die velnommer met 'n aanduiding van die getal velle waaruit die deelplan bestaan volgens die voorbeeld in subregulasie (2) (a) (i);

(c) die titel van die vel;

(d) die ander inligting wat nodig mag wees om elke deel te omskryf;

(e) die datum waarop die argitek of landmeter die plan onderteken; en

(f) die naam en adres van die argitek of landmeter en, indien hy by 'n firma van argitek of landmeters praktiseer, die naam en adres van die firma, in blokletters, die handtekening van die argitek of landmeter en sy betiteling;

(e) 'n vel waarop aangeteken is die skedule in artikel 6 (2) (f) van die Wet bedoel, en wat 'n ruimte onderaan bevat waarin die volgende besonderhede aangeteken word:

(i) Die aantekeninge wat die argitek of landmeter met betrekking tot die skedule wens te maak;

(ii) die velnommer met 'n aanduiding van die getal velle waaruit die deelplan bestaan volgens die voorbeeld in subregulasie (2) (a) (i);

(iii) die titel van die skedule;

(iv) die datum waarop die argitek of landmeter die skedule onderteken; en

(v) die naam en adres van die argitek of landmeter en, indien hy by 'n firma van argitek of landmeters praktiseer, die naam en adres van die firma, in blokletters, die handtekening van die argitek of landmeter en sy betiteling.

(3) Die skaal waarvolgens 'n plan opgestel word, moet volgens een van die volgende skale wees:

1/100; 1/200; 1/500; 1/750 of 1/1000:

Met dien verstande dat—

(i) die grootte van 'n figuur groot genoeg moet wees om al die vereiste besonderhede te toon; en

(ii) die plan in subregulasie (2) (c) en (d) bedoel, nie geteken word volgens 'n skaal kleiner as 1/200 nie.

(4) 'n Deelplan moet 'n kantruimte laat wat 40 millimeter breed langs die linkerkant van die plan is en wat 10 millimeter breed langs die ander kante is.

(5) Kantruimtes op 'n deelplan word, behoudens die bepalinge van subregulasie (9), vry van enige skrif of tekening gelaat.

(b) the sheet number with an indication of the number of sheets the sectional plan consists of in accordance with the example in subregulation (2) (a) (i);

(c) the title of the sheet;

(d) the date on which the architect or land surveyor signed the plan; and

(e) the name and address of the architect or land surveyor and, if practising with a firm of architects or land surveyors, the name and address of the firm, in block letters, the signature of the architect or land surveyor and his designation:

Provided that where two or more storeys are identical in layout, one drawing may depict such identical storeys and such drawing shall clearly indicate to which storeys and sections in the building or buildings it relates;

(d) a sheet on which a diagrammatic cross-section of the building or buildings and of each storey in the building or buildings is represented, sufficiently detailed to indicate the upper and lower limits of any section where such detail is necessary to identify that section, and which shall also contain the following:

(i) The number or name of each storey; and

(ii) a space at the bottom of the sheet in which the following particulars shall be noted:

(a) Such notes as the architect or land surveyor may desire to make with respect to the diagrammatic cross-section referred to herein;

(b) the sheet number with an indication of the number of sheets the sectional plan consists of in accordance with the example in subregulation (2) (a) (i);

(c) the title of the sheet;

(d) such other information as may be necessary to define each section;

(e) the date on which the architect or land surveyor signs the plan; and

(f) the name and address of the architect or land surveyor and, if practising with a firm of architects or land surveyors, the name and address of the firm, in block letters, the signature of the architect or land surveyor and his designation;

(e) a sheet having endorsed upon it the schedule referred to in section 6 (2) (f) of the Act and containing a space at the bottom in which the following particulars shall be noted:

(i) Such notes as the architect or land surveyor may desire to make with reference to the schedule;

(ii) the sheet number with an indication of the number of sheets the sectional plan consists of in accordance with the example in subregulation (2) (a) (i);

(iii) the schedule title;

(iv) the date on which the architect or land surveyor signs the schedule; and

(v) the name and address of the architect or land surveyor and, if practising with a firm of architects or land surveyors, the name and address of the firm, in block letters, the signature of the architect or land surveyor and his designation.

(3) The scale to which any plan is prepared, shall be to one of the following scales:

1/100; 1/200; 1/500; 1/750 or 1/1000:

Provided that—

(i) the size of any figure shall be sufficiently large to show all the required details; and

(ii) the plan referred to in subregulation (2) (c) and

(d) shall not be drawn to a scale of less than 1/200.

(4) A sectional plan shall allow for a margin 40 millimetres wide along the left-hand side of the plan and 10 millimetres wide along the other sides.

(5) Subject to the provisions of subregulation (9), the margins of a sectional plan shall be left free of any writing or drawing.

(6) Dieselfde nommer wat aan 'n deel in die deelplan toegeken is, word aan nie-aangrensende gedeeltes van daardie deel in die deelplan toegeken.

(7) Die argitek of landmeter moet 'n sertifikaat, deur hom onderteken, op die eerste vel van die deelplan aanbring waarin hy—

(a) sy naam en adres en, indien hy by 'n firma van argitekte of landmeters praktiseer, die naam en adres van die firma, in blokletters, vermeld asook sy betiteling; en

(b) verklaar dat die deelplan deur hom opgestel is of, as dit die geval is, onder sy toesig opgestel is.

(8) Indien twee of meer argitekte of landmeters of 'n argitek en 'n landmeter of argitekte en landmeters vir die opstel van 'n deelplan verantwoordelik is en die verantwoordelikheid vir die opstel daarvan verdeel kan word, moet elkeen van daardie argitekte of landmeters 'n sertifikaat soos in subregulasie (7) bedoel, aangepas vir die doeleindes van hierdie subregulasie, op die eerste vel van die deelplan aanbring en moet in sodanige sertifikaat aandui in watter mate hy by die opstel van die deelplan betrokke is en die verantwoordelikheid daarvoor op hom neem.

(9) 'n Toevoeging, verandering of tussenskrif op 'n deelplan moet deur die opsteller daarvan gearafeer word en vir hierdie doel kan die kantruimte aan die regterkant van die deelplan teenoor die toevoeging, verandering of tussenskrif gebruik word.

(10) 'n Voorwaarde deur die plaaslike bestuur of die Administrateur kragtens artikel 4 (8) of (9) van die Wet opgelê, moet op die eerste vel van die deelplan geëndosseer word of, indien dit nie doenlik is nie, op 'n ahangsel daarby, wat stewig aan bedoelde eerste vel geheg is en deel daarvan uitmaak.

(11) Wanneer 'n deelplan gewysig is soos in artikel 7 (1) (b) van die Wet bedoel, moet die ontwikkelaar, waar sodanige wysiging aangebring is na die goedkeuring van die skema, die deelplan soos aldus gewysig aan die plaaslike bestuur voorlê wat moet sertifiseer dat die wysiging nie in stryd is met die skema soos goedgekeur nie, as dit die geval is of, indien die plaaslike bestuur van oordeel is dat sodanige wysiging in 'n wesenlike besonderheid aldus in stryd is, moet die plaaslike bestuur die registrateur dienooreenkomstig in kennis stel en die registrateur weier dan om die plan te registreer en om 'n deeltitelregister ten opsigte van die skema te open totdat hy van die plaaslike bestuur se goedkeuring van die skema soos aldus gewysig voorsien word.

(12) 'n Registrateur weier om 'n deelplan te registreer indien hy van oordeel is dat die deelplan gehawend is of op 'n sorgelose manier opgestel is of dat die voorkoms daarvan deur toevoegings, veranderings of tussenskrifte bederf is of die skrif of 'n tekening daarop, weens dofheid of ander redes, nie duursaamheid verseker nie.

(13) Die onderskeidende nommer wat ingevolge artikel 8 (1) (a) van die Wet aan 'n deelplan toegeken word, moet 'n volgnummer wees wat elke jaar by die syfer "1" begin en word gevolg deur 'n skuinsstreep en die jaartal waarin die deelplan geregistreer word.

(14) 'n Deelplan word nie geregistreer as die gebou wat daarop getoon word op aangrensende grond oorskry nie.

(15) Die ontwikkelaar verskaf aan die argitek of landmeter al die dokumente en besonderhede wat hy nodig het om die eerste vel van die deelplan te voltooi.

Deeltitelregisters

6. (1) Die deeltitelregister wat die registrateur kragtens artikel 8 (1) (b) van die Wet moet open, moet in die vorm van 'n hooflêer en onderlêers uiteengesit in onderskeidelik Vorms C en D in Aangangsel 1 wees.

(6) The same number allotted to a section in a sectional plan shall be allotted to non-contiguous parts of that section in the sectional plan.

(7) The architect or land surveyor shall in a certificate, signed by him, on the first sheet of the sectional plan—

(a) state his name and address and, if practising with a firm of architects or land surveyors, the name and address of the firm, in block letters, and his designation; and

(b) declare that the sectional plan has been prepared by him or, if such be the case, has been prepared under his direction.

(8) If two or more architects or land surveyors or an architect and a land surveyor or architects and land surveyors are responsible for the preparation of a sectional plan and the responsibility for the preparation thereof can be divided, each of such architects or land surveyors shall affix a certificate referred to in subregulation (7), adapted for the purposes of this subregulation, on the first sheet of the sectional plan and shall disclose in such certificate to what extent he is concerned with the preparation of the sectional plan and accepts responsibility therefor.

(9) Any addition, alteration or interlineation on a sectional plan shall be initialled by the preparer thereof and for this purpose the margin on the right-hand side of the sectional plan opposite the addition, alteration or interlineation may be used.

(10) Any condition imposed by the local authority or the Administrator under section 4 (8) or (9) of the Act shall be endorsed on the first sheet of the sectional plan or, if impracticable, on an annexure thereto which shall be firmly secured to the said first sheet and shall form part thereof.

(11) Where a sectional plan has been amended as referred to in section 7 (1) (b) of the Act, the developer shall, where such amendment is effected subsequent to the approval of the scheme, submit the sectional plan as so amended to the local authority who shall certify that the amendment is not in conflict with the scheme as approved, if such be the case, or, if the local authority is of the opinion that such amendment is so in conflict in any material particular, the local authority shall accordingly inform the registrar who shall thereupon refuse to register the plan and to open a sectional title register in respect of the scheme until he is furnished with the approval of the local authority of the scheme as so amended.

(12) A registrar shall refuse to register a sectional plan should he be of opinion that the sectional plan is dilapidated or has been framed in a careless manner or that the appearance thereof is spoilt by additions, alterations or interlineations or that the writing or any drawing thereon does not, owing to faintness or other reasons, ensure durability.

(13) The distinctive number allotted to a sectional plan in terms of section 8 (1) (a) of the Act, shall be a consecutive number, starting each year with the figure "1", and shall be followed by an oblique and the year in which the sectional plan is registered.

(14) No sectional plan shall be registered if the building shown thereon encroaches on contiguous land.

(15) The developer shall furnish the architect or land surveyor with all documents and particulars required by him to complete the first sheet of the sectional plan.

Sectional Title Registers

6. (1) The sectional title register to be opened by the registrar in terms of section 8 (1) (b) of the Act, shall be in the form of a main file and subfiles set out in Forms C and D, respectively, in Annexure 1.

(2) Die lêernommer wat aan die hooflêer toegeken word, moet dieselfde wees as die nommer wat aan die deelplan toegeken word.

(3) 'n Onderlêer word met betrekking tot elke deel in die gebou geopen en 'n nommer word aan die onderlêer toegeken wat ooreenstem met die nommer wat aan die hooflêer toegeken word en tussen hakies daarna die nommer van die deel waarop die onderlêer betrekking het.

(4) In die hooflêer word geliasseer—

(a) die dokumente in artikel 5 (3) van die Wet bedoel, uitgesonderd die deelplan, die sertifikate van geregistreerde deeltitel en onderskeidelik die eenaar en houër se afskrif van die titelbewys van die grond en die verband;

(b) die afskrif van 'n kennisgewing aan die landmeter-generaal en die plaaslike bestuur van die registrasie of rojering van die registrasie van die deelplan of van die terugplasing van grond op die grondregister;

(c) korrespondensie wat betrekking het op die betrokke skema as 'n geheel;

(d) gesertifiseerde afskrifte van bestaande geregistreerde verbande, huurkontrakte en serwitute teen of ten gunste van die grond geregistreer, gratis deur 'n registrateur gemaak; en

(e) die ander dokumente wat gepas in die hooflêer geliasseer kan word.

(5) In die onderlêers word geliasseer—

(a) die duplikaat-oorspronklike afskrifte van die sertifikate van geregistreerde deeltitel van elke deel, elke sodanige afskrif geliasseer te word in die onderlêer wat betrekking het op die deel waarop sodanige sertifikaat betrekking het;

(b) korrespondensie met betrekking tot handelinge met die betrokke eenhede of dele; en

(c) die ander dokumente wat gepas in die betrokke onderlêer geliasseer kan word.

(6) 'n Geregistreerde deelplan word in 'n registrasiekantoor geliasseer volgens die volgnummer van elke deelplan en word afsonderlik gehou van ander planne wat in 'n registrasiekantoor geliasseer is.

(7) 'n Aansoek om die opening van 'n deeltitelregister in artikel 5 (1) van die Wet bedoel en om die uitreik van 'n sertifikaat van geregistreerde deeltitel, in artikel 8 (2) (d) van die Wet bedoel, moet in die vorm uiteengesit in Vorm E in Aanhangsel 1 wees.

Verandering, Wysiging, Vervanging of Rojering van Geregistreerde Deelplan

7. (1) 'n Argitek, landmeter, ontwikkelaar of regspersoon wat deur die registrateur kragtens artikel 9 van die Wet aangesê is om 'n geregistreerde deelplan wat foutief bevind is te verander of te wysig of te laat verander of wysig, of om so 'n geregistreerde deelplan deur 'n ander deelplan te vervang, moet 'n sertifikaat van die betrokke plaaslike bestuur verkry, wat op die geregistreerde deelplan of die deelplan wat die geregistreerde deelplan vervang, aangeteken moet word of wat dit vergesel, ten effekte dat die verandering of wysiging of die deelplan wat die geregistreerde deelplan vervang nie met 'n voorgestelde of goedgekeurde dorpsaanlegskema in stryd is nie.

(2) The file number allotted to the main file, shall be the same as the number allotted to the sectional plan.

(3) A subfile shall be opened with reference to each section in the building and a number shall be allotted to the subfile which shall correspond to the number allotted to the main file and in parentheses thereafter the number of the section to which the subfile relates.

(4) In the main file shall be filed—

(a) the documents referred to in section 5 (3) of the Act, with the exception of the sectional plan, the certificates of registered sectional title and the owner's and holder's copy of the title deed of the land and the bond, respectively;

(b) the copy of any notice to the surveyor-general and the local authority of the registration or cancellation of the registration of a sectional plan or of the reversion of land to the land register;

(c) correspondence relating to the scheme concerned as a whole;

(d) certified copies of existing registered bonds, leases and servitudes registered against or in favour of the land, prepared by a registrar free of charge; and

(e) such other documents as may suitably be filed in the main file.

(5) In the subfiles shall be filed—

(a) the duplicate original copies of the certificates of registered sectional title of each section, each such copy to be filed in the subfile relating to the section to which such certificate relates;

(b) correspondence relating to dealings with the units or sections concerned; and

(c) such other documents as may suitably be filed in the subfile concerned.

(6) A registered sectional plan shall be filed in a deeds registry according to the consecutive number of each sectional plan, and shall be kept separate from any other plans that may be filed in a deeds registry.

(7) An application for the opening of a sectional title register referred to in section 5 (1) of the Act and for the issue of any certificate of registered sectional title, referred to in section 8 (2) (d) of the Act, shall be in the form set out in Form E in Annexure 1.

Alteration, Amendment, Substitution or Cancellation of Registered Sectional Plan

7. (1) An architect, land surveyor, developer who or a body corporate which is required by the registrar under section 9 of the Act to alter or amend or to cause to be altered or amended any registered sectional plan, or to substitute another sectional plan for such registered sectional plan found to be incorrect, shall obtain a certificate from the local authority concerned, which shall be endorsed on the registered sectional plan or the sectional plan which is substituted for the registered sectional plan or which accompanies it, to the effect that the alteration or amendment or the sectional plan which is substituted for the registered sectional plan, is not in conflict with any proposed or approved townplanning scheme.

(2) Die bepalings van regulasie 5 is *mutatis mutandis* op 'n deelplan wat 'n geregistreerde deelplan vervang, van toepassing.

(3) 'n Afskrif van 'n deelplan wat 'n geregistreerde deelplan vervang, word by die betrokke plaaslike bestuur ingedien.

(4) Wanneer die registrateur die betrokke deeltitelbewys wysig soos by artikel 9 (2) van die Wet vereis, endosseer hy daarop dat die wysiging aangebring is ooreenkomstig 'n verandering, wysiging of vervanging van die geregistreerde deelplan.

(5) Wanneer die registrasie van 'n deelplan op aansoek van die ontwikkelaar ingevolge artikel 9 (4) van die Wet geroeër is, endosseer die registrateur op die voorkant van—

(a) elkeen van die betrokke deeltitelbewyse van die ontwikkelaar;

(b) die hooflêer; en

(c) elke duplikaat-oorspronklike afskrif van die sertifikaat van geregistreerde deeltitel in die betrokke onderlêers gelaasseer;

tussen twee ewewydige dwars lyne die woord "GERO-JEER" en voeg 'n verdere endossement, deur hom onderteken en gedateer, in die volgende woorde by:

"Registrasie van deelplannommer
op geroeër op aansoek van ont-
wikkelaar, gedateer"

(6) (a) Wanneer die registrasie van die deelplan geroeër word, bring die registrateur die veranderings, wysigings, aantekeninge en inskrywings aan in die toepaslike grondregister, ander registers en rekords wat nodig is om die terugvalling van die grond na die grondregister te bewerkstellig en vermeld in so 'n inskrywing dat die terugvalling geskied uit hoofde van die rojering van die registrasie van die deelplan.

(b) 'n Inskrywing in paragraaf (a) bedoel, moet 'n verwysing na die nommer van die betrokke deelplan bevat.

