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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 5941 **3 March 2025**

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

I, Mzwanele Nyhontso, Minister of Land Reform and Rural Development, acting in terms of section 55 of the Sectional Titles Act, 1986 (Act No. 95 of 1986), after consultation with the sectional titles regulation board, hereby amend the Regulations promulgated by Government Notice No. R. 664 of 8 April 1988, as set out in the Schedule hereto. The Regulations will come into operation one month from the date of publication hereof in the Gazette.

MR MZWANELE NYHONTSO, MP
MINISTER OF LAND REFORM AND RURAL DEVELOPMENT

SCHEDULE

Definitions

1. In this Schedule "the Regulations" mean the Regulations promulgated by Government Notice No. R. 664 of 8 April 1988 (as corrected by Government Notice No. R. 991 of 27 May 1988), as amended.

Amendment of regulation 11

2. Regulation 11 of the Regulations is hereby amended by the substitution for subregulation (5) of the following subregulation:

"(5) Certificates of registered sectional title, lodged in terms of the provisions of regulation 45(1) of the Deeds Registries Act, shall be on paper of durable and good quality of the size known as A4 standard paper and shall be written, typed or printed in size not less than 2mm, with black ink of a good quality only.".

Amendment of regulation 16A

3. Regulation 16A of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

"(2) A conveyancer or other person empowered thereto by any act, who prepares a deed of transfer, certificate of title, certificate of registration or sectional mortgage bond referred to in subregulation (1), shall initial all alterations or interlineations in such deed of transfer, certificate of title, certificate of registration or sectional mortgage bond and also every page thereof not requiring a signature and no such deed of transfer, certificate of title, certificate of registration or sectional mortgage bond shall be accepted for execution or registration if it does not bear such certificate and is not so initialed: Provided that in the case of such deed of transfer, certificate of title, certificate of registration or sectional mortgage bond where an alteration or interlineation is

not so initialed, and in the opinion of the registrar, such initialing by the conveyancer who prepared such deed of transfer, certificate of title, certificate of registration or sectional mortgage bond is not required, such alteration or interlineation may be initialed by the conveyancer executing such deed of transfer.".

Amendment of regulation 17

4. Regulation 17 of the Regulations is hereby amended by the substitution for subregulation (3) of the following subregulation:

"(3) Any sectional title deed registered pursuant to section 17(3) or 19(3) of the Act shall simultaneously be re-registered as a deed of transfer under the Deeds Registries Act in the form of Form H in Annexure 1 where common property has been alienated, and in the form of Form AU in Annexure 1 where common property has been expropriated.".

Amendment of regulation 19

5. Regulation 19 of the Regulations is hereby amended by the substitution for subregulation (3) of the following subregulation:

"(3) Whenever the registrar has issued a certificate of registered sectional title under section 22(5) of the Act in lieu of the sectional title deed referred to in section 22(2)(b) of the Act, he or she shall cancel the last-mentioned sectional title deed.".

Amendment of regulation 21

6. Regulation 21 of the Regulations is hereby amended by the substitution for subregulation (3) of the following subregulation:

"(3) Whenever the registrar has issued a certificate of registered sectional title under section 23(5) of the Act in lieu of the sectional title deeds

referred to in section 23(2)(b) of the Act, he or she shall cancel the last-mentioned sectional title deeds.".

Substitution of regulation 38

7. The following regulation is hereby substituted for regulation 38 of the Regulations:

"**38.** 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 by electronic means, and shall be signed and dated by the registrar who shall below his or her signature state the office held by him or her, and who shall initial any alteration or interlineation to an endorsement or entry.".

Amendment of Annexure 1

8. Annexure 1 to the Regulations is hereby amended by the addition of the following form:

"Form AU

DEED OF TRANSFER

[Under Section 19 (3) of the Sectional Titles Act, 1986]

Prepared by me

.....

CONVEYANCER

.....

(State full name and surname in block letters)

.....

(Disclose Legal Practice Council Membership number)

Be it hereby made known:

WHEREAS the undermentioned common property has been expropriated ..... (here quote the authority), which land is at present registered in the name of ..... under Sectional Plan No. ..... under Deed of ..... No. ..... dated ....., in the Deeds Registry at .....

AND WHEREAS a certificate has been furnished to me in terms of section 31(4)(*a*) of the Deeds Registries Act 47 of 1937, by the transferee, to the effect that the provisions of any law in connection with the change of ownership in the land in consequence of expropriation have been complied with.

