



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: 2 /2016

PURPOSE: The effect of the Sectional Titles Schemes Management Act 8 of 2011 (hereinafter referred to as the "Act") on Deeds Office practices and procedures. *This circular should be read with Chief Registrar's Circular 13 of 2016.*

1. **Body Corporate – Form W**

- 1.1 A body corporate is now 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.
- 1.2 A 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.
- 1.3 The preamble of the form "W" must refer to the establishment of the body corporate in terms of section 2 (1) of the "Act".
- 1.4 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 "
- 1.5 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.
- 1.6 The current practice regarding the fees, coding, linking in the batch and registration of the Form "W" must continue.

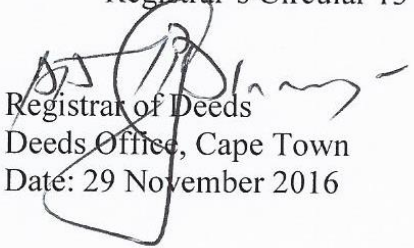
2. **Sectional Title Rules**

- 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 *Section 35 of the Sectional Titles Act, 95 of 1986 has been repealed.*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 In terms of Section 11 (3) (e) as amended of the Sectional Titles Act, 95 of 1986, *an original certificate by the Chief Ombud*, must be lodged with the opening of a scheme, stating that the rules contemplated in section 10 of the "Act" have been approved. *This applies regardless of whether or not there was an amendment, repeal, substitution, etc. of the rules-see enclosed letter by Chief Ombud dated 28 Oct 2016*
- 2.3 The aforesaid certificate must be lodged with the application for the opening of the scheme as a supporting document. The rules contained in Annexures 1 and 2 of the regulations to the "Act" or any amendment thereto will henceforth not be filed in a sectional title file in the Deeds Office.

- 2.4 Management or conduct rules which *confer rights of exclusive use and enjoyment of parts of common property upon members of the body corporate*, are now regulated by section 10 (7) and 10 (8) of the “Act” and will no longer be filed in this office since section 27A of the Sectional Act 95 of 1986 is now being repealed.
- 2.5 It is now the responsibility of the body corporate to keep a copy of all rules (section 10 (6) of the “Act” refers) and any amendment, substitution, etc. of the rules will no longer be filed at the Deeds Office since section 35 of the Sectional Titles Act is now repealed.

3. Section 15 B (3) certificates

- 3.1 The Section 15B (3) certificate must be adapted to refer to the body corporate being established in terms of section 2 of the “Act”. See also paragraph 3.2.2. of Chief Registrar’s Circular 13 of 2016.



Registrar of Deeds
Deeds Office, Cape Town
Date: 29 November 2016

28 October 2016

Office of the Registrar of Deeds

Per e-mail

Dear Sir/Madam

IMPLEMENTATION OF THE SECTIONAL TITLES SCHEMES MANAGEMENT ACT 2011 (ACT NO 8 OF 2011)

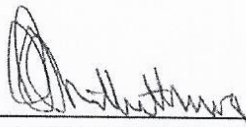
Our meeting of the 20th of October 2016, refers.

CSOS would like to confirm the following: -

- 1) CSOS is in position to issue the 'section 10(5)(c) certificate' and as such all developers must approach CSOS for certification before approaching the Office of the Registrar of Deeds for opening of the sectional title register.
- 2) The section 10(5)(c) certificate will be issued irrespective of whether there is an amendment, substitution or repeal of the Rules.
- 3) With regard to lodging of original certificate issued by the Chief Ombud, CSOS has implemented measures to ensure compliance with the Sectional Title Act. CSOS has found a way of providing developers with original certificates.

We trust that the above is in order.

Yours sincerely



MR THEMBA MTHETHWA
CHIEF OMBUD

Date: 28/10/2016

