

SECTIONAL TITLES ACT 95 OF 1986

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[GNR.664 of 8 April 1988](#)
Regulations promulgated under [section 55](#)

NOTICE

[BN 132 of 24 of December 1999](#)
The Federation of Professional Land Surveyors of Southern Africa and the South African Institute of Architects

REGULATIONS

GNR.664 of 8 April 1988: Regulations promulgated under [section 55](#)

Note:—These Regulations were published under Government Notice R664 contained in *Government Gazette* 11245 of 8 April 1988, corrected by Government Notice R991 in *Government Gazette* 11318 of 27 May 1988, have been amended by:

as amended by		
Notice	Government Gazette	Date
R.1791	12670	3/8/90
R.2345	12767	5/10/90
R.2542	12816	2/11/90
R.2653	13612	8/11/91
R.2868	13658	6/12/91
R.1562	14024	12/6/92
R.60	14526	15/1/93 wef 1/4/93
1659	15990	30/9/94
R.1422	18387	31/10/97
R.1357	20619	19/11/99
830	21483	25/08/2000
R.438	27561	13/05/2005
R.1109	28217	18/11/2005
R.1264	31626	28 November 2008
R.291	33111	16/04/2010

I, Jacob Albertus van Wyk, Deputy Minister of Land Affairs, 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 make the regulations contained in [the Schedule](#) hereby. The regulations come into effect on the date on which the Act comes into operation: *1 June 1988 – Editor*]

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1. Definitions.—In these regulations a word or expression to which a meaning has been assigned in the Act, bears that meaning, and, unless the context otherwise indicates—

“**the Act**” means the Sectional Titles Act, 1986 (Act [No. 95 of 1986](#));

“**main file**”

[Definition of “[main file](#)” deleted by GN R2653 of 1991.]

“**professional engineer**” means a professional engineer as defined in the professional engineers’ Act, 1968 (Act [114 of 1990](#));

“**subfile**”

[Definition of “[subfile](#)” deleted by GN R2653 of 1991.]

"section title file" means the file referred to in [regulation 13](#);
[Definition of "[section title file](#)" inserted by GN R2653 of 1991.]

"taxing master"
[Definition of "[taxing master](#)" deleted by GN R1422 of 1997.]

"under his direction"
[Definition of "[under his direction](#)" deleted by GN R60 of 1993.]

Repealed Act		x
Act 114 of 1990 has been repealed by s 43 of Act 46 of 2000		

2.
[[R. 2](#) repealed by GN R1422 of 1997.]

3.
[[R. 3](#) repealed by GN R1422 of 1997.]

4. Certificate in Respect of Leased Buildings.—The certificate contemplated in [section 4 \(3\) \(a\) \(ii\)](#) of the Act shall contain the following particulars:

- (a) The name of the scheme;
[[Para. \(a\)](#) substituted by GN R2653 of 1991.]
- (b) the description and extent of the land upon which the building or buildings comprising the proposed scheme are situated, as reflected in the title deed of such land;
[[Para. \(b\)](#) substituted by GN R2653 of 1991.]
- (c) the full name and address of the developer;
- (d) the number of the title deed in respect of the land concerned;
- (e) the number and description of every separate category of units in the buildings comprised in the scheme;
- (f) the number of garages and the number of parking places which are provided in the scheme;
- (g) any facilities available as common property under the scheme;
- (h) a copy of a report by an architect or a professional engineer in respect of the common property relating to the general physical condition of the building or buildings comprised in the scheme, with specific reference to any defects in the buildings and the services and facilities relating thereto;
- (i) a specified estimate by the developer or his agent of the annual expenditure in respect of—

the repair, upkeep, control, management and administration of the common property;

(ii)
the payment of rates and taxes and other local authority charges in respect of the building or buildings and land concerned;

(iii)
the charges for the supply of electricity, gas, water, fuel and sanitary and other services to the building or buildings and land concerned;

(iv)
insurance premiums; and

(v)
all other costs in respect of the common property which are normally recovered from the owners of units as contemplated in [section 37 \(1\) \(a\)](#) of the Act.

5. Draft sectional plans.—(1) A draft sectional plan intended to be approved by a Surveyor-General and registered in a deeds registry shall comply with the following requirements:

(a) It shall be prepared in black print of good quality on a good, durable drawing material of any of the following sizes: 297 × 210 mm; 297 × 420 mm or 297 × 841 mm.
[[Para. \(a\)](#) substituted by GN 830 of 2000.]

(b) Only one side of the sheet shall be used.

(c)
[[Para. \(c\)](#) deleted by GN 830 of 2000.]

(d) Margins 40 mm wide along the 297 mm side of the sheets and 10 mm wide along the other sides, shall be provided and such margins shall, subject to the provisions of [paragraph \(h\)](#), be left free of any writing or drawing.
[[Para. \(d\)](#) substituted by GN 830 of 2000.]

(e) All linear measurements recorded on such plan shall be in metres to two decimal places.

(f) If angles or angles of direction are required to be shown on such a plan they shall be expressed to the nearest 10 seconds.
[[Para. \(f\)](#) substituted by GN 830 of 2000.]

(g) Any drawing on such plan shall be plotted to a standard scale: Provided that—
(i) the size of the figure shall be sufficiently large to show all the required details; and
(ii) if necessary, block plans, floor plans and cross-sections of a building may be shown on more than one sheet.

[[Para. \(g\)](#) substituted by GN R60 of 1993.]
[[Para. \(g\)](#) substituted by GN R60 of 1993 and by GN 830 of 2000.]

(h) Any addition, alteration or interlineation on a draft sectional plan shall be initialled by the responsible land surveyor or architect and for this purpose, the margin on the right hand side of the sheet opposite such addition, alteration or interlineation shall be used.

[[Para. \(h\)](#) substituted by GN 830 of 2000.]

(i) A Surveyor-General may refuse to approve a draft sectional plan should he or she be of the opinion that such plan is dilapidated or has been prepared in a careless manner or that the appearance thereof is spoiled by additions, alterations or interlineations.

[[Para. \(i\)](#) amended by GN 830 of 2000.]

(j)

[[Para. \(j\)](#) deleted by GN 830 of 2000.]

(k) All buildings, sections and exclusive use areas, shall be uniquely numbered.

[[Para. \(k\)](#) substituted by GN 830 of 2000.]

(l) If boundaries of a section or of a part thereof cannot be defined by reference to its floor, walls and ceiling, such boundaries shall be defined in a manner acceptable to the Surveyor-General.

(m) The common boundary between an exclusive use area created in terms of [section 27 \(1\)](#), [27 \(2\)](#) or [60 \(3\)](#) of the Act and a section or common property is, in the case of physical features, the median line of the dividing floor, wall, ceiling, fence or other similar feature, unless boundaries have been described in a different manner on the sectional plan; otherwise a boundary which is not a physical feature, shall be described in a manner acceptable to the Surveyor-General or in terms of beacons determined in accordance with the provisions of the Land Survey Act, 1997 (Act No. No. 8 of 1997), which beacons shall be described, and sufficient data given on such plan to define the area and to determine the location thereof in relation to the building, section or boundaries of the land.

[[Para. \(m\)](#) substituted by GN R2345 of 1990, corrected by GN R2542 of 1990 and amended by GN 830 of 2000.]

(n) Each sheet shall contain the following:

The title of the sheet; (i)

the sheet number and an indication of the number of sheets of which the draft sectional plan consist; (ii)

[[Sub-para. \(ii\)](#) substituted by GN R60 of 1993.]

the name and address of the architect or land surveyor concerned or, if he or she is practising with a firm of architects or land surveyors, his or her name and the name and address of the firm, the signature of the architect or land surveyor, and his or her professional designation; (iii)

the date on which the architect or land surveyor signed the sheet; (iv)

(v)

a space which shall be provided for the approval certificate of the Surveyor-General;

provided that any departure from these requirements shall require the prior approval of the Surveyor-General.

[[Para. \(n\)](#) substituted by GN 830 of 2000.]

(2) A draft sectional plan shall consist of the following sheets which, subject to the provisions of the Act and [subregulation \(3\)](#), shall contain the particulars prescribed by this subregulation: provided that if such a plan is intended for the purposes of a subdivision, consolidation or extension of a section or sections, or for the extension of a scheme or common property, or in the circumstances referred to in [section 27 \(2\)](#) of the Act, or for the amendment of a scheme due to the destruction of or damage to a building or buildings, or for the amendment of a sectional plan in terms of [section 14 \(1\)](#) of the Act, it need only comprise such sheets as are affected by such amendments, and the heading of such plan shall be styled as an amending sectional plan:

[Words preceding [para. \(a\)](#) substituted by GN R2653 of 1991 and by GN R60 of 1993.]

(a)

A first sheet which shall be substantially in the form of Form AC in [Annexure 1](#) and which shall contain, in addition to the particulars mentioned in [subregulation \(1\) \(n\)](#), the following:

(i)

The name of the scheme;

[[Sub-para. \(i\)](#) substituted by GN R 2653 of 1991.]

(ii)

the description of the land as reflected on the relevant approved general plan or approved diagram;

(iii)

the number of the relevant approved general plan or of the approved diagram of the land;

(iv)

the number of the section or part of a section that is found in every building: Provided that if a building consists only of common property, it shall be described as such;

[[Sub-para. \(iv\)](#) substituted by GN R60 of 1993.]

(v)

the nature of any encroachment on the land to which the scheme relates;

(vi)

a certificate signed by the architect or land surveyor that the draft sectional plan has been prepared from actual measurements taken by him or her or under his or her direction: Provided that where the responsibility for the preparation of the draft sectional plan is carried by more than one person, each of such architects or land surveyors shall affix a certificate to this sheet, and such certificate shall disclose to what extent he or she accepts responsibility for the preparation of the draft sectional plan;

[[Sub-para. \(vi\)](#) amended by GN 830 of 2000.]

(vii)

a *caveat*, if a developer should reserve the right under [section 25](#) of the Act to erect a further building or buildings to horizontally or vertically extend an existing building;

[[Sub-para. \(vii\)](#) amended by GN 830 of 2000.]

(viii)

the name of the local authority;

[Sub-para. (viii) substituted by GN R60 of 1993.]

(ix)

.....

[Sub-para. (ix) repealed by GN R1422 of 1997.]

(x)

the sheet number on which every exclusive use area is found;

[Sub-para. (x) inserted by GN R60 of 1993.]

(xi)

space for—

(aa)

the signature of the registrar and his or her reference number; and

(bb)

the signature of the Surveyor-General and his or her reference numbers.

[Para. (a) substituted by GN 2345 of 1990. Sub-para. (xi) inserted by GN R60 of 1993 and amended by GN 830 of 2000.]

(b)

a sheet or sheets on which a block plan is prepared, which shall, in addition to complying with the provisions of section 5 (3) (a) of the Act and subregulation (1) (n), contain or indicate the following:

(i)

a description of contiguous land, and the names of contiguous streets, if any;

(ii)

(aa)

the position at ground level of the external surfaces of the walls of all buildings shown by a solid line, together with the horizontal distances between each rectilinear cadastral boundary and the buildings nearest to such boundary: Provided that where such external surfaces of any walls are interrupted at ground level by features such as archways, doorways of similar openings, such external surfaces shall likewise be shown by a solid line;

(bb)

the greatest extent to which the external surfaces, excluding roof overhangs, unless any such overhang encroaches over the cadastral boundary, protrude beyond the external surfaces of the building at ground level shown by distinctive broken lines, together with the horizontal distance between each rectilinear cadastral boundary and the nearest protrusion to such boundary: Provided that if a basement area determined by the internal surfaces of the walls projects beyond the external surface of the building at ground level, such projection shall likewise be shown separately by a distinctive broken line: Provided further that a brief description shall be given of all parts of the building indicated by a distinctive broken line;

[Sub-para. (ii) substituted by GN R60 of 1993.]

(iii)

any encroachment on the land to which the scheme relates;

(iv)

any servitude burdening the land reflected on the relevant approved diagram or general plan;

(v)

a sign indicating the true north direction:

(vi)
an exclusive use area as referred to in [subregulation \(1\) \(m\)](#) which shall be delineated by means of distinctive broken lines and shall express the area to the nearest square metre: Provided that if details cannot clearly be shown on the sheet such details may be shown in an inset or on an additional sheet as contemplated in [paragraph \(f \)](#);

[[Sub-para. \(vi\)](#) amended by GN 830 of 2000.]

(c)

a sheet or sheets on which the diagrammatic floor plan in respect of each storey in the building or buildings referred to in [section 5 \(3\) \(c\)](#) and [\(d\)](#) of the Act are shown and which shall contain, in addition to the particulars mentioned in [subregulation \(1\) \(n\)](#), the following:

(i)
The boundaries of the sections shown in a solid line;

(ii)
the common property areas by means of distinctive broken lines;

(iii)
an indication of the position of the diagrammatic cross sections when required in terms of [subregulation \(3\)](#);

[[Sub-para. \(iii\)](#) substituted by GN R60 of 1993.]

(iv)
the number of each section or part of such section;

(v)
.....

[[Sub-para. \(v\)](#) deleted by GN R2345 of 1990.]

(vi)
a sign indicating the true north direction;

(vii)
such other information as may be necessary to define each section;

(viii)
an exclusive use area as referred to in [subregulation \(1\) \(m\)](#), which shall be delineated by means of distinctive broken lines and shall express the area to the nearest square metre: Provided that if details cannot clearly be shown on the sheet, such details may be shown in an inset or on an additional sheet as contemplated in [paragraph \(f \)](#);

(d)

.....

[[Para. \(d\)](#) deleted by GN R60 of 1993.]

(e)

a sheet or sheets containing in numerical sequence—

(i)
the floor areas of the sections as referred to in [section 5 \(3\) \(e\)](#) of the Act; and

(ii)
the participation quotas in respect of the sections in the Annexure as referred to in [section 5 \(3\) \(g\)](#) of the Act: Provided that the participation quotas of the separate

sections shall be made up in such a way that the total participation quota is equal to 100,0000;

[[Para. \(e\)](#) substituted by GN R2345 of 1990.]

(f)

a sheet or sheets containing the insets referred to in [paragraphs \(b\) \(vi\)](#) and (c) (viii).

(3) A draft sectional plan shall, when uncertainty or ambiguity about the boundaries of a section, as defined in the Act, may exist, contain an additional sheet or sheets that contain diagrammatic cross-sections of the building or buildings of every floor in the building or buildings, detailed sufficiently to indicate the boundaries of every section, and that contain, in addition to the particulars mentioned in [subregulation \(1\) \(n\)](#), the following:

(a)

The number of the building and the name or number of every floor;

(b)

such other information as may be necessary to define every section.

[[Sub-r. \(3\)](#) inserted by GN R60 of 1993.]

6. Submission of draft sectional plan to Surveyor-General.—The submission of a draft sectional plan to the Surveyor-General in terms of [section 7](#) of the Act for approval, must be accompanied by—

(a)

a certificate from the land surveyor concerned that the scheme is not in conflict with any building line restriction appearing in the relevant title deed;

(b)

a certificate issued by an architect or a land surveyor stating that the boundaries of the sections and common property are physically defined as contemplated in the Act;

(c)

the field book or field plan shall contain the original record of all measurements made in the field, the name of the person who made the measurements and the date on which the measurements were taken;

(d)

a list of co-ordinates of at least two corners or identified permanent features of each building: Provided that the distances between such corners or features shall be adequate to provide an accurate determination of the position of each building: Provided further that the co-ordinates may be listed on the copy of the plan mentioned in [subregulation \(e\)](#);

(e)

a plan on which the corners or identified permanent features are indicated and described;

(f)

The median dimension plan shall indicate the boundaries and the final dimensions of each section as derived from the field measurements and the consistency adjustments.

[[R. 6](#) amended by GN R2345 of 1990 and by GN R1422 of 1997 and substituted by GN 830 of 2000.]

7. Field measurements.—(1) Measurements by a land surveyor or architect for the preparation of a draft sectional plan shall be made in the field to two decimal places of a metre and recorded, at the time of the measurement in the field, in the field book or on the field plan.

(2) Sufficient measurements shall be made to enable all median dimensions to be calculated and checked, so as to be consistent with the dimensions of the building as a whole, and the sections and other details on the draft sectional plan to be correctly depicted.

(3) The provisions of the Land Survey Act, 1997 (Act [No. 8 of 1997](#)), and the regulations made thereunder, shall apply to the manner in which and the accuracy to which the survey of buildings and exclusive use areas of which the boundaries are not represented by physical features of permanent nature, shall be performed and to the manner and the form in which the records of such surveys shall be prepared and lodged with the Surveyor-General.

[[Sub-r. \(3\)](#) substituted by GN R2345 of 1990 and by GN 830 of 2000.]

8. Accuracy and correctness of a draft sectional plan or sectional plan.—(1) The Surveyor-General may at any time check in the field the accuracy or correctness of a draft sectional plan, sectional plan or any measurement recorded by a land surveyor or architect.

[[Sub-r. \(1\)](#) substituted by GN R60 of 1993.]

(2) If the Surveyor-General finds a draft sectional plan, sectional plan, or measurement to be incorrect, he may take such action as he may deem fit in terms of the Act.

[[Sub-r. \(2\)](#) substituted by GN R60 of 1993.]

9.

[[R. 9](#) repealed by GN R1422 of 1997.]

10. Application for opening of sectional title register.—(1) An application for the opening of a sectional title register in terms of [section 11 \(1\)](#) of the Act, shall be in the form of [Form B](#) in [Annexure 1](#).

(2) The application referred to in [subregulation \(1\)](#) shall also be accompanied by—

(a)

the title deed to any registered real right, if the land is subject to such a right, excluding rights to minerals, which title deed shall be suitably endorsed to indicate that the land described therein is subject to a development scheme and is registered in the sectional title register: Provided that where a certificate has been submitted by a conveyancer to the effect that the title deed to such real right is not available, the registrar shall endorse the registry duplicate of such title deed, and, if the original title deed is at any time lodged with the registrar for any purpose, he shall make a similar endorsement thereon; and

(b)

.

[[Sub-r. \(2\)](#) substituted by GN R2345 of 1990. [Para. \(b\)](#) substituted by GN R2653 of 1991 and deleted by GN R60 of 1993.]

(3) The schedule contemplated in [section 11 \(3\) \(b\)](#) of the Act shall, in addition to the particulars prescribed in the section, contain the following:

- (i) The name of the scheme.
- (ii) The full name and address of the developer.
- (iii) The number of the title deed of the land concerned.
- (iv) In the event of land defined on an approved diagram, the number of the title deed with which the diagram is filed.

[[Sub-r. \(3\)](#) inserted by GN R60 of 1993.]

11. Certificates of registered sectional title.—(1) A certificate of registered sectional title referred to in [section 11 \(3\) \(f\)](#) of the Act, shall be in the form of [Form C](#) in [Annexure 1](#), shall be signed and dated by the registrar and shall be sealed with his seal of office.

(2)

[[Sub-r. \(2\)](#) deleted by GN R2653 of 1991.]

(3)

[[Sub-r. \(3\)](#) deleted by GN R2653 of 1991.]

(4)

[[Sub-r. \(4\)](#) deleted by GN R2653 of 1991.]

(5) Certificates of registered sectional title 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 2 mm, with black ink of a good quality only.

