



rural development  
& land reform

Department:  
Rural Development and Land Reform  
REPUBLIC OF SOUTH AFRICA

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**CHIEF REGISTRAR'S CIRCULAR NO. 7 OF 2015**

**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. 548 in Government Gazette No. 38923 dated 30 June 2015, shall be effective from 1 August 2015.

**2. NATURE AND/OR IMPACT OF THE AMENDMENTS**

Only the amendments to the regulations of the Sectional Titles Act 95 of 1986 ('the Act') that have an impact on registration issues are herein discussed.

**2.1. Amendment of regulation 13:**

2.1.1. Regulation 13 (4) (a) has been amended to make it clear that the title deed of any real right registered over the land and the certificates of real rights contemplated by sections 11 (3) (fB) and 11 (3) (fC), need not to be filed in the sectional title file.

2.1.2. Regulation 13 (4A) has been amended by deleting the reference to subregulation (4) (b). The copy of the 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 are not lodged and cannot be endorsed with a deeds registry date endorsement. The deleting of the reference to subregulation 4 (b) was therefore necessary.

**2.2. Amendment of regulation 16C:**

Regulation 16 (d) (ii) (aa) has been amended to provide for a representative to act on behalf of a natural person. The amendment has the effect that where a person is appointed by a natural person to act as a representative, it is the responsibility of the person signing the preparation certificate to check that the necessary authority has been obtained for the signing of the document in a

representative capacity on behalf of the natural person.

### **2.3. Amendment of regulation 28:**

- 2.3.1. All exclusive use areas under the Act are exclusive use areas as contemplated in section 5(3) (f). Section 25(1) only deals with reservations to extend schemes, which extensions may include the addition of exclusive use areas. Regulation 28(1), as amended, therefore refers to section 5(3) (f) only and not to section 25(1) as well. Regulation 28(1) also makes it clear that exclusive use areas remain exclusive use areas as contemplated in section 5(3) (f) of the Act, regardless of the provision of the Act under which it was created.
- 2.3.2. Regulation 28(2) has been amended to make it clear that the exclusive use areas referred to in section 25(1) are transferred as a result of a reservation to extend a scheme in terms of section 25(1). Regulation 28(2) has also been amended to provide for the endorsing of *Annexure A* in respect of schemes that were opened in terms of the Sectional Titles Act 66 of 1971.

### **2.4. Amendment of Forms:**

- 2.4.1. The footnotes to Forms C, F, J, O, P, Q and R has been amended to bring it in line with Form H that provides for the *description of farm land*.
- 2.4.2. Form F has been amended to also cater for instances where exclusive use areas only, are being included in the extension of a sectional title scheme.
- 2.4.3. Form G has been amended to also provide for the issuing of a Certificate of Real Right of Exclusive Use Area, in favour of the body corporate, as contemplated in section 25(6) of the Act.
- 2.4.4. Form I has been amended to also provide for application to be made for the issuing of a separate title deed in instances where a person, who holds two or more rights to exclusive use areas by one title deed, wishes to obtain a separate title deed in respect of one or more of the rights to exclusive use areas held therein, as provided for in section 27(7) (a) of the Act.
- 2.4.5. The amended Form O no longer makes reference to section 27(1) of the Act. The issuing of certificates of real rights in respect of exclusive use are being dealt with in section 25(11) and not section 27(1). Paragraph 2 of Form O has also been amended to provide for the deletion of the words "*rights of exclusive use depicted on the common property*". This is due to Certificates of Registered Sectional Title being issued in respect of sections and not exclusive use areas.
- 2.4.6. Form R has been amended to provide for instances where exclusive use areas only, are being included in the extension of a sectional title scheme.
- 2.4.7. The amended Form AI provides for the issuing of a certificate of registered sectional title, a certificate of right to an exclusive use area, or a certificate of real right of extension, as provided for in section 15B(5) of the Act. This amendment is consequential to the amendment of section 15 B (5A) by the Sectional Titles

Amendment Act 11 of 2010.

**3. IMPLEMENTATION OF AMENDED REGULATIONS**

The amended regulations must be applied only to deeds and documentation lodged after the date of commencement thereof (1 August 2015).



**CHIEF REGISTRAR OF DEEDS**

**DATE:** 02/07/15.

REFERENCE: A. 14/P AND 10/2/3  
RINGBINDER 55

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