(7) Wanneer die registrasie van 'n deelplan geroeër word, laat die registrateur, wanneer hy nie 'n sertifikaat van geregistreerde titel, soos in artikel 9 (6) van die Wet bedoel, uitreik nie, die ontwikkelaar se titelbewys van die grond soos in artikel 5 (3) (a) van die Wet bedoel, herleef deur 'n endossement soos volg op die titelbewys aan te bring:

"Registrasie van deelplannommer
synde kragtens artikel 9 (6) van die Wet op Deeltitels, 1971, geroeër, herleef hierdie titelbewys hierby met ingang van onderworpe aan of geregtig op die volgende serwitute, ander saaklike regte en voorwaardes:"

en deur die endossement onder sy handtekening en die datum waarop dit deur hom onderteken is, te bevestig.

Registrasie van Oordrag van Eiendomsreg en Registrasie van ander Regte ten opsigte van Gedeeltes van Geboue

8. (1) Oordrag van eiendomsreg in 'n eenheid of grond, in artikel 11 (1) (a) van die Wet bedoel, wat kragtens 'n deeltitelbewys gehou word, geskied by wyse van 'n aantekening deur die registrateur onder sy handtekening en ampseël op die deeltitelbewys aangebring in die toepaslike vorm daarop uiteengesit.

(2) Die registrateur registreer 'n notariële huurkontrak van 'n eenheid kragtens 'n deeltitelbewys gehou deur op die deeltitelbewys 'n aantekening onder sy handtekening wesenslik in die volgende woorde te maak:

(2) The provisions of regulation 5 shall apply *mutatis mutandis* to a sectional plan which is substituted for a registered sectional plan.

(3) A copy of a sectional plan which is substituted for a registered sectional plan, shall be lodged with the local authority concerned.

(4) Whenever the registrar amends the relative sectional title deed as required by section 9 (2) of the Act, he shall endorse thereon that the amendment has been effected in accordance with an alteration, amendment or substitution of the registered sectional plan.

(5) Whenever the registration of a sectional plan is cancelled on the application of the developer in terms of section 9 (4) of the Act, the registrar shall endorse across the face of—

(a) each of the relevant sectional title deeds of the developer;

(b) the main file; and

(c) each duplicate original copy of the certificate of registered sectional title filed in the relevant subfiles,

between two parallel transverse lines the word "CANCELLED" and shall add a further endorsement, signed and dated by him, in the following words:

"Registration of sectional plan number
cancelled on on the application
of the developer, dated"

(6) (a) Whenever the registration of the sectional plan is cancelled, the registrar shall make the alterations, amendments, endorsements and entries in the relevant land register, other registers and records necessary to effect the reversion of the land to the land register and shall in such entry state that the reversion is brought about by virtue of the cancellation of the registration of the sectional plan.

(b) Any entry referred to in paragraph (a) shall contain a reference to the number of the relevant sectional plan.

(7) Whenever the registration of a sectional plan is cancelled, the registrar shall, if a certificate of registered title referred to in section 9 (6) of the Act, is not issued by him, revive the developer's title deed of the land referred to in section 5 (3) (a) of the Act by making an endorsement on the title deed as follows:

"Registration of sectional plan number
having been cancelled under section 9 (6) of the Sectional Titles Act, 1971, this title deed is hereby revived with effect from subject or entitled to the following servitudes, other real rights and conditions:";
and by confirming the endorsement under his signature and the date on which the endorsement is signed by him.

Registration of Transfer of Ownership and Registration of Other Rights in Respect of Parts of Buildings

8. (1) Transfer of ownership in any unit or land, referred to in section 11 (1) (a) of the Act, held under a sectional title deed, shall be effected by means of an endorsement made by the registrar under his signature and seal of office on the sectional title deed in the appropriate form set out thereon.

(2) The registrar shall register any notarial lease of a unit held under a sectional title deed by making an endorsement under his signature on the sectional title deed substantially in the following words:

“Onderworpe aan notariële huurkontrak No.
gedateer ten gunste van
vir 'n tydperk van
Gedoen te op die
..... dag van 19.....

Datumstempel Registrateur van Aktes/Randdorpe.”;
en moet die huurkontrak gepas endosseer, en die regi-
strateur registreer 'n notariële kansellasië of wysiging van
so 'n kontrak deur op die deeltitelbewys en huurkontrak
'n aantekening onder sy handtekening weselik in die
volgende woorde te maak:

“Huurkontrak No. gekanselleer/gewysig deur
notariële akte No. gedateer
Gedoen te op die
dag van 19

Datumstempel Registrateur van Aktes/Randdorpe.”.

(3) Die registrateur registreer 'n notariële onderver-
huring van 'n eenheid en 'n notariële sessie van 'n nota-
riële huurkontrak van 'n eenheid deur op die betrokke
huurkontrak 'n aantekening onder sy handtekening
weselik in die volgende woorde te maak:

“Onderverhuur/Gesedeer aan
deur notariële akte No. gedateer
.....
Gedoen te op die
dag van 19

Datumstempel Registrateur van Aktes/Randdorpe.”;

en die registrateur registreer 'n notariële sessie van 'n
notariële onderverhuring van 'n eenheid en 'n notariële
kansellasië of wysiging van so 'n onderverhuring, deur op
die betrokke huurkontrak en onderverhuring 'n aante-
kening onder sy handtekening weselik in die volgende
woorde te maak:

“Onderverhuring gesedeer aan
ingevolge notariële akte No.
gedateer

of

Onderverhuring gekanselleer/gewysig deur notariële akte
No. gedateer

Gedoen te op die
dag van 19

Datumstempel Registrateur van Aktes/Randdorpe.”.

(4) Die registrateur registreer 'n deelverband waar-
deur 'n eenheid of grond wat kragtens 'n deeltitelbewys
gelou word, verhipoteker word, deur op die deeltitel-
bewys 'n aantekening onder sy handtekening weselik
in die volgende woorde te maak:

“Verhipoteker deur deelverband No.
gedateer vir 'n bedrag van
Gedoen te op die
dag van 19

Datumstempel Registrateur van Aktes/Randdorpe.”;
en moet die verband gepas endosseer.

(5) Die registrateur registreer 'n sessie, rojering of
wysiging van 'n deelverband in subregulasie (4) bedoel,

“Subject to notarial lease No. dated
..... in favour of
for a period of
Done at, this day of
....., 19.....

Date Stamp Registrar of Deeds/Rand
Townships Registrar.”;

and shall suitably endorse the lease, and the registrar
shall register any notarial cancellation or modification
of such a lease by making an endorsement on the sec-
tional title deed and lease under his signature substan-
tially in the following words:

“Lease No. cancelled/modified by notarial
deed No. dated
Done at, this day of
....., 19.....

Date Stamp Registrar of Deeds/Rand
Townships Registrar.”.

(3) The registrar shall register any notarial sublease
of a unit and any notarial cession of a notarial lease
of a unit by making an endorsement under his signature
on the relevant lease substantially in the following words:

“Sublet/Ceded to by notarial
deed No. dated
Done at, this day of
....., 19

Date Stamp Registrar of Deeds/Rand
Townships Registrar.”;

and the registrar shall register any notarial cession of
any notarial sublease of a unit and any notarial can-
cellation or modification of such a sublease, by making
an endorsement under his signature on the relevant lease
and sublease substantially in the following words:

“Sublease ceded to
in terms of notarial deed No. dated

or

Sublease cancelled/modified by notarial deed No.
..... dated
Done at, this day of
....., 19.....

Date Stamp Registrar of Deeds/Rand
Townships Registrar.”.

(4) The registrar shall register any sectional mortgage
bond whereby a unit or land held under a sectional
title deed is hypothecated by making an endorsement
under his signature on the sectional title deed substan-
tially in the following words:

“Hypothecated by sectional mortgage bond No.
dated for an amount of
Done at, this day of
....., 19

Date Stamp Registrar of Deeds/Rand
Townships Registrar.”;

and shall suitably endorse the bond.

(5) The registrar shall register a cession, cancellation
or modification of a sectional mortgage bond referred
to in subregulation (4), by making an endorsement under

deur op die deelverband 'n aantekening onder sy handtekening wesenlik in die volgende woorde te maak:

"Sessie aan op geregistreer. Sessie geliasseer by

Datumstempel Registrateur van Aktes/Randdorpe.";
of

"Gerojear

Die dag van 19

Datumstempel Registrateur van Aktes/Randdorpe.";
of

"Gewysig uit hoofde van Beëdigde verklaring geliasseer by

Datumstempel Registrateur van Aktes/Randdorpe.".

(6) Die registrateur registreer 'n deelverband waarby 'n geregistreerde notariële huurkontrak of onderverhuring van 'n eenheid of grond of 'n geregistreerde saaklike reg in of oor enige sodanige eenheid of grond verhipotekeer word, deur 'n aantekening onder sy handtekening op die geregistreerde huurkontrak of onderverhuring of ander akte waarin sodanige saaklike reg vervat is wesenlik in die volgende woorde aan te bring:

"Verhipotekeer deur deelverband No. gedateer vir 'n bedrag van

Gedoen te op die dag van 19

Datumstempel Registrateur van Aktes/Randdorpe.";

en moet die verband gepas endosseer.

(7) Die registrateur registreer 'n sessie, kansellasië of wysiging van 'n deelverband in subregulasie (6) bedoel deur 'n aantekening onder sy handtekening op die deelverband wesenlik in die volgende woorde aan te bring:

"Sessie aan geregistreer op Sessie geliasseer by

Datumstempel Registrateur van Aktes/Randdorpe.";
of

"Gekanselleer

Op die dag van 19

Datumstempel Registrateur van Aktes/Randdorpe.";
of

"Gewysig uit hoofde van Beëdigde verklaring geliasseer by

Datumstempel Registrateur van Aktes/Randdorpe.".

(8) 'n Endossement wat op 'n deeltitelbewys of ander akte ingevolge hierdie regulasie aangebring moet word, word deur die registrateur aangebring wesenlik in die toepaslike vorm, indien daar een is, wat vir die doel voorgeskryf is.

(9) Die sertifikaat in artikel 11 (4) van die Wet bedoel wat aan die registrateur voorgelê moet word, moet in die vorm uiteengesit in Vorm F in Aanhangsel 1 wees.

his signature on the sectional mortgage bond substantially in the following words:

"Cession to registered on Cession filed with

Date Stamp Registrar of Deeds/Rand Townships Registrar.";
or

"Cancelled This day of 19

Date Stamp Registrar of Deeds/Rand Townships Registrar.";
or

"Modified by virtue of Affidavit filed with

Date Stamp Registrar of Deeds/Rand Townships Registrar.".

(6) The registrar shall register any sectional mortgage bond whereby a registered notarial lease or sublease of a unit or land or a registered real right in or over any such unit or land is hypothecated by making an endorsement under his signature on the registered lease or sublease or other deed embodying such real right substantially in the following words:

"Hypothecated by sectional mortgage bond No. dated for an amount of

Done at, this day of 19

Date Stamp Registrar of Deeds/Rand Townships Registrar.";
and shall suitably endorse the bond.

(7) The registrar shall register a cession, cancellation or modification of a sectional mortgage bond referred to in subregulation (6) by making an endorsement under his signature on the sectional mortgage bond substantially in the following words:

"Cession to registered on Cession filed with

Date Stamp Registrar of Deeds/Rand Townships Registrar.";
or

"Cancelled This day of 19

Date Stamp Registrar of Deeds/Rand Townships Registrar.";
or

"Modified by virtue of Affidavit filed with

Date Stamp Registrar of Deeds/Rand Townships Registrar.".

(8) Any endorsement to be made on a sectional title deed or other deed in terms of this regulation, shall be made by the registrar substantially in the appropriate form, if any, prescribed for the purpose.

(9) The certificate referred to in section 11 (4) of the Act to be produced to the registrar, shall be in the form set out in Form F in Annexure 1.

(10) 'n Aansoek in artikel 11 (9) van die Wet bedoel, moet in die vorm uiteengesit in Vorm G in Aanhangsel I wees.

(11) 'n Sertifikaat van geregistreerde deeltitel in artikel 11 (9) van die Wet bedoel, moet in die vorm uiteengesit in Vorm H in Aanhangsel I wees en word onder die handtekening en ampseël van die registrateur uitgereik.

Handelinge met Gemeenskaplike Eiendom

9. (1) Die registrateur registreer 'n oordrag van grond wat deel uitmaak van die gemeenskaplike eiendom deur aan die transportnemer 'n sertifikaat van geregistreerde deeltitel in die vorm uiteengesit in Vorm I in Aanhangsel I uit te reik.

(2) Alvorens die registrateur 'n sertifikaat in subregulasie (1) bedoel, uitreik, maak hy 'n aantekening onder sy handtekening op die betrokke deelplan wesenlik in die volgende woorde:

"Grond groot wat deel uitmaak van die gemeenskaplike eiendom op die deelplan getoon, oorgedra deur sertifikaat van geregistreerde deeltitel No. gedateer aan kragtens eenparige besluit van die regs persoon waarvan 'n afskrif op die hoofleër geliasseer is.

Gedoen te op die dag van 19

Datumstempel Registrateur van Aktes/Randdorpe.";

(3) Wanneer by die registrateur aansoek gedoen word om die terugplasing van grond wat deel uitmaak van die gemeenskaplike eiendom op die grondregister, teken hy onder sy handtekening die terugplasing aan, deur—

(a) 'n aantekening op die geregistreerde deelplan wesenlik in die volgende woorde:

"Die grond oorgedra deur sertifikaat van geregistreerde deeltitel No. gedateer teruggeplaas op grondregister, en word nou gehou kragtens sertifikaat van geregistreerde titel No. gedateer

Gedoen te op die dag van 19.....

Datumstempel Registrateur van Aktes/Randdorpe.";

(b) 'n inskrywing in die grondregister teenoor die inskrywing van die betrokke grond, wesenlik in die volgende woorde:

"Die aantekening gedateer ten effekte dat inskrywing afgesluit is en dat 'n deeltitel-register geopen is, word hierby gerojееer/gewysig. Grond groot teruggeplaas op grondregister en sertifikaat van geregistreerde titel No. gedateer aan transportnemer, uitgereik.

Datumstempel Registrateur van Aktes/Randdorpe.";
en

(c) 'n aantekening op die transportnemer se sertifikaat van geregistreerde deeltitel en die registrasiekantoor se duplikaat-oorspronklike van die sertifikaat wesenlik in die volgende woorde:

"Grond hierin beskryf, teruggeplaas op grondregister. Sertifikaat van geregistreerde titel No. gedateer aan die hieringenoemde

(10) An application referred to in section 11 (9) of the Act, shall be in the form set out in Form G in Annexure 1.

(11) A certificate of registered sectional title referred to in section 11 (9) of the Act, shall be in the form set out in Form H in Annexure 1 and shall be issued under the signature and seal of office of the registrar.

Dealings with Common Property

9. (1) The registrar shall register a transfer of land comprised in the common property by issuing to the transferee a certificate of registered sectional title in the form set out in Form I in Annexure 1.

(2) Before issuing a certificate referred to in subregulation (1), the registrar shall make an endorsement under his signature on the relevant sectional plan substantially in the following words:

"Land in extent comprised in the common property shown on this sectional plan, transferred by certificate of registered sectional title No. dated to in terms of unanimous resolution of the body corporate, a copy of which is filed on the main file.

Done at this day of 19

Date Stamp Registrar of Deeds/Rand Townships Registrar.";

(3) When application is made to the registrar for the reversion of land comprised in the common property to the land register, the registrar shall note such reversion under his signature by—

(a) an endorsement on the registered sectional plan substantially in the following words:

"The land transferred by certificate of registered sectional title No. dated reverted to land register, and is now held under certificate of registered title No. dated

Done at this day of 19

Date Stamp Registrar of Deeds/Rand Townships Registrar.";

(b) an entry in the land register opposite the entry of the land concerned substantially in the following words:

"The note dated to the effect that entry has been closed and that a sectional title register has been opened, is hereby cancelled/amended. Land in extent reverted to land register, and certificate of registered title No. dated issued to transferee.

Date Stamp Registrar of Deeds/Rand Townships Registrar."; and

(c) an endorsement on the transferee's certificate of registered sectional title and the deeds registry duplicate original of the certificate substantially in the following words:

"Land herein described reverted to land register. Certificate of registered title No. dated issued to the herein-

transportnemer uitgereik ter vervanging van hierdie sertifikaat, wat hierby gerojêer word.

Gedoen te op die
dag van 19.....

Datumstempel Registratcur van Aktes/Randdorpe.”.

Aansoek om Onderverdeling van 'n Deel

10. (1) Die aansoek in artikel 15 (1) van die Wet bedoel, moet in die vorm uiteengesit in Vorm J in Aanhangsel 1 wees en word in tweevoud by die betrokke plaaslike bestuur ingedien.

(2) Die bepalings van hierdie regulasies met betrekking tot 'n aansoek om goedkeuring van 'n ontwikkelingskema, appèl na die Administrateur en deelplanne is *mutatis mutandis* op 'n plan van onderverdeling en 'n aansoek in subregulasie (1) bedoel, van toepassing.

Onderverdeling van 'n Deel

11. (1) Die onderskeidende nommer wat aan die plan van onderverdeling in artikel 16 (3) van die Wet bedoel, toegeken word, moet tussen hakies die onderskeidende nommer wat deur die registrateur aan die onderlêer van die betrokke deel toegeken is, bevat.

(2) Die sertifikaat van geregistreerde deeltitel in artikel 16 (5) van die Wet bedoel, moet in die vorm uiteengesit in Vorm K in Aanhangsel 1 wees.

(3) Die deeltitelbewys in die voorbehoudsbepaling by artikel 16 (5) van die Wet bedoel, moet in die vorm uiteengesit in Vorm L in Aanhangsel 1 wees.

(4) Wanneer die registrateur kragtens artikel 16 (5) van die Wet 'n deeltitelbewys in die plek van 'n deeltitelbewys in artikel 16 (2) (a) van die Wet bedoel, uitgereik het, rojêer hy die deeltitelbewys in artikel 16 (2) (a) van die Wet bedoel deur op die voorkant daarvan en die registrasiekantoor se duplikaat-oorspronklike daarvan tussen twee ewewydige dwarslyne die woord "GEROJÊER" te endosseer en deur 'n verdere endossement, deur hom onderteken, in die volgende woorde aan te bring:

“Uit hoofde van die bepalings van artikel 16 (5) van die Wet op Deeltitels, 1971, word hierdie deeltitelbewys vervang deur:

(i) Sertifikaat van geregistreerde deeltitel No.
uitgereik aan

(ii) sertifikaat van geregistreerde deeltitel No.
uitgereik aan

Datumstempel Registrateur van Aktes/Randdorpe.”.

Heronderverdeling van Dele

12. (1) Die sertifikaat van geregistreerde deeltitel in artikel 17 (5) van die Wet bedoel, moet in die vorm uiteengesit in Vorm M in Aanhangsel 1 wees.