(6) A certificate of registered sectional title which does not comply with the requirements of [subregulation \(5\)](#), shall be rejected by the registrar.

(7) (a) Subject to the provisions of [paragraph \(b\)](#) a certificate of registered sectional title shall be lodged in duplicate with the registrar.

(b) Where a procedure is followed in a deeds registry of reproducing deeds and documents and of keeping such reproduction in stead of such deed or document, it shall, notwithstanding anything to the contrary in these Regulations, not be necessary to lodge a duplicate original of such deed or document for filing in the deeds registry, and upon registration such deed or document shall be deemed to be the copy filed in the deeds registry until such time as the reproduction of the deed or document is filed in lieu thereof: provided that the provisions of this paragraph shall not be applied in a deeds registry until the Chief Registrar of Deeds has instructed the registrar of the office concerned in writing.

[[Sub-r. \(7\)](#) substituted by GN R2653 of 1991.]

(8) The provisions of this regulation shall apply *mutatis mutandis* with reference to any certificate of registered sectional title or sectional title deed issued under any other provisions of the Act.

12. Registration of sectional plans.—(1) The distinctive number allotted to a sectional plan in terms of [section 12 \(1\) \(a\)](#) of the Act, shall be a consecutive number, starting each year with the figure "1", and shall be followed by an oblique line and the year in which the sectional plan is registered.

(2)

[[Sub-r. \(2\)](#) deleted by GN R2653 of 1991.]

(3) A registrar may refuse to register a sectional plan should he be of the opinion that such plan is dilapidated.

13. Sectional title registers.—(1) The sectional title register as contemplated in [section 12 \(1\) \(b\)](#) of the Act, shall be opened by means of a sectional title file as set out in [Form D](#) in [Annexure 1](#).

[[Sub-r. \(1\)](#) substituted by GN R2653 of 1991.]

(2) The file number allotted to the sectional title file, shall be the same as the number allotted to the sectional plan.

[[Sub-r. \(2\)](#) substituted by GN R2653 of 1991.]

(3)

[[Sub-r. \(3\)](#) deleted by GN R2653 of 1991.]

(4) In the sectional title file shall be filed—

(a)

the documents referred to in [section 11 \(3\)](#) of the Act, with the exception of the certificates of registered sectional title, the owner's copy of the title deed of the land and the bond;

[[Para. \(a\)](#) substituted by GN R2653 of 1991.]

(b) the copy of any notice to the Surveyor-General and the local authority of the registration or cancellation of the registration of a sectional plan or of the reversion of land to the land register;

(c) correspondence relating to the scheme concerned as a whole;

(d)

[[Sub-r. \(4\)](#) amended by GN R2653 of 1991. [Para. \(d\)](#) deleted by GN R2653 of 1991.]

(4A) The documents, notices and correspondence referred to in [subregulation \(4\) \(a\)](#), [\(b\)](#) and [\(c\)](#), as well as any certificates, plans, schedules, rules and other documents relating to the scheme as a whole and which must be filed in a sectional title file, must be endorsed with a deeds registry date endorsement upon the lodgement thereof.

[[Sub-r. \(4A\)](#) inserted by r. 2 of GNR.291 of 16 April 2010.]

(5)

[[Sub-r. \(5\)](#) deleted by GN R2653 of 1991.]

(6) Where a procedure is followed in a deeds registry of reproducing documents and of keeping such reproduction instead of such document and of maintaining a register as referred to in [section 12 \(1\) \(c\)](#), the sectional title file referred to in [subregulation \(4\)](#) may be substituted by such reproductions and register: provided that the sectional title file shall be maintained for certain documents should the Chief registrar of Deeds so determine.

[[Sub-r. \(6\)](#) substituted by GN R 2653 of 1991.]

14. Certificates of real rights.—(1) The certificate of real right referred to in [section 12 \(1\) \(e\)](#) of the Act, shall be in the form of [Form F](#) in [Annexure 1](#).

(2) The certificate of real right referred to in [section 25 \(6\)](#) of the Act, shall be in the form of [Form R](#) in [Annexure 1](#), and shall be accompanied by the written consent of all the members of the body corporate and of every holder of a bond over a unit in the scheme.

(3) The certificate of real right referred to in [section 12 \(1\) \(f\)](#) of the Act, shall be in the form of [Form G](#) in [Annexure 1](#).

15. Alteration, amendment, substitution or cancellation of registered sectional plan.—

(1)

[[Sub-r. \(1\)](#) repealed by GN R1422 of 1997.]

(2) The provisions of [regulation 5](#) shall apply *mutatis mutandis* to a draft sectional plan which is to be substituted for a registered sectional plan.

(3) The registrar shall forward a copy of a sectional plan which is substituted for a registered sectional plan to the local authority concerned.

(4) Whenever the registrar amends the relative sectional title deed as required by [section 14 \(5\)](#) of the Act, he shall endorse thereon that the amendment has been effected in accordance with an alteration, amendment or substitution of the registered sectional plan.

(5) Whenever the registration of a sectional plan is cancelled on the application of the developer in terms of [section 14 \(6\)](#) of the Act, the registrar shall make the necessary endorsement on—

(a)

each of the relevant sectional title deeds;

- (b) the titles to any real rights, with the exclusion of mineral rights; and
- (c) on the schedule referred to in [section 11 \(3\) \(b\)](#).

[[Sub-r. \(5\)](#) substituted by GN R2653 of 1991.]

(6) (a) Whenever the registration of the sectional plan is cancelled, the registrar shall make the alterations amendments, endorsements and entries in the relevant land register and records which are necessary to effect the reversion of the land to the land register.

(b) Any entry referred to in [paragraph \(a\)](#) shall contain a reference to the number of the relevant sectional plan.

(7) Whenever the registration of a sectional plan is cancelled, the registrar shall, if a certificate or registered title referred to in [section 14 \(7\)](#) of the Act is not issued by him, revive the developer's title deed of the land referred to in [section 11 \(3\) \(c\)](#) of the Act by making an appropriate endorsement on the title deed under his signature and date.

16. Registration of transfer of ownership and registration of other rights in respect of parts of buildings.—(1) (a) Simultaneously with the establishment of a body corporate in terms of [section 36 \(1\)](#) of the Act the registrar shall issue a certificate in the form of [Form W](#) in [Annexure 1](#): provided that the registrar may, on application being made by a body corporate in respect of which such certificate has not been issued prior to 1 June 1981, issue such certificate after the date of establishment of such body corporate.

(b) (i) A draft certificate in the form prescribed in [paragraph \(a\)](#) shall be prepared by a conveyancer and lodged in duplicate with the registrar.

(ii) The original certificate shall be filed in the sectional title file and the duplicate thereof shall be delivered to the conveyancer.

[[Para. \(b\)](#) substituted by GN R2653 of 1991.]

(c) Once a certificate has been issued in terms of [paragraph \(a\)](#), no further such certificate shall be issued in respect of the building concerned, but if required the registrar may issue a certified copy of the original certificate.

(2) The deed of transfer referred to in [section 15B \(1\)](#) of the Act, shall be in the form of [Form H](#) in [Annexure 1](#).

[[Sub-r. \(2\)](#) substituted by GN R2653 of 1991.]

(3) Where consent to which reference is made in [regulation 30 \(2\)](#) is required, it shall be lodged with the deed of transfer.

[[Sub-r. \(3\)](#) substituted by GN R2653 of 1991.]

(4) An application referred to in [section 15B \(5\)](#) of the Act, shall be in the form of [Form I](#) in [Annexure 1](#).

[[Sub-r. \(4\)](#) substituted by GN R2653 of 1991.]

(5) A certificate of registered sectional title referred to in [section 15B \(5\)](#) of the Act, shall be in the form of [Form J](#) in [Annexure 1](#).

[[Sub-r. \(5\)](#) substituted by GN R2653 of 1991.]

16A. (1) Every deed of transfer, certificate of title, certificate of registration or sectional mortgage bond shall be prepared by a conveyancer or other person empowered thereto by any act who shall make and sign a certificate in the upper right hand corner on the first page of the document concerned.

(2) A conveyancer or other person empowered thereto by any act, who prepares a deed of transfer, certificate or sectional mortgage bond referred to in [subregulation \(1\)](#), shall initial all

alterations or interlineations in such deed of transfer, certificate or sectional mortgage bond and also every page thereof not requiring a signature and no such deed of transfer, certificate or sectional mortgage bond shall be accepted for execution or registration if it does not bear such certificate and is not so initialled: Provided that in the case of such deed of transfer, certificate or sectional mortgage bond where an alteration or interlineation is not so initialled, and in the opinion of the registrar, such initialling by the conveyancer who prepared such deed of transfer, certificate or sectional mortgage bond is not required, such alteration or interlineation may be initialled by the conveyancer executing such deed of transfer.

[[R. 16A](#) inserted by GN R2653 of 1991.]

16B. (1) Subject to the provisions of [subregulation \(3\)](#) and [\(4\)](#) a power of attorney, application or consent required for the performance of an act of registration in a deeds registry, and tendered for registration or filing of record in a deeds registry, shall be prepared by a practising attorney, not necessarily practising in the province in which such deeds registry is situated, notary conveyancer or other person empowered thereto by any act, who shall make and sign a certificate in the undermentioned form in the upper right hand corner on the first page of the document concerned:

“Prepared by me

ATTORNEY/NOTARY/CONVEYANCER/AUTHORISATION OF OTHER PERSON
(Use whichever is applicable)

(State surname and initials in block letters.)”.

(2) Subject to the provisions of [subregulation \(3\)](#), any alteration or interlineation in a document referred to [subregulation \(1\)](#) shall be initialled by the person who prepared such document.

(3) A registrar may waive compliance with the provisions of [subregulations \(1\)](#) and [\(2\)](#) in respect of a power of attorney, application or consent executed outside the Republic or in respect of a power of attorney, application or consent not provided for by the Act or the Regulations.

(4) The provisions of [subregulation \(1\)](#) shall not prevent an attorney, notary or conveyancer in the employ of the State from preparing in the course of his employment, any document mentioned in such subregulation.

(5) When a certificate referred to in [subregulation \(1\)](#) is signed by an attorney or notary, the fact that the signatory is a practising attorney or notary shall be confirmed by a practising conveyancer, who shall countersign the certificate by making and signing the following certificate thereon:

“Countersigned by me

CONVEYANCER

(State surname and initials in block letters.)”.

[[R. 16B](#) inserted by GN R2653 of 1991.]

16C. The person who signs a preparation certificate contemplated in [regulations 16A \(1\)](#) or [16B \(1\)](#) accepts responsibility for the correctness of the undermentioned facts stated in the deeds or documents concerned or which are relevant in connection with the registration or filing thereof, namely—

(a)

that all copies of the deeds or documents intended for execution or registration are identical at the date of lodgment;

(b) that, in the case of a deed of transfer, certificate of title or certificate of registration, all the applicable conditions of title have been correctly brought forward in that deed of transfer, certificate of title or certificate of registration;

(c) that, in the case of a document referred to in [regulation 16B \(1\)](#) signed by a person in his or her capacity as executor, trustee, tutor, curator, liquidator, judicial manager or a person in a representative capacity, from perusal of documents evidencing such appointment exhibited to him or her, such person has in fact been appointed in that capacity and acts in accordance with the powers granted to him or her and that any security required has been furnished to the Master of the High Court;

(d) that, to the best of his or her knowledge and belief and after due enquiry, including but not limited to the examination of supporting documents, has been made—

(i) the names, identity number or date of birth and marital status of any natural person being a party to a deed or document, are correctly disclosed in such deed or document and in the case of any other person, its name and registered number, if any, are correctly disclosed in that deed or document;

(ii) in the case of a document referred to in [regulation 16B \(1\)](#)—

(aa) that unless appointed by special or general power of attorney, the necessary authority has been obtained for the signing of such document in a representative capacity on behalf of a company, close corporation, church, association, society, trust, other body of persons or an institution, whether created by statute or otherwise;

(bb) that the transaction as disclosed therein, is authorized by and in accordance with the constitution, regulations, founding statement or trust instrument of a trust, as the case may be, of any church, association, close corporation, society, trust, other body of persons or any other institution, created by statute or otherwise, other than a company, except a share block company as defined in the Share Blocks Control Act, 1980 (Act [59 of 1980](#)), being a party to such document;

(cc) the person, entity, body of persons, whether created by statute or otherwise, is entitled to and contractually capable of concluding the transaction disclosed in the deed or document lodged for registration; and

(e) that, in the case where a person signs the preparation certificate on a deed of transfer, certificate of title, certificate of registration, other deed conveying ownership in land or a sectional mortgage bond, he or she accepts responsibility that the particulars in the deed mentioned in [paragraph \(d\) \(i\)](#), have been brought forward correctly from the special power of attorney or application relating thereto.

[[R. 16C](#) inserted by GN R2653 of 1991 as corrected by GN R2868 of 1991, amended by GNR.1422 of 31 October 1997 and substituted by r. 2 of GNR.1264 of 28 November 2008.]

17. Alienation and letting of common property.—(1)

[Heading of [r. 17](#) substituted by GNR.438 of 2005.]

[[Sub-r. \(1\)](#) deleted by GN R2653 of 1991.]

(2) Simultaneously with the registration of a transfer referred to in [section 17 \(3\) \(a\)](#) or [19 \(3\)](#) of the Act, the registrar shall make an endorsement under his signature on the schedule of conditions referred to in [section 11 \(3\) \(b\)](#) of the Act.

[[Sub-r. \(2\)](#) substituted by GN R2653 of 1991.]

(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, 1937 (Act [No. 47 of 1937](#)).

[[Sub-r. \(3\)](#) substituted by GN R2653 of 1991.]

(4) The registrar shall register a cession of a servitude or other real right in terms of [section 19](#) of the Act by virtue of a deed of cession in the form of [Form M](#) in [Annexure 1](#).

18. Draft sectional plan of subdivision.—(1)

[[Sub-r. \(1\)](#) repealed by GN R1422 of 1997.]

(2) The provisions of [regulation 5](#) shall apply *mutatis mutandis* to a draft sectional plan of subdivision.

[[Sub-r. \(2\)](#) amended by GN R1422 of 1997.]

19. Registration of subdivision of a section.—(1) (a) Application for registration of a sectional plan of subdivision shall be in the form of [Form O](#) in [Annexure 1](#).

(b) When registering such a sectional plan under [section 22 \(3\)](#) of the Act, the registrar shall allot a distinctive number thereto.

[[Sub-r. \(1\)](#) substituted by GN R2653 of 1991.]

(2) A certificate of registered sectional title referred to in [section 22 \(5\)](#) of the Act, shall be in the form of [Form P](#) in [Annexure 1](#).

(3) Whenever the registrar has issued a sectional title deed 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 shall cancel the last-mentioned sectional title deed.

(4) The registrar shall furnish the local authority concerned with a copy of the registered sectional plan of subdivision.

20. Draft sectional plan of consolidation.—(1)

[[Sub-r. \(1\)](#) repealed by GN R1422 of 1997.]

(2) The provisions of [regulation 5](#) shall apply *mutatis mutandis* to a draft sectional plan of consolidation.

[[Sub-r. 20 \(2\)](#) amended by GN R1422 of 1997.]

Registration of consolidation of sections

21. (1) (a) Application for registration of a sectional plan of consolidation shall be in the form of [Form Q](#) in [Annexure 1](#).

(b) When registering such a sectional plan under [section 23 \(3\)](#) of the Act, the registrar shall allot a distinctive number thereto.

[[Sub-r. \(1\)](#) substituted by GN R2653 of 1991.]

(2) The certificate of registered sectional title referred to in [section 23 \(5\)](#) of the Act, shall be in the form of [Form Q](#) in [Annexure 1](#).

(3) Whenever the registrar has issued a sectional title deed 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 shall cancel the last-mentioned sectional title deeds.

(4) The registrar shall furnish the local authority concerned with a copy of the registered sectional plan of consolidation.

Draft sectional plan for extension of a section

22. (1)

[[Sub-r. \(1\)](#) repealed by GN R1422 of 1997.]

(2) The provisions of [regulation 5](#) shall apply *mutatis mutandis* to a draft sectional plan of extension of a section.

[[Sub-r. \(2\)](#) amended by GN R1422 of 1997.]

Registration of extensions of sections

23. (1) (a) Application for registration of a sectional plan of extension of a section shall be in the form of [Form O](#) in [Annexure 1](#).

(b) When registering such a sectional plan under [section 24 \(7\)](#) of the Act, the registrar shall allot a distinctive number thereto.

[[Sub-r. \(1\)](#) substituted by GN R2653 of 1991.]

(2) The registrar shall furnish the local authority concerned with a copy of the registered sectional plan of extension.

Draft sectional plan for extension of a scheme

24. (1)

[[Sub-r. \(1\)](#) repealed by GN R1422 of 1997.]

(2) The provisions of [regulation 5](#) shall apply *mutatis mutandis* to a draft sectional plan of extension of a scheme.

[[Sub-r. \(2\)](#) amended by GN R1422 of 1997.]

Registration of extension of a scheme

25. (1) (a) The application for registration of a sectional plan of extension of a scheme shall be in the form of [Form O](#) in [Annexure 1](#).

(b) When registering such a sectional plan under [section 25 \(11\)](#) of the Act, the registrar shall allot a distinctive number thereto.

[[Sub-r. \(1\)](#) substituted by GN R2653 of 1991.]

(2) The certificate of registered sectional title referred to in [section 25 \(10\) \(d\)](#) of the Act, shall be in the form of [Form C](#) in [Annexure 1](#).

(3) The registrar shall furnish the local authority concerned with a copy of the registered sectional plan of extension.

26. Draft Sectional Plan for Extension of the Common Property.—(1)

[[Sub-r. \(1\)](#) repealed by GN R1422 of 1997.]

(2) The provisions of [regulation 5](#) shall apply *mutatis mutandis* to a draft sectional plan of extension of the common property.

[[Sub-r. \(2\)](#) amended by GN R1422 of 1997.]

27. Registration of plan of extension of the common property.—(1) (a) An application for registration of a sectional plan of extension of the common property shall be in the form of [Form O](#) in [Annexure 1](#).

(b) When registering such a sectional plan under [section 26 \(5\)](#) of the Act, the registrar shall allot a distinctive number thereto.

[Sub-r. (1) substituted by GN R2653 of 1991.]

(2) The registrar shall furnish the local authority concerned with a copy of the registered sectional plan of extension.

(3) The application contemplated in [subregulation \(1\) \(a\)](#) must be accompanied by an amended schedule as contemplated in section 11 (3) (b) of the Act, where the land to be incorporated into the communal scheme concerned is subject to conditions which are different from the conditions registered at the opening of the sectional title register.

[[Sub-r. \(3\)](#) inserted by GNR.438 of 2005.]

28. Exclusive use areas.—(1) The exclusive use areas referred to in [section 5 \(3\) \(f\)](#) of the Act shall, where there is more than one area, be numbered and described in separate paragraphs in the certificate of real rights referred to in [section 12 \(1\) \(f\)](#) of the Act.

(2) Simultaneously with the transfer of a right to an exclusive use area referred to in [section 27 \(3\)](#) and [60 \(3\)](#) of the Act, the registrar shall make an endorsement under his signature on the schedule of conditions referred to in [section 11 \(3\) \(b\)](#) of the Act and shall notify the Surveyor-General accordingly.