NOW, therefore, by virtue of the authority vested in me by section 19 of the Sectional Titles Act, I, the Registrar of Deeds at ..... do hereby transfer in full and free property to and in favour of ..... (here insert the name of the transferee), its successors in title or assigns, in respect of..... (here insert the description of the property being transferred, refer to the diagram annexed or the diagram deed, and the conditions of title).

NOW therefore the registered owners are entirely dispossessed of and disentitled to the said land and by virtue of this deed the said transferee ..... (here insert name of Transferee), its successors in title or assigns, now is entitled thereto, the State however, reserving its rights.

This done and executed at the Office of the ..... at ..... on this ..... day of ..... in the year .....

.....

Registrar of Deeds

(Add a registration clause
approved by the Registrar)".

Short title

9. These regulations shall be known as the Sectional Titles Amendment Regulations, 2025.

DEPARTEMENT VAN LANDBOU, GRONDHERVORMING EN LANDELIKE ONTWIKKELING

NO. 5941 **3 Maart 2025**

WET OP DEELTITELS, 1986 (WET NO. 95 VAN 1986): WYSIGING VAN REGULASIES

Ek, Mzwanele Nyhontso, Minister van Grondhervorming en Landelike Ontwikkeling, kragtens artikel 55 van die Wet op Deeltitels, 1986 (Wet No. 95 van 1986), na raadpleging met die deeltitelregulasieraad, wysig hiermee die Regulasies afgekondig by Goewermentskennisgewing No. R. 664 van 8 April 1988, soos in die Bylae hiervan uiteengesit. Die Regulasies tree in werking een maand vanaf die datum van publikasie hiervan in die *Staatskoerant*.

MNR MZWANELE NYHONTSO, LP
MINISTER VAN GRONDHERVORMING EN LANDELIKE ONTWIKKELING

BYLAE

Woordomskrywings

1. In hierdie Bylae beteken "die Regulasies" die Regulasies afgekondig by Goewermentskennisgewing No. R. 664 van 8 April 1988 (soos verbeter deur Goewermentskennisgewing No. R. 991 van 27 Mei 1988), soos gewysig.

Wysiging van regulasie 11

2. Regulasie 11 van die Regulasies word hierby gewysig deur subregulasie (5) deur die volgende subregulasie te vervang:

"(5) Sertifikate van geregistreerde deeltitel, ingedien ingevolge die bepalings van regulasie 45(1) van die Registrasie van Aktes Wet, moet op papier van duursame en goeie gehalte wees, van die grootte bekend as A4-standaardpapier, en moet geskryf, getik of gedruk wees slegs in swart ink van goeie kwaliteit, nie kleiner as 2 mm nie.".

Wysiging van regulasie 16A

3. Regulasie 16A van die Regulasies word hierby gewysig deur subregulasie (2) deur die volgende subregulasie te vervang:

"(2) 'n Transportbesorger of ander persoon kragtens enige wet daartoe gemagtig, wat 'n transportakte, titelsertifikaat, sertifikaat van registrasie of deelverband in subregulasie (1) bedoel, opstel moet alle veranderinge of tussenskrifte in sodanige transportakte, titelsertifikaat, sertifikaat van registrasie of deelverband, en ook elke bladsy daarvan wat nie 'n handtekening vereis nie, parafeer, en geen sodanige transportakte, titelsertifikaat, sertifikaat van registrasie of deelverband wat nie sodanige sertifikaat dra nie en wat nie aldus geparafeer is nie word vir verlyding of registrasie aanvaar nie: Met dien verstande dat in die geval van sodanige transportakte, titelsertifikaat, sertifikaat van registrasie of deelverband waar 'n verandering of tussenskrif nie aldus

geparafeer is nie, en die registrateur van mening is dat parafering deur die transportbesorger wat sodanige transportakte, titelsertifikaat, sertifikaat van registrasie of deelverband opgestel het nie vereis word nie, sodanige verandering of tussenskrif deur die transportbesorger wat sodanige transportakte verly, geparafeer kan word.".