(2) Behoudens die bepalings van artikel 17 (2) van die Wet, is ook die bepalings van hierdie regulasies met betrekking tot 'n aansoek om die goedkeuring van 'n ontwikkelingskema, sertifikate van geregistreerde deeltitel in artikel 5 (3) (g) van die Wet bedoel en 'n aansoek om die onderverdeling van 'n deel en die onderverdeling van 'n deel *mutatis mutandis* op of ten opsigte van 'n heronderverdeling van dele van toepassing.

Uitbreiding van Gebou

13. Behoudens die bepalings van artikel 18 (2) van die Wet, is die bepalings van hierdie regulasies met betrekking tot 'n aansoek om die goedkeuring van 'n ontwikkelingskema, 'n appèl na die Administrateur en sertifikate van

mentioned transferee in substitution for this certificate which is hereby cancelled.

Done at, this day of
....., 19

Date Stamp Registrar of Deeds/Rand
Townships Registrar.”.

Application for Subdivision of a Section

10. (1) The application referred to in section 15 (1) of the Act, shall be in the form set out in Form J in Annexure 1 and shall be lodged in duplicate with the local authority concerned.

(2) The provisions of these regulations relating to an application for approval of a development scheme, appeal to the Administrator and sectional plans shall apply *mutatis mutandis* to a plan of subdivision and an application referred to in subregulation (1).

Subdivision of a Section

11. (1) The distinctive number allotted to the plan of subdivision referred to in section 16 (3) of the Act, shall include in parentheses the distinctive number allotted to the subfile of the relevant section by the registrar.

(2) The certificate of registered sectional title referred to in section 16 (5) of the Act, shall be in the form set out in Form K in Annexure 1.

(3) The sectional title deed referred to in the proviso to section 16 (5) of the Act, shall be in the form set out in Form L in Annexure 1.

(4) Whenever the registrar has issued a sectional title deed under section 16 (5) of the Act in lieu of the sectional title deed referred to in section 16 (2) (a) of the Act, he shall cancel the sectional title deed referred to in section 16 (2) (a) of the Act by endorsing across the face thereof and the deeds registry duplicate original thereof between two parallel transverse lines the word "CANCELLED" and by adding a further endorsement, signed by him, in the following words:

“By virtue of the provisions of section 16 (5) of the Sectional Titles Act, 1971, the following is substituted for this sectional title:

(i) Certificate of registered sectional title No.
issued to

(ii) certificate of registered sectional title No.
issued to

Date Stamp Registrar of Deeds/Rand
Townships Registrar.”.

Resubdivision of Sections

12. (1) The certificate of registered sectional title referred to in section 17 (5) of the Act, shall be in the form set out in Form M in Annexure 1.

(2) Subject to the provisions of section 17 (2) of the Act, the provisions of these regulations relating to an application for approval of a development scheme, certificates of registered sectional title referred to in section 5 (3) (g) of the Act, an application for subdivision of a section and the subdivision of a section shall *mutatis mutandis* apply to or in respect of a re-subdivision of sections.

Extension of Building

13. Subject to the provisions of section 18 (2) of the Act, the provisions of these regulations relating to an application for approval of a development scheme, appeals to the Administrator and certificates of regis-

geregistreeerde deeltitel in artikel 5 (3) (g) van die Wet bedoel *mutatis mutandis* van toepassing ten opsigte van 'n uitbreiding van 'n gebou of die oprigting van 'n addisionele gebou op grond getoon op die deelplan kragtens hierdie Wet geregistreeer.

Omskepping van Sekere Okkupasieregte tot Eiendomsreg

14. (1) Die maatskappy of eenaar wat die stappe doen in artikel 23 (1) van die Wet bedoel, moet, tesame met sy aansoek by die plaaslike bestuur om die goedkeuring van 'n skema, 'n lys voorlê waarin die name en adresse verstrekk word van elke persoon in wie 'n reg gevestig is om 'n gedeelte van die betrokke gebou te okkupeer uit hoofde van die feit dat hy 'n aandeel of aandele in 'n maatskappy besit.

(2) Die bepalings van hierdie regulasies betreffende 'n appèl na die Administrateur is *mutatis mutandis* op 'n appèl in artikel 23 (10) van die Wet bedoel van toepassing.

Vervreemding in Een Transaksie van die Geheel van 'n Belang in Grond en die Gebou of Geboue wat deur 'n Skema Behels word of 'n Aandeel in die Geheel van so 'n Belang

15. Die sertifikaat in artikel 26 (4) van die Wet bedoel wat aan die registrateur voorgelê moet word, moet in die vorm uiteengesit in Vorm N in Aanhangsel 1 wees.

Uitvaardiging van Spesiale Reëls of Aanvulling, Wysiging of Herroeping van Reëls

16. (1) Die kennisgewing in artikel 27 (2) (c) van die Wet bedoel, moet in die vorm uiteengesit in Vorm O in Aanhangsel 1 wees.

(2) Die registrateur maak onder sy handtekening 'n aantekening in die volgende woorde op die bylae in artikel 5 (3) (f) van die Wet bedoel wanneer 'n kennisgewing in subregulasie (1) bedoel by hom ingedien word:

“Reëls in hierdie bylae uiteengesit aangevul, gewysig of herroep soos uiteengesit in trustees se kennisgewing gedateer

Wysiging van Deelplan en Verandering van die Kwota van 'n Deel in Geval van Vernietiging of Beskadiging van Gebou

17. (1) Wanneer die deelplan of die kwota van 'n deel binne die betekenis van artikel 36 (3) (b) van die Wet gewysig of verander word, stel die regspersoon die betrokke registrateur en, behalwe in die geval waar die plaaslike bestuur 'n aansoek soos in artikel 36 (4) van die Wet bedoel, gerig het, die plaaslike bestuur van sodanige wysiging of verandering en die besonderhede daarvan skriftelik in kennis.

(2) Die registrateur en die plaaslike bestuur wysig die betrokke deelplan in ooreenstemming met die wysiging of verandering in subregulasie (1) bedoel.

Kennisgewing van Vernietiging van Gebou

18. (1) Die kennisgewing in artikel 37 (1) van die Wet bedoel, moet in die vorm uiteengesit in Vorm P in Aanhangsel 1 wees.

(2) Die regspersoon moet 'n afskrif van die kennisgewing aan die betrokke plaaslike bestuur stuur.

(3) By ontvangs van die kennisgewing in subregulasie (1) bedoel, maak die registrateur onder sy handtekening 'n aantekening op die betrokke deelplan in die volgende woorde:

“Die gebou of geboue bekend as, op hierdie deelplan getoon, word geag vernietig te wees. Kennisgewing van trustees gedateer het betrekking.”

tered sectional title referred to in section 5 (3) (g) of the Act shall *mutatis mutandis* apply in respect of an extension of a building or the erection of an additional building on land shown on a sectional plan registered under this Act.

Conversion of Certain Rights of Occupancy Into Ownership

14. (1) The company which or the owner who takes the steps referred to in section 23 (1) of the Act, shall, together with its or his application to the local authority for the approval of a scheme, submit a list in which the names and addresses are furnished of every person in whom is vested a right to occupy any part of the building concerned by reason of the fact that he holds a share or shares in a company.

(2) The provisions of these regulations relating to an appeal to the Administrator shall apply *mutatis mutandis* to an appeal referred to in section 23 (10) of the Act.

Alienation in One Transaction of Whole of any Interest in Land and the Building or Buildings Comprised in a Scheme or a Share in the Whole of such Interest

15. The certificate referred to in section 26 (4) of the Act to be produced to the registrar, shall be in the form set out in Form N in Annexure 1.

Making of Special Rules or Addition, Amendment or Repeal of Rules

16. (1) The notification referred to in section 27 (2) (c) of the Act shall be in the form set out in Form O in Annexure 1.

(2) The registrar shall under his signature make a note in the following words on the schedule referred to in section 5 (3) (f) of the Act, whenever a notification referred to in subregulation (1) is lodged with him:

“Rules set out in this schedule added to, amended or repealed as set out in notification by trustees dated

Amendment of Sectional Plan and Variation of Quota of any Section in Case of Destruction of or Damage to Building

17. (1) Whenever the sectional plan or the quota of any section is amended or varied within the meaning of section 36 (3) (b) of the Act, the body corporate shall notify the registrar and, except in a case where the local authority has made an application referred to in section 36 (4) of the Act, the local authority concerned in writing of such amendment or variation and the particulars thereof.

(2) The registrar and local authority shall amend the relevant sectional plan in accordance with the amendment or variation referred to in subregulation (1).

Notification of Destruction of Building

18. (1) The notification referred to in section 37 (1) of the Act, shall be in the form set out in Form P in Annexure 1.

(2) The body corporate shall send a copy of the notification to the local authority concerned.

(3) Upon receipt of the notification referred to in subregulation (1), the registrar shall under his signature make an entry on the relevant sectional plan in the following words:

“The building or buildings known as, shown on this sectional plan, is or are deemed to be destroyed. Notification of trustees dated refers.”

Sertifikaat van Geregistreeerde Deeltitel vir Grond wat Oorgedra word na Vernietiging van Gebou of Geboue daarop

19. (1) Die sertifikaat van geregistreeerde deeltitel aan die transportnemer in artikel 37 (6) van die Wet bedoel, uitgerik, moet in die vorm uiteengesit in Vorm Q in Aanhangsel I wees.

(2) Die bepalings van regulasie 4 is *mutatis mutandis* met betrekking tot sertifikate van geregistreeerde deeltitel in artikel 37 (8) (e) van die Wet bedoel van toepassing en daardie sertifikate moet in die vorm uiteengesit in Vorm B in Aanhangsel I wees, behalwe dat die verwysing na artikel 8 (2) (d) in die opskrif daarvan 'n verwysing na artikel 37 (9) (a) moet wees, en word deur die registrateur ingevolge artikel 37 (9) (a) van die Wet aan die transportnemer uitgereik.

(3) Waar die geheel of 'n gedeelte van grond binne die bedoeling van artikel 37 van die Wet oorgedra is en die transportnemer by die registrateur aansoek doen om die grond of 'n gedeelte daarvan op die grondregister terug te plaas, moet die registrateur die terugplasing onder sy handtekening soos volg aanteken:

(a) Op die betrokke geregistreeerde deelplan:

"Die grond bedoel in die aantekening gedateer wat ingevolge artikel 37 (6) van die Wet op Deeltitels, 1971, hierop aangebring is, op (datum) op die grondregister teruggeplaas.";

(b) in die grondregister:

"Die grond by hierdie inskrywing beskryf of gedeelte groot daarvan, soos aangeteken op geregistreeerde deelplan No., op (datum) ingevolge artikel 37 (10) van die Wet op Deeltitels, 1971, op grondregister teruggeplaas.";

(c) op die transportnemer se sertifikaat van geregistreeerde deeltitel:

"Die grond hierin beskryf op (datum) ingevolge artikel 37 (10) van die Wet op Deeltitels, 1971, op die grondregister teruggeplaas."; en

(d) wanneer slegs 'n gedeelte van die grond aldus op die grondregister teruggeplaas word, op die deeltitelbewyse van die eienaars van die grond:

"Gedeelte groot van die grond kragtens hierdie titelbewys gehou, teruggeplaas op grondregister op (datum) ingevolge artikel 37 (10) van die Wet.".

Hou van Indekse

20. 'n Registrateur moet die volgende indekse hou:

(a) 'n Indeks waarin die name van geboue met betrekking waartoe 'n deelplan deur die betrokke registrateur geregistreeer is, alfabeties aangegee word, met vermelding teenoor die naam van die betrokke gebou van die nommer van die gebou, welke nommer die nommer van die geregistreeerde deelplan is, en die naam van die plaaslike bestuur binne wie se regsgebied die gebou geleë is;

(b) 'n indeks wat in numerieke orde geregistreeerde deelplannommers aangee, met vermelding teenoor elke nommer van die naam van die betrokke gebou; en

(c) 'n indeks waarin in alfabetiese volgorde aangedui word die name van eienaars van dele, met vermelding teenoor die naam van elke eenaar van die naam en nommer van die gebou en die deel waarvan hy die eenaar is.

Deelverbande

21. 'n Deelverband wat 'n eenheid wat kragtens 'n deeltitelbewys gehou word, verhipotekeer, moet in die vorm uiteengesit in Vorm R in Aanhangsel I wees en word deur 'n transportbesorger opgestel en deur die verbandgewer of sy behoorlik gemagtigde verteenwoordiger onderteken, en bedoelde vorm word gepas aangepas wanneer grond wat

Certificate of Registered Sectional Title for Land Transferred after Destruction of the Building or Buildings thereon

19. (1) The certificate of registered sectional title issued to the transferee referred to in section 37 (6) of the Act, shall be in the form set out in Form Q in Annexure 1.

(2) The provisions of regulation 4 shall apply *mutatis mutandis* with reference to certificates of registered sectional title referred to in section 37 (8) (e) of the Act and such certificates shall be in the form set out in Form B in Annexure 1, except that the reference to section 8 (2) (d) in the heading thereof shall be a reference to section 37 (9) (a) and shall be issued by the registrar to the transferee in terms of section 37 (9) (a) of the Act.

(3) Where the whole or portion of the land has been transferred within the meaning of section 37 of the Act and the transferee applies to the registrar to revert the land or portion thereof to the land register, the registrar shall note the reversion under his signature as follows:

(a) On the relevant registered sectional plan:

"The land referred to in the endorsement dated effected in terms of section 37 (6) of the Sectional Titles Act, 1971, hereon, reverted to the land register on (date).";

(b) in the land register:

"The land described in this entry or portion in extent thereof, as noted on registered sectional plan No., reverted to the land register on (date) in terms of section 37 (10) of the Sectional Titles Act, 1971.";

(c) on the transferee's certificate of registered sectional title:

"The land herein described reverted to the land register on (date) in terms of section 37 (10) of the Sectional Titles Act, 1971."; and

(d) where only a portion of the land is so reverted to the land register, on the sectional title deeds of the owners of the land:

"Portion in extent of the land held under this title deed reverted to the land register on (date) in terms of section 37 (10) of the Act.".

Keeping of Indices

20. A registrar shall keep the following indices:

(a) An index in which the names of buildings with respect to which a sectional plan has been registered by the registrar concerned are reflected alphabetically, showing opposite the name of the building concerned the number of the building, which number shall be the number of the registered sectional plan, and the name of the local authority in whose area of jurisdiction the building is situated;

(b) an index reflecting in numerical order numbers of registered sectional plans, showing opposite each number the name of the building concerned; and

(c) an index in which is reflected in alphabetical sequence the names of owners of sections, showing opposite the name of each owner the name and number of the building and the section of which he is the owner.

Sectional Mortgage Bonds

21. A sectional mortgage bond hypothecating a unit held under a sectional title deed, shall be in the form set out in Form R in Annexure 1 and shall be prepared by a conveyancer and be signed by the mortgagor or his duly authorised agent, and the said form shall be suitably

kragtens 'n deeltitelbewys of 'n geregistreerde notariële huurkontrak of onderverhuur of ander geregistreerde saaklike reg gehou word, verhipotekeer word.

Ampsgelde

22. (1) Die handelinge, aangeleentheid of sake wat ingevolge die Wet in of met betrekking tot 'n registrasiekantoor gedoen moet of kan word ten opsigte waarvan ampsgelde bereken moet word en die bedrag van die ampsgelde wat ten opsigte daarvan verhaalbaar is, is soos in Aanhangsel 2 van hierdie regulasies uiteengesit.

(2) Betaling van ampsgelde word op die betrokke dokument aangedui deur gebruik te maak van inkomsteplakseëls of stempelseëls deur middel van 'n goedgekeurde stempel binne die betekenis van die omskrywing van "seël" in die Wet op Seëlregte, 1968 (Wet 77 van 1968), en wanneer 'n transaksie van so 'n aard is dat die betaling van ampsgelde ten opsigte daarvan op 'n ander wyse as deur middel van inkomsteplakseëls of stempelseëls soos hierin bedoel, aangedui moet word, moet die registrateur in die hoofleer of waar toepaslik in die onderleer van die betrokke deeltitelregister 'n aantekening maak van—

- (a) die aard van die handeling, aangeleentheid of saak ten opsigte waarvan ampsgelde verhaal is;
- (b) die nommer van die kwitansie wat uitgereik is;
- (c) die datum van die kwitansie; en
- (d) die bedrag wat verhaal is.

Gelde wat aan Argitekte en Landmeters Betaal moet word

23. (1) Die gelde wat aan 'n argitek of landmeter vir 'n deelplan betaal moet word, is volgens die skaal soos in Aanhangsel 3 van hierdie regulasies uiteengesit.

(2) (a) 'n Takseermeester verrig, in die geval van 'n dispuut, al die funksies van 'n takseermeester van die hof met betrekking tot die gelde deur argitekte of landmeters gevorder vir die verrigting van handelinge wat kragtens die Wet deur argitekte of landmeters verrig moet of kan word in verband met die opstel van 'n deelplan wat in 'n registrasiekantoor geliasseer is of gaan word.

(b) Die rekening wat vir taksasie voorgelê word, moet die items aandui uit hoofde waarvan die bedrae daarin vermeld geëis word en moet opgestel word in ooreenstemming met die vorm deur die registrateur goedgekeur.

(c) Die rekening moet vergesel gaan van 'n ondertekende skriftelike verklaring deur die disputerende party waarin die items wat betwis word, uiteengesit word.

Gelde en Kosteberekening van Transportbesorgers en Notarisse en van ander Regspraktisyns

24. (1) Die gelde en kosteberekening van transportbesorgers en notarisse in verband met die opstel, passeer en registreer van aktes of ander dokumente geregistreer of geliasseer of bestem om geregistreer of geliasseer te word in 'n registrasiekantoor, en die gelde en ander kosteberekenings van ander regspraktisyns in verband met die voorlopige werk wat gedoen moet word ten opsigte van sodanige akte of ander dokument soos in artikel 40 (1) (d) van die Wet bedoel, is soos in Aanhangsel 4 van hierdie regulasies uiteengesit, en vir sover daardie Aanhangsel nie voorsiening maak vir die gelde of kosteberekening soos voornoemd nie, is die gelde en kosteberekening van transportbesorgers en notarisse in verband met die opstel, passeer en registreer van aktes of ander dokumente wat in 'n registrasiekantoor geregistreer is of geliasseer word of daarvoor bestem is, en die gelde en kosteberekening van ander regspraktisyns in verband met die voorlopige werk wat ten opsigte van sodanige aktes of ander dokumente nodig is, wat in regulasies voorge-

adapted when hypothecating land held under a sectional title deed or a registered notarial lease or sublease or other registered real right.