[[Sub-r. \(2\)](#) substituted by GN R2653 of 1991.]

(3) The provisions of [subregulation \(1\)](#) shall apply *mutatis mutandis* to a transfer, cancellation or mortgage of any exclusive use area.

(4) (a) Whenever any real right to an exclusive use area vests in the body corporate as contemplated in section 27 (1) (c) or section 27 (4) (b) of the Act, the registrar shall upon lodgement of an application by the body corporate, nearly as practicable in the form AG in [Annexure 1](#), issue a certificate of real right in favour of the body corporate in the form AH of [Annexure 1](#).

(b) If the real right to such exclusive area is hypothecated, the registrar shall endorse the fact of the issuing of such certificate on the registry duplicate of the bond and, if the original bond is at any time lodged with the registrar's office for any purpose except cancellation, the registrar shall make a similar endorsement thereon: Provided that the issuing of such certificate shall not prejudice any claim to compensation which any person may have as a result of the vesting of such right.

(c) The body corporate shall produce the title deed of the real right to such exclusive use area to the registrar, together with the certificate of real right, and the registrar shall thereupon endorse the fact of the issuing of such certificate on such title deed.

(d) If the body corporate does not produce the title deed of the real right to such exclusive use area, it must submit to the registrar an affidavit stating the reasons why it has been unable to produce the title deed and the registrar shall if he or she is satisfied with the reasons, endorse the fact of the issuing of the certificate on the registry duplicate of such title deed, and if the original title deed is at any time lodged with his or her office for any purpose, the registrar shall make a similar endorsement thereon.

(e) The registrar shall not issue the said certificate unless a certificate has been furnished by the body corporate to the effect that the provisions of section 27 of the Act in connection with the vesting of such right have been complied with.

[[Sub-r. \(4\)](#) inserted by GNR.438 of 2005.]

(5) (a) A separate title deed as contemplated in section 27 (7) of the Act may be obtained by the registered holder from the registrar upon written application accompanied by the title deed of

the right to the exclusive use area concerned and such title deed must be issued, nearly as practicable, in the form AI in [Annexure 1](#).

(b) If the right to the exclusive use area concerned is subject to a registered mortgage bond, that bond shall be produced to the registrar by the holder thereof, upon the request by and at the expense of the applicant.

(c) Before issuing such title deed the registrar shall cause to be made upon the title deed to the exclusive use area concerned and upon the mortgage bond an endorsement to the effect that a separate title deed as contemplated in section 27 (7) of the Act, has been substituted for the one title deed in respect of the right to the exclusive use area concerned and the registrar shall further make the necessary entries in the registers of the issue of the separate title deed and shall, if the right to the exclusive use area is mortgaged, endorse that fact upon the title deed so issued.

(d) Any separate title deed, when issued, shall in respect of the right to the exclusive use area described therein, take the place of the title deed or deeds by which such right was previously held and the issue of such title deed shall not in any manner affect any right or obligation in connection with such right to the exclusive use area concerned.

[[Sub-r. \(5\)](#) inserted by GNR.438 of 2005.]

29. Alienation in one transaction of whole of any interest in land and the building or buildings comprised in a scheme or a share in the whole of such interest.—A Registrar shall not issue a certificate of real right contemplated in [section 25 \(6A\)](#) or [section 27 \(1A\)](#) of the Act, unless a conveyancer certifies—

(a) that no unit in the scheme has been sold, donated or exchanged; or

(b) if an unit was so alienated, the developer had disclosed in writing to the acquirer thereof that application is to be made for the issuing of a certificate of real right in terms of [section 25 \(6A\)](#) or [section 27 \(1A\)](#) of the Act.

[[R. 29](#) inserted by GN R1422 of 1997 and substituted by GN 830 of 2000.]

30. Rules.—(1) Subject to [subregulations \(2\)](#) and [\(3\)](#), the management rules as contemplated in [section 35 \(2\) \(a\)](#) of the Act, shall be those rules as set out in [Annexure 8](#) of the Regulations, for which, except in the case of rules 1 to 6 inclusive, rules 10 to 13, inclusive, [rule 15 \(3\)](#) and [\(4\)](#), rules 16 to 26, inclusive, rules 28 to 30 and 32 to 45, inclusive, rule 46 (1), rules 47 to 56, inclusive, rule 57 (1) and rules 59 to 70, inclusive, other rules may be substituted, added to, amended or withdrawn by the developer when submitting an application for the opening of a sectional title register.

[[Sub-r. \(1\)](#) substituted by GNR.60 of 1993 and by r. 3 of GNR.1264 of 28 November 2008.]

(2) If the schedule referred to in [section 11 \(3\) \(b\)](#) of the Act contains a condition restricting transfer of a unit without the consent of an association whose constitution stipulates that—

(a) all members of the body corporate of the development scheme of which the unit forms part, shall be members of that association, and

(b) the functions and powers of the body corporate shall be assigned to that association,

the developer may, when submitting an application for the opening of a sectional title register, substitute any management rule contained in [Annexure 8](#).

(3) If at the commencement of the Act the members of a body corporate are all members of an association whose constitution binds its members to assign the functions and powers of the body corporate to that association, the management rules contained in [Annexure 8](#) shall not apply.

(4) The management rules set out in [Annexure 8](#) may be added to, amended or repealed by unanimous resolution of the body corporate: provided that no such addition, amendment or repeal

shall be made until such time as there are owners, other than the developer, of at least 50 per cent of the units in the scheme save in the case of a body corporate which is established in a scheme which was approved in terms of the Sectional Titles Act, 1971.

(5) The conduct rules as contemplated in [section 35 \(2\) \(b\)](#) of the Act shall be those rules set out in [Annexure 9](#).

(6) The notification referred to in [section 35 \(5\)](#) of the Act shall be in the form set out in [Form V](#) in [Annexure 1](#).

(7) The body corporate shall notify the registrar of any addition to, amendment of or repeal of conduct rules as contemplated in [section 35 \(2\) \(b\)](#) of the Act in the form set out in [Form V](#) in [Annexure 1](#).

31. Destruction of or damage to building and transfer of interest.—(1) Whenever a building or buildings are damaged or deemed to be destroyed as contemplated in [section 48](#) and a scheme has been authorised as provided for in [section 48 \(3\) \(a\)](#) of the Act, the body corporate shall notify the registrar. The notification shall be in the form of [Form X](#) in [Annexure 1](#).

(2) The notification to the registrar pursuant to [subregulation \(1\)](#) shall be accompanied by a schedule in terms of [section 5 \(3\) \(g\)](#) of the Act which shall exclude reference to any section which has been destroyed, and the affected title of the owner of the unit or holder of any real rights together with the consent of the holder of any mortgage bond or holder of any real rights for disposal thereof.

(3) The registrar shall give effect to the requirements as contemplated by [section 48 \(3\) \(a\) \(ii\)](#) of the Act, by making an appropriate endorsement on the relevant deeds.

(4) The registrar shall advise the Surveyor-General and the local authority of any registration pursuant to [section 48](#) of the Act, which advice shall be accompanied by a copy of the schedule referred to in [subregulation \(2\)](#), in the case of the local authority, and by the original, in the case of the Surveyor-General.

(5) On receipt of the notification pursuant to [subregulation \(4\)](#), the Surveyor-General shall make the required amendments and endorsements on the sectional plan and the deeds registry copy thereof.

[[Sub-r. \(5\)](#) substituted by GN R653 of 1991.]

32. Notification of destruction of building.—The notification referred to in [section 49 \(1\)](#) of the Act, shall be in the form of [Form Y](#) in [Annexure 1](#).

33.

[[R. 33](#) repealed by GN R2345 of 1990.]

34. Sectional mortgage bonds.—A sectional mortgage bond hypothecating a unit held under a sectional title deed or an exclusive use area or the right to extend a scheme held under a certificate of real right, shall be substantially in the form of [Form Z](#) in [Annexure 1](#), and shall be prepared by a conveyancer and be signed by the mortgagor, or his duly authorised agent, in the presence of a conveyancer, and the said form shall be suitable adapted when hypothecating land held under a sectional title deed or a registered notarial lease or sublease or other registered real right.

35. Fees of office.—(1) The fees of office to be charged in respect of any act, matter, or thing required, or permitted, to be done in or in relation to a deeds registry shall be those as specified in the schedule of fees of office, published in terms of regulation 84 of the Regulations in terms of the Deeds Registries Act, 1937 (Act [No. 47 of 1937](#)), ([Government Notice No. R. 474 of 29 March 1963](#)).

[[Sub-r. \(1\)](#) substituted by GN R1659 of 1994.]

(2) The fees of office to be charged in respect of any acts, matters or things required or permitted to be done in or in relation to an office of the Surveyor-General shall be those fees as is determined in accordance with [section 9](#) of the Land Survey Act (Act [No. 8 of 1997](#).)

(3) The fees of office referred to in [subregulations \(1\)](#) and [\(2\)](#) shall be paid in cash, by postal order or by cheque or in such other manner determined by the Chief Registrar of Deeds or Chief Surveyor-General.

[[R. 35](#) amended by GN R1422 of 1997.]

36 and 37.

[[R. 36](#) and [R. 37](#) repealed by GN R1659 of 1994.]

38. Endorsement or entries on registered deeds or other documents or in registers.—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 typewriting, and shall be signed and dated by the registrar who shall below his signature state the office held by him, and who shall initial any alteration or interlineation to an endorsement or entry.

39. Arbitration proceedings.—The provisions of the Arbitration Act, 1965 (Act [42 of 1965](#)), shall, in so far as those provisions can be applied, apply *mutatis mutandis* with reference to arbitration proceedings under the Act.

40. Conveyancers' files.—(1) Every conveyancer shall keep in his or her file the respective documents set out in [Annexure 6](#) to these regulations in respect of the following transactions:

- (a) Transfers of ownership in terms of [section 15B \(1\) \(a\)](#) of the Act;
- (b) transfers of ownership in terms of [sections 17 \(3\)](#), [19 \(3\)](#) and [34 \(4\)](#) of the Act;
- (c) sectional mortgage bonds referred to in [section 15B \(1\) \(c\)](#) of the Act in respect of which he or she signed the bond as preparer.

[[Sub-r. \(1\)](#) substituted by GN R1422 of 1997.]

(2) The conveyancer who has prepared the documents contemplated in [subregulation \(1\)](#), shall retain his or her file, with such documents as is prescribed relating to the transactions in question, for a period of at least six years after the date of registration of such document.

[[Sub-r. \(2\)](#) substituted by GN R1422 of 1997.]

(3) Every conveyancer shall take such reasonable precautions for the safe custody of his or her file as may be necessary.

[[Sub-r. \(3\)](#) inserted by GN R1422 of 1997.]

41.

[[R. 41](#) repealed by GN R1422 of 1997.]

42. Certified copies.—A certified copy of an approved sectional plan shall only be issued by a Surveyor-General and shall not be issued prior to the registration thereof, unless the written consent of the architect and the land surveyor concerned, or any person legally entitled to act on his behalf, is produced to the Surveyor-General: Provided that such consent shall not be required if the Surveyor-General has been supplied with evidence that such architect or land surveyor has unreasonably withheld his consent or has failed to respond in a reasonable time to a notice requesting authorisation for the issue of a certified copy.

43. Examination in connection with the preparation of draft sectional plans.—(1) The syllabus for the examination that has to be set for a land surveyor or architect, who has been required by the Chief Surveyor-General to sit for an examination in connection with the preparation of a draft sectional plan in terms of [section 5 \(2\)](#) of the Act, shall consist of—

- (a) comprehensive knowledge of all matters covered by the Act and the Regulations;
- (b) knowledge of all matters relating to the registration or cancellation of real rights in land in respect of grants, transfers, leases, subdivisions, consolidations, servitudes, bonds, mineral and surface rights, national building regulations as made under the National Building Regulations and Building Standards Act, 1977 (Act [103 of 1977](#)), and town planning schemes; and
- (c) comprehensive knowledge of all matters relating to the duties, responsibilities and professional conduct of land surveyors and architects as covered by their respective professional Acts.

(2) There is hereby established a committee to be known as the Sectional Titles Examination Committee which shall consist of the following members appointed by the Director-General, namely:

- (a) The Chief Surveyor-General who shall be chairman of the Committee;
- (b) one person nominated by the South African Council for Professional Land Surveyors and Technical Surveyors; and
- (c) one person nominated by the South African Council for Architects.

(3) All the meetings of the Sectional Titles Examination Committee shall be held at such time and place as the chairman of the Committee may determine.

(4) Two members of the Sectional Titles Examination Committee shall form a quorum for any meeting thereof.

(5) The Sectional Titles Examination Committee may determine the procedure at its meetings.

(6) A resolution of the Sectional Titles Examination Committee contained in writing and signed by at least two of the members of the committee shall be valid although no meeting was held to pass the resolution.

(7) The functions of the Sectional Titles Examination Committee in respect of the examinations shall be to—

- (a) appoint an examiner and a moderator;
- (b) make arrangements with the South African Council for Professional Land Surveyors and Technical Surveyors and the South African Council for Architects regarding date, time, place, fees and other matters incidental to conducting such examination; and
- (c) determine pass mark and duration of paper.

(8) The examiner and the moderator appointed in terms of [subregulation \(7\) \(a\)](#) shall make the examination results available to the Chief Surveyor-General, and the names of the land surveyors and architects who were successful in the examination shall be placed on a register, to be maintained by the Chief Surveyor-General, comprising the names of those persons entitled to undertake sectional title work: Provided that in the event of the examiner and the moderator disagreeing with regard to the examination questions or the marking of the papers, the final decision will rest with the Chief Surveyor-General.

44.

[[R. 44](#) inserted by GNR.1357 of 1999 and deleted by r. 44 of GNR.1264 of 28 November 2008.]

Annexure 1

FORMS

Form A [deleted]

[[Form A](#) deleted by GN R1422 of 1997.]

Form B

APPLICATION UNDER [SECTION 11 \(1\)](#)

Prepared by me

CONVEYANCER

(State surname and initials in block letters.)

APPLICATION UNDER [SECTION 11 \(1\)](#) OF THE SECTIONAL TITLES ACT, 1986

I, the undersigned,

(name of developer),

hereby apply to the Registrar of Deeds
for—

- *1. the opening of a sectional title register in terms of the provisions of [section 12 \(1\) \(b\)](#) of the Sectional Titles Act, 1986, and the registration of the attached sectional plan in terms of the provisions of [section 12 \(1\) \(a\)](#) of the aforesaid Act, in respect of the scheme known as

SG. No.
and held under Title Deed No. T

/ 19
- *2. the issue of certificates of registered sectional title in terms of the provisions of [section 12 \(1\) \(d\)](#) of the aforesaid Act in respect of the sections shown on the said sectional plan;
- *3. the issue of a certificate of real right in terms of the provisions of [section 12 \(1\) \(e\)](#) of the aforesaid Act in respect of any proviso in terms of [section 25 \(1\)](#); and
- *4. the issue of a certificate of real right in terms of the provisions of [section 12 \(1\) \(e\)](#) of the above-mentioned Act in respect of any reservation in terms of [section 25 \(6A\)](#);
- *5. the issue of a certificate of real right in terms of the provisions of [section 12 \(1\) \(f\)](#) of the aforesaid Act in respect of right of exclusive use referred to in [section 27 \(1\)](#);
- *6. the issue of a certificate of real right in terms of the provisions of [section 12 \(1\) \(f\)](#) of the aforesaid Act in respect of a right of exclusive use referred to in [section 27 \(1A\)](#).

Signed at

on

Signature of Developer

* Delete whichever is not applicable.

[[Form B](#) substituted by GN R1422 of 1997.]

Form C
CERTIFICATE OF REGISTERED SECTIONAL TITLE

Prepared by me

CONVEYANCER

(State surname and initials in block letters.)

CERTIFICATE OF REGISTERED SECTIONAL TITLE ISSUED UNDER *SECTION 12 (1) (d)/25 (11) (c) OF THE SECTIONAL TITLES ACT, 1986

I, Registrar of Deeds at, hereby certify that
..... is the registered owner of a unit consisting of—

(a) Section No., as shown and more fully described on Sectional Plan No. SS, in the scheme known as in respect of the land and building or buildings situated at †, of which section the floor area, according to the said sectional plan is square metres in extent; and

(b) an undivided share in the common property in the scheme apportioned to the said section in accordance with the participation quota as endorsed on the said sectional plan. The unit is subject to or shall benefit by—

(i)

the servitudes, other real rights and conditions, if any, as contained in the Schedule of conditions referred to in section 11 (3) (b) and the servitudes referred to in section 28 of the Sectional Titles Act, 1986; and

(ii)

any alteration to the building or buildings or to a section or to the common property shown on the said sectional plan.

Signed at

, on

(Seal of Office)

Registrar of Deeds

(Seal of office)

* Omit whichever is inapplicable.

† State name of township/suburb and local authority.

[Form C substituted by GN R2653 of 1991.]

Form D
SECTIONAL TITLE FILE

Sectional Title File No. SS

/ 19

Name of scheme

Place where building is situated (i.e. name of township/suburb and local authority)

[Form D substituted by GN R2653 of 1991.]

Form E [deleted]

[Form E deleted by GN R2653 of 1991.]

Form F
CERTIFICATE OF REAL RIGHT

Prepared by me

CONVEYANCER

(State surname and initials in block letters.)

**CERTIFICATE OF REAL RIGHT UNDER SECTION 12 (1) (e) OF THE
SECTIONAL TITLES ACT, 1986**

Whereas (hereinafter called the developer) has applied for the registration of a sectional plan in terms of [section 11 \(1\)](#) of the Sectional Titles Act, 1986,

*AND WHEREAS the developer has reserved for *himself/herself the right to extend the scheme as contemplated in [section 25 \(1\)](#) of the Act;

*AND WHEREAS no reservation was made by the developer in terms of [section 25 \(1\)](#) of the Act and the body corporate has not yet been established;

NOW, therefore, in pursuance of the provisions of the said Act, I, the Registrar of Deeds at do hereby certify that the developer or *his/her successor in title is the registered holder of the right to erect and complete from time to time within a period of for *his/her personal account† on the specified portion of the common property as indicated on the plan referred to in [section 25 \(2\) \(a\)](#) of the Act, filed in this office, and to divide such building or buildings into a section or sections and common property, and to confer the right to exclusive use over a portion of such common property upon the owner or owners of one or more units in the scheme known as in respect of the land and building or buildings situated at ‡ and shown on Sectional Plan No SS.

Signed at _____, on _____

Registrar of Deeds

(Seal of Office)

*Delete whichever is not applicable.
† State which rights, i.e. [section 25 \(1\) \(a\)](#), [\(b\)](#), [\(c\)](#) are reserved.
‡ State name of township/suburb and local authority.

[Form F substituted by GN R1422 of 1997.]

Form G
CERTIFICATE OF REAL RIGHT : EXCLUSIVE USE AREAS

Prepared by me

CONVEYANCER

(State surname and initials in block letters.)

