

CHIEF REGISTRAR'S CIRCULAR NO. 10 OF 2011

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

1. COMMENCEMENT OF AMENDED REGULATIONS

The amended regulations, published under Government Notice No. R. 805 in Government Gazette No. 34639 dated 28 September 2011, shall be effective from 28 October 2011.

2. NATURE AND/OR IMPACT OF THE AMENDMENTS

Only the amendments that have an impact on registration issues are herein referred to:

2.1. Regulation 10

Regulation 10(4) has been inserted to make provision for a prescribed form of application (Form AL) and consent (Form AM) in respect of substitution of land shown on a sectional plan for land originally mortgaged under a mortgage bond, as contemplated in section 11(3)(d) of the Sectional Titles Act, 1986 (Act No. 95 of 1986) ('the Act').

2.2. Regulation 13A

Regulation 13A has been inserted to provide a mechanism for the issuing of a '*Replacement Schedule*' to take the place of a lost or destroyed schedule of servitudes and conditions, as contemplated in section 11(3)(b) of the Act.

2.3. Regulation 15

Section 14(8) of the Act provides for the cancellation of a sectional plan by an order of the Court. Regulation 15(8) has been inserted to provide a mechanism for the cancellation of such a sectional plan.

2.4. Regulation 16

- 2.4.1. Regulation 16(1)(c) has been substituted and regulation 16(d)(i) and (ii) inserted to provide a mechanism for the issuing of a replacement certificate

to take the place of a lost or destroyed Form W (*Certificate of Establishment of a Body Corporate in terms of section 36(1) of the Act*).

- 2.4.2. Section 15B(5A) of the Act provides for the issuing of a certificate of registered sectional title to an owner of a unit in respect of a fraction of an undivided share in such a unit. Regulation 16(5) has been substituted to make provision for a prescribed form for the certificate of registered sectional title, as contemplated in section 15B(5A) of the Act.

2.5. Regulation 25

Regulation 25(2A) has been inserted to make provision for a prescribed form for certificates of real rights in respect of exclusive use areas that are not linked to the addition of new sections in a scheme, as contemplated in section 25(10)(d) of the Act.

2.6. Regulation 25A

The insertion of regulation 25A provides a mechanism for the issuing of replacement documentation to take the place of lost or destroyed documentation referred to in section 25(2) of the Act.

2.7. Regulation 28

- 2.7.1. Section 25 of the Act makes provision for the extension of a scheme by the addition of rights to exclusive use areas that are not linked to the addition of new sections in a scheme. Regulation 28(1) has therefore been substituted to make reference to the exclusive use areas referred to in section 25 of the Act.
- 2.7.2. The substitution of regulation 28(2) is consequential to the substitution of regulation 28(1).

2.8. Regulation 34

Regulation 34 has been substituted to make reference to the form that must be followed for the drafting of a collateral sectional mortgage bond and a surety bond.

2.9. Form F

The footnote to Form F has been substituted to provide for the issuing of more than one certificate of real right of extension, as contemplated in section 12(1)(e) of the Act.

2.10 Form I

The substitution of Form I is consequential to the amendment of regulation 16(5).

2.11 Form J

The substitution of Form J is consequential to the amendment of regulation 16(5).

2.12 Form O

The substitution of Form O is consequential to the amendment of regulations 28(1) and 28(2).

2.13 Form AK

The substitution of Form AK provides for the surety to appear before a conveyancer upon execution of the surety bond.

2.14 Form AL

Form AL has been added to provide a prescribed form for an application and consent, as contemplated in section 11 (3)(d) of the Act.

2.15 Form AM

Form AM has been added to provide a prescribed form for consent, as contemplated in section 11 (3)(d) of the Act.

2.16 Form AN

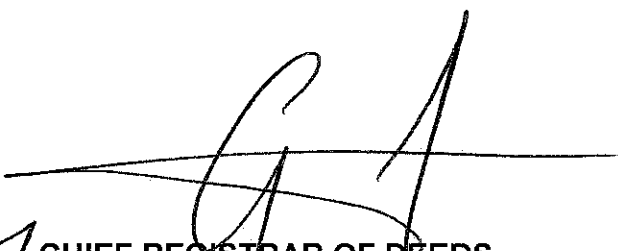
The addition of Form AN is consequential to the insertion of regulations 13A and 25A.

2.17 Form AO

The addition of Form AO is consequential to the insertion of regulation 16(1)(d) that provides for the issuing of a replacement certificate.

2.18. Rule 71

Rule 71(4) has been substituted to provide for the appointment of arbitrators by the chief registrar of deeds (instead of a registrar of deeds). This substitution was necessary to provide a single office for appointments in order to save time and confusion in the process.



CHIEF REGISTRAR OF DEEDS
DATE: 29 SEPTEMBER 2011

REFERENCE: A.6/2/P AND A.4/2/2/1
RINGBINDER: 55

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