Fees of Office

22. (1) The acts, matters or things required or permitted to be done in terms of the Act in or in relation to a deeds registry in respect of which fees of office are to be charged and the amount of the fees of office recoverable in respect thereof, shall be as specified in Annexure 2 to these regulations.

(2) Payment of fees of office shall be denoted on the relevant document by the use of adhesive revenue stamps or imprinted stamps by means of an approved stamp within the meaning of the definition of 'stamp' in the Stamp Duties Act, 1968 (Act 77 of 1968), and whenever a transaction is of such a nature that the payment of fees of office in respect thereof has to be denoted in a manner other than by means of adhesive revenue stamps or imprinted stamps referred to herein, the registrar shall make a note in the main file or where suitable in the subfile of the relevant sectional title register of—

- (a) the nature of the act, matter or thing in respect of which fees of office have been recovered;
- (b) the receipt number issued;
- (c) the date of the receipt; and
- (d) the amount recovered.

Fees to be Paid to Architects and Land Surveyors

23. (1) The fees to be paid to an architect or a land surveyor for any sectional plan, shall be on the scale as specified in Annexure 3 to these regulations.

(2) (a) A taxing master shall perform, in case of dispute, all the functions of a taxing master of the court in relation to fees charged by architects or land surveyors for performing acts which shall or may be performed under the Act by architects or land surveyors in connection with the preparation of any sectional plan filed or to be filed in a deeds registry.

(b) The account submitted for taxation shall disclose the items by virtue of which the amounts stated therein are claimed and shall be drawn in accordance with the form as approved by the registrar.

(c) The account shall be accompanied by a signed written statement by the disputing party setting out the items disputed.

Fees and Charges of Conveyancers and Notaries Public and of Other Legal Practitioners

24. (1) The fees and charges of conveyancers and notaries public in connection with the preparation, passing and registration of deeds or other documents registered or filed or intended for registration or filing in a deeds registry, and the fees and other charges of any other legal practitioners in connection with the preliminary work required in respect of any such deed or other document, referred to in section 40 (1) (d) of the Act, shall be as set out in Annexure 4 to these regulations, and in so far as that Annexure does not provide for any fee or charge as afore-said, the fees and charges of conveyancers and notaries public in connection with the preparation, passing and registration of deeds or other documents registered or filed or intended for registration or filing in a deeds registry, and the fees and charges of any other legal practitioners in connection with the preliminary work required

skryf is wat kragtens die Registrasie van Aktes Wet uitgevaardig is, onderskeidelik en *mutatis mutandis* van toepassing vir sover daardie regulasies vir daardie doeleindes toegepas kan word.

(2) Die bepalings van regulasie 23 (2) is *mutatis mutandis* van toepassing met betrekking tot die gelde en kosteberekening van transportbesorgers en notarisse en ander regspraktisyne wat kragtens hierdie regulasie betaal word of betaalbaar is.

Aantekeninge of Inskrywings op Geregistreeerde Aktes of ander Dokumente of in Registers

25. Aantekeninge of inskrywings wat volgens voorskrif van hierdie regulasies op geregistreeerde aktes of ander dokumente of in registers gemaak moet word, kan by wyse van rubberstempel of handskrif of tikskrif daarop of daarin gemaak word, en veranderinge of tussenskrifte moet deur die registrateur onderteken en gedateer word wat onder sy handtekening die amp deur hom beklee, vermeld.

Arbitrasieverrigtinge

26. Die bepalings van die Wet op Arbitrasie, 1965 (Wet 42 van 1965), is, vir sover daardie bepalings toegepas kan word, *mutatis mutandis* van toepassing met betrekking tot arbitrasieverrigtinge kragtens die Wet.

Deeltitelprotokol

27. (1) Elke transportbesorger moet 'n protokol hou wat bekend staan as 'n "Deeltitelprotokol" en wat die volgende moet bevat:

(a) 'n In tydsorde saamgestelde en opeenvolgend genummerde lêer wat ten opsigte van die ondergemelde transaksies die onderskeie dokumente uiteengesit in Aanhangesel 5 van hierdie regulasies moet bevat:

(i) Oordragte van eiendomsreg ten opsigte waarvan hy die transportbesorger se sertifikaat ingevolge artikel 11 (4) van die Wet geteken het;

(ii) oordragte van eiendomsreg ten opsigte waarvan hy die transportbesorger se sertifikaat ingevolge artikel 26 (4) van die Wet geteken het;

(iii) deelverbande in artikel 11 (1) (c) van die Wet bedoel ten opsigte waarvan hy die verband as opsteller geteken het.

(b) 'n Protokolregister in die vorm soos uiteengesit in Aanhangesel 6 van hierdie regulasies wat die inskrywings in tydsorde en numeriese volgorde bevat van elke transaksie in paragraaf (a) bedoel.

(2) Elke transportbesorger moet van tyd tot tyd toesien dat die dokumente in subregulasie (1) (a) bedoel netjies en stewig in tydsorde en numeriese volgorde gebind word in boekdele van gerieflike grootte.

(3) 'n Transportbesorger moet nie die dokumente in sy protokol geliasseer, verander of beskadig nie, behalwe met die doel om 'n verandering aan te bring aan die afskrif van die sertifikaat deur sodanige transportbesorger ingevolge artikel 11 (4) of artikel 26 (4) van die Wet uitgereik om ooreen te stem met 'n verandering aan die oorspronklike sertifikaat wat by die registrateur geliasseer is.

(4) Elke transportbesorger—

(a) is verplig om sy protokol in veilige bewaring agter slot en grendel te hou, en, waar moontlik, in 'n brandvry kluis of brandkluis om so ook te waak teen 'n skending van die vertroulike aard van die inhoud daarvan of teen enige verandering of beskadiging daarvan of enige verwydering daaruit; en

(b) moet, die ander redelike voorsorgsmaatreëls vir die veilige bewaring van sy protokol tref wat nodig blyk te wees.

in respect of any such deed or other document prescribed in regulations made under the Deeds Registries Act shall respectively and *mutatis mutandis* apply in so far as such regulations can be applied for that purpose.

(2) The provisions of regulation 23 (2) shall apply *mutatis mutandis* to the fees and charges of conveyancers and notaries public and other legal practitioners paid or payable under this regulation.

Endorsements or Entries on Registered Deeds or other Documents or in Registers

25. Endorsements or entries required by these regulations to be made on registered deeds or other documents or in registers may be made thereon or therein by means of rubber stamp or handwriting or typewriting, and any alterations or interlineations shall be signed and dated by the registrar who shall below his signature state the office held by him.

Arbitration Proceedings

26. The provisions of the Arbitration Act, 1965 (Act 42 of 1965), shall, in so far as those provisions can be applied, apply *mutatis mutandis* with reference to arbitration proceedings under the Act.

Sectional Titles Protocol

27. (1) Every conveyancer shall keep a protocol to be known as a "Sectional Titles Protocol", which shall contain the following:

(a) A chronologically arranged and consecutively numbered file which shall contain in respect of the following transactions the respective documents set out in Annexure 5 to these regulations:

(i) Transfers of ownership in respect of which he has signed the conveyancer's certificate in terms of section 11 (4) of the Act;

(ii) transfers of ownership in respect of which he has signed the conveyancer's certificate in terms of section 26 (4) of the Act;

(iii) sectional mortgage bonds referred to in section 11 (1) (c) of the Act in respect of which he has signed the bond as preparer;

(b) a protocol register in the form set out in Annexure 6 to these regulations, which shall contain entries in chronological and numerical order of every transaction referred to in paragraph (a).

(2) Every conveyancer shall from time to time cause the documents referred to in subregulation (1) (a) to be neatly and securely bound in chronological and numerical order in volumes of convenient size.

(3) A conveyancer shall not alter or mutilate any of the documents filed in his protocol, save for the purpose of effecting any alteration to the copy of the certificate issued by such conveyancer in terms of section 11 (4) or section 26 (4) of the Act so as to conform to any alteration to the original certificate filed with the registrar.

(4) Every conveyancer shall—

(a) be obliged to keep his protocol in safe custody under lock and key, and, wherever possible, in a fire-proof safe or strong-room so as also to guard against a violation of the confidential nature of its contents or against any alteration or mutilation thereof or any extraction therefrom; and

(b) take such other reasonable precautions for the safe custody of his protocol as may be necessary.

(5) Wanneer 'n transportbesorger—

(a) die regsgebied van die registrasiekantoor waar hy praktiseer, verlaat met die doel om sy praktyk te beëindig;

(b) geskrap word van die register van transportbesorgers;

(c) geskors is van die register van transportbesorgers; of

(d) andersins uit die praktyk tree;

moet hy onmiddellik skriftelik daarvan aan die registrateur wat regsbevoegdheid het in die gebied waarin hy praktiseer of gepraktiseer het, kennis gee en moet hy sy Deeltitelprotokol by daardie registrateur indien.

(6) In die geval van afsterwe van 'n transportbesorger moet sy eksekuteur of die persoon wat aangestel is om sy boedel te bereid en te verdeel, onmiddellik aan die registrateur skriftelik daarvan kennis gee en moet hy daardie transportbesorger se Deeltitelprotokol by daardie registrateur indien.

(7) 'n Praktiserende transportbesorger of 'n party by 'n besondere transaksie kan te eniger tyd by skriftelike kennisgewing 'n transportbesorger versoek om enige van die dokumente in subregulasie (1) (a) bedoel wat betrekking het op 'n transaksie waarin die transportbesorger opgetree het, beskikbaar te stel vir ondersoek en die transportbesorger aan wie aldus kennis gegee is, moet so gou as geleë en in elk geval binne sewe dae na ontvangs van genoemde kennisgewing, die persoon wat sodanige kennis gegee het, verwittig van die tyd (gedurende normale besigheidsure en binne twee besigheidsdae van die datum van dié kennisgewing) waarop sodanige dokumente by sy kantoor ondersoek kan word. Die persoon wat aldus verwittig word, is geregtig om sodanige dokumente te ondersoek op die tyd en plek vermeld en afskrifte daarvan te maak.

(8) Die registrateur aan die hoof van die registrasiekantoor ten opsigte van die gebied waarin die transportbesorger praktiseer, kan te eniger tyd by skriftelike kennisgewing in die vorm uiteengesit in Vorm S in Aanhangsel 1 'n transportbesorger versoek om aan hom binne 'n bepaalde tydperk, wat nie minder as drie besigheidsdae vanaf die datum van aflewering van sodanige kennisgewing aan die transportbesorger moet wees nie, dokumente in subregulasie (1) (a) bedoel wat betrekking het op 'n transaksie ten opsigte waarvan die transportbesorger opgetree het, vir ondersoek voor te lê en die betrokke transportbesorger moet sodanige dokumente voorlê aan die registrateur vir ondersoek binne die tydperk aldus bepaal of binne die verdere tydperk deur die registrateur vasgestel.

Bewaring van Dokumente deur Argitekte en Landmeters

28. 'n Argitek of landmeter wat 'n deelplan opgestel het of onder wie se toesig 'n deelplan opgestel is, moet sodanige deelplan en elke dokument wat betrekking het daarop, vir 'n tydperk van minstens ses jaar na die ontstaan daarvan bewaar.

AANHANGSEL 1

Vorm A

Aan.....
(Vermeld naam en adres van plaaslike bestuur)

AANSOEK KRAGTENS ARTIKEL 4 (1) VAN DIE WET OP DEELTITELS, 1971

.....
(naam van ontwikkelaar)

van.....
(verstrek adres),
ontwikkelaar en geregistreerde eienaar van.....

(verstrek geregistreerde beskrywing van grond waarop gebou geleë is of opgerig gaan word)

(5) When a conveyancer—

(a) leaves the area of jurisdiction of the registry where he carries on his practice with the intention to cease such practice;

(b) is removed from the roll of conveyancers;

(c) is suspended from the roll of conveyancers; or

(d) otherwise retires from practice;

he shall immediately give written notice to that effect to the registrar having jurisdiction in the area in which he practises or practised and shall lodge his Sectional Titles Protocol with such registrar.

(6) In the event of the death of any conveyancer his executor or any person who has been directed to liquidate notice to that effect to the registrar and shall lodge such notice to that effect to the registrar and shall lodge such conveyancer's Sectional Titles Protocol with such registrar.

(7) Any practising conveyancer or any party to any particular transaction may at any time by written notice require any conveyancer to make available for inspection any of the documents referred to in subregulation (1) (a) relating to a transaction in respect of which the conveyancer acted and the conveyancer to whom notice is so given shall as soon as convenient and in any event within seven days of receipt of the said notice, notify the person who gave such notice of a time (during normal business hours and within two business days of the date of such notification) at which such documents may be inspected at his office. The person so notified shall be entitled at the time and place stated to inspect such documents and to make copies thereof.

(8) The registrar in charge of the deeds registry in respect of the area in which the conveyancer practises, may at any time by written notice in the form set out in Form S in Annexure 1 require any conveyancer to produce to him for inspection within a stated period being not less than three business days from the date of the delivery of such notice to the conveyancer any documents referred to in subregulation (1) (a) relating to any transaction in respect of which the conveyancer acted and the conveyancer concerned shall produce such documents to the registrar for inspection within the period so stated or within such further period as the registrar may determine.

Retention of Documents by Architects and Land Surveyors

28. An architect or land surveyor who has prepared a sectional plan or under whose direction a sectional plan has been prepared shall retain such sectional plan and any document with reference thereto, for a period of at least six years after the coming into being of such document.

ANNEXURE 1

Form A

To.....
(State name and address of local authority)

APPLICATION UNDER SECTION 4 (1) OF THE SECTIONAL TITLES ACT, 1971

.....
(name of developer)

of.....
(furnish address)

developer and registered owner of.....

(furnish registered description of land on which building is situated or to be erected)

gehou kragtens titelbewysnommer..... gedateer.....
doen hierby aansoek om die goedkeuring van 'n ontwikkelingskema
soos bedoel in die Wet op Deeltitels, 1971 (Wet 66 van 1971), ten
opsigte van—

- *(a) 'n bestaande gebou;
- (b) 'n bestaande gebou met betrekking waartoe veranderings of byvoegings gaan plaasvind;
- (c) 'n gebou wat nog opgerig gaan word;
- (d) 'n bestaande gebou en 'n gebou wat nog opgerig gaan word, welke grond geleë is binne die regsgebied van.....

(verstrek naam van plaaslike bestuur)

Hierdie aansoek gaan vergesel van die volgende dokumente:

(verstrek besonderhede van die dokumente)

Bouplanne/'n tekening soos bedoel in regulasie 2 (2) (b) (ii) of (iii) in verband met die gebou of geboue hierin genoem wat ingevolge die bepaling van 'n wet van die plaaslike bestuur met betrekking tot die oprigting van geboue opgestel is, is hieraan geheg. Die plaaslike bestuur se verwysingsnommer in hierdie verband is.....

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

*Handtekening van ontwikkelaar
of persoon wat gemagtig is om
namens die ontwikkelaar te teken*

Adres van ontwikkelaar.....

* Skrap wat nie van toepassing is nie.

Vorm B

Opgestel deur my,
.....
Transportbesorger

Sertifikaat van geregistreerde deeltitel No.....

**SERTIFIKAAT VAN GEREJISTREERDE DEELTITEL UIT-
GEREIK KRAGTENS ARTIKEL 8 (2) (d) VAN DIE WET OP
DEELTITELS, 1971**

Ek, Registrateur van Aktes/Randdorpe te.....
....., sertifiseer hierby dat.....
(..... groep) die geregistreerde eienaar is
van 'n eenheid wat bestaan uit—

- (a) deel No....., soos aangetoon en volledig beskryf op deelplan No..... in die gebou of geboue bekend as..... van welke deel die vloeroppervlakte, volgens die voormelde deelplan,..... vierkante meter groot is; en
- (b) 'n onverdeelde aandeel in die gemeenskaplike eiendom in die grond en gebou of geboue soos getoon en volledig beskryf op genoemde deelplan, aan genoemde deel toegedeel ooreenkomstig die deelnemingskwota van genoemde deel, gespesifiseer in 'n bylae op genoemde deelplan aangeteken,

en dat genoemde eienaar se titel in genoemde deel en onverdeelde aandeel in genoemde gemeenskaplike eiendom onderworpe is aan of bevoordeel word deur—

- (i) die servitute, ander saaklike regte en voorwaardes, indien daar is, op genoemde deelplan aangeleë en die servitute in artikel 19 van die Wet op Deeltitels, 1971, bedoel; en
- (ii) 'n verandering aan die gebou of geboue of 'n deel of die gemeenskaplike eiendom op genoemde deelplan getoon.

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

Ampseël.

Registrateur van Aktes/Randdorpe

Vir endossemente sien agterop of aangehegte bylae.

Endossemente:

Eiendomsreg in die eenheid kragtens hierdie sertifikaat van gerejstreerde deeltitel gehou, word hierby oorgedra aan en geregistreer op naam van.....

Sien transportbesorgersertifikaat No..... geliasseer met die duplikaat-oorspronklike hiervan.

Datum.....
*Registrateur van Aktes/Randdorpe
(Ampseël)*

BESWARINGS

held under title deed number..... dated.....
hereby applies for the approval of a development scheme referred to in the Sectional Titles Act, 1971 (Act 66 of 1971), in respect of—

- *(a) an existing building;
- (b) an existing building to which alterations or additions are to be made;
- (c) a building still to be erected;
- (d) an existing building and one still to be erected;

which land is situated within the area of jurisdiction of.....

(furnish name of local authority)

This application is accompanied by the following documents:

(furnish particulars of documents)

Building plans/a drawing referred to in regulation 2 (2) (b) (ii) or (iii) with reference to the building or buildings referred to herein, prepared pursuant to the provisions of any law of the local authority with reference to the erection of buildings, are attached. The reference number of the local authority in this connection is.....

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

*Signature of developer or person
authorised to sign on behalf of
the developer*

Developer's address.....

*Delete whichever is inapplicable.

Form B

Prepared by me,
.....
Conveyancer

Certificate of registered sectional title No.....