CERTIFICATE OF REAL RIGHT: EXCLUSIVE USE AREAS

[In terms of sections 12 (1) (f), 25 and 27 of the Sectional Titles Act, 1986]

*WHEREAS (hereinafter called the developer) has applied for the registration of a sectional plan in terms of section 11 (1) of the Sectional Titles Act, 1986,

*WHEREAS (hereinafter called the developer) has applied for the registration of a sectional plan of extension in terms of section 25 of the Sectional

Titles Act, 1986,

*AND WHEREAS the developer has in terms of section 5 (3) (f) of the said Act delineated certain exclusive use areas on the sectional plan;

*AND WHEREAS no reservation was made by the developer in terms of section 27 (1) (a) of the said Act and the body corporate has not yet been established;

NOW, therefore, I, the Registrar of Deeds at, do hereby certify that the developer is the registered holder of the right to the following exclusive use areas, namely †....., forming part of the common property and delineated as such on Sectional Plan No. SS in the scheme known as situated at ‡.....

Signed at

, on

Registrar of Deeds

(Seal of Office)

* Delete whichever is not applicable.

† Disclose each type of exclusive use area separately.

‡ Disclose name of town/suburb/local authority/description of farm.

[[Form G](#) amended by GNR.1422 of 1997 and substituted by GNR.438 of 2005 and by GNR.1109 of 2005.]

Form H

DEED OF TRANSFER

Prepared by me

CONVEYANCER

(State surname and initials in block letters.)

DEED OF TRANSFER

Be it hereby made known:

That appeared before me at, being duly authorized thereto by a power of attorney granted to him or her bydated the day of and signed at and the said appearer declared that—

(Here insert an appropriate recital of the nature and date of the transaction or the circumstances necessitating transfer as well as the compensation) and that he or she in his or her capacity as aforesaid, do, by these presents, cede and transfer, in full and free property, to and on behalf of.....

*1.

A unit consisting of—

(a)

Section No. as shown and more fully described on Sectional Plan No. SS in the scheme known as in respect of the land and building or buildings situated at ‡..... of which section the floor area according to the said sectional plan is square metres in extent; and

(b)

an undivided share in the common property in the scheme apportioned to the said section in accordance with the participation quota as endorsed on the said sectional plan.

Held by virtue of ||.....

*2.

Here insert the description of the land to be conveyed, the extent thereof, and comply with the provisions of the regulations promulgated under the Deeds Registries Act, 1937 (Act [No.](#)

47 of 1937), with reference to the extending clause and the conditions governing the unit.

*3.

All the right, title and interest (here insert the share to be alienated if not the full interest) in the land and building or buildings in the scheme known as situated at ‡..... which interest consisting of †Section No. in extent as shown and more fully described on Sectional Plan No. SS in extent as shown and more fully described on Section Plan No. SS and *undivided share/undivided shares in the common property apportioned in accordance with the participation quota as endorsed on the said sectional plan.

Held by virtue of ||.....

The said *unit/interest is subject to or shall benefit by—

§(i) the servitudes, other real rights and conditions, if any, as contained in the schedule of conditions referred to in section 11 (3) (b) and the servitudes referred to in section 28 of the Sectional Titles Act, 1986 (Act No. 95 of 1986); and

(ii) any alteration to the building or buildings or to a section or to the common property shown on the said sectional plan.

(iii) (Insert the special conditions endorsed against the title deed contained therein.)

Wherefore all the rights, title and interest which the transferor heretofore had to the unit aforesaid is renounced, and in consequence it is also acknowledged that the transferor is entirely dispossessed of, and disentitled to, the same, and that, by virtue of these presents the aforesaid transferee now is entitled thereto, the State however, reserving its rights.

Signed, executed and sealed at on

qq Signature of appearer

In my presence

Registrar of Deeds

- * Omit whichever is not applicable.
- † State each unit in separate paragraph.
- ‡ State name of township/suburb/local authority/description of farm.
- § Omit in the event of transfer of land.
- || State type of sectional title deed(s) and the number(s) thereof.

[Form H substituted by GNR.1422 of 1997 and by GNR.438 of 2005.]

Form I
APPLICATION UNDER SECTION 15B (5)

Prepared by me

ATTORNEY/NOTARY/CONVEYANCER
(Use whichever is applicable.)

(State surname and initials in block letters.)

The Registrar of Deeds

APPLICATION UNDER SECTION 15B (5) OF THE SECTIONAL TITLES ACT, 1986

I, joint owner of (furnish particulars of unit) held

by me, by virtue of* hereby apply for a certificate of registered sectional title in respect of my
.....
(state extent of the share)
share in the aforesaid unit.

Applicant

Date and place

* State type of sectional title deed and the number thereof.

[[Form I](#) substituted by GN R2653 of 1991.]

Form J

CERTIFICATE OF REGISTERED SECTIONAL TITLE ISSUED UNDER [SECTION 15B \(5\)](#)

Prepared by me

CONVEYANCER

(State surname and initials in block letters.)

CERTIFICATE OF REGISTERED SECTIONAL TITLE ISSUED UNDER [SECTION 15B\(5\)](#) OF THE SECTIONAL TITLES ACT, 1986

I, Registrar of Deeds at, hereby certify that is the registered owner of an undivided share in a unit consisting of—

(a) Section No. as shown and more described on Sectional Plan No. SS in the scheme known as in respect of the land and building or buildings situate at* of which section the floor area, according to the said sectional plan, is square metres in extent; and

(b) an undivided share in the common property in the scheme apportioned to the said section in accordance with the participation quota as endorsed on the said section plan.

Held by the virtue of †
.....

The unit is subject to or shall benefit by—

(i) the servitudes, other real rights and conditions, if any, as contained in the schedule of conditions referred to in [section 11 \(3\) \(b\)](#) and the servitudes referred to in [section 28](#) of the Sectional Titles Act, 1986; and

(ii) any alteration to the building or buildings or to a section or to the common property shown on the said sectional plan.

(iii) (Insert the special conditions endorsed against the title deed or contained therein.)

Signed at, on
.....

Registrar of Deeds.

Seal of Office

* State name of township/suburb and local authority.

† State type of sectional title deed(s) and the number(s) thereof.

[[Form J](#) substituted by GN R2653 of 1991.]

Form K [deleted]

[[Form K](#) deleted by GN R2653 of 1991.]

Form L

DEED OF TRANSFER

Prepared by me

CONVEYANCER

(State surname and initials in block letters.)

DEED OF TRANSFER

[Under [section 19 \(3\)](#) of the Sectional Titles Acts, 1986.]

Be it hereby made known:

WHEREAS the undermentioned land has been expropriated by (here state name of Transferee and quote authority) which land is at present registered under Section Title Deeds Nos. in the Deeds Registry at

AND WHEREAS a certificate referred to in section 31 (4) (a) of the Deeds Registries Act, 1937, has been furnished to me 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, 1986, I, the Registrar of Deeds at do hereby transfer in full and free property to and in favour of (here insert name of Transferee) (here insert the description of the property being transferred and refer to the diagram annexed or the diagram deed and conditions of title).

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

Signed at on

Registrar of Deeds.

Seal of Office

Form M

DEED OF CESSION UNDER [SECTION 19 \(3\)](#)

Prepared by me

CONVEYANCER

(State surname and initials in block letters.)

DEED OF CESSION OF (here insert servitude or rights)
UNDER [SECTION 19 \(3\)](#) OF SECTIONAL TITLES ACT, 1986

WHEREAS the undermentioned (state whether servitude or other right) has/have been expropriated by (quote authority) over/in and upon portion/the land, comprised in the common property in the scheme known as No situate at (disclose name of local authority which is/are at present registered in the name of (disclose name of holder of servitude or other right) under (state nature of title and number);

AND WHEREAS a certificate has been furnished to me under [section 32 \(4\)](#) of the Deeds Registries Act, 1937, by the cessionary to the effect that the provisions of any law in connection with the expropriation of such (state servitude or other right) have been complied with;

NOW therefore by virtue of the authority vested in me by [section 19](#) of the Act, I, the Registrar of Deeds at do hereby cede to (state name of cessionary)–

*1.

.....
(In the event of a servitude the description or nature thereof with reference to any diagram, if annexed.) over (Description and extent of land.)

2.

.....
(In the case of other rights the description thereof.) in and upon (description of an extent of land, with reference to diagram or section plan and ancillary rights, if any).

In witness whereof I, the said Registrar, have signed this deed at, on

Registrar of Deeds.

Seal of Office

[[Form M](#) substituted by GN R2653 of 1991.]

Form N [deleted]

[[Form N](#) deleted by GN R1422 of 1997.]

Form O

APPLICATION UNDER SECTION *22 (1), 23 (1), 24 (6), 25 (9), 26 (5) OR 27 (1)

Prepared by me

CONVEYANCER

(State surname and initials in block letters.)

APPLICATION UNDER SECTION *22 (1), 23 (1), 24 (6), 25 (9), 26 (5) OR 27 (1) OF THE SECTIONAL TITLES ACT, 1986

I, the undersigned do hereby apply to the Registrar of Deeds at for:

1.

The registration of the attached sectional plan of subdivision of a *section/consolidation of sections/extension of sections/extension of scheme by addition of sections/extension of scheme by the addition of land to the common property in terms of the provisions of section *22 (1)/23 (1)/24 (6)/25 (9)/26 (5)/27 (1) of the Sectional Titles Act, 1986, in respect of #Section No., formerly Section No./Section Nos. as shown and more fully described on Sectional Plan No. SS in the scheme known as in respect of the land and building or buildings situate at

†..... and held under
§.....

2.
The issue of certificates of registered sectional title in terms of the provisions of section *22 (5)/23 (5)/25 (11) of the aforesaid Act in respect of the sections shown on the said sectional plan of *subdivision/consolidation/extension.

3.
The issue of a certificate of real right in respect of a right to exclusive use as contemplated by section 27 (1) (if applicable).

Signed at on
.....

Signature of Owner

- * Delete whichever is inapplicable.
- † Insert name of town/suburb and local authority.
- ‡ To be adapted for extension of sections and/or common property.
- § State type of sectional title deed(s) and the number(s) thereof.

[[Form O](#) substituted by GN R2653 of 1991 and by GNR.438 of 2005.]

Form P
CERTIFICATE OF REGISTERED SECTIONAL UNDER [SECTION 22 \(5\)](#)

Prepared by me

CONVEYANCER

(State surname and initials in block letters.)

CERTIFICATE OF REGISTERED SECTIONAL TITLE UNDER [SECTION 22 \(5\)](#) OF THE SECTIONAL TITLES ACT, 1986

Whereas has made application for the subdivision of Section No. as shown and more fully described on Sectional Plan No. SS in the scheme known as in respect of the land and building or buildings situate at *..... and held under † in accordance with a plan of subdivision;

And whereas the sectional plan of subdivision has been registered by me as Sectional Plan No. SS

Now, therefore, I, Registrar of Deeds at at, hereby certify that aforesaid is the registered owner of a unit consisting of—

(a) Section No., as shown and more fully described on the aforesaid sectional plan, in the scheme known as in respect of the land and building or buildings situate at *, of which section the floor area, according to the said sectional plan is square metres in extent; and

(b) an undivided share in the common property in the scheme apportioned to the said section in accordance with the participation quota as endorsed on the said sectional plan.

The unit is subject to or shall benefit by—

- (i) the servitudes, other real rights and conditions, if any, as contained in the schedule of conditions referred to in [section 11 \(3\) \(b\)](#) and the servitudes referred to in [section 28](#) of the Sectional Titles Act, 1986, and

(ii)

any alteration to the building or buildings or to a section or to the common property shown on the said sectional plan.

(iii)

(Insert the special conditions imposed, endorsed against the title deed or contained therein.)

Signed at on
.....

Registrar of Deeds

Seal of Office

* State name of township/suburb and local authority.

† State type of sectional title deed(s) and the number(s) thereof.

[[Form P](#) substituted by GN R2653 of 1991.]

Form Q

CERTIFICATE OF REGISTERED SECTIONAL TITLE UNDER [SECTION 23 \(5\)](#)

Prepared by me

CONVEYANCER

(State surname and initials in block letters.)

CERTIFICATE OF REGISTERED SECTIONAL TITLE UNDER [SECTION 23 \(5\)](#) OF THE SECTIONAL TITLES ACT, 1986

Whereas has made application for the consolidation of his Section Nos as shown and more fully described on Section Plan No. SS in the scheme known as in respect of the land and building or buildings situate at * and held under † in accordance with a sectional plan of consolidation;

And whereas the plan of consolidation has been registered by me as Sectional Plan No. SS

Now, therefore, I, Registrar of Deeds at hereby certify that aforesaid is the registered owner of a unit consisting of—

(a) Section No., as shown and more fully described on the aforesaid section plan, in the scheme known as in respect of the land and building or buildings situate at* of which section the floor area, according to the said sectional plan, is square metres in extent; and

(b) an undivided share in the common property in the scheme apportioned to the said section in accordance with the participation quota as endorsed on the said sectional plan.

The unit is subject to or shall benefit by—

the servitudes, other real rights and conditions, if any, as contained in the schedule of conditions referred to in [section 11 \(3\) \(b\)](#) and the servitudes referred to in [section 28](#) of the Sectional Titles Act, 1986 and

(i)

any alteration to the building or buildings or to a section or to the common property shown on the said sectional plan.

(ii)

(Insert the special conditions endorsed against the title deed or contained therein.)

(iii)

Signed at on
.....

Registrar of Deeds

Seal of Office

* Insert name of township/suburb and local authority.

† State type of sectional title deed(s) and the number(s) thereof.

[[Form Q](#) substituted by GN R2653 of 1991.]

Form R

CERTIFICATE OF REAL RIGHT UNDER [SECTION 25 \(6\)](#)

Prepared by me

CONVEYANCER

(State surname and initials in block letters.)

CERTIFICATE OF REAL RIGHT UNDER [SECTION 25 \(6\)](#) OF THE SECTIONAL TITLES ACT, 1986

Whereas the right to extend the scheme vests with the body corporate of under the provisions of [section 25 \(6\)](#) of the Act:

Now, therefore, I, the Registrar of Deeds at in pursuance of the provisions of the said Act, do hereby certify that the said body corporate is the registered holder of the right to erect and complete from time to time: * on the specified portion of the common property as indicated on the plan [referred to in [section 25 \(2\) \(a\)](#) of the Act] filed in this office, and to divide such building or buildings into a section or sections and common property and to confer the right of exclusive use over portions of such common property upon the owner or owners of one or more of the units in the scheme known as, in respect of the land and building or buildings situate at † and shown on Sectional Plan No. SS

Signed at on
.....

Registrar of Deeds

Seal of Office

* State which rights i.e. [section 25 \(1\) \(a\)](#), [\(b\)](#) or [\(c\)](#) are reserved.

† State name of township/suburb and local authority.

[[Form R](#) substituted by GN R2653 of 1991.]

Form S [deleted]

[[Form S](#) deleted by GN R1422 of 1997.]

Form T [deleted]

[[Form T](#) deleted by GN R1422 of 1997.]

Form U [deleted]

[[Form U](#) Deleted by GN R2653 of 1991.]

Form V

NOTIFICATION UNDER SECTION 35 (5) OF THE SECTIONAL TITLES ACT, 1986
[Form V substituted by GNR.60 of 1993 and amended by GN 830 of 2000 and substituted by r. 5 of
GNR.1264 of 28 November 2008.]

Registrar's number of Sectional Plan SS
Registrar of Deeds

NOTIFICATION UNDER SECTION 35 (5) OF THE SECTIONAL TITLES ACT, 1986

We,

and
(only two trustees required to
sign), the undersigned trustees of the body corporate of the

scheme known as
, No.
situate at **
,

hereby give notice that on

the body corporate made the following rules
(set out in the Schedule) which have been initialled by the trustees for identification for the
control and management of the buildings:

*(a) Management Rules († in substitution of, addition to, withdrawal of or in amendment of the
existing rules).

*(b) Conduct Rules († in substitution of, addition to, withdrawal of or in amendment of the
existing rules).

The rules referred to in paragraph (a) have been adopted by unanimous resolution of the
members of the body corporate.

The rules referred to in paragraph (b) have been adopted by special resolution of the members
of the body corporate.

Address:

Trustee

Trustee

Date

Filed at the Office of the Registrar of Deeds at

on

Signed at

on

Registrar of deeds:
(Seal of Office)

Date:

*
Particulars not applicable in a particular case must be omitted.

**
State name of township/suburb and local authority.

†

Particulars not applicable in a particular case must be omitted.

Form W

CERTIFICATE OF ESTABLISHMENT OF BODY CORPORATE IN TERMS OF THE PROVISIONS OF SECTION 36 (1)

Prepared by me

CONVEYANCER

(State surname and initials in block letters.)

CERTIFICATE OF ESTABLISHMENT OF BODY CORPORATE IN TERMS OF THE PROVISIONS OF SECTION 36 (1) OF THE SECTIONAL TITLES ACT, 1986

I, Registrar of Deeds at, hereby certify that a body corporate designated as the Body Corporate of the..... scheme, No., is deemed to be established with effect from

Signed at on

Seal of Office

Registrar of Deeds

[Form W substituted by GN R60 of 1993 and by GN 830 of 2000.]

Form X

NOTIFICATION IN TERMS OF REGULATION 31 (1)

The Registrar of Deeds

NOTIFICATION IN TERMS OF REGULATION 31 (1) UNDER THE SECTIONAL TITLES ACT, 1986

We, and, trustees of the Body Corporate of the scheme known as No., hereby give notice that in terms of section 48 of the above-mentioned Act the building or buildings have been damaged or are deemed to have been destroyed as contemplated in section 48 (1) of the Act, on account of (state why building or buildings are damaged or deemed to be destroyed), and that the owners have by a unanimous resolution/order of court*, been authorised to rebuild and reinstate in whole/or in part* the building or buildings* and to transfer the interest of owners whose sections have been wholly or partly destroyed to the other owners.

The following documents are attached:

- (a) A copy of the unanimous resolution, certified by us; or
- (b) a copy of the order of court certified by the registrar of the court.

Postal address:

Trustee

Trustee

Date

* Delete that which is not applicable.
Delete (a) or (b).

[Form X substituted by GN R60 of 1993.]

Form Y
NOTIFICATION UNDER SECTION 49 (1)

The Registrar of Deeds

NOTIFICATION UNDER SECTION 49 (1) OF THE SECTIONAL TITLES ACT, 1986

We, and, trustees of the Body Corporate of the scheme known as No., hereby give notice that in terms of section 48 of the Act the building or buildings are deemed to be destroyed on account of

(state why the building or buildings are deemed to be destroyed), and that the owners have by unanimous resolution resolved not to rebuild the building or buildings.

The following documents are attached:

- (a) A copy of the unanimous resolution of the owners that the building or buildings are deemed to be destroyed, as certified by us, *together with the written agreement of the holders of registered sectional mortgage bonds and the agreement of persons with registered real rights; or
- *(b) a copy of the order of the court that the building or buildings are deemed to be destroyed, certified by the registrar of the court; and
- (c) a copy of a unanimous resolution of the owners not to rebuild, as certified by us.

Postal address:

Trustee

Trustee

Date

* Delete that which is not applicable.

[Form Y substituted by GN R60 of 1993.]

