

CHIEF REGISTRAR'S CIRCULAR NO. 5 OF 2013

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.196 in Government Gazette No. 36241 dated 14 March 2013, shall be effective from **15 April 2013**.

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 15

Regulation 15(4) has been amended to provide for the lodgement of an application, by the developer or body corporate, in order to allow for the endorsement of the relevant sectional title deed to reflect the alteration, amendment or substitution of the registered sectional plan.

2.2. Regulation 16B

Regulation 16B (1) and (5) have been amended to provide for the **full names and surname** of the attorney, conveyancer, or notary to appear in the certificate. This amendment aims to remove uncertainty in instances where certificates are signed by attorneys, conveyancers, or notaries who have the same initials and surname.

2.3. Regulation 16C

Regulation 16C (d)(ii)(aa) has been amended to bring it in line with the proposed amendment to regulation 44A (d)(ii)(aa) of the Deeds Registries Act No. 47 of 1937, to remove the responsibility of the registrar of deeds to check general powers of attorney.

2.4. Regulation 27

Regulation 27, prior to its amendment, made reference to an '*amended schedule*' of conditions where the land to be incorporated into a scheme was subject to conditions which were different from the conditions registered on the opening of the sectional title register. Uncertainty exists with regard to the information that needs to be contained in the *amended schedule*, and whether the existing schedule is to be replaced by the amended schedule.

Regulation 27(3) has now been amended to make reference to a '*substituted schedule*' instead of an '*amended schedule*'. Subregulation (4) has also been added to provide guidelines with regard to the information that needs to be contained in such substituted schedule.

2.5. Regulation 28

Regulation 28(2) has been amended to provide for the endorsement of the certificate of real right issued in terms of section 25(2)(d), if transfer of a right to an exclusive use area is effected in terms of section 25(1) of the Act, and the endorsement of the schedule of conditions referred to in section 11(3)(b), if such transfer is effected in terms of sections 27 (3) or 60 (3) of the Act.

2.6. Regulation 31

Regulation 31(2) has been amended to provide for the lodgement of a sectional plan which excludes reference to any section or part thereof which has been destroyed.

2.7. Forms B, C, F, G, J, L, M, O, P, Q, R, W, Z, AG, AH, AI, AJ, AK, AO, AL, and AM

The amendment to forms B, C, F, G, J, L, M, O, P, Q, R, W, Z, AG, AH, AI, AJ, AK, AO, AL, and AM, is consequential to the amendment of regulation 16B(1) and (5) that provide for the full names and surname of the conveyancer, attorney or notary to appear in the certificate.

2.8. Form F

A section 25 right of extension can be subdivided. The footnote to form F has therefore been amended to provide for the extent of the rights to be mentioned.

2.9. Form H

Form H makes reference to the schedule of conditions, as contemplated in sections 11(3)(b) and 29 of the Act. Form H has now been amended to make reference to conditions applicable to schemes that have been opened in terms of the repealed Sectional Titles Act, 1971 (Act No. 66 of 1971).

2.10. Form I

Form I has been amended to provide for the issuing of certificates of real right of extension and certificates of real right of exclusive use areas, as contemplated in section 15B(5)(a) of the Act.

3. IMPLEMENTATION OF AMENDED REGULATIONS

The amended regulations must be applied only to deeds lodged after the date of commencement thereof (**15 April 2013**).



CHIEF REGISTRAR OF DEEDS

DATE: 18/03/2013

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

RINGBINDER: 55

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