**CERTIFICATE OF REGISTERED SECTIONAL TITLE ISSUED
IN TERMS OF SECTION 8 (2) (d) OF THE SECTIONAL TITLES
ACT, 1971**

I, Registrar of Deeds/Rand Townships Registrar at....., hereby certify that..... (..... group) is the registered owner of a unit consisting of—

- (a) section No....., as shown and more fully described on sectional plan No..... in the building or buildings known as....., of which section the floor area, according to the said sectional plan, is..... square metres in extent; and
- (b) an undivided share in the common property in the land and building or buildings as shown and more fully described on the said sectional plan, apportioned to the said section in accordance with the participation quota of the said section specified in a schedule endorsed on the said sectional plan,

and that the said owner's title to the said section and undivided share in the said common property is subject to or shall benefit by—

- (i) the servitudes, other real rights and conditions, if any, endorsed on the said sectional plan and the servitudes referred to in Section 19 of the Sectional Titles Act, 1971; and
- (ii) any alteration to the building or buildings or to a section or to the common property shown on the said sectional plan.

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

Seal of office.

Registrar of Deeds/Rand Townships Registrar

For endorsements see back or attached schedule.

Endorsements

Ownership in the unit held under this certificate of registered sectional title is hereby transferred to and registered in the name of.....

Vide Conveyancer's Certificate No..... filed with duplicate original hereof.

Date.....

*Registrar of Deeds/Rand Townships Registrar
(Office seal)*

ENCUMBRANCES

Vorm C

DEELTITELREGISTER

Hooflêer Lêernommer...../19.....
(Ken 'n volgnummer toe en vermeld jaar waarin dit toegeken is.)

Naam van gebou.....
Plek waar gebou geleë is.....
Getal dele in gebou.....
Vloeroppervlakte van alle dele.....
Naam van ontwikkelaar.....
Beskrywing van:
Grond.....
Grootte van grond.....
Nommer en datum van titelbewys.....
Verbande.....
Nommer van deelplan.....

Vorm D

DEELTITELREGISTER

Onderlêer Nummer.....
(Moet ooreenstem met hooflêernommer en die nommer van die betrokke deel moet tussen hakies aangedui word.)

Naam van gebou.....
Plek waar gebou geleë is.....
Nommer van deel in gebou.....
Vloeroppervlakte van deel.....
Deelnemingskwota van deel.....
Naam van eienaar.....

Vorm E

AANSOEK KRAGTENS ARTIKEL 5 (1) VAN DIE WET OP DEELTITELS, 1971

Ek, die ondergetekende, (naam van ontwikkelaar) doen hierby aansoek by die Registrateur van Aktes/Randdorpe, om:

- Die opening van 'n deeltitelregister ingevolge die bepalings van artikel 8 (1) (b) van die Wet op Deeltitels, 1971, en die registrasie van die aangehegte deelplan ingevolge die bepalings van artikel 8 (1) (a) van daardie Wet, ten opsigte van die grond en gebou bekend as..... geleë te..... en gehou kragtens titelbewys No..... gedateer.....; en
 - die uitreiking van sertifikate van geregistreerde deeltitel ingevolge die bepalings van artikel 8 (2) (d) van genoemde Wet ten opsigte van die dele op voornoemde deelplan getoon.
- Geteken te..... op die..... dag van..... 19.....

Handtekening van ontwikkelaar

Vorm F

SERTIFIKAAT DEUR TRANSPORTBESORGER KRAGTENS ARTIKEL 11 (4) VAN DIE WET OP DEELTITELS, 1971

Ek, die ondergetekende transportbesorger, sertifiseer hierby dat—

- ek behoorlik daartoe gemagtig is om op te tree in die hieronder genoemde aangeleentheid;
- (hieronder die transportgewer genoem), gebore op..... (vermeld geregistreerde nommer in die geval van 'n maaatskappy, en, in die geval van 'n vrou, haar volledige status), die geregistreerde eienaar is van 'n eenheid bestaande uit deelnommer....., soos getoon en vollediger beskryf op deelplan No....., in die gebou of geboue bekend as..... geleë te..... tesame met 'n onverdeelde aandeel in die gemeenskaplike eendom in die grond en gebou of geboue soos getoon en vollediger beskryf op genoemde deelplan, toegedeel aan genoemde deel in ooreenstemming met die deelnemingskwota van genoemde deel, gespesifiseer in 'n bylae op genoemde deelplan aangeteken, en gehou kragtens sertifikaat van geregistreerde deeltitelnummer..... gedateer.....;

Form C

SECTIONAL TITLE REGISTER

Main File File Number...../19.....
(Allot a consecutive number and state year in which number was allotted.)

Name of building.....
Place where building is situated.....
Number of sections in building.....
Floor area of all sections.....
Name of developer.....
Description of:
Land.....
Extent of land.....
Number and date of title deed.....
Mortgage bonds.....
Number of sectional plan.....

Form D

SECTIONAL TITLE REGISTER

Subfile Number.....
(To correspond to the number of the main file and number of section concerned to be indicated in brackets.)

Name of building.....
Place where building is situated.....
Number of section in building.....
Floor area of section.....
Participation quota of section.....
Name of owner.....

Form E

APPLICATION UNDER SECTION 5 (1) OF THE SECTIONAL TITLES ACT, 1971

I, the undersigned, (name of developer), hereby apply to the Registrar of Deeds/Rand Townships Registrar, for—

- the opening of a sectional title register in terms of the provisions of section 8 (1) (b) of the Sectional Titles Act, 1971, and the registration of the attached sectional plan in terms of the provisions of section 8 (1) (a) of that Act, in respect of the land and building known as..... situate at..... and held under title deed No..... dated.....; and
- the issue of certificates of registered sectional title in terms of the provisions of section 8 (2) (d) of the afore-said Act in respect of the sections shown on the said sectional plan.

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

Signature of developer

Form F

CONVEYANCER'S CERTIFICATE UNDER SECTION 11 (4) OF THE SECTIONAL TITLES ACT, 1971

I, the undersigned conveyancer, hereby certify that—

- I am duly authorised to act in the matter herein mentioned;
- (hereinafter referred to as the transferor), born on..... (state registered number in the case of a company, and, in the case of a woman, her status in full), is the registered owner of a unit consisting of section number..... as shown and more fully described on sectional plan No..... in the building or buildings known as..... situated at..... together with an undivided share in the common property in the land and building or buildings as shown and more fully described on the said sectional plan, apportioned to the said section in accordance with the participation quota of the said section specified in a schedule endorsed on the said sectional plan, and held under certificate of registered sectional title No..... dated.....;

3. gebore op.....
(vermeld geregistreerde nommer in die geval van 'n maatskappy, en, in die geval van 'n vrou, haar volledige status), die transportnemer van genoemde eenheid is;
 4. oordrag van genoemde eenheid uit die volgende oorsaak ontstaan (Vermeld volledig die oorsaak waaruit oordrag ontstaan);
 5. [vermeld hier die besonderhede ingevolge artikel 11 (4) (b), (c), (d) en (e) van die Wet vereis, en, in die geval van artikel 11 (4) (b), waar 'n regs persoon nog nie ingestel is nie, dat daardie paragraaf nie van toepassing is nie];
 6. ek oortuig is dat die oordrag wat bewerkstellig gaan word in alle opsigte in ooreenstemming met die reg geskied en dat ek, waar moontlik, alle tersaaklike feite en aangeleenthede bevestig het en, waar nodig, bewys ter staving daarvan verkry het.
- Geteken te.....op die.....dag van.....19.....

Transportbesorger

Naam in blokletters.....
Posadres.....

Ek, die geregistreerde eienaar van voormelde eiendom, versoek hierby die registrateur om die oordrag van genoemde eiendom in die betrokke register te registreer.

Eienaar of behoorlik gemagtigde agent van die eienaar

Vorm G

Die Registrateur van Aktes/
Randdorpe,

AANSOEK KRAGTENS ARTIKEL 11 (9) VAN DIE WET OP DEELTITELS, 1971

Ek,.....van.....mede-eienaar van.....(vermeld besonderhede van eenheid en nommer van sertifikaat van geregistreerde deeltitel) wat deur my en.....(vermeld naam van ander mede-eienaar of -eienaars) kragtens daardie sertifikaat gehou word, doen hierby aansoek om 'n sertifikaat van geregistreerde deeltitel ten opsigte van my.....aandeel in gemelde eenheid.

Applikant

Datum

Vorm H

Opgestel deur my,
Transportbesorger

SERTIFIKAAT VAN GEREgistREERDE DEELTITEL UITGEREIK KRAGTENS ARTIKEL 11 (9) VAN DIE WET OP DEELTITELS, 1971

Ek, Registrateur van Aktes/Randdorpe te.....sertifiseer hierby dat.....(..... groep) die geregistreerde eienaar is van 'n onverdeelde.....aandeel in 'n eenheid bestaande uit—

(a) deel.....soos getoon en vollediger beskryf op deelplan nommer.....in die gebou of geboue bekend as.....van welke deel die vloeroppervlakte, volgens genoemde deelplan,.....vierkante meter groot is; en

(b) 'n onverdeelde aandeel in die gemeenskaplike eiendom in die grond en gebou of geboue soos getoon en vollediger beskryf op genoemde deelplan, aan genoemde deel toegedeel ooreenkomstig die deelnemingskwota van genoemde deel, gespesifiseer in 'n bylae op genoemde deelplan aangeteken,

en dat genoemde eienaar se titel in genoemde deel en onverdeelde aandeel in genoemde gemeenskaplike eiendom onderworpe is aan of bevoordeel word deur—

(i) die servitute, ander saaklike regte en voorwaardes, indien daar is, op genoemde deelplan aangeteken en die servitute in artikel 19 van die Wet op deeltitels, 1971, bedoel; en

3. born on..... (state registered number in the case of a company, and, in the case of a woman, her status in full), is the transferee of the said unit;
 4. transfer of the said unit arises from the following cause.....
(State in full the cause for transfer);
 5. [here state the particulars required in terms of section 11 (4) (b), (c), (d) and (e) of the Act, and, in the case of section 11 (4) (b), where a body corporate has not yet been established, that that paragraph does not apply];
 6. I am satisfied that the transfer to be effected is in all respects in accordance with law and that I have, where possible, verified all relevant facts and matters and have, where necessary, obtained proof in substantiation thereof.
- Signed at....., this.....day of.....19.....

Conveyancer

Name in block letters.....
Postal address.....

I, the registered owner of the aforesaid property, hereby request the registrar to register the transfer of the said property in the relevant register.

Owner or duly authorised agent of the owner

Form G

The Registrar of Deeds/
Rand Townships Registrar

APPLICATION UNDER SECTION 11 (9) OF THE SECTIONAL TITLES ACT, 1971

I,.....of.....joint owner of.....(furnish particulars of unit and number of certificate of registered sectional title held by me and.....(furnish name of other joint owner or joint owners) under that certificate, hereby apply for a certificate of registered sectional title in respect of my.....share in the aforesaid unit.

Applicant

Date

Form H

Prepared by me,
Conveyancer

CERTIFICATE OF REGISTERED SECTIONAL TITLE ISSUED IN TERMS OF SECTION 11 (9) OF THE SECTIONAL TITLES ACT, 1971

I, Registrar of Deeds/Rand Townships Registrar at....., hereby certify that.....(..... group) is the registered owner of an undivided.....share in a unit consisting of—

(a) section.....as shown and more fully described on sectional plan number....., in the building or buildings known as.....of which section the floor area, according to the said sectional plan, is.....square metres in extent; and

(b) an undivided share in the common property in the land and building or buildings as shown and more fully described on the said sectional plan, apportioned to the said section in accordance with the participation quota of the said section specified in a schedule endorsed on the said sectional plan, and that the said owner's title to the said section and undivided share in the said common property is subject to or shall benefit by—

(i) the servitudes, other real rights and conditions, if any, endorsed on the said sectional plan and the servitudes referred to in section 19 of the sectional titles Act, 1971; and

(ii) 'n verandering aan die gebou of geboue of 'n deel of die gemeenskaplike eiendom op genoemde deelplan getoon.
 Geteken te op die
 dag van 19.....
 Ampseël

Registrateur van Aktes/
 Randdorpe

Sien keersy of aangehegte bylae vir endossemente.
 Vir die aard van endossemente sien Vorm B

Vorm I

Opgestel deur my,
 Transportbesorger
 Sertifikaat No.....

SERTIFIKAAT VAN GEREГИSTREERDE DEELTITEL KRAGTENS ARTIKEL 13 (3) VAN DIE WET OP DEELTITELS, 1971

Aangesien die regs persoon ingestel vir die gebou bekend as..... geleë te en getoon op deelplan nommer....., by eenparige besluit van die eienaars op gelas is om gemeenskaplike eiendom of 'n gedeelte daarvan namens hulle te vervreem;
 En aangesien genoemde regs persoon die hierin genoemde grond wat deel uitmaak van die gemeenskaplike eiendom aldus vervreem het aan..... (transportnemer) by wyse van..... (vermeld oorsaak van oordrag);
 Derhalwe reik ek, Registrateur van Aktes/Randdorpe, nou hierdie sertifikaat van geregistreerde deeltitel uit aan genoemde..... vir..... (gee besonderhede van grootte van grond wat oorgedra word en geregistreerde beskrywing van die grond in die deelplan of kaart aangedui), onderworpe aan of geregtig op die volgende serwitute, ander saaklike regte en voorwaardes:

Geteken te op dag van 19.....
 Ampseël
 Registrateur van Aktes/Randdorpe

Vorm J

AANSOEK KRAGTENS ARTIKEL 15 (1) VAN DIE WET OP DEELTITELS, 1971

Ek,....., eienaar van deel No....., soos getoon en vollediger beskryf op deelplan No....., in die gebou of geboue bekend as....., geleë te....., van welke deel die vloeroppervlakte, ooreenkomstig genoemde deelplan, vierkante meter groot is en 'n onverdeelde aandeel in die gemeenskaplike eiendom in die grond en gebou of geboue soos getoon en vollediger beskryf op genoemde deelplan, en deur my kragtens sertifikaat van geregistreerde deeltitel No..... gedateer..... gehou, doen hierby aansoek om goedkeuring van 'n plan van onderverdeling van genoemde deel. Ek is voornemens om 'n gedeelte van my deel te vervreem/kragtens 'n huurkontrak te verhuur/van die geheel te skei omrede.....

- Hierdie aansoek gaan vergesels van die volgende dokumente:
1. Plan van onderverdeling in drievoud.
 2. Skriftelike toestemming van verbandhouer/houer van ander geregistreerde saaklike reg.
 3. Gesertifiseerde afskrif van spesiale besluit van regs persoon.
 4. (Vermeld ander dokumente, indien daar is.)

Posadres..... Eienaar..... Datum.....

Vorm K

Opgestel deur my,
 Transportbesorger
 Sertifikaat No.....

SERTIFIKAAT VAN GEREГИSTREERDE DEELTITEL KRAGTENS ARTIKEL 16 (5) VAN DIE WET OP DEELTITELS, 1971

Aangesien..... aansoek gedoen het om die onderverdeling van sy deel No....., soos getoon en vollediger beskryf op deelplan No....., in die gebou of geboue bekend as....., geleë te....., en gehou kragtens sertifikaat van geregistreerde deeltitel No....., ooreenkomstig 'n plan van onderverdeling;

(ii) any alteration to the building or buildings or to a section or to the common property shown on the said sectional plan.
 Signed at....., this.....
 day of....., 19.....

Seal of office Registrar of Deeds/Rand Townships Registrar

See back or attached schedule for endorsements.
 For the nature of endorsements see Form B

Form I

Prepared by me,
 Conveyancer
 Certificate No.....

CERTIFICATE OF REGISTERED SECTIONAL TITLE UNDER SECTION 13 (3) OF THE SECTIONAL TITLES ACT, 1971

Whereas the body corporate established for the building known as....., situated at..... and shown on sectional plan number..... has, by unanimous resolution of the owners on....., been directed to alienate common property or any part thereof on their behalf;
 And whereas the said body corporate has so alienated the land herein mentioned comprised in the common property to..... (transferee), by way of..... (state cause of transfer);
 Now therefore I, Registrar of Deeds/Rand Townships Registrar, issue this certificate of registered sectional title to the said..... for..... (give particulars of area of land transferred and registered description of land indicated in the sectional plan or diagram), subject or entitled to the following servitudes, other real rights and conditions:
 Signed at....., this..... day of....., 19.....

Seal of office Registrar of Deeds/Rand Townships Registrar

Form J

To:..... (State name and address of local authority)

APPLICATION UNDER SECTION 15 (1) OF THE SECTIONAL TITLES ACT, 1971

I,....., owner of section No....., as shown and more fully described on sectional plan No....., in the building or buildings known as....., situate at....., of which section the floor area, according to the said sectional plan, is..... square metres in extent, and an undivided share in the common property in the land and building or buildings as shown and more fully described on the said sectional plan, and held by me under certificate of registered sectional title No..... dated..... hereby apply for approval of a plan of subdivision of the aforesaid section. I propose to alienate/let under lease a portion of my section/ to separate a portion of my section from the whole for the reason.....

- This application is accompanied by the following documents:
1. Plan of subdivision in triplicate.
 2. Written consent of the mortgagor/holder of any other registered real right.
 3. Certified copy of special resolution of body corporate.
 4. (State other documents, if any.)

Postal address..... Owner..... Date.....

Form K

Prepared by me,
 Conveyancer
 Certificate No.....

CERTIFICATE OF REGISTERED SECTIONAL TITLE UNDER SECTION 16 (5) OF THE SECTIONAL TITLES ACT, 1971

Whereas..... has made application for his section No....., as shown and more fully described on sectional plan No....., in the building or buildings known as....., situate at....., and held under certificate of registered sectional title No....., to be subdivided in accordance with a plan of subdivision;

En sien die plan van onderverdeling deur my geregistreer is die onderskeidende nommer.....daaraan toegeken is; Derhalwe sertifiseer ek, Registrateur van Aktes/Randdorpe te....., nou hierby dat voornoemde..... die geregistreerde eienaar is van 'n eenheid..... uit—

- (a) deel No....., soos getoon en vollediger beskryf op genoemde plan van onderverdeling, in die gebou of geboue bekend as....., van welke deel die vloeroppervlakte, volgens genoemde plan van onderverdeling, vierkante meter groot is; en
- (b) 'n onverdeelde aandeel in die gemeenskaplike eiendom in die grond en gebou of geboue soos getoon en vollediger beskryf op genoemde deelplan, aan genoemde deel No..... toegedeel ooreenkomstig die deelnemingskwota van genoemde deel, gespesifiseer in 'n bylae op genoemde plan van onderverdeling aangeteken,

en dat genoemde eienaar se titel in genoemde deel en onverdeelde aandeel in genoemde gemeenskaplike eiendom onderworpe is aan of bevoordeel word deur—

- (i) die serwitute, ander saaklike regte en voorwaardes, indien daar is, op genoemde plan van onderverdeling aangeteken en die serwitute in artikel 19 van die Wet op Deeltitels, 1971, bedoel; en
- (ii) 'n verandering aan die gebou of geboue of 'n deel of die gemeenskaplike eiendom op genoemde deelplan getoon.

