



## rural development & land reform

Department:  
Rural Development and Land Reform  
REPUBLIC OF SOUTH AFRICA

OFFICE OF THE CHIEF REGISTRAR OF DEEDS  
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### CHIEF REGISTRAR'S CIRCULAR NO. 5 OF 2018

#### 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. 774 in Government Gazette No. 41798 dated 27 July 2018, shall be effective from 27 August 2018.

#### 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 6:

Regulation 6 was amended by virtue of Government Notice R427 of Government Gazette No 40842 dated 12 May 2017 by the addition of a paragraph (g), which provides that a submission must, where applicable, be accompanied by a certificate from a land surveyor or architect stating that the sectional plan of extension of the scheme in terms of section 25(1) complies with the section 25 (2) plans filed in the deeds registry. However, this amendment was an oversight and the amendment of regulation 6, by the deletion of paragraph (g) is a necessary step.

##### 2.2. Amendment of regulation 15:

Regulation 15 provides for the alteration, amendment, substitution or cancellation of a registered sectional plan. However, regulation 15 does not make provisions for the amendment or withdrawal of unregistered sectional plans. Due to the lack of a relevant regulation in the Act, the said sectional plans are being withdrawn in terms of the provisions of a Chief Surveyor-General's Notice. The amendment of regulation 15, by the addition of regulation 15A, to make provisions for the amendment or withdrawal of unregistered sectional

plans at the written request of the architect or land surveyor concerned, or the owner of the land, is aimed at addressing this lacuna.

### 2.3. Amendment of Annexure 1:

The prescribed forms in the Regulations was amended by virtue of Government Notice R427 of Government Gazette No. 40842 dated 12 May 2017, to provide for reference to be made to the description of the land as indicated on the Sectional Plan. However, implementation of this amendment resulted in numerous problems in so far plans were not always updated with correct information in respect of property descriptions. The amendment of the footnotes to Forms C, D, F, G, H, J, O, P, Q, R, Z, AG, AH and AO, to provide for reference to be made to the '*name of township or suburb and local authority / description of the farm*', is therefore necessary.

### 3. IMPLEMENTATION OF AMENDED REGULATIONS

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



CHIEF REGISTRAR OF DEEDS

DATE: 31/7/2018

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

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LAW SOCIETY OF SOUTH AFRICA : PRETORIA

PROPERTY LAW COMMITTEE : PRETORIA