Form Z
SECTIONAL MORTGAGE BOND HYPOTHECATING *A UNIT/AN EXCLUSIVE USE AREA/THE RIGHT TO EXTEND A SCHEME/OTHER REGISTERED REAL RIGHTS

[Form Z substituted by GNR.2653 of 1991 and by r. 3 (a) of GNR.291 of 16 April 2010.]

Prepared by me

CONVEYANCER

(State surname and initials in block letters.)

SECTIONAL MORTGAGE BOND HYPOTHECATING *A UNIT/AN EXCLUSIVE USE AREA/THE RIGHT TO EXTEND A SCHEME/OTHER REGISTERED REAL RIGHTS

I, the undersigned,

(hereinafter referred to as the mortgagor), do hereby

acknowledge myself to be lawfully indebted and bound to

(hereinafter

referred to as the mortgagee) in the amount of (in words and figures)

and

(in words and figures) _____ being the additional amount referred to in the conditions annexed, arising from and being _____ and as security for the above,

I hereby bind as a † _____ mortgage, subject to the conditions set out in the annexure to this bond*:

(1) *A unit consisting of—
(a) Section No. _____ as shown and more fully described on Sectional Plan No. SS _____, in the scheme known as _____ in respect of the land and building or buildings situate at † _____ of which the floor area, according to the said sectional plan, is _____ square metres in extent; and

(b) an undivided share in the common property in the scheme apportioned to the said section in accordance with the participation quota as endorsed on the said sectional plan.
Held under ** _____ and subject to such conditions as set out in the aforesaid **

(2) *An exclusive use area described as _____ No. _____, measuring _____ being as such part of the common property, comprising the land and the scheme known as _____ in respect of the land and building or buildings situate at † _____ as shown and more fully described on Sectional Plan No. SS _____ held under ** _____ and subject to such conditions as set out in the aforesaid**

(3) *The right to erect and complete from time to time within a period of _____ for *my/our/its personal account § _____ on the specified portion of the common property as indicated on the plan [as referred to in [section 25 \(2\) \(a\)](#) of the Act] and to divide such building or buildings into a section or sections and common property and to confer the right of exclusive use over portions of such common property upon the owner or owners of one or more sections in respect of the land described as _____ and in the scheme known as _____ in respect of the land and building or buildings situate at † _____ and shown on Section Plan No. SS _____ and held under ** _____

and subject to such conditions as set out in the aforesaid **

Signed at

on

Mortgagor or his duly authorised agent

Before me

Conveyancer

Registered at

On

Registrar of Deeds

Seal of Office

The Annexure to the bond shall be signed by the mortgagor and the conveyancer at the end thereof and when it consists of more than one page, each additional page shall be initialled by the said parties. The form must be adapted if other real rights are mortgaged. (Follow the description of the real right as it appears in the title of the right.)

* Omit which is not applicable.

† Insert ranking of bond.

‡ State name of township/suburb and local authority/description of farm.

§ State which right i.e. [section 25 \(1\) \(a\)](#), [\(b\)](#) or [\(c\)](#).

**State type of sectional title deed(s), notarial deed(s) and the number(s) thereof.

Form AB [deleted]

[Form AB deleted by GN 830 of 2000.]

Form AC

SPECIMEN OF FIRST SHEET

SPECIMEN OF FIRST SHEET

Sectional Plan No. SS

SHEET 1

SG No. D

OF..... SHEETS

Registered at

APPROVED

Registrar of Deeds

for Surveyor-General

Date

Date

NAME OF SCHEME:

DESCRIPTION OF LAND ACCORDING TO *DIAGRAM/GENERAL PLAN:

*DIAGRAM/GENERAL PLAN NO.:

NAME OF LOCAL AUTHORITY:

LOCAL AUTHORITY REFERENCE NUMBER:

DESCRIPTION OF BUILDING(S):

ENCROACHMENTS ON THE LAND:

*YES/NO

*CAVEAT IN RESPECT OF EXTENSION OF SCHEME:

*EXCLUSIVE USE AREA(S):

Certificate

I hereby certify that I have prepared sheets to inclusive, of this sectional plan from survey in accordance with the provisions of the Sectional Titles Act, 1986 and the regulations promulgated thereunder.

Date

Signed

* Land Surveyor/Architect

Registration No.

Address

Survey records:	Compilation:	General Plan:
-----------------	--------------	---------------

Explanatory notes:

(a)

*Omit whichever is not applicable.

(b)

Separate certificates are required when an architect is also involved.

[Form AC substituted by GN R2653 of 1991 and by GN R60 of 1993.]

Form AD

NO PART OF BUILDING(S) LET FOR RESIDENTIAL PURPOSES

NO PART OF BUILDING(S) LET FOR RESIDENTIAL PURPOSES

Affidavit

I, the undersigned,..... do hereby make oath and say that:

1. The developer in the sectional title development scheme known as situated on Erf in Township ("the scheme"), is

2. I have been duly authorised by resolution of the developer, dated (a certified copy of which resolution is annexed hereto), to declare that, in regard to [section 4 \(3\)](#) of the Sectional Titles Act, 1986, as amended ("the Act"), the provisions of the said section do not apply to the scheme, in that no part of the building(s) comprised in the scheme and which, after a division of the building(s), will constitute a unit or units therein, has been let wholly or partially for residential purposes.

3. I am able to depose to the correctness of the facts contained in Paragraph 2 above because I personally have made investigations to verify such facts.

Deponent

THUS SIGNED AND SWORN to before me at on the day of 19....., by the Deponent who acknowledges that he/she knows and understands the contents of this Affidavit.

Commissioner of Oaths

Full name
Designation
Address

[Form AD amended by GN R1422 of 1997.]

Form AE

BUILDING(S) OR PART THEREOF LET FOR RESIDENTIAL PURPOSES

BUILDING(S) OR PART THEREOF LET FOR RESIDENTIAL PURPOSES

Affidavit

I, the undersigned, do hereby make oath and say that:

1. The developer in the sectional title development scheme known as situated on Erf in Township ("the scheme"), is

2. I have been duly authorised by resolution of the developer, dated (a certified copy of which resolution is annexed hereto), to declare that, in regard to section 4 (3) of the Sectional Titles Act, 1986, as amended ("the Act")—

2.1 the provisions of section 4 (3) apply to the scheme in that one or more part(s) of the building(s) comprised in the scheme and which will constitute a unit or units therein, is or are let wholly or partially for residential purposes;

2.2 the developer has complied fully with all the provisions of section 4 (3) of the Act in that—

2.2.1 every lessee of every part of the building(s) which is leased for residential purposes as stated in 2.1 above, was notified in writing of the meeting of lessees which was held on; a specimen of the notice is attached hereto, marked Annexure "A", and which has been initialled by me for identification purposes;

2.2.2 the notice referred to in paragraph 2.2.1 above, was—
(a) delivered personally on, and a list of lessees with signatures (and dates of such signatures) thereon, acknowledging receipt of the said notice, is attached hereto, marked Annexure "B", and which has been initialled by me for identification purposes;
(b) despatched by registered post on, and a copy of the acknowledgement of receipt of the registered letters by the post office concerned, is attached hereto, marked Annexure "B", and which has been initialled by me for identification purposes;

2.2.3 the meeting referred to in paragraph 2.2.1, above was held within the municipal area of at, which is situated at a distance of km from the scheme;

2.2.4 the meeting referred to in paragraph 2.2.1, was held on

..... A certified copy of the minutes is attached hereto, marked Annexure "C", and which has been initialled by me for identification purposes;

2.2.5

..... of the developer attended the meeting to provide the lessees with—

(a)

such particulars of the scheme as the lessees may reasonably require from him/her; and

(b)

the information regarding the lessees' rights as set out in [section 10](#) of the Act; and

2.2.6

in addition to the notice referred to in paragraph 2.2.1 above, the lessees were provided with certificates containing the prescribed particulars in respect of the relevant building(s), and parts thereof or units therein, and of the scheme. A copy of the certificate is attached hereto, marked Annexure "D", and which has been initialled by me for identification purposes;

3.

I am able to depose to the correctness of the facts contained in paragraph 2 above, because I personally have made investigations to verify such facts.

Deponent

THUS SIGNED AND SWORN to before me at on the day of 19..... by the Deponent who acknowledges that he/she knows and understands the contents of this Affidavit.

Commissioner of Oaths

Full name
Designation
Address

[Form AE amended by GN R1422 of 1997.]

Form AF

BUILDING(S) SUBJECT TO SHARE BLOCKS CONTROL ACT OF 1980

BUILDING(S) SUBJECT TO SHARE BLOCKS CONTROL ACT, 1980

Affidavit

I, the undersigned, do hereby make oath and say that:

1.

The developer in the sectional title development scheme known as situated on Erf in Township ("the scheme"), is

2.

I have been duly authorised by resolution of the developer dated (a certified copy of which resolution is annexed hereto), to declare that—

2.1

in regard to [section 4 \(3\)](#) of the Sectional Titles Act, 1986 (Act [No. 95 of 1986](#)), as amended ("the Act")—

2.1.1

one or more part(s) of the building(s) comprised in the scheme which will constitute a unit or units therein is/are let wholly or partially for residential purposes;

2.1.2

I submit that the provisions of [section 4 \(3\)](#) of the Act can have no application to the scheme in that—

2.1.2.1

the developer as defined in the Act is a share block company constituted in terms of the provisions of the Share Blocks Control Act, 1980 ([Act 59 of 1980](#));

2.1.2.2

the developer has in terms of the proviso to [section 4 \(3\)](#) of the Act, within a period of two years prior to the date of application, complied with the provisions of [section 11A](#) of the Share Blocks Control Act, ([Act No. 59 of 1980](#)).

3.

I am able to depose to the correctness of the facts contained in paragraph 2 above, because I personally have made investigations to verify such facts.

Deponent

THUS SIGNED AND SWORN to before me at on the..... day of 19..... by the Deponent who acknowledges that he/she knows and understands the contents of this Affidavit.

Commissioner of Oaths

Full name
Designation
Address

[Form AF amended by GN R1422 of 1997.]

Form AG

APPLICATION UNDER *SECTION 27 (1) (d)/SECTION 24 (4) (c)

Prepared by me

CONVEYANCER

(State surname and initials in block letters.)

APPLICATION UNDER *SECTION 27 (1) (d)/SECTION 24 (4) (c) OF THE SECTIONAL TITLES ACT, 1986

We, and the undersigned trustees of the Body Corporate of the (name) Scheme, No.

Hereby apply for the issuing of a certificate of real rights of exclusive use areas in respect of:

An exclusive use area described as No., measuring, being as such part of the common property comprising the land and the scheme known as in respect of the land and building or buildings situate at as shown and more fully described on Sectional Plan No. SS held under *Certificate of Real Right/Notarial Deed of Cession No. SK

Which right vest in the said body corporate in terms of section *27 (1) (d)/27 (4) (c) of the Sectional Titles Act, 1986.

Address

Trustee

Trustee

Date

* Delete that which is not applicable.

† Disclose name of township/suburb and local authority.

[Form AG inserted by GNR.438 of 2005.]

Form AH

CERTIFICATE OF REAL RIGHT: EXCLUSIVE USE AREA

Prepared by me

CONVEYANCER

(State surname and initials in block letters.)

CERTIFICATE OF REAL RIGHT: EXCLUSIVE USE AREA

[In terms of section *27 (1) (d)/27 (4) (c) of the Sectional Titles Act, 1986]

WHEREAS the undermentioned exclusive use area vests in the Body Corporate of (name) No., in terms of section *27 (1) (d)/27 (4) (c) of the Sectional Titles Act, 1986;

AND WHEREAS the said body corporate has applied for the issuing of a certificate of real right of exclusive use area;

NOW THEREFORE, in terms of the provisions of the Act, I, the Registrar of Deeds at hereby certify that the Body Corporate of (name) No.

is the registered holder of:

‡An exclusive use area described as, No., measuring, being as such part of the common property comprising the land and the scheme known as in respect of the land and building or buildings situate at †..... as shown and more fully described on Sectional Plan No. SS held under *Certificate of Real Right/Notarial Deed of Cession No. SK

Signed at

, on

Registrar of Deeds

(Seal of Office)

* Delete whichever is not applicable.

† Disclose name of township/suburb and local authority.

‡ Disclose each type of exclusive use area separately.

[Form AH inserted by GNR.438 of 2005.]

Form AI

CERTIFICATE UNDER SECTION 27 (7)

Prepared by me

CONVEYANCER

(State surname and initials in block letters.)

CERTIFICATE UNDER SECTION 27 (7) OF THE SECTIONAL TITLES ACT, 1986

WHEREAS has applied for the issuing of a separate title deed as contemplated in section 27 (7) of the Sectional Titles Act, 1986, in respect of the undermentioned exclusive use areas, being exclusive use areas registered in his/her name held by virtue of *Certificate of Real Rights: Exclusive Use Areas/Notarial Deed of Cession of Exclusive Use Areas (state No. of title deed) dated,

NOW THEREFORE, in terms of the provisions of the said Act, I, Registrar of Deeds, at hereby certify that the said heirs, executors, administrators, or successors in title, or assigns is/are the registered holder/s of certain ‡..... (describe the right/s to the exclusive use area/s) and that by virtue of these presents (he, she or it) is now and henceforth shall be entitled thereto conformably to local custom, the State, however, reserving its rights.

In witness whereof I, the said Registrar, have signed this Deed, and have caused the seal of office to be affixed thereto.

Signed at
....., on

Registrar of Deeds

(Seal of Office)

* Delete that which is not applicable.

‡ Disclose each type of exclusive use area separately.

[Form AI inserted by GNR.438 of 2005.]

Form AJ

COLLATERAL SECTIONAL MORTGAGE BOND

[Form AJ inserted by r. 3 (b) of GNR.291 of 16 April 2010.]

Prepared by me

CONVEYANCER

(State surname and initials in block letters.)

COLLATERAL SECTIONAL MORTGAGE BOND

I, the undersigned,
..... (hereinafter referred to as the mortgagor), do hereby
acknowledge myself to be lawfully indebted and bound to
..... (hereinafter
referred to as the mortgagee) in the sum of
..... arising from and being
..... as security for which indebtedness sectional mortgage bond no.
(hereinafter called the principal bond) was registered in the Deeds Registry
at
..... on the
..... over the property thereby
specially hypothecated;

And whereas the said mortgagee requires the indebtedness of the mortgagor under the principal bond to be further secured by the hypothecation of the undermentioned property as collateral security therefore;

Now, therefore, I, renouncing all benefits arising from the legal exceptions _____ with
the full force and effect of which I declare myself to be fully acquainted, do by these presents
declare and acknowledge myself to be held and firmly bound unto and on behalf of the said
_____ his order or assigns in the aforesaid sum of
together with the sum of _____
_____ as a preferent charge for costs and other
matters as more fully set out in the principal bond, and as collateral security for the due and
proper repayment of the aforesaid sums with interest on the said capital sum and for the due
and
proper fulfilment of all the terms and conditions mentioned or referred to in the principal bond as
well as all my obligations thereunder, I declare to bind specially as a
_____ mortgage
(here describe the *section and its undivided share in the
common property in the scheme / exclusive use area / real right);
And I further declare that this collateral sectional mortgage bond and the Annexure hereto, shall
be subject to all the terms and conditions set out in the principal bond and the Annexure thereto
as fully and effectually as if the same had been inserted herein and to the special condition that
upon payment and discharge of all obligations under the principal bond, this bond shall be null
and void but shall otherwise be and remain in full force, virtue and effect.

Signed at _____
_____ on

Mortgagor or duly authorised agent

Before me

Conveyancer

Registered at _____
On _____

Registrar of Deeds
Seal of Office

ANNEXURE

I, the undersigned, _____ (hereinafter referred to as the
mortgagor), further declared that the Collateral Sectional Mortgage Bond to which this Annexure
is attached shall be subject to the following terms and conditions:-

**

Mortgagor or duly authorised agent

Conveyancer

* Delete whichever is not applicable

** Insert applicable terms and conditions

Form AK
SURETY BOND

[Form AK inserted by r. 3 (c) of GNR.291 of 16 April 2010.]

Prepared by me

CONVEYANCER

(State surname and initials in block letters.)

SURETY BOND

Whereas _____ (hereinafter referred to as the principal debtor), is truly and lawfully indebted in the sum of _____ (_____) together with the sum of _____ (_____) as a preferent charge for costs and other matters to and on behalf of _____ (describe the mortgagee), arising from and being _____ as security for which indebtedness the said principal debtor has registered Mortgage Bond No. _____, dated _____ in the Deeds Registry at _____ over the property /real right thereby especially hypothecated; and

And whereas I, the undersigned _____ (here describe the surety) has agreed to bind myself as surety and co-principal debtor for the due payment of the aforesaid sum and interest thereon and for the compliance with all the terms and conditions of the aforesaid principal bond as well as the terms and conditions referred to in the Annexure hereto, mortgaging as security for the fulfilment of the said obligations the hereinafter-mentioned property / real right;

Now therefore, I, the said _____ declare myself to be truly and lawfully indebted and held and firmly bound to and on behalf of _____ in the sum of _____ arising from the considerations aforementioned under renunciation of the legal exceptions with the force and effect whereof I declare myself to be fully acquainted together with the sum of _____ (_____) as a preferent charge for costs and other matters as more fully set out in the said principal bond;

And I bound to pay or cause to be paid to the mortgagee or other holder of this bond, his/her heirs, executors, administrators or assigns, the said principal sum of _____ with such interest as may from time to time become due and payable thereon in terms of the principal bond, and for the proper performance of the terms thereof the appearer q.q. declared to bind specially as a _____ mortgage (describe the *section and its undivided share in the common property / exclusive use area / real right);

And I declare it to be a special condition of this bond that should the principal debtor fulfil all his/her obligations under the said principal bond by payment of all the sums due thereon by way of capital and interest and comply further with all the terms and conditions of the aforesaid bond this bond shall become null and void.

Signed at

on

Surety or duly authorised agent

Before me

Conveyancer

Registered at

On

Registrar of Deeds

Seal of Office

ANNEXURE

I, the undersigned

(the surety) declare that the surety bond to which this Annexure is attached is subject to the following terms and conditions:-

**

Surety or duly authorised agent

Conveyancer

* Delete whichever is not applicable

** Insert applicable terms and conditions.

Annexure 2

[[Annexure 2](#) repealed by GN R1659 of 1994.]

Annexure 3

[[Annexure 3](#) repealed by GN R1422 of 1997.]

Annexure 4

[[Annexure 4](#) substituted by GN R1562 of 1992 and repealed by GN R1659 of 1994.]

Annexure 5

[[Annexure 5](#) substituted by GN R1791 of 3 August 1990, amended by GN R2653 of 1991 and repealed by GN R1659 of 1994.]

Annexure 6

DOCUMENTS TO BE KEPT IN CONVEYANCERS' FILES IN TERMS OF REGULATION 40
[Annexure 6 amended by GN R2653 of 1991, by GN 1422 of 1997 and by GN 830 of 2000.]

A. Transfer of ownership or alienation in terms of [section 15B](#) of the Act

(1)
The original or duplicate original of the conveyancer's certificate under [section 15B \(3\)](#) of the Act.

(2)
Where applicable, the power of attorney conferring authority to act in respect of the transaction.

(3)
The clearance or other certificate issued by the body corporate to the effect that on the date of registration of the relevant transfer all moneys due to the body corporate have been paid or that provision has been made to the satisfaction of the body corporate for the payment thereof.