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

Ampseël
 Registrateur van Aktes/Randdorpe
 Sien keersy of aangehegte bylae vir endossemente.
 Vir die aard van endossemente sien Vorm B

Vorm L

Opgestel deur my,
 Transportbesorger
 Deeltitelbewys No.....

DEELTITELBEWYS KRAGTENS DIE VOORBEHOUDSBEPALING BY ARTIKEL 16 (5) VAN DIE WET OP DEELTITELS, 1971

Aangesien..... mede-eienaars van deel No....., soos getoon en vollediger beskryf op deelplan No..... en gehou kragtens sertifikaat van geregistreerde deeltitel No..... gedateer....., in die gebou of geboue bekend as....., geleë te..... is;

En aangesien genoemde mede-eienaars 'n onderverdelingsooreenkoms met betrekking tot genoemde deel aangegaan het; En aangesien die plan van onderverdeling opgestel uit hoofde van genoemde onderverdelingsooreenkoms deur my geregistreer is en die onderskeidende nommer..... daaraan toegeken is;

Derhalwe sertifiseer ek, Registrateur van Aktes/Randdorpe te....., nou hierby dat..... die geregistreerde eienaar is van 'n eenheid bestaande uit—

- (a) deel No....., soos getoon en vollediger beskryf op genoemde plan van onderverdeling, in die gebou bekend as....., van welke deel die vloeroppervlakte, volgens die plan van onderverdeling, vierkante meter groot is; en
- (b) 'n onverdeelde aandeel in die gemeenskaplike eiendom in die grond en gebou of geboue soos getoon en vollediger beskryf op genoemde deelplan, aan genoemde deel No..... toegedeel ooreenkomstig die deelnemingskwota van genoemde deel, gespesifiseer in 'n bylae op genoemde plan van onderverdeling aangeteken,

en dat genoemde eienaar se titel in genoemde deel en onverdeelde aandeel in genoemde gemeenskaplike eiendom onderworpe is aan of bevoordeel word deur—

- (i) die serwitute, ander saaklike regte en voorwaardes, indien daar is, op genoemde plan van onderverdeling aangeteken en die serwitute in artikel 19 van die Wet op Deeltitels, 1971, bedoel; en
- (ii) 'n verandering aan die gebou of geboue of 'n deel of die gemeenskaplike eiendom op genoemde deelplan getoon.

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

Ampseël
 Registrateur van Aktes/Randdorpe
 Sien keersy of aangehegte bylae vir endossemente.
 Vir die aard van endossemente sien Vorm B

And whereas the plan of subdivision has been registered by me and the distinctive number..... allotted thereto;

Now, therefore, I, Registrar of Deeds/Rand Townships Registrar at....., hereby certify that..... afore-said is the registered owner of a unit consisting of—

- (a) section No....., as shown and more fully described on the afore-said plan of subdivision, in the building or buildings known as....., of which section the floor area, according to the said plan of subdivision, is..... square metres in extent; and
- (b) an undivided share in the common property in the land and building or buildings as shown and more fully described on the said sectional plan, apportioned to the said section No..... in accordance with the participation quota of the said section specified in a schedule endorsed on the said plan of subdivision,

and that the said owner's title to the said section and undivided share in the said common property is subject to or shall benefit by—

- (i) the servitudes, other real rights and conditions, if any, endorsed on the said plan of subdivision and the servitudes referred to in section 19 of the Sectional Titles Act, 1971; and
- (ii) any alteration to the building or buildings or to a section or to the common property shown on the said sectional plan.

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

Seal of office
 Registrar of Deeds/Rand Townships Registrar

See back or attached schedule for endorsements.
 For the nature of endorsements see Form B

Form L

Prepared by me,
 Conveyancer
 Sectional Title Deed No.....

SECTIONAL TITLE DEED UNDER THE PROVISIO TO SECTION 16 (5) OF THE SECTIONAL TITLES ACT, 1971

Whereas..... are the joint owners of section No....., as shown and more fully described on sectional plan No..... and held under certificate of registered sectional title No..... dated....., in the building or buildings known as....., situate at.....;

And whereas the said joint owners have entered into a partition agreement in respect of the said section;

And whereas the plan of subdivision drawn up in pursuance of such joint partition agreement has been registered by me and the distinctive number..... allotted thereto;

Now, therefore, I, Registrar of Deeds/Rand Townships Registrar at....., hereby certify that..... is now the registered owner of a unit consisting of—

- (a) section No....., as shown and more fully described on the afore-said plan of subdivision, in the building known as....., of which section the floor area, according to the plan of subdivision, is..... square metres in extent; and
- (b) an undivided share in the common property in the land and building or buildings as shown and more fully described on the said sectional plan, apportioned to the said section No..... in accordance with the participation quota of the said section specified in a schedule endorsed on the said plan of subdivision,

and that the said owner's title to the said section and undivided share of the said common property is subject to or shall benefit by—

- (i) the servitudes, other real rights and conditions, if any, endorsed on the said plan of subdivision and the servitudes referred to in section 19 of the Sectional Titles Act, 1971; and
- (ii) any alteration to the building or buildings or to a section or to the common property shown on the said sectional plan.

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

Seal of office
 Registrar of Deeds/Rand Townships Registrar

See back or attached schedule for endorsements.
 For the nature of endorsements see Form B

Vorm M

Opgestel deur my,

Transportbesorger

Sertifikaat No.

SERTIFIKAAT VAN GEREESTREERDE DEELTITEL KRAGTENS ARTIKEL 17 (5) VAN DIE WET OP DEELTITELS, 1971

Aangesien
 aansoek gedoen het day sy/hulle dele Nos.
 soos getoon en vollediger beskryf op deelplan No.
 in die gebou of geboue bekend as
 geleë te, heronderverdeel word
 ooreenkomstig 'n plan van heronderverdeling;

En aangesien die plan van heronderverdeling deur my geregistreer is en die onderskeidende nommer daaraan toegeken is;

Derhalwe sertifiseer ek, Registrateur van Aktes/Randdorpe te, nou hierby dat die geregistreerde eienaar is van 'n eenheid bestaande uit—

- (a) deel No., soos getoon en vollediger beskryf op genoemde plan van heronderverdeling, in die gebou bekend as van welke deel die vloeroppervlakte, volgens die plan van heronderverdeling, vierkante meter groot is; en
- (b) 'n onverdeelde aandeel in die gemeenskaplike eiendom in die grond en gebou of geboue soos getoon en vollediger beskryf op genoemde deelplan, aan genoemde deel No. toegedeel ooreenkomstig die deelnemingskwota van genoemde deel, gespesifiseer in 'n bylae op genoemde plan van heronderverdeling aangeteken,

en dat genoemde eienaar se titel in genoemde deel en onverdeelde aandeel in genoemde gemeenskaplike eiendom onderworpe is aan of bevoordeel word deur—

- (i) die serwitute, ander saaklike regte en voorwaardes, indien daar is, op genoemde plan van heronderverdeling aangeteken en die serwitute in artikel 19 van die Wet op Deeltitels 1971, bedoel; en
- (ii) 'n verandering aan die gebou of geboue of 'n deel of die gemeenskaplike eiendom op genoemde deelplan getoon.

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

Ampseël Registrateur van Aktes/Randdorpe

Sien keersy of aangehegte bylae vir endossemente.
 Vir die aard van die endossemente sien Vorm B.

Vorm N

SERTIFIKAAT DEUR TRANSPORTBESORGER KRAGTENS ARTIKEL 26 (4) VAN DIE WET OP DEELTITELS, 1971

Ek,, die ondergetekende transportbesorger, sertifiseer dat—

- (1) ek behoorlik gemagtig is om op te tree in die hieronder genoemde aangeleentheid;
- (2) (hieronder die transportgewer genoem), gebore op (vermeld geregistreerde nommer in die geval van 'n maatskappy, en, in die geval van 'n vrou, haar volledige status), die ontwikkelaar is met betrekking tot die grond en gebou of geboue bekend as geleë te soos getoon en vollediger beskryf op deelplan No.;
- (3) gebore op (vermeld geregistreerde nommer in die geval van 'n maatskappy, en, in die geval van 'n vrou, haar volledige status), die transportnemer van die hierin genoemde belang of aandeel is;
- (4) (vermeld aard van belang of aandeel wat vervreem is en oorsaak waaruit oordrag ontstaan);
- (5) [vermeld hier die besonderhede ingevolge artikel 26 (4) (a) of (b), (c), (d) en (e) van die Wet vereis];
- (6) ek oortuig is dat hierdie oordrag in alle opsigte in ooreenstemming met die reg geskied en dat ek alle tersaaklike feite en aangeleenthede, waar moontlik, bevestig het en, waar nodig, bewys ter staving daarvan verkry het.

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

Transportbesorger

Naam in blokletters.....
 Posadres.....

Form M

Prepared by me,

Conveyancer

Certificate No.

CERTIFICATE OF REGISTERED SECTIONAL TITLE UNDER SECTION 17 (5) OF THE SECTIONAL TITLES ACT, 1971

Whereas
 has/have made application for his/their sections Nos., as shown and more fully described on sectional plan No., in the building or buildings known as
 situate at
 to be resubdivided in accordance with a plan of resubdivision;

And whereas the plan of resubdivision has been registered by me and the distinctive number allotted thereto;

Now, therefore, I, Registrar of Deeds/Rand Townships Registrar at, hereby certify that is the registered owner of a unit consisting of—

- (a) section No., as shown and more fully described on the aforesaid plan of resubdivision, in the building known as of which section the floor area, according to the plan of resubdivision, is square metres in extent; and
- (b) an undivided share in the common property in the land and building or buildings as shown and more fully described on the said sectional plan, apportioned to the said section No. in accordance with the participation quota of the said section specified in a schedule endorsed on the said plan of resubdivision,

and that the said owner's title to the said section and undivided share in the said common property is subject to or shall benefit by—

- (i) the servitudes, other real rights and conditions, if any, endorsed on the said plan of resubdivision and the servitudes referred to in section 19 of the Sectional Titles Act, 1971; and
- (ii) any alteration to the building or buildings or to the section or the common property shown on the said sectional plan.

Signed at this day of 19.....

Seal of office Registrar of Deeds/Rand Townships Registrar

See back or attached schedule for endorsements.
 For the nature of endorsements see Form B.

Form N

CONVEYANCER'S CERTIFICATE UNDER SECTION 26 (4) OF THE SECTIONAL TITLES ACT, 1971

I,, the undersigned conveyancer, certify that—

- 1. I am duly authorized to act in the matter herein mentioned;
- 2. (hereinafter referred to as the transferor), born on (state registered number in the case of a company and, in the case of a woman, her status in full), is the developer with reference to the land and building or buildings known as situate at as shown and more fully described on sectional plan No.;
- 3. born on (state registered number in the case of a company, and, in the case of a woman, her status in full) is the transferee of the herein-mentioned interest or share;
- 4. (state nature of interest or share alienated and cause for transfer);
- 5. [here state particulars required in terms of section 26 (4) (a) or (b), (c), (d) and (e) of the Act];
- 6. I am satisfied that this transfer is in all respects in accordance with law and that I have, where possible, verified all relevant facts and matters and have, where necessary, obtained proof in substantiation thereof.

Signed at this day of 19.....

Conveyancer

Name in block letters.....
 Postal address.....

Ek, die geregistreerde eienaar van bogenoemde eiendom, versoek hierby die registrateur om die feit van bogenoemde vervoering te registreer soos bedoel in artikel 26 (3) van bogenoemde Wet.

Eienaar of behoorlik gemagtigde agent van eienaar

Vorm O

Registrateur se nommer van deelplan:.....

Die Registrateur van Aktes/Randdorpe

KENNISGEWING INGEVOLGE ARTIKEL 27 (2) (c) VAN DIE WET OP DEELTITELS, 1971

Ons, (slegs twee trustees vereis om te teken), die ondergetekende trustees van die Beherende Liggaam van die gebou of geboue bekend as geleë te gee hierby kennis dat die Beherende Liggaam op die volgende reëls (volledig in die Bylae uiteengesit) vir die beheer en bestuur van die gebou uitgevaardig het:

- (a) Spesiale reëls.
 - (b) Reëls tot aanvulling, wysiging of herroeping van die reëls in Bylae 1 van die Wet vervat.
 - (c) Reëls tot aanvulling, wysiging of herroeping van die reëls in Bylae 2 van die Wet vervat.
- Die reëls in paragraaf (b) bedoel, is by eenparige besluit van die lede van die regspersoon uitgevaardig.
Die reëls in paragraaf (c) bedoel, is by spesiale besluit van die lede van die regspersoon uitgevaardig.

Adres Trustee
 Trustee
 Datum

(Besonderhede wat nie in 'n besondere geval van toepassing is nie, moet weggelaat word.)

Vorm P

Registrateur se verwysingsnommer: Deelplan No.....
 Naam van gebou.....
 Waar geleë.....

Die Registrateur van Aktes/Randdorpe/Plaaslike Bestuur

KENNISGEWING KRAGTENS ARTIKEL 37 (1) VAN DIE WET OP DEELTITELS, 1971

Ons, en trustees van die Beherende Liggaam van (vermeld naam van gebou of geboue op bogenoemde deelplan getoon), gee hierby kennis dat genoemde gebou of geboue ingevolge artikel 36 van bogenoemde Wet geag word vernietig te wees deurdat.....

(vermeld waarom die gebou of geboue geag word vernietig te wees) en dat die eienaars by meerderheidsbesluit besluit het om nie die gebou of geboue te herbou nie.

Die volgende dokumente is aangeheg:

- *(a) Afskrif van eenparige besluit van die eienaars dat die gebou of geboue geag word vernietig te wees, soos deur ons gesertifiseer, *tesame met die skriftelike instemming van die houters van geregistreerde deelverbande en van die persone met geregistreerde saaklike regte; of
- *(b) afskrif van die bevel van die hof dat die gebou of geboue geag word vernietig te wees, gesertifiseer deur die griffier van die hof; en
- (c) afskrif van besluit van eienaars om nie te herbou nie, soos deur ons gesertifiseer.

Posadres Trustee
 Trustee
 Datum

* Skrap indien nie van toepassing nie.

I, the registered owner of the aforesaid property, hereby request the registrar to register the fact of the above-mentioned alienation as referred to in section 26 (3) of the above-mentioned Act.

Owner or duly authorised agent of the owner

Form O

Registrar's number of sectional plan:.....

The Registrar of Deeds/Rand Townships Registrar

NOTIFICATION IN TERMS OF SECTION 27 (2) (c) OF THE SECTIONAL TITLES ACT, 1971

We, (only two trustees required to sign), the undersigned trustees of the Controlling Body of the building or buildings known as situate at hereby give notice that on the Controlling Body made the following rules (set out in full in the Schedule) for the control and management of the building:

- (a) Special rules.
- (b) Rules in addition to, amending or repealing the rules contained in Schedule 1 to the Act.
- (c) Rules in addition to, amending or repealing the rules contained in Schedule 2 to the Act.

The rules referred to in paragraph (b), have been made by unanimous resolution of the members of the body corporate.
The rules referred to in paragraph (c), have been made by special resolution of the members of the body corporate.

Address Trustee
 Trustee
 Date

(Particulars not applicable in a particular case, to be omitted.)

Form P

Registrar's reference number: Sectional Plan No.....
 Name of building.....
 Where situated.....

The Registrar of Deeds/Rand Townships Registrar/Local Authority

NOTIFICATION UNDER SECTION 37 (1) OF THE SECTIONAL TITLES ACT, 1971

We, and trustees of the Controlling Body of (state name of building or buildings shown on the above-mentioned sectional plan), hereby give notice that in terms of section 36 of the above-mentioned Act the said building or buildings are deemed to be destroyed on account of.....

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

The following documents are attached:

- *(a) Copy of 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 persons with registered real rights; or
- *(b) 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) copy of resolution of owners not to rebuild, as certified by us.

Postal address Trustee
 Trustee
 Date

* Delete, if inapplicable.

Vorm Q

Opgestel deur my,

Transportbesorger

Sertifikaat van geregistreerde deeltitel No.....

SERTIFIKAAT VAN GEREGISTREERDE DEELTITEL KRAGTENS ARTIKEL 37 (6) VAN DIE WET OP DEELTITELS, 1971

Aangesien die gebou of geboue bekend as..... (naam), geleë te..... en getoon op deelplan No....., ingevolge artikel 36 van bogenoemde Wet geag word vernietig te wees;

En aangesien die mede-eienaars van die grond op genoemde deelplan getoon by eenparige besluit die Beherende Liggaam van genoemde gebou of geboue gelas het om namens hulle die grond/'n gedeelte van die grond te verkoop;

En aangesien genoemde Beherende Liggaam die grond hierin genoem op die wyse gelas, verkoop het aan.....;

Derhalwe sertifiseer ek, Registrateur van Aktes/Randdorpe te....., nou dat genoemde..... nou die geregistreerde eienaar is van.....

(meld besonderhede van die grond wat oorgedra word)

*Aangesien net 'n gedeelte van die betrokke grond oorgedra word, is 'n kaart van daardie gedeelte, soos deur die Landmeter-generaal goedgekeur, aangeheg.

Die oordrag is onderworpe aan of geregtig op die volgende serwitute, ander saaklike regte en voorwaardes:

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

Ampseël

Registrateur van Aktes/
Randdorpe

* Skrap indien nie van toepassing nie.

Sien keersy of aangehegte Bylae vir endossemente.

Vir die aard van die endossemente sien Vorm B.

Vorm R

Opgestel deur my,

Transportbesorger

DEELVERBAND WAARKRAGTENS 'N EENHEID GEHOU KRAGTENS 'N DEELTITELBEWYS VERHIPOTEKEER WORD

Ek, die ondergetekende,..... (hieronder die verbandgewer genoem), verklaar hierby dat ek wettiglik verskuldig is aan en gebonde is teenoor.....

