

# CHIEF REGISTRAR'S CIRCULAR NO. 10 OF 2011

## SECTIONAL TITLES ACT, 1986 (ACT NO. 95 OF 1986) AMENDMENT OF REGULATIONS

### 1. COMMENCEMENT OF AMENDED REGULATIONS

The amended regulations, published under Government Notice No. R. 805 in Government Gazette No. 34639 dated 28 September 2011, shall be effective from 28 October 2011.

### 2. NATURE AND/OR IMPACT OF THE AMENDMENTS

Only the amendments that have an impact on registration issues are herein referred to:

#### 2.1. Regulation 10

Regulation 10(4) has been inserted to make provision for a prescribed form of application (Form AL) and consent (Form AM) in respect of substitution of land shown on a sectional plan for land originally mortgaged under a mortgage bond, as contemplated in section 11(3)(d) of the Sectional Titles Act, 1986 (Act No. 95 of 1986) ('the Act').

#### 2.2. Regulation 13A

Regulation 13A has been inserted to provide a mechanism for the issuing of a '*Replacement Schedule*' to take the place of a lost or destroyed schedule of servitudes and conditions, as contemplated in section 11(3)(b) of the Act.

#### 2.3. Regulation 15

Section 14(8) of the Act provides for the cancellation of a sectional plan by an order of the Court. Regulation 15(8) has been inserted to provide a mechanism for the cancellation of such a sectional plan.

#### 2.4. Regulation 16

- 2.4.1. Regulation 16(1)(c) has been substituted and regulation 16(d)(i) and (ii) inserted to provide a mechanism for the issuing of a replacement certificate

to take the place of a lost or destroyed Form W (*Certificate of Establishment of a Body Corporate in terms of section 36(1) of the Act*).

- 2.4.2. Section 15B(5A) of the Act provides for the issuing of a certificate of registered sectional title to an owner of a unit in respect of a fraction of an undivided share in such a unit. Regulation 16(5) has been substituted to make provision for a prescribed form for the certificate of registered sectional title, as contemplated in section 15B(5A) of the Act.

## **2.5. Regulation 25**

Regulation 25(2A) has been inserted to make provision for a prescribed form for certificates of real rights in respect of exclusive use areas that are not linked to the addition of new sections in a scheme, as contemplated in section 25(10)(d) of the Act.

## **2.6. Regulation 25A**

The insertion of regulation 25A provides a mechanism for the issuing of replacement documentation to take the place of lost or destroyed documentation referred to in section 25(2) of the Act.

## **2.7. Regulation 28**

- 2.7.1. Section 25 of the Act makes provision for the extension of a scheme by the addition of rights to exclusive use areas that are not linked to the addition of new sections in a scheme. Regulation 28(1) has therefore been substituted to make reference to the exclusive use areas referred to in section 25 of the Act.
- 2.7.2. The substitution of regulation 28(2) is consequential to the substitution of regulation 28(1).

## **2.8. Regulation 34**

Regulation 34 has been substituted to make reference to the form that must be followed for the drafting of a collateral sectional mortgage bond and a surety bond.

## **2.9. Form F**

The footnote to Form F has been substituted to provide for the issuing of more than one certificate of real right of extension, as contemplated in section 12(1)(e) of the Act.

**2.10 Form I**

The substitution of Form I is consequential to the amendment of regulation 16(5).

**2.11 Form J**

The substitution of Form J is consequential to the amendment of regulation 16(5).

**2.12 Form O**

The substitution of Form O is consequential to the amendment of regulations 28(1) and 28(2).

**2.13 Form AK**

The substitution of Form AK provides for the surety to appear before a conveyancer upon execution of the surety bond.

**2.14 Form AL**

Form AL has been added to provide a prescribed form for an application and consent, as contemplated in section 11 (3)(d) of the Act.

**2.15 Form AM**

Form AM has been added to provide a prescribed form for consent, as contemplated in section 11 (3)(d) of the Act.

**2.16 Form AN**

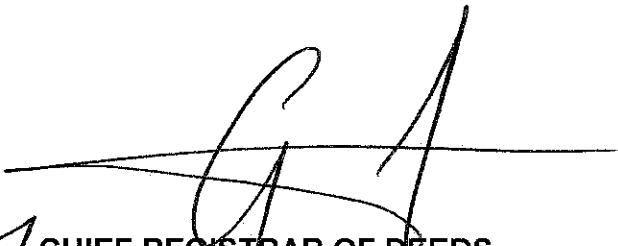
The addition of Form AN is consequential to the insertion of regulations 13A and 25A.

**2.17 Form AO**

The addition of Form AO is consequential to the insertion of regulation 16(1)(d) that provides for the issuing of a replacement certificate.

**2.18. Rule 71**

Rule 71(4) has been substituted to provide for the appointment of arbitrators by the chief registrar of deeds (instead of a registrar of deeds). This substitution was necessary to provide a single office for appointments in order to save time and confusion in the process.



CHIEF REGISTRAR OF DEEDS  
DATE: 29 SEPTEMBER 2011

REFERENCE: A.6/2/P AND A.4/2/2/1  
RINGBINDER: 55

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