(4)
The conveyancer may keep any other documents relating to the status, authority or capacity of the transferor or the transferee deemed necessary by him in the file.

B. Sectional Mortgage bond

(1)
Power of attorney conferring authority on the conveyancer to act in respect of the transaction, unless such authority is contained in the bond.

(2)
All other documents, including powers of attorney, deemed necessary by the conveyancer and relating to the status, authority or capacity of the mortgagor or his or her agent or the mortgagee or his or her agent or of the conveyancer.

(3)
Any consent granted in terms of [section 15 \(2\)](#) of the Matrimonial Property Act, 1984 (Act [No. 88 of 1984](#))

[Annexure 6 amended by GN R2653 of 1991 and by GN 1422 of 1997.]

Annexure 7

[Annexure 7 repealed by GN R1422 of 1997.]

Annexure 8

MANAGEMENT RULES

[Annexure 8 amended by GNR.2653 of 1991, by GNR.1422 of 1997, by GN 830 of 2000, by GNR.438 of 2005, by GNR.1109 of 2005 and by GNR.291 of 16 April 2010.]

[[Section 35 \(2\) \(a\)](#) of the Sectional Titles Act, 1986.]

[Annexure 8 amended by GN R2653 of 1991, by GN R1422 of 1997, by GN 830 of 2000 and by GNR.438 of 2005.]

PRELIMINARY

1. The rules contained in this Annexure shall not be added to, amended or repealed except in accordance with [section 35 \(2\) \(a\)](#) of the Act, and subject to the provisions of [section 35 \(3\)](#) and [\(5\)](#) of the Act.

INTERPRETATION

2. In the interpretation of these rules, unless the context otherwise indicates—

- (a) "Act" means the Sectional Titles Act, 1986 (Act [No. 95 of 1986](#)), as amended from time to time, and any regulations made and in force thereunder;
- (b) "accounting officer" means a person who in terms of [section 60 \(2\)](#) of the Close Corporation Act, 1984 (Act [No. 69 of 1984](#)), is qualified to perform the duties of an accounting officer;
- (c) "auditor" means an auditor qualified to act as such under the Public Accountant's and Auditors' Act 1951 (Act 80 of 1991);
- (d) "registered mortgagee" means any mortgagee of whom the body corporate has been notified in writing as contemplated in [section 44 \(1\) \(f\)](#) of the Act;
- (e) "trustee" includes an alternate trustee;
- (f) words and expressions to which a meaning has been assigned in the Act, shall bear the meanings so assigned to them;
- (g) words importing—
 - (i) the singular number only shall include the plural, and the converse shall also apply;
 - (ii) the masculine gender shall include the feminine, and neuter genders and the neuter gender shall include the masculine and feminine genders;
- (h) the headings to the respective rules are provided for convenience of reference only and are not be taken into account in the interpretation of the rules.

DOMICILIUM CITANDI ET EXECUTANDI

3. (1) The trustees shall from time to time determine the address constituting the *domicilium citandi et executandi* of the body corporate as required by [section 37 \(1\) \(m\)](#) of the Act, subject to the following:

- (a) Such address shall be situated in the magisterial district in which the scheme is situated and shall be the address of the chairman or other resident trustee duly appointed in general meeting or in the magisterial district in which the offices of any duly appointed managing agent are situated being the address of such managing agent;
- (b) no change of such address shall be effective until written notification thereof has been received by the registrar;
- (c) the trustees shall give notice to all owners of any change of such address.

(2) The *domicilium citandi et executandi* of each owner shall be the address of the section registered in his name: Provided that such owner shall be entitled from time to time to change the said *domicilium* but that any new *domicilium* selected shall be situate in the Republic, and that the

change shall only be effective on receipt of written notice thereof by the body corporate at its *domicilium*.

TRUSTEES OF THE BODY CORPORATE

Qualifications; appointment and election; tenure of office; remuneration; indemnity.

4. (1) The number of trustees shall be determined from time to time by the members of the body corporate in general meeting, provided that there shall be not less than two trustees.

(2) With effect from the date of the establishment of the body corporate, all owners shall be trustees who shall hold office until the first general meeting of the members of the body corporate as contemplated in rule 50 (1) whereupon they shall retire but shall be eligible for re-election.

(3) The chairman of the trustees referred to in rule 4 (2) shall be the developer concerned or his nominee, who shall hold office until the general meeting referred to in the said rule, when he shall retire as a trustee and as chairman, but shall be eligible for re-election in terms of rule 18.

Qualifications

5. Save for the provisions of rule 4 (2), a trustee or alternate trustee shall not be required to be an owner or the nominee of an owner who is a juristic person, in order to qualify for office as a trustee: Provided that—

(a) the majority of the trustees are owners, or spouses of owners; and

(b) the managing agent or any of his or her employees or an employee of the body corporate may not be a trustee unless he or she is an owner.

[Para. (b) substituted by GN R1422 of 1997 and by GN 830 of 2000.]

Election of trustees

6. Save for the provisions of rule 4 (2), the trustees shall be elected at the first annual general meeting and thereafter at each subsequent annual general meeting, and shall hold office until the next succeeding annual general meeting, but they shall be eligible for re-election, if so nominated.

[Rule 6 substituted by GN R1422 of 1997.]

Nominations

7. Nominations by owners for the election of trustees at any annual general meeting shall be given in writing, accompanied by the written consent of the person nominated, so as to be received at the *domicilium* of the body corporate not later than 48 hours before the meeting: Provided that trustees are also capable of being elected by way of nominations with the consent of the nominee given at the meeting itself should insufficient written nominations be received to comply with rule 4 (1).

Vacancy in number of trustees

8. The trustees may fill any vacancy in their number. Any trustee so appointed shall hold office until the next annual general meeting when he shall retire and be eligible for re-election as though he had been elected at the previous annual general meeting.

Alternate trustees

9. (1) The trustees may appoint another person, whether or not he be the owner of a unit, to act as an alternate trustee during the absence or inability to act of a trustee.

(2) An alternate trustee shall have the powers and be subject to the duties of a trustee.

(3) An alternate trustee shall cease to hold office if the trustee whom he replaces, ceases to be a trustee, or if the alternate's appointment is revoked by the trustees.

Remuneration

10. (1) Unless otherwise determined by a special resolution of the owners, trustees who are owners shall not be entitled to any remuneration in respect of their services as such: provided that the body corporate shall reimburse to the trustees all disbursements and expenses actually and reasonably incurred by them in carrying out their duties and exercising their powers.

(2) The body corporate may remunerate trustees who are not owners at such rate as may be agreed upon between the body corporate and such trustees, and such trustees shall further be entitled to have refunded to them any disbursements and expenses incurred by them in the circumstances envisaged in the proviso to sub-rule (1) of this rule, provided always that an alternative trustee appointed by the trustees, who is not an owner, shall claim his remuneration, if any, from the trustee whom he replaced and not from the body corporate, unless the body corporate has been instructed in writing by such trustee to pay any portion of his remuneration to such alternate trustee.

Validity of acts of trustees

11. Any act performed by the trustees shall, notwithstanding that it is after the performance of the act discovered that there was some defect in the appointment or continuance in office of any trustee, be as valid as if such trustee had been duly appointed or had duly continued in office.

Indemnity

12. (1) (a) Subject to the provisions of sub-rule (2), every trustee, agent or other officer or servant of the body corporate shall be indemnified by the body corporate against all costs, losses, expenses and claims which he may incur or become liable to by reason of any act done by him in the discharge of his duties, unless such costs, losses, expenses or claims are caused by the *mala fide* or grossly negligent act or omission of such person.

(b) It shall be the duty of the trustees to pay such indemnity out of the funds of the body corporate.

(2) The indemnity referred to in sub-rule (1) shall not apply in favour of any managing agent appointed in terms of rule 46.

DISQUALIFICATION OF TRUSTEES

Removal from Office

13. A trustee shall cease to hold office as such—

- (a) if by notice in writing to the body corporate, he resigns his office;
- (b) if he is or becomes of unsound mind;
- (c) if he surrenders his estate as insolvent, or if his estate is sequestrated;
- (d) if he is convicted of an offence which involves dishonesty;
- (e) if by resolution of a general meeting of the body corporate, he is removed from his office, provided that the intention to vote upon the removal from office has been specified in the notice convening the meeting;

(f)

if he is or becomes disqualified in terms of section 218 or 219 of the Companies Act, 1973, from being appointed or acting as a director of a company.

Replacement

14. The body corporate may at a general meeting appoint another trustee in the place of any trustee who has ceased to hold office in terms of rule 13, for the unexpired part of the term of office of the trustee so replaced.

Meeting of Trustees

QUORUM; CHAIRMAN; VOTING

When to be held and notice

15. (1) Subject to the provisions of sub-rule (2) and (3) hereof, the trustees may give notice convening meetings, meet together for the despatch of business, adjourn and otherwise regulate their meetings as they think fit. It shall not be necessary to give notice of a meeting of trustees to any trustee for the time being absent from the Republic, but notice of any such meeting shall be given to his alternate, if he has appointed one, where such an alternate is in the Republic.

(2) A trustee may at any time convene a meeting of the trustees by giving to the other trustees and all first mortgagees in the circumstances referred to in sub-rule (3) hereof, not less than seven days' written notice of a meeting proposed by him, which notice shall specify the reason for calling such a meeting: Provided that in cases of urgency such shorter notice as is reasonable in the circumstances may be given.

(3) Any mortgagee holding first mortgage bonds over units shall, if he so requires of the trustees in writing, be entitled to receive reasonable notice of all meetings of the trustees.

(4) The nominee of any such first mortgagee shall be entitled to attend and speak at all meetings of the trustees but shall not, in his capacity as such, be entitled to vote thereat.

(5) An owner shall be entitled to attend and speak at any meeting of the trustees, but shall not in his or her capacity as such, be entitled to vote thereat.

[Sub-rule 5 inserted by GN R1422 of 1997.]

Quorum

16. (1) At a meeting of the trustees, 50 percent of the number of trustees but not less than two, shall form a quorum.

(2) If the number of trustees falls below the number necessary to form a quorum, the remaining trustee or trustees may continue to act, but only for the purpose of appointing or co-opting additional trustees to make up a quorum or for the purpose of convening a general meeting of owners.

17. If at any meeting of trustees a quorum is not present within thirty minutes of the appointed time of the meeting, such meeting shall stand adjourned to the next business day at the same time, and the trustees then present, who shall not be less than two, shall form a quorum.

Chairman

18. At the commencement of the first meeting of trustees after an annual general meeting, at which trustees have been elected, the trustees shall elect a chairman from among their number, who shall hold office as such until the end of the next annual general meeting of the members of the body corporate and who shall have a casting as well as a deliberative vote, save where there are only two trustees.

19. The trustees at a trustees' meeting or the body corporate at a special meeting, in respect of either of which notice of the intended removal from office of the chairperson has been given, may remove the chairperson from his or her office.

[Rule 19 substituted by GN R1422 of 1997.]

20. If any chairman elected in terms of rule 18 vacates his office as chairman or no longer continues in office by virtue of the provisions of rule 19, the trustees shall elect another chairman who shall hold office as such for the remainder of the period of office of the first-mentioned chairman, and who shall have the same rights to voting.

21. If any chairman vacates the chair during the course of a meeting or is not present or is for any other reason unable to preside at any meeting, the trustees present at such meeting shall choose another chairman for such meeting who shall have the same rights of voting as the chairman.

Voting

22. All matters at any meeting of the trustees shall be determined by a majority of the votes of the trustees present and voting.

23. A trustee shall be disqualified from voting in respect of any contract, or any litigation or proposed litigation, with the body corporate, by virtue of any interest he may have therein.

24. A resolution in writing signed by all the trustees for the time being present in the Republic and being not less than are sufficient to form a quorum, shall be as valid and effective as if it had been passed at a meeting of the trustees duly convened and held.

THE FUNCTIONS, POWERS AND DUTIES OF TRUSTEES

General

25. The duties and powers of the body corporate shall, subject to the provisions of the Act and these rules and to any restriction imposed or direction given at a general meeting of the owners of sections, be performed or exercised by the trustees of the body corporate holding office in terms of these rules.

Powers

26. (1) Subject to any restriction imposed or direction given at a general meeting of the body corporate, the powers of the trustees shall include the following:

(a) To appoint for and on behalf of the body corporate such agents and employees as they deem fit in connection with—

the control, management and administration of the common property; and (i)

The exercise and performance of any or all of the powers and duties of the body corporate; (ii)

(b) to delegate to one or more of the trustees such of their powers and duties as they deem fit, and at any time to revoke such delegation.

(2) The trustees may not make loans on behalf of the body corporate to owners of units or to themselves.

Signing of instruments

27. No document signed on behalf of the body corporate, shall be valid and binding unless it is signed by a trustee and the managing agent, referred to in rule 46 or by two trustees or, in the case of a certificate issued in terms of section 15B (3) (i) (aa) of the Act, by two trustees or the managing agent.

[Rule 27 substituted by GN R1422 of 1997.]

DUTIES OF TRUSTEES

Statutory and general duties

28. (1) Without detracting from the scope of the additional duties specified in rules 29 to 45, inclusive, and subject to the provisions of such rules, the trustees shall perform the functions entrusted to them by [sections 37](#) and [39](#) of the Act.

(2) The trustees shall do all things reasonably necessary for the control, management and administration of the common property in terms of the powers conferred upon the body corporate by [section 38](#) of the Act.

(3) The trustees shall do all things reasonably necessary for the enforcement of the rules in force.

Insurance

29. (1) (a) At the first meeting of the trustees or soon thereafter as is possible, and annually thereafter, the trustees shall take steps to insure the buildings, and all improvements to the common property, to the full replacement value thereof, subject to negotiation of such excess, premiums and insurance rates as in the opinion of the trustees are most beneficial to the owners, against—

[Para. (a) substituted by GNR.438 of 2005.]

- (i) fire, lighting and explosion;
- (ii) riot, civil commotion, strikes, lock-outs, labour disturbances or malicious persons acting on behalf of or in connection with any political organisation;
- (iii) storm, tempest and flood;
- (iv) earthquake;
- (v) aircraft and other aerial devices or articles dropped therefrom;
- (vi) bursting or overflowing of water tanks, apparatus or pipes;
- (vii) impact with any of the said buildings or improvements by any road vehicle, horses or cattle;
- (viii) housebreaking or any attempt thereat;
- (ix) loss of occupation or loss of rent in respect of any of the above risks;
- (x) such other perils or dangers as the trustees or any holder of first mortgage bonds over not less than 25% in number of the units in the scheme, may deem appropriate.

(b) The trustees shall at all times ensure that in the policy of insurance referred to in paragraph (a) above—

(i)
there is specified the replacement value of each unit (excluding the owner's interest in the land)—

(aa)
initially [but subject to the provisions of subparagraph (cc)] in accordance with the trustees' estimate of such value;

(bb)
after the first annual general meeting [but subject to the provisions of subparagraph (cc)] in accordance with the schedule of values as approved in terms of paragraph (c); or

(cc)
as required at any time by any owner in terms of paragraph (d);

(ii)
any "average" clause is restricted in its effect to individual units and does not apply to the building as a whole;

(iii)
there is included a clause in terms of which the policy is valid and enforceable by any mortgagee against the insurer notwithstanding any circumstances whatsoever which would otherwise entitle the insurer to refuse to make payment of the amount insured unless and until the insurer on not less than thirty days' notice to the mortgagee shall have terminated such insurance.

(c) Before every annual general meeting, the trustees shall cause to be prepared schedules reflecting their estimate of—

(i)
the replacement value of the buildings and all improvements to the common property; and

(ii)
the replacement value of each unit (excluding the owner's interest in the land), the aggregate of such values of all units being equal to the value referred to in subparagraph (i) above,

and such schedules shall be laid before the annual general meeting for consideration and approval in terms of rule 56.

(d) Any owner may at any time increase the replacement value as specified in the insurance policy in respect of his unit: provided that such owner shall be liable for payment of the additional insurance premium and shall forthwith furnish the body corporate with proof thereof from the insurer.

(e) The trustees shall, on the written request of a mortgagee and satisfactory proof thereof, record the cession by any owner to such mortgagee of the owner's interest in the application of the proceeds of the policies of insurance effected in terms of rule 29 (1) (a).

(2) At the first meeting of the trustees or as soon thereafter as is possible, the trustees shall take all reasonable steps—

(a)
to insure the owners and the trustees and to keep them insured against liability in respect of—

(i)
death, bodily injury or illness; and

(ii)

loss of, or damage to, property,

occurring in connection with the common property, for a sum of liability of not less than one hundred thousand rand, which sum may be increased from time to time as directed by the owners in general meeting; and

(b)

to procure to the extent, if any, as determined by the members of the body corporate in a general meeting, a fidelity guarantee in terms of which shall be refunded any loss of moneys belonging to the body corporate or for which it is responsible, sustained as a result of any act of fraud or dishonesty committed by any insured person being any person in the service of the body corporate and all trustees and persons acting in the capacity of managing agents of the body corporate; and

(c)

.....

[Para. (c) deleted by GN R1422 of 1997.]

(3) The owners may by special resolution direct the trustees to insure against such other risks as the owners may determine.

(4) The owner of a section is responsible for any excess payment in respect of his or her section payable in terms of a contract of insurance entered into by the body corporate: provided that owners may by special resolution determine that the body corporate is responsible for excess payments in respect of specified damage.

[Sub-r. (4) inserted by r. 6 (a) of GNR.1264 of 28 November 2008.]

Contributions and liability in terms of [section 37 \(1\)](#) and [47](#) of the Act

30. It shall be the duty of the trustees to levy and collect contributions from the owners in accordance with the provisions and in the proportions set forth in rule 31.

31. (1) The liability of owners to make contributions, and the proportions in which the owners shall make contributions for the purposes of [section 37 \(1\)](#) of the Act, or may in terms of [section 47](#) of the Act be held liable for the payment of a judgment debt of the body corporate, shall with effect from the date upon which the body corporate comes into being, be borne by the owners in accordance with a determination made in terms of [section 32 \(4\)](#) of the Act, or in the absence of such determination, in accordance with the participation quotas attaching to their respective sections.

(2) At every annual general meeting the body corporate shall approve, with or without amendment, the estimate of income and expenditure referred to in rule 36, and shall determine the amount estimated to be required to be levied upon the owners during the ensuing financial year.

(3) Within fourteen days after each annual general meeting the trustees shall advise each owner in writing of the amount payable by him or her in respect of the estimate referred to in subrule (2) whereupon such amount shall become payable in instalments, as determined by the trustees.

[Sub-rule (3) substituted by GN R1422 of 1997.]

(4) The trustees may from time to time, when necessary, make special levies upon the owners or call upon them to make special contributions in respect of all such expenses as are mentioned in rule 31 (1) above [which are not included in any estimates made in terms of rule 31 (2) above], and such levies and contributions may be made payable in one sum or by such instalments and at such time or times as the trustees shall think fit.

(4A) After the expiry of a financial year and until they become liable for contributions in respect of the ensuing financial year, owners are liable for contributions in the same amounts and payable in the same instalments as were due and payable by them during the expired financial year: provided that the trustees may, if they consider it necessary and by written notice to the owners, increase the

contributions due by the owners by a maximum of 10 per cent to take account of the anticipated increased liabilities of the body corporate.