Wysiging van regulasie 17

4. Regulasie 17 van die Regulasies word hierby gewysig deur subregulasie (3) deur die volgende subregulasie te vervang:

"(3) 'n Deeltitelbewys wat ingevolge artikel 17 (3) of 19 (3) van die Wet geregistreer is, moet terselfdertyd herregistreer word as 'n akte van transport kragtens die Registrasie van Aktes Wet in die vorm van Vorm H in Aanhangsel 1 waar gemeenskaplike eiendom vervreemd is, en in die vorm van Vorm AU in Aanhangsel 1 waar gemeenskaplike eiendom onteien is.".

Wysiging van regulasie 19

5. Regulasie 19 van die Regulasies word hierby gewysig deur subregulasie (3) deur die volgende subregulasie te vervang:

"(3) Indien die registrateur 'n sertifikaat van geregistreerde deeltitel kragtens artikel 22 (5) van die Wet in plek van die deeltitelbewys in artikel 22 (2)(b) van die Wet bedoel, uitgereik het, moet hy of sy laasgenoemde deeltitelbewys kanselleer.".

Wysiging van regulasie 21

6. Regulasie 21 van die Regulasies word hierby gewysig deur subregulasie (3) deur die volgende subregulasie te vervang:

"(3) Wanneer die registrateur 'n sertifikaat van geregistreerde deeltitel kragtens artikel 23 (5) van die Wet in plek van die deeltitelbewyse in artikel

23(2)(b) van die Wet bedoel, uitgereik het, moet hy of sy laasgenoemde deeltitelbewyse kanselleer.".

Vervanging van regulasie 38

7. Regulasie 38 van die Regulasies word hierby deur die volgende regulasie vervang:

"**38.** Aantekeninge of inskrywings wat volgens voorskrif van hierdie Regulasies op geregistreerde aktes of ander dokumente of in registers gemaak moet word, kan by wyse van rubberstempel of handskrif of op elektroniese wyse daarop of daarin gemaak word, en moet deur die registrateur onderteken en gedateer word, wat onder sy of haar handtekening die amp deur hom of haar beklee, vermeld, en enige veranderings aan of tussenskrifte by 'n aantekening of inskrywing moet deur hom of haar geparafeer word.".

Wysiging van Aanhangsel 1

8. Aanhangsel 1 tot die Regulasies word hierby gewysig deur die byvoeging van die volgende Vorm:

"Vorm AU

TRANSPORTAKTE

[Kragtens artikel 19(3) van die Wet op Deeltitels, 1986]

Opgestel deur my

.....

TRANSPORTBESORGER

.....

(Vermeld volle naam en van in blokletters)

.....

(Vermeld Lidmaatskap Nommer van Regspraktykraad)

Hierby word bekendgemaak:

Nademaal die hierondergenoemde gemeenskaplike eiendom onteien is ..... (haal die gesag aan), welke grond tans geregistreer is op naam van ..... kragtens Deelplan No. .....onder Akte van ..... No. ..... gedateer ..... in die Registrasiekantoor te .....

En Nademaal 'n sertifikaat ingevolge artikel 31(4)(*a*) van die Registrasie van Aktes Wet 47 van 1937 deur die transportnemer aan my verstrek is ten effekte dat daar voldoen is aan die bepalings van enige Wet in verband met die verandering van eiendomsreg op die grond ten gevolge van onteiening.

So is dit dat kragtens die bevoegdheid my verleen deur artikel 19 van die Wet op Deeltitels, ek, die Registrateur van Aktes te ..... hierby transporteer in volle en vrye eiendom aan en ten gunste van ..... (voeg hier in die naam van die transportnemer), sy regsopvolgers of regverkrygendes ..... (voeg hier in die beskrywing van die eiendom, met vermelding van die aangehegte diagram of diagram akte, en die voorwaardes van die akte).

Weshalwe genoemde geregistreerde eienaars geheel en al onthef is van die besit van genoemde grond en dat kragtens hierdie Akte genoemde transportnemer ..... (voeg hier in die naam van die transportnemer), sy regsopvolgers of regverkrygendes nou daartoe geregtig is en voortaan sal wees, maar behoudens die regte van die Staat.

Aldus gedoen en verly in die kantoor van die ..... te ..... op hede die ..... dag van ..... in die jaar van .....

.....

Registrateur van Aktes.

(Voeg by 'n registrasieklousule
deur die Registrateur goedgekeur)".

Kort titel

9. Hierdie Regulasies heet die Deeltitel Wysigingsregulasies, 2025.

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