(hieronder die verbandnemer genoem) die bedrag van of vir die bedrag van..... en..... synde die addisionele bedrag in die aangehegte voorwaardes genoem, ontstaande uit en synde.....

en as sekuriteit vir bogenoemde verbind ek hierby as 'n verband, onderworpe aan die voorwaardes soos vermeld in die Aanhangsel van hierdie verband, 'n eenheid bestaande uit—

(a) deel....., soos getoon en vollediger beskryf op deelplan No....., in die gebou of geboue bekend as..... waarvan die vloeroppervlakte, volgens genoemde deelplan,..... vierkante meter groot is; en

(b) 'n onverdeelde aandeel in die gemeenskaplike eiendom in die grond en gebou of geboue soos getoon en vollediger beskryf op genoemde deelplan, toegedeel aan genoemde deel in ooreenstemming met die deelnemingskwota van genoemde deel, gehou kragtens sertifikaat van geregistreerde deeltitel No..... gedateer.....

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

Verbandgewer of sy behoorlik
gemagtigde verteenwoordiger

Voor my.....

Transportbesorger.....

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

Registrateur van Aktes/
Randdorpe

Form Q

Prepared by me,

Conveyancer

Certificate of registered sectional title No.....

CERTIFICATE OF REGISTERED SECTIONAL TITLE UNDER SECTION 37 (6) OF THE SECTIONAL TITLES ACT, 1971

Whereas the building or buildings known as.....

(name), situate at..... and shown on sectional plan No....., are in terms of section 36 of the above-mentioned Act deemed to be destroyed;

And whereas the co-owners of the land shown on the said sectional plan have by unanimous resolution directed the Controlling Body of the said building or buildings to sell the land/portion of the land on their behalf;

And whereas the said Controlling Body has sold the land herein mentioned in the manner directed to.....;

Now, therefore, I, Registrar of Deeds/Rand Townships Registrar at....., hereby certify that the said..... is now the registered owner of.....

(state particulars of land transferred)

*As only portion of the land concerned is transferred, a diagram of such portion approved by the Surveyor-General is annexed.

The transfer is subject or entitled to the following servitudes, other real rights and conditions:

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

Seal of office.

Registrar of Deeds, Rand Townships Registrar

* Delete if inapplicable.

See back or attached Schedule for endorsements.

For the nature of endorsements see Form B.

Form R

Prepared by me,

Conveyancer

SECTIONAL MORTGAGE BOND HYPOTHECATING A UNIT HELD UNDER A SECTIONAL TITLE DEED

I, the undersigned,..... (hereinafter referred to as the mortgagor), do hereby acknowledge myself to be lawfully indebted and bound to.....

(hereinafter referred to as the mortgagee) in the amount of..... and..... being the additional amount referred to in the conditions annexed, arising from and being.....

and as security for the above, I hereby bind as a mortgage, subject to the conditions set out in the annexure to this bond, a unit consisting of—

(a) section....., as shown and more fully described on sectional plan No....., in the building or buildings known as..... of which the floor area, according to the said sectional plan, is..... square metres in extent; and

(b) an undivided share in the common property in the land and building or buildings as shown and more fully described on the said sectional plan, apportioned to the said section in accordance with the participation quota of the said section, held under certificate of registered sectional title No..... dated.....

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

Mortgagor or his duly authorized agent

Before me.....

Conveyancer.....

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

Registrar of Deeds/Rand Townships Registrar

Vorm S

Form S

KENNISGEWING INGEVOLGE REGULASIE 27 (8) UITGEVAARDIG KRAGTENS DIE WET OP DEELTITELS, 1971 OM DOKUMENTE VIR ONDERSOEK VOOR TE LÊ

Aan: (Naam en adres van transportbesorger)

.....

Geliewe kennis te neem dat u versoek word om binne..... dae vanaf die datum van ontvangs hiervan die dokumente bedoel in paragraaf..... van Aanhangsel 5 van die regulasies uitgevaardig kragtens die Wet op Deeltitels, 1971, met betrekking tot die volgende transaksie aan my vir ondersoek voor te lê:

Aard van transaksie.....
 Partye by die transaksie.....
 Eiendom.....

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

Registrateur van Aktes/Randdorpe

NOTICE IN TERMS OF REGULATION 27 (8) MADE UNDER THE SECTIONAL TITLES ACT, 1971, TO PRODUCE DOCUMENTS FOR INSPECTION

To: (Name and address of conveyancer)

.....

Please take notice that you are required to produce to me within days of date of receipt hereof for my inspection the documents referred to in paragraph..... of Annexure 5 to the regulations made under the Sectional Titles Act, 1971, relating to the following transaction:

Nature of transaction.....
 Parties to the transaction.....
 Property.....

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

Registrar of Deeds/
 Rand Townships Registrar

AANHANGSEL 2

AMPSGELDE: REGISTRASIEKANTOOR

	R
1. Vir die opening van 'n deeltitelregister—	
(a) vir die hoofleer.....	10,00
(b) vir elke onderleer.....	2,00
2. Vir die registrasie van—	
(a) 'n deelplan.....	10,00
(b) 'n plan van onderverdeling.....	
(c) 'n plan van heronderverdeling.....	
(d) 'n plan ten opsigte van die uitbreiding van 'n gebou	
(e) 'n plan ten opsigte van 'n addisionele gebou op grond wat op 'n geregistreerde deelplan getoon word.....	
3. Vir die rojering van die registrasie van 'n deelplan.....	2,00
4. Vir die uitreiking van 'n sertifikaat van geregistreerde deeltitel of deeltitelbewys.....	3,00
5. Vir die aantekening van oordrag van eiendomsreg op 'n deeltitelbewys.....	3,00
6. Vir die registrasie van 'n notariële huurkontrak.....	3,00
7. Vir die registrasie van 'n notariële kansellasië of wysiging van 'n notariële huurkontrak.....	3,00
8. Vir die registrasie van 'n notariële onderverhuring en 'n notariële sessie van 'n notariële huurkontrak of onderverhuring.....	3,00
9. Vir die registrasie van 'n notariële kansellasië of wysiging van 'n notariële onderverhuring.....	3,00
10. Vir die kansellasië van die registrasie van 'n notariële huurkontrak of onderverhuring wat deur verloop van tyd verval het, by lewering van bewys dat die huurkontrak of onderverhuring aldus verval het.....	3,00
11. Vir die registrasie van 'n deelverband.....	3,00
12. Vir die registrasie van 'n sessie, rojering of wysiging van 'n deelverband of die wysiging van die voorwaardes by so 'n verband of die kansellasië of wysiging van 'n saaklike reg in 'n notariële akte beliggaam.....	3,00
13. Vir die kansellasië van die registrasie van 'n deel en wysiging van die deelplan dienooreenkomstig ingevolge artikel 13 (4) (a) van die Wet.....	3,00
14. Vir die kansellasië van deeltitelbewyse waar die geheel van grond soos in artikel 13 van die Wet bedoel, oorgedra word, vir elke deeltitelbewys gekanselleer.....	1,00
15. Om grond wat ingevolge artikel 13 van die Wet oorgedra is op die grondregister terug te plaas, met inbegrip van aantekening van dié terugplasing op die geregistreerde deelplan en op die transportnemer se sertifikaat van geregistreerde deeltitel en van uitreiking aan die transportnemer van 'n sertifikaat van geregistreerde titel; en indien meer as 10 deeltitelbewyse gekanselleer moet word soos in artikel 13 (5) van die Wet bedoel, vir elke sodanige titelbewys bo 10.....	20,00
16. Vir die aantekening op 'n ontwikkelaar se deeltitelbewyse van die feit van die vervreemding in een transaksie van die geheel van die ontwikkelaar se belang in grond en die gebou of geboue daarop of van 'n aandeel in die geheel van so 'n belang, vir elke aantekening.....	2,00
17. Vir die aantekening op die bylae in artikel 5 (3) (f) van die Wet bedoel van 'n verwysing na spesiale reëls wat uitgevaardig is vir die beheer en bestuur van 'n gebou of die aanvulling, wysiging of herroeping van 'n reël.....	3,00
18. Vir die maak van 'n aantekening op 'n deelplan van 'n kennisgewing in artikel 37 (1) van die Wet bedoel.....	5,00
19. Vir die maak van 'n aantekening in artikel 37 (6) van die Wet bedoel op die geregistreerde deelplan en op die deeltitelbewyse van die eienaars van grond—	
(a) op die geregistreerde deelplan.....	2,00
(b) op elke deeltitelbewys.....	1,00

ANNEXURE 2

FEEES OF OFFICE: DEEDS REGISTRY

	R
1. For the opening of a sectional title register—	
(a) for the main file.....	10,00
(b) for each subfile.....	2,00
2. For the registration of—	
(a) a sectional plan.....	10,00
(b) a plan of subdivision.....	
(c) a plan of resubdivision.....	
(d) a plan in respect of the extension of a building.....	
(e) a plan in respect of any additional building on land shown on a registered sectional plan.....	
3. For the cancellation of the registration of any sectional plan.....	2,00
4. For the issue of a certificate of registered sectional title or sectional title deed.....	3,00
5. For the making of an endorsement of transfer of ownership on a sectional title deed.....	3,00
6. For the registration of any notarial lease.....	3,00
7. For the registration of any notarial cancellation or modification of any notarial lease.....	3,00
8. For the registration of any notarial sublease and any notarial cession of any notarial lease or sublease.....	3,00
9. For the registration of any notarial cancellation or modification of a notarial sublease.....	3,00
10. For the cancellation of the registration of any notarial lease or sublease which has lapsed by effluxion of time, on production of proof that the lease or sublease has so lapsed.....	3,00
11. For the registration of any sectional mortgage bond.....	3,00
12. For the registration of any cession, cancellation or modification of any sectional mortgage bond or the amendment of the conditions annexed to such bond or the cancellation or modification of any real right embodied in a notarial deed.....	3,00
13. For the cancellation of the registration of a section and the amendment of the sectional plan accordingly in terms of section 13 (4) (a) of the Act.....	3,00
14. For the cancellation of sectional title deeds when the whole of land is transferred as referred to in section 13 of the Act, for each sectional title deed cancelled....	1,00
15. To revert land transferred pursuant to section 13 of the Act to the land register, including the noting of such reversion on the registered sectional plan and on the transferee's certificate of registered sectional title and the issue to the transferee of a certificate of registered title; and if more than 10 sectional title deeds have to be cancelled as referred to in section 13 (5) of the Act, for each such title deed above 10.....	20,00
16. For endorsing on a developer's sectional title deeds the fact of the alienation in one transaction of the whole of the developer's interest in land and the building or buildings thereon or of a share in the whole of such interest, for each endorsement.....	2,00
17. For the making of a reference on the schedule referred to in section 5 (3) (f) of the Act to special rules made for the control and management of a building or the addition, amendment or repeal of any rule.....	3,00
18. For the making of an entry on a sectional plan of a notification referred to in section 37 (1) of the Act....	5,00
19. For the making of an endorsement referred to in section 37 (6) of the Act on the registered sectional plan and on the sectional title deeds of the owners of land—	
(a) on the registered sectional plan.....	2,00
(b) on each sectional title deed.....	1,00

20. Vir 'n verslag aan die hof in verband met 'n aansoek of geding waarby die registrateur nie 'n party is nie.	10,00
21. Vir die sertifiseer as 'n ware afskrif van 'n afskrif van 'n akte, verband, dokument nie andersins voor voorsiening gemaak nie, sertifikaat of toestemming wat in 'n registrasiekantoor geregistreer of geliaseer is, per bladsy of gedeelte daarvan.	0,50
22. Vir die registrasie van 'n notariële akte nie in hierdie Aanhangsel voor voorsiening gemaak nie.	3,00
23. Vir elke endossement, aantekening of registrasie-handeling nie voor voorsiening gemaak nie.	1,00
24. Vir 'n sertifikaat deur 'n registrateur betreffende enige feit.	3,00
25. Vir die sertifiseer van 'n afskrif van 'n deelplan wat vir sertifisering voorgelê word, per vel.	3,00
26. Vir die taksasie van 'n rekening van gelde: 5 persent van die gelde toegelaat	

AANHANGSEL 3

GELDE

ARGITEKTE EN LANDMETERS

1. Vir die opstel van 'n deelplan soos in artikel 6 van die Wet bedoel:

	<i>Basiese geld (Rand)</i>
(a) Vir vyf dele en minder.	100
Vir ses dele tot 10 dele.	170
Vir 11 dele tot 20 dele.	290
Vir 21 dele tot 30 dele.	370
Vir 31 dele tot 40 dele.	440
Vir 41 dele tot 50 dele.	500
Vir 51 dele tot 60 dele.	550
Vir 61 dele tot 70 dele.	580
Vir 71 dele tot 80 dele.	610
Vir 81 dele tot 90 dele.	630
Vir 91 dele tot 100 dele.	650
Vir elke deel bo 100, per deel.	6; en

(b) benewens die gelde in paragraaf (a) bedoel, 'n geld gelykstaande met 0,5 persent van die plaaslike bestuur se waardasie van die gebou in die geval van 'n bestaande gebou plus 25 persent van sodanige geld, en, in die geval van 'n gebou wat nog opgerig gaan word of uitgebrei gaan word, 0,5 persent van die finale koste van die projek plus 25 persent van sodanige geld.

2. Vir die opstel van 'n plan van onderverdeling of heronderverdeling van 'n deel: R50

3. Die gelde in paragrawe 1 en 2 bedoel, kan met hoogstens 20 persent verhoog word waar omstandighede buite die beheer van die argitek of landmeter die spoedige uitvoer van die projek nadelig raak.

AANHANGSEL 4

TARIEF VAN GELDE EN KOSTEBEREKENING VAN TRANSPORTBESORGER EN NOTARISSE EN ANDER REGSPRAKTIKISYNS

Algemene opmerking

Die gelde in hierdie tarief vermeld, sluit alle korrespondensie in asook die neem en gee van opdragte, met inbegrip van die deurlees van koopbriewe, die voorbereiding en opwagting by ondertekening van volmagte, verklarings, beëdigde verklarings, transportbesorgers se sertifikate, besluite en ander noodsaaklike voorlopige en ondergeskikte dokumente, die betaling van hereregte en gelde verskuldig aan die regspersoon, die verkryging of opstel van alle uitklarings- of ander sertifikate, die verkryging van endossemente of afskrifte van dokumente van die kantoor van die Meester of ander openbare kantoor, die tref van alle noodsaaklike finansiële reëlings, insluitende die verskaffing en nasien van waarborge en opwagting vir betaling daarkragtens, die opstelling en voorbereiding van enige dokumente wat bestem is vir verlyding of registrasie in 'n registrasiekantoor en die verkryging van registrasie daarvan, die reëling met 'n ander transportbesorger of transportbesorgers van gelyktydige indiening en registrasie, waar nodig, die verskaffing van sertifikate of verwysings deur die registrasiekantoor vereis, en alle opwagtings by die registrasiekantoor maar sluit nie in enige opwagting in verband met die opstel en verlyding van koopbriewe, skenkingsaktes, verdelingsooreenkomste, reëls vir die regspersoon, en dokumente van 'n soortgelyke aard of enige afsonderlike handeling van registrasie van enige ander dokumente wat nodig mag wees voor of in verband met die eersvermelde handeling van registrasie nie.

Woordomskruiwing

By die toepassing van hierdie tarief bestaan 'n folio uit eenhonderd gedrukte of geskrewe woorde of syfers of gedeelte daarvan. Vier syfers word as een woord bereken.

AFDELING I: AANSOEK OM DIE OPENING VAN 'N DEELTITELREGISTER

Vir die voorbereiding en opstel van 'n aansoek om die opening van 'n deeltitelregister, ondersoek van deelplan, opstel van sertifikate van geregistreerde deeltitel, korrespondensie en opwagting vir alle aange-

20. For a report to the court in connection with any application or action to which the registrar is not a party.	10,0
21. For certifying as a true copy any copy of a deed, bond, document not otherwise provided for, certificate or consent registered or filed in a deeds registry, per page or part thereof.	0,50
22. For the registration of any notarial deed not provided for in this annexure.	3,00
23. For any endorsement, note or act of registration not provided for.	1,00
24. For a certificate by a registrar of any fact.	3,00
25. For certifying a copy of a sectional plan submitted for certification, per sheet.	3,00
26. For the taxation of a bill of fees: 5 per cent of the fees allowed	

ANNEXURE 3

FEES

ARCHITECTS AND LAND SURVEYORS

1. For preparing a sectional plan referred to in section 6 of the Act:

	<i>Basic fee (Rand) R</i>
(a) For five sections and fewer.	100
For six sections to 10 sections.	170
For 11 sections to 20 sections.	290
For 21 sections to 30 sections.	370
For 31 sections to 40 sections.	440
For 41 sections to 50 sections.	500
For 51 sections to 60 sections.	550
For 61 sections to 70 sections.	580
For 71 sections to 80 sections.	610
For 81 sections to 90 sections.	630
For 91 sections to 100 sections.	650
For every section over 100, per section.	6; and

(b) in addition to the fees referred to in paragraph (a), a fee equal to 0,5 per cent of the valuation of the local authority of the building in the case of an existing building plus 25 per cent of such fee, and, in the case of a building to be erected or extended, 0,5 per cent of the final cost of the project plus 25 per cent of such fee.

2. For preparing a plan of subdivision or resubdivision of a section: R50

3. The fees referred to in paragraphs 1 and 2 may be increased by an amount not exceeding 20 per cent where circumstances beyond the control of the architect or land surveyor adversely affect the project being carried out expeditiously.

ANNEXURE 4

TARIFF OF FEES AND CHARGES OF CONVEYANCERS AND NOTARIES PUBLIC AND OTHER LEGAL PRACTITIONERS

General note

The fees specified in this tariff shall include all correspondence and shall also include the taking and giving of instructions, including the perusal of deeds of sale, the preparation and attendance on signature of powers of attorney, declarations, affidavits, conveyancers' certificates, resolutions and other necessary preliminary and ancillary documents, the payment of transfer duty and of any moneys due to the corporate body, the obtaining or making of all clearance or other certificates, the obtaining of endorsements or copies of documents from the office of the Master or other public office, the making of all necessary financial arrangements, including the provision and perusal of guarantees and attending on payment in terms thereof, the drawing and preparation of any documents intended for execution or registration at a deeds registry and the obtaining of registration thereof, arranging simultaneous lodgement and registration with some other conveyancer or conveyancers, where necessary, the giving of certificates or references required by the deeds registry and all attendances at the deeds registry, but shall not include any attendance in connection with the drawing and execution of deeds of sale, deeds of donation, partition agreements, rules for the body corporate and documents of a similar nature or any separate act of registration of any other documents which may be necessary before or in connection with the first-mentioned act of registration.