[Sub-r. (4A) inserted by r. 6 (b) of GNR.1264 of 28 November 2008.]

(5) An owner shall be liable for and pay all legal costs, including costs as between attorney and client, collection commission, expenses and charges incurred by the body corporate in obtaining the recovery of arrear levies, or any other arrear amounts due and owing by such owner to the body corporate, or in enforcing compliance with these rules, the conduct rules or the Act.

(6) The trustees shall be entitled to charge interest on arrear amounts at such rate as they may from time to time determine.

Record of rules and their availability

32. (1) The trustees shall keep a complete record of all rules in force from time to time and shall ensure that any amendment, substitution, addition or repeal of such rules (as contemplated in section 35 (5) of the Act) is submitted forthwith to the Registrar of Deeds for filing as contemplated in section 35 (5) (c) of the Act.

[Sub-rule (1) substituted by GNR.438 of 2005.]

(2) The trustees shall on the application of—

- (a) an owner of a unit;
- (b) an occupant of a unit;
- (c) the prospective purchaser of a unit;
- (d) the holder of any registered sectional mortgage bond;
- (e) the managing agent; and
- (f) the auditor or the accounting officer,

supply to any such person a copy of all rules in force, and may require them to pay a reasonable charge therefor.

Improvements

Luxurious improvements

33. (1) The trustees may, if the owners by unanimous resolution so decide, effect or remove improvements of a luxurious nature on the common property.

[Sub-r. (1) substituted by r. 6 (c) of GNR.1264 of 28 November 2008.]

Non-luxurious improvements

(2) (a) Should the trustees wish to effect or remove any improvements to the common property, other than luxurious improvements referred to in subrule (1), they shall first give written notice of such intention to all the owners and such notice shall—

- (i) indicate the intention of the trustees to proceed with the improvement or removal thereof upon the expiry of a period of not less than thirty days reckoned from the date of posting such notice; and

- (ii)
- provide details of the improvement or removal thereof as to —
- (aa)
- the costs thereof;
- (bb)
- the manner in which it is to be financed and the effect upon levies paid by owners; and
- (cc)
- the need, desirability and effect thereof.
- [Para. (a) substituted by r. 6 (d) of GNR.1264 of 28 November 2008.]

(b) The trustees shall at the written request of any owner convene a special general meeting in order to discuss and to deliberate upon the proposals contained in the notice referred to in paragraph (a), at which meeting the owners may approve, with or without amendments, such proposals by way of special resolution.

[Par. (b) substituted by GNR.2435 of 1990, corrected by GNR.2542 of 1990 and substituted by GNR.438 of 2005.]

(c) In the event of such a special general meeting being called, the trustees shall not proceed with their proposals until the holding of such meeting, whereupon they shall be bound by any special resolution ensuing therefrom.

(3) Notwithstanding the provisions of sub-rules (1) and (2), the trustees shall, if so required in writing by a majority of owners, procure the installation and maintenance in good working order, at the body corporate's cost, of separate meters to record the consumption of electricity, water and gas in respect of each individual section and the common property.

(4) If and for so long as no separate meters have been installed in terms of sub-rule (3) the contribution payable by each owner in respect of electricity, water and gas shall be calculated in accordance with the provisions of rule 31.

Minutes

34. (1) The trustees shall—

- (a) keep minutes of their proceedings;
- (b) cause minutes to be kept of all meetings of the body corporate in a minute book of the body corporate kept for the purpose;
- (c) include in the minute book of the body corporate a record of every unanimous resolution, special resolution and any other resolution of the body corporate.

(2) The trustees shall keep all minute books in perpetuity.

(3) On the written application of any owner or registered mortgagee of a unit, the trustees shall make all minutes of their proceedings and the minutes of the body corporate available for inspection by such owner or mortgagee.

Books of account and records

35. (1) The trustees shall cause proper books of account and records to be kept so as fairly to explain the transactions and financial position of the body corporate, including—

- (a)

a record of the assets and liabilities of the body corporate;

- (b) a record of all sums of money received and expended by the body corporate and the matters in respect of which such receipt and expenditure occur;
- (c) a register of owners and of registered mortgagees of units and of all other persons having real rights in such units (insofar as written notice shall have been given to the trustee by such owners, mortgagees or other persons) showing in each case their addresses; and
- (d) individual ledger accounts in respect of each owner.

(2) On the application of any owner, registered mortgagee or of the managing agent the trustees shall make all or any of the books of account and records available for inspection by such owner, mortgagee or managing agent.

(3) The trustees shall cause all books of account and records to be retained for a period of six years after completion of the transactions, acts or operations to which they relate: Provided that minute books shall be retained for so long as the scheme remains registered.

[Sub-rule (3) substituted by GN R2345 of 1990.]

Annual financial estimate, financial statement and report

36. (1) Before every annual general meeting, the trustees shall cause to be prepared an itemised estimate of the anticipated income and expenses of the body corporate during the ensuing financial year, which estimate shall be laid before the annual general meeting for consideration in terms of rule 56 hereof.

(2) The estimate of expenses referred to in sub-rule (1) shall include a reasonable provision for contingencies and the maintenance of the common property.

[Sub-rule (2) substituted by GNR.1109 of 2005.]

37. (1) The trustees shall cause to be prepared, and shall lay before every annual general meeting, for consideration in terms of rule 56 (a), a financial statement in conformity with generally accepted accounting practice, which statement shall fairly present the state of affairs of the body corporate and its finances and transactions as at the end of the financial year concerned.

[Sub-r. (1) substituted by r. 6 (e) of GNR.1264 of 28 November 2008.]

(2) The financial statement shall include information and notes pertaining to the proper financial management by the body corporate, including:

- (a) an analysis of the periods of debts and the amounts due in respect of levies, special levies and other contributions;
- (b) an analysis of the periods and the amounts due, owing by the body corporate to the creditors and in particular to any public or local authority in respect of rates, taxes and charges for consumption or services, including but not limited to, water, electricity, gas, sewerage and refuse removal;
- (c) the expiry dates of all insurance policies.

[Rule 37 substituted by GNR.2345 of 1990 and by GNR.1109 of 2005.]

38. The trustees shall further cause to be prepared and shall lay before every annual general meeting a report signed by the chairman reviewing the affairs of the body corporate during the past year, for consideration in terms of rule 56 (a).

[[R. 38](#) substituted by r. 6 (f) of GNR.1264 of 28 November 2008.]

39. (1) The trustees shall cause copies of the schedules, estimate, audited statement and report referred to in rules 29 (1) (c), 36, 37 and 38 to be delivered to each owner, and to any mortgagee which has advised the body corporate of its interest, at least fourteen days before the date of the annual general meeting at which they are to be considered.

(2) Delivery for purposes of subrule (1) shall be deemed to have been effected if the documents referred to are sent to the owner referred to in rule 3 (2), and to any mortgagee as aforesaid at the address of such mortgagee as reflected in the records of the body corporate.

[Sub-r. (2) substituted by r. 4 of GNR.291 of 16 April 2010.]

Audit

40. At the first general meeting and thereafter at every ensuing annual general meeting, the body corporate shall appoint an auditor to hold office from the conclusion of that meeting until the conclusion of the next annual general meeting: Provided that where a scheme comprises less than 10 units, an accounting officer may be appointed for that purpose and the auditor or accounting officer, as the case may be, must sign the financial statements.

[Rule 40 substituted by GNR.2345 of 1990 and by GNR.1109 of 2005.]

Deposit and investment of funds

41. The trustees shall cause all moneys received by the body corporate to be deposited to the credit of an account or accounts with a registered commercial bank or building society in the name of the body corporate and, subject to any direction given or restriction imposed at a general meeting of the body corporate, such moneys shall only be withdrawn for the purpose of payment of the expenses of the body corporate or investment in terms of rule 43.

42. The trustees may authorise the managing agent to administer and operate the accounts referred to in rule 41 and 43: Provided that where the managing agent is an estate agent as defined in the Estate Agents' Act (Act [112 of 1976](#)), the trustees may authorise such managing agent to deposit moneys contemplated in rule 41 in a trust account as contemplated in [section 32 \(3\)](#) of the Estate Agents' Act, 1976, which moneys shall only be withdrawn for the purposes contemplated in rule 41.

43. Any funds not immediately required for disbursement, may be invested in a savings or similar account with any registered building society or bank approved by the trustees from time to time.

44. Interest on moneys invested shall be used by the body corporate for any lawful purpose.

No refunds or distribution of profits or assets

45. (1) The owners shall not be entitled to a refund of contributions lawfully levied upon them and duly paid by them.

(2) No portion of the profits or gains of the body corporate shall be distributed to any owner or any other person except upon destruction or deemed destruction of the building, or where such profit or gain is of a capital nature.

The appointment, powers and duties of a managing agent

46. (1) (a) Notwithstanding anything to the contrary contained in [rule 28](#), and subject to the provisions of [section 39 \(1\)](#) of the Act, the trustees may from time to time, and shall if required by a registered mortgagee of 25 per cent of the units or by the members of the body corporate in a general meeting, appoint in terms of a written contract a managing agent to control, manage and administer the common property and the obligations to any public or local authority by the body corporate on behalf of the unit owners, and to exercise such powers and duties as may be entrusted to the managing agent, including the power to collect levies and to appoint a supervisor or caretaker.

(b) A managing agent is appointed for an initial period of one year and thereafter such appointment shall automatically be renewed from year to year unless the body corporate notifies the managing agent to the contrary: provided that notice of termination of the contract may be given by the trustees in accordance with a resolution taken at a trustee meeting or an ordinary resolution taken at a general meeting

[Sub-r. (1) substituted by GNR.1422 of 1997 and by GNR.1109 of 2005 and by r. 6 (g) of GNR.1264 of 28 November 2008.]

(2) (a) The trustees shall ensure that there is included in the contract of appointment of all managing agents a provision to the effect that if he is in breach of any of the provisions of his contract, or if he is guilty of conduct which at common law would justify the termination of a contract between master and servant, the trustees may, without notice, cancel such contract of appointment, and that the managing agent shall have no claim whatsoever against the body corporate or any of the owners as a result of such cancellation.

(b) Any one or more of the owners or mortgagees of sections in the buildings may, if the managing agent is in breach of the provisions of his contract or if he is guilty of any conduct which at common law would justify the termination of a contract between master and servant, require the trustees to cancel the managing agent's contract in terms of paragraph (a). The foregoing provisions shall in no way detract from the trustees' rights to cancel the managing agent's contract.

(c) Any owner or mortgagee who required the trustees to cancel the managing agent's contract in terms of paragraph (b) shall furnish the trustees with such security as they in their discretion may determine for the payment of and shall indemnify the trustees and the body corporate against—

(i)
all litigation costs reasonably incurred by the trustees in enforcing such cancellation against the managing agent; and

(ii)
all other costs and damages arising out of such cancellation, purported cancellation or litigation for which the trustees or the body corporate might be liable up to the time such owner or mortgagee formally notifies the trustees that he no longer requires them to pursue the action.

[Sub-para. (ii) substituted by GN R1422 of 1997.]

(d) The trustees shall not be required to cancel the contract of appointment of the managing agent unless and until the owner or mortgagee requiring cancellation in terms of paragraph (b) has furnished them with the security and indemnity as specified in rule 46, paragraph (2) (c).

47. The contract with the managing agent shall further provide for the appointment to be revoked, and such managing agent shall cease to hold office, if—

(i)
where the managing agent is a juristic person, an order is made for its provisional or final liquidation or, where the managing agent is a natural person, he applies for the surrender of his estate as insolvent or his estate is sequestrated either provisionally or finally or, where the managing agent is a company, it is placed under judicial management; or

(ii)
the managing agent is convicted of an offence involving an element of fraud or an element of dishonesty or, where the managing agent is a company or a close corporation, any of its directors or members is convicted of an offence involving an element of fraud or an element of dishonesty, or;

[Sub-para. (ii) substituted by GN R1422 of 1997.]

(iii)

a special resolution of the members of the body corporate is passed to that effect: Provided that in such event the managing agent so removed from office shall not be deprived of any right he may have to claim compensation or damages for breach of contract.

48. The managing agent shall keep full records of his or her administration and shall report to the body corporate and all holders of registered sectional mortgage bonds who have notified the body corporate of their interest in terms of rule 54 (1) (b) of all matters which in his or her opinion detrimentally affect the value or amenity of the common property and any of the sections.

49. (1) The trustees shall give reasonable prior notice to the managing agent of all meetings of the trustees and he may with the consent of the trustees be present thereat.

(2) The trustees shall from time to time furnish to the managing agent copies of all minutes of the trustees and of the body corporate.

MEETING OF OWNERS

GENERAL MEETINGS

When to be held

50. (1) The first meeting of owners shall be held within sixty days of the establishment of the body corporate, at least seven day's notice of which shall be given in writing, and which notice shall be accompanied by a copy of the agenda of such meeting and details of the items referred to in sub-rule 2.

(2) The agenda for the meeting convened under sub-rule (1), shall comprise at least the following:

(i)
The consideration, confirmation or variation of the insurances effected by the developer or the body corporate;

(ii)
the consideration, confirmation or variation of an itemised estimate of the anticipated income and expenses of the body corporate for the ensuing financial year;

(iii)
the consideration and approval, with or without amendment, of the financial statements relating to the management, control and administration of the building from date of establishment of the body corporate to the date of notice of the meeting referred to in subrule (1);

(iv)
subject to [section 47 \(2\)](#) of the Act, the taking of cession of such contracts relating to the management, control and administration of the building as may have been entered into by the developer for the continual management, control and administration of the building and the common property and in respect of which the developer shall be obliged to submit such contracts to the meeting;

(v)
the appointment of an auditor, or, where applicable, an accounting officer;

(vi)
the election of trustees;

(vii)
any restrictions imported or directions given in terms of [section 39 \(1\)](#) of the Act; and

(vii)
determination of the *domicilium citandi et executandi* of the body corporate.

[Sub-rule (2) substituted by GN R1422 of 1997.]

51. (1) An annual general meeting shall be held within four months of the end of each financial year.

(2) Unless otherwise decided at a general meeting or by the trustees, the financial year of the body corporate shall run from the first day of March of each year to the last day of February of the following year.

[Rule 51 substituted by GN R1422 of 1997.]

52. All general meetings other than the annual general meeting shall be called special general meetings.

53. The trustees may whenever they think fit and shall upon a request in writing made either by owners entitled to 25 per cent of the total of the quotas of all sections or by any mortgagee holding mortgage bonds over not less than 25 per cent in number of the units, convene a special general meeting. If the trustees fail to call a meeting so requested within fourteen days of the request, the owners or mortgagee concerned shall be entitled themselves to call the meeting.

Notice of general meetings

54. (1) Unless otherwise provided for in the Act, at least fourteen day's notice of every general meeting specifying the place, within the magisterial district where the scheme is situated, or such other place determined by special resolution of members of the body corporate, the date and the hour of the meeting and, in the case of special business, the general nature of such business, shall be given—

- (a) to all owners;
- (b) to all holders of registered mortgage bonds over units who have advised the body corporate of their interests; and
- (c) to the managing agent.

(2) The holders of registered mortgage bonds and the managing agent referred to in sub-rule (1), shall have the right to attend the meeting herein referred to and to speak at such meetings, but shall not, in their respective capacities as such, be entitled to vote thereat.

(3) The notice referred to in sub-rule (1) (a) shall be deemed to have been sufficiently given and delivered if delivered in accordance with rule 39 (2).

(4) The notice referred to in sub-rule (1) shall be accompanied by the documents referred to in rule 39 (1), except in the case of a meeting contemplated in rule 50 (1) or a special general meeting.

(5) Inadvertent omission to give the notice referred to in sub-rule (1) to any person entitled to such notice or the non-receipt of such notice by such person shall, save in the case of the persons contemplated in sub-rule (1) (b) not invalidate any proceedings at any such meeting.

(6) A general meeting of the body corporate may be called on shorter notice than that specified in sub-rule (1) hereof, provided it is so agreed by all persons entitled to attend.

(7) A special general meeting for the purposes of passing a unanimous or special resolution may be convened for a date 30 days or less after notice has been given to all the members of the body corporate if, in the opinion of the trustees, it is necessary due to the urgency of a matter or due to the specific nature of a matter to convene the meeting with such shorter period of notice.

PROCEEDINGS AT GENERAL MEETINGS

Ordinary and special business

55. All business at any general meeting other than business referred to in rule 56 (a), (b), (c), and (d), shall be special business.

Annual general meeting

56. The following business shall be transacted at an annual general meeting:

- (a) The consideration of the financial statement and report referred to in rules 37 and 38;
- (b) the approval with or without amendment of—
 - (i) the schedules of replacement values referred to in rule 29 (1) (c); and
 - (ii) the estimate of income and expenditure referred to in rule 36;
- (c) the appointment of an auditor or an accounting officer;
- (d) the election of trustees;
- (e) the determination of the number of trustees for the ensuing year;
- (f) any special business of which due notice has been given in terms of rule 54;
- (g) the giving of directions or the imposing of restrictions referred to in section 39 (1) of the Act;
[Para. (g) substituted by GNR.1422 of 1997 and by GNR.438 of 2005.]
- (h) determination of the *domicilium citandi et executandi* of the body corporate; and
[Para. (h) substituted by GNR.438 of 2005.]
- (i) the confirmation by the auditor or accounting officer that any amendment, substitution, addition or repeal of the rules (as contemplated in section 35 (5) of the Act) have been submitted to the Registrar of Deeds for filing as contemplated in section 35 (5) (c) of the Act.
[Para. (i) inserted by GNR.438 of 2005.]

Quorum

57. (1) No business shall be transacted at any general meeting unless a quorum of persons is present in person or by proxy at the time when the meeting proceeds to business.

(2) A quorum at a general meeting shall be—

- (a) the number of owners holding at least 50 per cent of the votes, present in person or by proxy or by representative recognised by law and entitled to vote, in schemes where there are ten units or less;

- (b) the number of owners holding at least 35 per cent of the votes, present in person or by proxy or by representative recognised by law and entitled to vote in the case of schemes with less than 50 but more than 10 units; and
- (c) the number of owners holding at least 20 per cent of the votes present in person or by proxy or by representative recognised by law and entitled to vote, in the case of schemes with 50 or more units.

58. If within half-an-hour from the time appointed for a general meeting a quorum is not present, the meeting shall stand adjourned to the same day in the next week at the same place and time, and if at the adjourned meeting a quorum is not present within half-an-hour of the time appointed for the meeting, the owners present in person or by proxy and entitled to vote shall form a quorum.

Chairman

59. (1) The chairman, if any, of the trustees shall preside as chairman at every general meeting of the body corporate, unless otherwise resolved by members of the body corporate at such meeting.

(2) If there is no such chairman or if, at any meeting, the chairman of the trustees is not present within fifteen minutes after the time appointed for the holding of the meeting, or if he is unwilling or unable to act as chairman, the members present shall elect a chairman for such meeting.

[Sub-rule (2) substituted by GNR.483 of 2005.]

