



rural development & land reform

Department:
Rural Development and Land Reform
REPUBLIC OF SOUTH AFRICA

Office of the Registrar of Deeds: Cape Town: Private Bag X9073 Cape Town: Tel (021) 464 7600. Fax (021) 464 7727

REGISTRAR CIRCULAR NO: 3 /2016

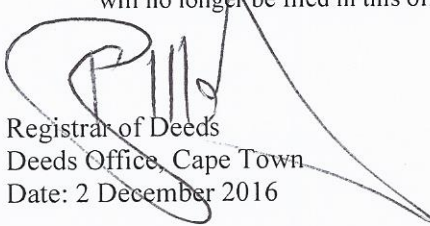
PURPOSE: Revised Deeds Office practices and procedures in terms of the Sectional Titles Schemes Management Act 8 of 2011 (hereinafter referred to as the "Act") . Registrar's Circular 2 of 2016 is withdrawn. This circular should be read together with Chief Registrar's Circular 13 of 2016.

1. **Re: Body Corporate – Form W**

- 1.1 The Form "W" must be lodged in triplicate and be lodged in a separate cover with the first transfer of a section to an owner in a sectional scheme. A body corporate is established in terms of section 2 (1) of the "Act" and no longer in terms of section 36 (1) of the Sectional Titles Act, 95 of 1986. The preamble of the form "W" must refer to the establishment of the body corporate in terms of section 2 (1) of the "Act".
- 1.2 Examiners must make an office note on the deed cover containing the Form "W" as follows:
"Final Check, forward form "W" to the Chief Ombud"
- 1.3 Final Check Section must forward a signed form "W" to the Chief Ombud and file the second original in the sectional title file. The third original will be scanned and delivered.
- 1.4 The current practice regarding the fees, coding, linking in the batch and registration of the Form "W" must continue.

2. **Sectional Title Rules**

- 2.1 The Rules of a sectional title scheme are now regulated by section 10 of the "Act". Section 35 of the Sectional Titles Act, 95 of 1986 has been repealed.
- 2.2 A conveyancer's certificate will suffice, if the standard statutory rules as contained in annexures 1 and 2 of the Regulations to Act 8 of 2011 are applicable, upon the opening of a scheme.
- 2.3 An original certificate by the Chief Ombud, stating that the rules contemplated in section 10 of the "Act" have been approved must be lodged with the opening of a scheme, where there was an amendment, repeal, substitution, etc. of the rules from that as contained in the Regulations. The aforesaid certificate must be lodged with the application for the opening of the scheme as a supporting document.
- 2.4 The rules contained in Annexures 1 and 2 of the regulations to the "Act" or any amendment thereto and the management or conduct rules which confer rights of exclusive use and enjoyment of parts of common property upon members of the body corporate, (now regulated by section 10 (7) and 10 (8) of the "Act") will no longer be filed in this office.


Registrar of Deeds
Deeds Office, Cape Town
Date: 2 December 2016