Definition

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

SECTION I: APPLICATION FOR THE OPENING OF A SECTIONAL TITLE REGISTER

For preparing and drawing application for the opening of a sectional title register, scrutinising sectional plan, drawing certificates of registered sectional title, correspondence and attendances on all matters

leentheid in artikel 5 van die Wet bedoel, maar uitgesonderd die opstel van toestemmings van verbandhouders of houders van ander saaklike regte of van die reëls van die regs persoon—

'n basiese geld van..... R100
en ten opsigte van elke deel..... R10

AFDELING II: OORDRAG VAN EIENDOMSREG

1. Vir die registrasie van oordrag van eiendomsreg van 'n eenheid of grond gehou kragtens deeltitelbewys, is die gel. e die bedrag soos uiteengesit in kolom B in Bylae A van hierdie tarief waar die koopprys of waarde van die transaksie is soos getoon word in kolom A van daardie Bylae.
2. Indien meer as een deel ingesluit is in dieselfde transaksie, 'n verdere geld vir elke bykomende deel: R5

Opmerking.—Wanneer oordrag van eiendomsreg ingevolge 'n wet geregistreer word anders as uit hoofde van 'n transportakte of wanneer oordrag plaasvind as gevolg van oteining ingevolge magtiging van 'n wet of indien 'n persoon geregtig word om met 'n eenheid of grond te handel as of hy formeel oordrag op sy eie naam verkry het uit hoofde van 'n aantekening deur die registrateur, is die geld 50 persent van die bedrag in kolom B vermeld.

AFDELING III: OORDRAG DEUR ENDOSSEMENT KRAGTENS DIE BOEDELWET, 1965

Opstel van alle nodige dokumente, verkryging van die nodige ondergeskikte dokumente, toestemmings en sertifikate van die Meester en registrateur en alle nodige opwagtings en korrespondensie in verband daarmee, insluitende verkryging van registrasie: R50.

AFDELING IV: ONDERVERDELING EN HERONDERVERDELING VAN 'N DEEL

1. Vir die opstel en die voorlegging van 'n aansoek om onderverdeling en die opstel van sertifikate van geregisteerde deeltitel tesame met bygaande dokumente, ondersoek van plan van onderverdeling of van heronderverdeling, verkryging van registrasie, korrespondensie en opwagting in verband met alle aangeleenthede in artikel 16 en, in die geval van 'n heronderverdeling, artikel 17 van die Wet bedoel, maar uitgesonderd die opstel van toestemmings van verbandhouders of houders van ander saaklike regte: R60.
2. Indien onderverdeling of heronderverdeling in meer as twee dele verlang word—vir elke bykomende deel: R25.

AFDELING V: AANSOEK OM DEELTITELBEWYS TEN OPSIGTE VAN ONVERDEELDE AANDEEL IN EENHEID.

Vir die opstel van sertifikaat van geregisteerde deeltitel ten opsigte van onverdeelde aandeel (met inbegrip van aansoek), korrespondensie en opwagtings vir alle aangeleenthede in artikel 11 (9) van die Wet bedoel: R40.

AFDELING VI: AANSOEK OM SERTIFIKAAT VAN GEREGI- STREERDE DEELTITEL VIR 'N GEDEELTE VAN DIE GE- MEENSKAPLIKE EIENDOM

Geld vir die opstel van 'n sertifikaat van geregisteerde deeltitel, met inbegrip van aansoek, ten opsigte van gedeelte van die grond wat deel uitmaak van die gemeenskaplike eiendom, korrespondensie en opwagtings met betrekking tot aangeleenthede in artikel 13 (3) van die Wet bedoel: R60.

AFDELING VII: DEELVERBANDE

1. Vir die verkryging van registrasie van 'n deelverband ingevolge artikel 11 (1) (c) van die Wet (behalwe dié in item 2 van hierdie Afdeling bedoel), insluitende die opstel van alle nodige dokumente en die verkryging van nodige bygaande dokumente, is die gelde soos uiteengesit in kolom C van Bylae A van hierdie tarief waar die bedrag van die verband is soos getoon in kolom A van daardie Bylae.
2. Die gelde vir bygaande of borgverbande as bykomende sekuriteit vir 'n ander verband is: R50.
3. Indien meer as een eenheid ingesluit is in die verband in items 1 of 2 van hierdie Afdeling bedoel, 'n bykomende geld vir elke bykomende eenheid van: R2.

AFDELING VIII: SESSIE, ROJERING OF WYSIGING VAN VERBANDE

1. Gelde vir die opstel van 'n sessie van 'n verband, ooreenkoms of toestemming tot wysiging van die voorwaardes van 'n verband, insluitende opdragte, opwagting op verbandgewer en verbandhouer, korrespondensie en ander tersaaklike opwagtings met inbegrip van verkryging van registrasie: R30.
2. Gelde vir die opstel van toestemming tot kansellasië van verbande, toestemming tot kansellasië van sessie van verband en enige toestemming vereis vir wysiging van 'n verband en verkryging van registrasie daarvan: R25.

AFDELING IX: NOTARIËLE AKTES

1. Vir die opstel van enige notariële huurkontrak, onderverhuring, serwituit of ander notariële akte, word die gelde bepaal volgens die lengte en ingewikkeldheid daarvan met 'n minimum van: R50.
2. Vir die opstel van 'n notariële afstanddoening van voorkeurreg deur verbandhouer, vruggebruiker of ander houër van 'n beperkte belang, of ander notariële toestemming vereis kragtens die Wet of regulasies: R30.

referred to in section 5 of the Act, but excluding the drawing of the consents of bondholders or holders of other real rights or of the rules of the body corporate—

a basic fee of..... R100
and in respect of each section..... R10

SECTION II: TRANSFER OF OWNERSHIP

1. For registration of transfer of ownership of a unit or land held under sectional title deed, the fee shall be the amount set out in column B in Schedule A to this tariff where the purchase price or value of the transaction is as shown in column A of that Schedule.
2. If more than one section is included in the same transaction, an additional fee for each additional section: R5.

Note.—Where transfer of ownership is registered 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 or land as if he had taken formal transfer into his name by virtue of an endorsement by the registrar, the fee shall be 50 per cent of the amount set out in column B.

SECTION III: TRANSFER BY ENDORSEMENT IN TERMS OF THE ADMINISTRATION OF ESTATES ACT, 1965

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 obtaining registration: R50.

SECTION IV: SUBDIVISION AND RESUBDIVISION OF A SECTION

1. For drawing and submitting an application for subdivision and preparing certificate of registered sectional title, together with supporting documents, scrutinising plan of subdivision or of resubdivision, obtaining registration, correspondence and attendance on all matters referred to in section 16 and, in the case of a resubdivision, section 17 of the Act, but excluding the drawing of the consents of bondholders or holders of other real rights: R60.
2. If subdivision or resubdivision into more than two sections is required—for each additional section: R25.

SECTION V: APPLICATION FOR SECTIONAL TITLE DEED IN RESPECT OF UNDIVIDED SHARE IN UNIT

For preparing certificate of registered sectional title in respect of undivided share (including application), correspondence and attendances on all matters referred to in section 11 (9) of the Act: R40.

SECTION VI: APPLICATION FOR CERTIFICATE OF REGISTERED SECTIONAL TITLE FOR PORTION OF COMMON PROPERTY

Fee for preparing certificate of registered sectional title, including application, in respect of portion of land comprised in common property, correspondence and attendances on matters referred to in section 13 (3) of the Act: R60.

SECTION VII: SECTIONAL MORTGAGE BONDS

1. For obtaining registration of any sectional mortgage bond in terms of section 11 (1) (c) of the Act (other than those referred to in item 2 of this Section), including the drawing of all necessary documents and obtaining necessary auxiliary documents, the fee shall be the amount set out in column C in Schedule A to this tariff where the amount of the bond is as shown in column A of that Schedule.
2. The fee for auxiliary or surety bonds passed as additional security for another bond shall be: R50.
3. If more than one unit is included in the bond referred to in items 1 or 2 of this Section, an additional fee for each additional unit of R2.

SECTION VIII: CESSION, CANCELLATION OR MODIFICATION OF BONDS

1. Fee for drawing cession of bond, agreement or consent to variation of terms of bond, including instructions, attendances on mortgagor and mortgagee, correspondence and all other relevant attendances, including obtaining registration: R30.
2. Fee for drawing consent to cancellation of bond, consent to cancellation of cession of bond and any consent required for modification of a bond and obtaining registration thereof: R25.

SECTION IX: NOTARIAL DEEDS

1. For framing any notarial lease, sublease, servitude or other notarial deed, the fee shall be assessed according to the length and complexity thereof with a minimum of: R50.
2. For drawing any notarial waiver of preference by mortgagee, usufructuary or other holder of a limited interest, or other notarial consent required under the Act or regulations: R30.

AFDELING X: DIVERSE

- Vir opwagting ten behoeve van die transportgewer of transportnemer, verbandgewer of verbandhouer om toesig te hou oor transport van of aan hom of oor verband met dokumente opgestel en ingedien deur 'n ander transportbesorger, insluitende opdragte, korrespondensie en opwagtings in verband met die toesighouding—
 (a) waar die koopprys of waarde van die eiendom of die bedrag van die verband nie R20 000 oorskry nie: R15;
 (b) waar die koopprys of waarde van die eiendom of die bedrag van die verband R20 000 oorskry: R25.
- Gelde vir noodsaaklike opwagting en nasporing in die registrasiekantoor en vir die nagaan van die protokol van 'n transportbesorger vir inligting vereis ten opsigte van enige akte of aangeleentheid kragtens die Wet geregistreer (behalwe die inligting nodig vir die doeleindes van opstel van 'n dokument andersins voorgeskryf in hierdie tarief) insluitende opdragte, korrespondensie en t.rsaaklike opwagtings per halfuur of gedeelte daarvan: R5.
 Verslag per folio: R2.
- Vir die opstel van 'n sertifikaat deur 'n transportbesorger met betrekking tot serwitute, ander saaklike regte of voorwaardes waarvoor nie andersins in hierdie tarief voorsiening gemaak is nie: R20.
- Vir 'n aangeleentheid waarvoor nie hierin voorsiening gemaak is nie, moet die gelde in verband daarmee geëis in ooreenstemming wees met die tarief van gelde soos voorgeskryf by regulasie 85 van die regulasies kragtens die Registrasie van Aktes Wet, 1937, uitgevaardig.

BYLAE A VAN DIE TARIEF VAN GELDE EN KOSTEBEREKENING VAN TRANSPORTBESORGER EN NOTARISSE EN ANDER REGSPRAKTISYNS

A	B	C
Koopprys of waarde van eiendom of bedrag van verband	Gelde vir transport	Gelde vir verband
	R	R
R400 en minder.....	60	40
Oor R400 en op tot R1 000.....	70	50
Oor R1 000 en op tot R2 000.....	90	60
Oor R2 000 en op tot R4 000.....	110	70
Oor R4 000 en op tot R6 000.....	130	80
Oor R6 000 en op tot R8 000.....	140	90
Oor R8 000 en op tot R10 000.....	150	100
Oor R10 000 en op tot R12 000.....	160	110
Oor R12 000 en op tot R14 000.....	170	120
Oor R14 000 en op tot R16 000.....	180	130
Oor R16 000 en op tot R18 000.....	190	140
Oor R18 000 en op tot R20 000.....	200	150
Oor R20 000 en op tot R25 000.....	220	165
Oor R25 000 en op tot R30 000.....	240	180
Oor R30 000 en op tot R35 000.....	260	195
Oor R35 000 en op tot R40 000.....	280	210
Oor R40 000 en op tot R45 000.....	300	225
Oor R45 000 en op tot R50 000.....	320	240
Oor R50 000 en op tot R60 000.....	340	255
Oor R60 000 en op tot R70 000.....	360	270
Oor R70 000 en op tot R80 000.....	380	285
Oor R80 000 en op tot R90 000.....	400	300
Oor R90 000 en op tot R100 000.....	420	315
Oor R100 000 en op tot R150 000.....	470	345
Oor R150 000 en op tot R200 000.....	520	375

Opmerking.—Waar die prys, waarde of bedrag in kolom A bedoel R200 000 oorskry, word 'n bykomende geld van R100 vir elke R100 000 of gedeelte daarvan bo die eerste R200 000 bygevoeg.

AANHANGSEL 5

DOKUMENTE WAT IN DIE DEELTITELPROTOKOL GEHOU MOET WORD

- A.—*Oordrag van eiendomsreg of vervreemding kragtens onderskeidelik artikel 11 (4) en 26 (4) van die Wet.*
- Die duplikaat-oorspronklike van die sertifikaat deur die transportbesorger ingevolge artikels 11 (4) en 26 (4) van die Wet.
 - Volmag wat magtiging verleen aan die transportbesorger om met betrekking tot die transaksie op te tree.
 - Die uitklarings- of ander sertifikaat uitgereik deur die regspersoon ten effekte dat alle gelde aan die regspersoon verskuldig, betaal is of dat voorsiening tot tevredeheid van die regspersoon vir die betaling daarvan gemaak is, of, indien daar nie 'n regspersoon is nie, 'n uitklaringsertifikaat deur die plaaslike bestuur uitgereik.
 - Sodanige bewys betreffende groepplassifikasie van die partye as wat die transportbesorger nodig ag vir die uitreiking van sy sertifikaat ingevolge artikel 11 (4) van die Wet.

SECTION X: MISCELLANEOUS

- For attendance on behalf of transferor or transferee, mortgagor or mortgagee supervising transfer from or to him or supervising bond with documents prepared and lodged by another conveyancer, inclusive of instructions, correspondence and attendances relevant to the supervision—
 (a) where the purchase price or value of the property or the amount of the bond does not exceed R20 000: R15;
 (b) where the purchase price or value of the property or the amount of the bond exceeds R20 000: R25.
- Fee for necessary attendance and searching at deeds registry and inspecting of a conveyancer's protocol for information required in respect of any deed or matter registered under the Act (other than information required for purposes of preparation of a document otherwise provided for in this tariff), including instructions, correspondence and relevant attendances per half hour or part thereof: R5.
 Reporting per folio: R2.
- For drawing any certificate by a conveyancer with regard to servitudes, other real rights or conditions, where not otherwise provided for in this tariff: R20.
- For any matter not herein provided, the fee charged in respect thereof shall be in accordance with the tariff of fees prescribed by regulation 85 of the regulations made under the Deeds Registries Act, 1937.

SCHEDULE A TO THE TARIFF OF FEES AND CHARGES OF CONVEYANCERS AND NOTARIES PUBLIC AND OTHER LEGAL PRACTITIONERS

A	B	C
Purchase price or value of property or amount of bond	Fees for transfer	Fees for mortgage bond
	R	R
R400 and under.....	60	40
Over R400 and up to R1 000.....	70	50
Over R1 000 and up to R2 000.....	90	60
Over R2 000 and up to R4 000.....	110	70
Over R4 000 and up to R6 000.....	130	80
Over R6 000 and up to R8 000.....	140	90
Over R8 000 and up to R10 000.....	150	100
Over R10 000 and up to R12 000.....	160	110
Over R12 000 and up to R14 000.....	170	120
Over R14 000 and up to R16 000.....	180	130
Over R16 000 and up to R18 000.....	190	140
Over R18 000 and up to R20 000.....	200	150
Over R20 000 and up to R25 000.....	220	165
Over R25 000 and up to R30 000.....	240	180
Over R30 000 and up to R35 000.....	260	195
Over R35 000 and up to R40 000.....	280	210
Over R40 000 and up to R45 000.....	300	225
Over R45 000 and up to R50 000.....	320	240
Over R50 000 and up to R60 000.....	340	255
Over R60 000 and up to R70 000.....	360	270
Over R70 000 and up to R80 000.....	380	285
Over R80 000 and up to R90 000.....	400	300
Over R90 000 and up to R100 000.....	420	315
Over R100 000 and up to R150 000.....	470	345
Over R150 000 and up to R200 000.....	520	375

Note.—Where the price, value or amount referred to in column A exceeds R200 000 there shall be added an additional fee of R100 for every R100 000 or part thereof in excess of the first R200 000.

ANNEXURE 5

DOCUMENTS TO BE KEPT IN SECTIONAL TITLES PROTOCOL

- A.—*Transfer of ownership or alienation in terms of sections 11 (4) and 26 (4), respectively, of the Act.*
- The duplicate original of the conveyancer's certificate in terms of sections 11 (4) and 26 (4) of the Act.
 - Power of attorney conferring authority on the conveyancer to act in respect of the transaction.
 - The clearance or other certificate issued by the body corporate to the effect that all moneys due to the body corporate have been paid or that provision has been made to the satisfaction of the body corporate for the payment thereof or if there is no body corporate, a clearance certificate issued by the local authority.
 - Such proof of group classification of the parties as the conveyancer deems necessary for the issue of his certificate in terms of section 11 (4) of the Act.

- (5) Beëdigde verklaring deur die transportgewer kragtens artikel 11 (4) (d) of 26 (4) (d) van die Wet.
- (6) Enige ander dokumente betreffende die status, gesag of hoedanigheid van die transportgewer of die transportnemer wat die transportbesorger nodig ag.

- (5) Sworn declaration by the transferor in terms of section 11 (4) (d) or 26 (4) (d) of the Act.
- (6) Any other documents deemed necessary by the conveyancer relating to the status, authority or capacity of the transferor or the transferee.

B.—Deelverband

B.—Sectional Mortgage Bond

- (1) Volmag wat magtiging aan die transportbesorger verleen om met betrekking tot die transaksie op te tree, tensy sodanige magtiging in die verband vervat is.
- (2) Enige ander dokumente betreffende die status, gesag of hoedanigheid van die verbandgewer of die verbandhouer wat die transportbesorger nodig ag.

- (1) Power of attorney conferring authority on the conveyancer to act in respect of the transaction, unless such authority is contained in the bond.
- (2) Any other documents deemed necessary by the conveyancer relating to the status, authority or capacity of the mortgagor or the mortgagee.

**AANHANGSEL 6
PROTOKOLREGISTER**

Protokol-nommer	Datum van registrasie in registrasie-kantoor	Registrasie-kantoor-registrasie-nommer	Aard of beskrywing van transaksie	Partye by die transaksie		Eiendom	Opmerkings
				Deur wie	Ten gunste van wie		

**ANNEXURE 6
PROTOKOL REGISTER**

Protocol No.	Date of registration in Deeds Registry	Deeds Registry Registration No.	Nature or description of transaction	Parties to the transaction		Property	Remarks
				By whom	In whose favour		

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