VOTING AT GENERAL MEETINGS

Poll

60. (1) At any general meeting a resolution put to the vote of the meeting shall be decided on a show of hands, unless either prior to or on the declaration by the chairman of the result of the show of hands, a poll is demanded by any person entitled to vote at such meeting.

(2) Unless a poll be so demanded, a declaration by the chairman that a resolution has on the show of hands been carried, shall be conclusive evidence of that fact without proof of the number or proportion of votes recorded in favour of or against such resolution.

(3) A demand for a poll may be withdrawn.

61. A poll, if demanded, shall be taken in such a manner as the chairman thinks fit, and the result of the poll shall be deemed to be the resolution of the meeting at which such poll was demanded.

Votes

62. On a show of hands the owner or owners of a section, or if the owner is a juristic person, its proxy, shall have one vote for each section owned: Provided that the chairman shall be entitled, in his discretion, to change the manner of voting to one by poll and not by show of hands.

[Rule 62 substituted by GNR.483 of 2005.]

63. For the purpose of a unanimous or special resolution (with or without a ballot), or on a poll the value of the vote of the owner or owners of a section shall be reckoned in accordance with a determination made in terms of [section 32 \(4\)](#) of the Act or, in the absence of this determination in accordance with participation quotas.

No vote in certain circumstances

64. Except in cases where a special resolution or unanimous resolution is required under the Act, an owner shall not be entitled to vote at any general meeting if—

- (a) any contributions payable by him in respect of his section and his undivided share in the common property have not been duly paid; or
- (b) he persisted in breach of any of the conduct rules referred to in [section 35 \(2\) \(b\)](#) of the Act, notwithstanding written warning by the trustees or managing agent to refrain from breaching such rule: Provided that any mortgagee shall be entitled to vote as such owner's proxy at any general meeting, even though paragraph (a) or the foregoing provisions of this paragraph may apply to such owner.

Voting by trustee for beneficiary

65. Where an owner of a section is as such a trustee for a beneficiary, he shall exercise the voting rights in respect of the section to the exclusions of persons beneficially interested in the trust and such persons shall not be entitled to vote.

Joint voters

66. (1) When two or more persons are entitled to exercise one vote jointly, that vote shall be exercised only by a person (who may or may not be one of them) jointly appointed by them as their proxy.

(2) Notwithstanding sub-rule (1), where two or more persons are entitled to exercise one vote jointly, any one of them may demand a poll.

Proxies

67. (1) Votes at a general meeting may be cast either personally or by proxy, whether on a poll or on a show of hands.

(2) A proxy shall be appointed in writing under the hand of the appointer, or his agent duly appointed in writing, and shall be handed to the Chairman prior to the commencement of the meeting: Provided that the foregoing provisions shall not apply in the case of any proxy created and contained in any registered mortgage bond, if such mortgage bond is produced at the meeting.

(3) A proxy need not be an owner, but shall not be the managing agent or any of his or her employees, or an employee of the body corporate.

[Para. (g) substituted by GN R1422 of 1997.]

DUTIES OF OWNERS AND OCCUPIERS OF SECTIONS

Statutory and general

68. (1) In addition to his obligations in terms of [section 44](#) of the Act, an owner—

(i) shall not use his section, exclusive use area or any part of the common property, or permit it to be used, in such a manner or for such purpose as shall be injurious to the reputation of the building,

(ii) shall not contravene, or permit the contravention, of any law, by-law, ordinance, proclamation or statutory regulation, or the conditions of any licence, relating to or affecting the occupation of the building or the common property, or the carrying on of business in the building, or so contravene or permit the contravention of the conditions of title applicable to his section or any other section or to his exclusive use area or any other exclusive use area;

(iii)

shall not make alterations which are likely to impair the stability of the building or the use and enjoyment of other sections, the common property or any exclusive use area;

(iv)

shall not do anything to his section or exclusive use area which is likely to prejudice the harmonious appearance of the building;

(v)

shall, when the purpose for which an exclusive use area is intended to be used, is shown expressly or by implication on or by a registered sectional plan, not used, nor permit such exclusive use area to be used, for any other purpose: Provided that with the written consent of all owners such exclusive use area may be used for another purpose;

(vi)

shall not construct or place any structure or building improvement on his or her exclusive use area, without the prior written consent of the trustees, which shall not be unreasonably withheld and that the provisions of section 24 and section 25 or other relevant provisions of the Act or the rules, will not be contravened;

[Para. (vi) substituted by GNR.438 of 2005.]

(vii)

shall maintain the hot water installation which serves his section, or, where such installation serves more than one section, the owners concerned shall maintain such installation pro-rata, notwithstanding that such appliance is situated in part of the common property and is insured in terms of the policy taken out by the body corporate.

(2) An owner who exercises his rights in terms of [section 60 \(3\)](#) of the Act shall bear all costs to give effect thereto.

Binding nature

69. The provisions of these rules and of the conduct rules, and the duties of the owner in relation to the use and occupation of sections and common property shall be binding on the owner of any section and any lessee or other occupant of any section, and it shall be the duty of the owner to ensure compliance with the rules by his lessee or occupant, including employees, guests and any member of his family, his lessee or his occupant.

Owner's failure to maintain

70. If an owner—

- (a) fails to repair or maintain his section in a state of good repair as required by [section 44 \(1\) \(c\)](#) of the Act; or
- (b) fails to maintain adequately any area of the common property allocated for his exclusive use and enjoyment,

and any such failure persists for a period of thirty days after the giving of written notice to repair or maintain given by the trustees or the managing agent on their behalf, the body corporate shall be entitled to remedy the owner's failure and to recover the reasonable cost of doing so from such owner.

Determination of disputes by arbitration

71. (1) Any dispute between the body corporate and an owner or between owners arising out of or in connection with or related to the Act, these rules or the conduct rules, save where an interdict or any form of urgent or other relief may be required or obtained from a Court having jurisdiction, shall be determined in terms of these rules.

(2) If such a dispute or complaint arises, the aggrieved party shall notify the other affected party or parties in writing and copies of such notification shall be served on the trustees and the managing agents, if any, and should the dispute or complaint not be resolved within 14 days of such notice, either of the parties may demand that the dispute or complaint be referred to arbitration: Provided that, if an owner declares a dispute with the body corporate, it shall be sufficient notice if notification is served on the trustees and managing agents, if any, and such owner will not be required to serve notice on each of the other owners.

[Sub-rule (2) substituted by GNR.438 of 2005.]

(3) Having regard to the nature and complexity of the dispute or complaint and to the costs which may be involved in the adjudication thereof, the parties appoint an arbitrator who shall be an independent and suitably experienced and qualified person as may be agreed upon between the parties to the dispute

(4) If the parties cannot agree as to the arbitrator to be appointed in terms of subrule (3) within three days after the arbitration has been demanded, the registrar of deeds for the deeds registry in which the scheme is registered or his or her nominee shall upon written application and subject to payment of the prescribed fee, in writing appoint an arbitrator within 7 days after he or she has been required to make the appointment so that the arbitration can be held and concluded without delay.

(5) Arbitration shall be held informally or otherwise as the arbitrator may determine. The arbitrator shall have the right to demand that the party demanding the arbitration furnish the arbitrator with security for payment of the costs of the arbitration in such amount and form as the arbitrator may determine, failing which the arbitration shall not be proceeded with. Where possible, the arbitration shall be concluded within 21 days after the matter has been referred to arbitration in terms of subrule (2) or security for costs has been furnished.

(6) The arbitrator shall make his or her award within 7 days from the date of the completion of the arbitration and shall, in making his or her award, have regard to the principles laid down in terms of these rules. The arbitrator may determine that the costs of the arbitration be paid by any one of the disputing parties or any of them jointly or in such shares as he or she may determine, and as he or she in his or her discretion, may deem appropriate having regard to the outcome of the arbitration.

(7) The decision of the arbitrator shall be final and binding and may be made an order of the High Court upon application of any party to or affected by the arbitration.

[Rule 71 inserted by GN R1422 of 1997.]

(8) Notwithstanding that the Arbitration Act, [No. 42 of 1965](#), makes no provision for joinder of parties to an arbitration without their consent thereto, should a dispute arise between the body corporate and more than one owner or between a number of owners arising out of the same or substantially the same cause of action, or where substantially the same order would be sought against all the parties against whom the dispute has been declared, such parties shall be automatically joined in the arbitration by notice thereof in the original notice of dispute given in terms of sub-rule (2).

[Sub-rule (8) inserted by GNR.438 of 2005.]

Annexure 9

CONDUCT RULES

[[Section 35 \(2\) \(b\)](#) of the Sectional Titles Act, 1986.]

ANIMALS, REPTILES AND BIRDS

1. (1) An owner or occupier of a section shall not, without the consent in writing of the trustees, which approval may not be unreasonably withheld, keep any animal, reptile or bird in a section or on the common property.

(2) When granting such approval, the trustees may prescribe any reasonable condition.

(3) The trustees may withdraw such approval in the event of any breach of any condition prescribed in terms of sub-rule (2).

REFUSE DISPOSAL

2. (1) An owner or occupier of a section shall—

- (a) maintain in an hygienic and dry condition, a receptacle for refuse within his section, his exclusive use area or on such part of the common property as may be authorised by the trustees in writing;
- (b) ensure that before refuse is placed in such receptacle it is securely wrapped, or in the case of tins or other containers, completely drained;
- (c) for the purpose of having the refuse collected, place such receptacle within the area and at the times designated by the trustees;
- (d) when the refuse has been collected, promptly return such receptacle to his section or other area referred to in paragraph (a).

VEHICLES

3. (1) No owner or occupier shall park or stand any vehicle upon the common property, or permit or allow any vehicle to be parked or stood upon the common property, without the consent of the trustees in writing.

(2) The trustees may cause to be removed or towed away, at the risk and expense of the owner of the vehicle, any vehicle parked, standing or abandoned on the common property without the trustees' consent.

(3) Owners and occupiers of sections shall ensure that their vehicles, and the vehicles of their visitors and guests, do not drip oil or brake fluid on to the common property or in any other way deface the common property.

(4) No owner or occupier shall be permitted to dismantle or effect major repairs to any vehicle on any portion of the common property, an exclusive use are or in a section.

DAMAGE ALTERATIONS OR ADDITIONS TO THE COMMON PROPERTY

4. (1) An owner or occupier of a section shall not mark, paint, drive nails or screws or the like into, or otherwise damage, or alter, any part of the common property without first obtaining the written consent of the trustees.

(2) Notwithstanding sub-rule (1), an owner or person authorised by him, may install—

- (a) any locking devise, safety gate, burglar bars or other safety device for the protection of his section; or
- (b) any screen or other device to prevent the entry of animals or insects:

Provided that the trustees have first approved in writing the nature and design of the device and the manner of its installation.

APPEARANCE FROM OUTSIDE

5. The owner or occupier of a section used for residential purposes shall not place or do anything on any part of the common property, including balconies, patios, stoeps, and gardens which, in the discretion of the trustees, is aesthetically displeasing or undesirable when viewed from the outside of the section.

SIGNS AND NOTICES

6. No owner or occupier of a section, used for residential purposes, shall place any sign, notice, billboard or advertisement of any kind whatsoever on any part of the common property or of a section, so as to be visible from outside the section, without the written consent of the trustees first having been obtained.

LITTERING

7. An owner or occupier of a section shall not deposit, throw, or permit or allow to be deposited or thrown, on the common property any rubbish, including dirt, cigarette butts, food scraps or any other litter whatsoever.

LAUNDRY

8. An owner or occupier of a section shall not, without the consent in writing of the trustees, erect his own washing lines, nor hang any washing or laundry or any other items on any part of the building or the common property so as to be visible from outside the buildings or from any other sections.

STORAGE OF INFLAMMATORY MATERIAL AND OTHER DANGEROUS ACTS

9. An owner or occupier shall not store any material, or do or permit or allow to be done, any other dangerous act in the building or on the common property which will or may increase the rate of the premium payable by the body corporate on any insurance policy.

LETTING OF UNITS

10. All tenants of units and other persons granted rights of occupancy by any owner of the relevant unit are obliged to comply with these conduct rules, notwithstanding any provision to the contrary contained in any lease or any grant of rights of occupancy.

ERADICATION OF PESTS

11. An owner shall keep his section free of white ants, borer and other wood destroying insects and to this end shall permit the trustees, the managing agent, and their duly authorised agents or employees, to enter upon his section from time to time for the purpose of inspecting the section and taking such action as may be reasonably necessary to eradicate any such pests. The costs of the inspection, eradicating any such pests as may be found within the section, replacement of any woodwork or other material forming part of such section which may be damaged by any such pests shall be borne by the owner of the section concerned.

NOTICE

BN 132 of 24 of December 1999: The Federation of Professional Land Surveyors of Southern Africa and the South African Institute of Architects

Note.—BN 132/1998 is substituted by BN 132 of 1999 published in GG 20733 of 24 December 1999.

(Editorial Note: [BN 132 of 1999](#) is repealed by BN 131 of 2001 (except for the portion dealing with Sectional Titles)

Tariff fees

The Federation of Institutes of Professional Land Surveyors of Southern Africa and The South African Institute of Architects hereby publishes for general information the following tariff of fees which will be applicable from the 1st November 1999.

The tariff of fees to which Land Surveyors and Architects are entitled, in respect of work carried out in terms of the Sectional Titles Act (Act [No. 95 of 1986](#)), in the absence of an agreement concerning fees for such work between an Architect or Land Surveyor and his/her client, are as follows:

1.
For sheet 1:
 - 1.1 An amount of *R700-00*; plus
 - 1.2 *R30-00* per building being described; plus
 - 1.3 *R30-00* for a caveat, if applicable; plus
 - 1.4 *R30-00* for each reference to previous phases, if applicable.
2.
For sheet 2 (Block Plan), excluding the determination of cadastral boundaries:
 - 2.1 An amount of *R700-00*; plus
 - 2.2 *R50-00* per building depicted thereon; plus
 - 2.3 *R1-75* per square metre of the total area of the depicted common property buildings; plus
 - 2.4 *R2-00* per square metre for all sections *not exceeding 250 square metres* of floor area as depicted on the participation quota schedule; plus
 - 2.5 For each section *exceeding 250 square metres* of floor area as depicted on the participation quota schedule an amount of *R500-00* plus *R1-00* for each square metre exceeding 250 square metres; plus
 - 2.6 An amount of *R700-00* if exclusive use areas on the ground are depicted on this sheet.
3.
For floor plans:
 - 3.1 An amount of *R2 225-00* plus *R30-00* for every section over 50; plus
 - 3.2

R6-00 per square metre for all sections *not exceeding 250 square metres* of floor area as depicted on the participation quota schedule; plus

3.3

For each section *exceeding 250 square metres* of floor area as depicted on the participation quota schedule an amount of R1 590-00 plus R2-50 for each square metre exceeding 250 square metres.

4.

For the participation quota schedule:

4.1

An amount of R700-00; plus

4.2

R2-50 per section depicted thereon.

5.

For exclusive use plans:

5.1

For exclusive use areas where the boundaries thereof are determined by buildings or physical features:

5.1.1

An amount of R700-00 per exclusive use areas sheet; plus

5.1.2

R6-40 per square metre of the total area of the depicted exclusive use areas.

5.2

For exclusive use area where the boundaries thereof are not determined by buildings nor physical features:

5.2.1

An amount of R700-00 per exclusive use areas sheet; plus

5.2.2

R12-50 per square metre of the total area of the depicted exclusive use areas.

5.2.3

For these exclusive use areas which are *greater than 200 square metres*, paragraphs 1.1 and 1.2 (c) of the Tariff of Fees published for work done in terms of the Land Survey Act (No. 8 of 1997) may be used for the determination of this amount.

6.

For cross-sections:

6.1

An amount of R440-00 per building where cross-sections are considered necessary; plus

6.2

R35-00 per floor shown on such cross section; plus

6.3

R5-60 per section depicted thereon.

7.

For certification in terms of [Section 7 \(2\)](#) of the Act, a minimum fee of R2 500-00.

8.

For any matter relating to the preparation of a draft sectional plan not herein provided (for example, preparation of [Section 27A](#) exclusive use area plan and schedule) the following fees will be charged:

- 8.1 For a principal or partner *R430-00* per hour;
- 8.2 for qualified staff *R320-00* per hour;
- 8.3 for other staff *R190-00* per hour.

9.

If the buildings are occupied, or if difficulties of access arise, the fees specified in paragraphs 2 and 3 shall be increased by a further minimum of 15%.

10.

If circumstances beyond the Land Surveyor or Architect occur (abnormal circumstances, for example, inaccessibility, difficult/irregular buildings, curvilinear walls, obstructions, etc.), the fees specified in paragraphs 2 and 3 may be increased by a further 15%.

11.

Direct expenses incurred such as plan printing costs and material and dispatching costs shall be recovered at cost plus 100%.

Note: *The above recommended tariff of fees is exclusive of Value Added Tax plus office fees.*

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 - 1.2

R30-00 per building being described; plus

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For sheet 2 (Block Plan), excluding the determination of cadastral boundaries:

2.1 An amount of R700-00; plus

2.2 R50-00 per building depicted thereon; plus

2.3 R1-75 per square metre of the total area of the depicted common property buildings; plus

2.4 R2-00 per square metre for all sections *not exceeding 250 square metres* of floor area as depicted on the participation quota schedule; plus

2.5 For each section *exceeding 250 square metres* of floor area as depicted on the participation quota schedule an amount of R500-00 plus R1-00 for each square metre exceeding 250 square metres; plus

2.6 An amount of R700-00 if exclusive use areas on the ground are depicted on this sheet.

3.

For floor plans:

3.1 An amount of R2 225-00 plus R30-00 for every section over 50; plus

3.2 R6-00 per square metre for all sections *not exceeding 250 square metres* of floor area as depicted on the participation quota schedule; plus

3.3 For each section *exceeding 250 square metres* of floor area as depicted on the participation quota schedule an amount of R1 590-00 plus R2-50 for each square metre exceeding 250 square metres.

4.

For the participation quota schedule:

4.1 An amount of R700-00; plus

4.2 R2-50 per section depicted thereon.

5.

For exclusive use plans:

5.1 For exclusive use areas where the boundaries thereof are determined by buildings or physical features:

5.1.1 An amount of R700-00 per exclusive use areas sheet; plus

5.1.2 R6-40 per square metre of the total area of the depicted exclusive use areas.

5.2 For exclusive use area where the boundaries thereof are not determined by buildings nor physical features:

5.2.1 An amount of R700-00 per exclusive use areas sheet; plus

5.2.2 R12-50 per square metre of the total area of the depicted exclusive use areas.

5.2.3 For these exclusive use areas which are *greater than 200 square metres*, paragraphs 1.1 and 1.2 (c) of the Tariff of Fees published for work done in terms of the Land Survey Act (No. 8 of 1997) may be used for the determination of this amount.

6.

For cross-sections:

6.1 An amount of R440-00 per building where cross-sections are considered necessary; plus

6.2 R35-00 per floor shown on such cross section; plus

6.3 R5-60 per section depicted thereon.

7.

For certification in terms of [Section 7 \(2\)](#) of the Act, a minimum fee of R2 500-00.

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For any matter relating to the preparation of a draft sectional plan not herein provided (for example, preparation of [Section 27A](#) exclusive use area plan and schedule) the following fees will be charged:

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