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**GOVERNMENT NOTICES**  
**GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**  
**DEPARTEMENT VAN LANDELIKE ONTWIKKELING EN GRONDHERVORMING**

No. R. 291

16 April 2010

**SECTIONAL TITLES ACT, 1986: AMENDMENT OF REGULATIONS**

I, Gugile Nkwinti, Minister of Rural Development and Land Reform, acting in terms of section 55 of the Sectional Titles Act, 1986 (Act No. 95 of 1986), after consultation with the sectional titles regulation board, hereby amend the Regulations promulgated by Government Notice No. R.664 of 8 April 1988, as set out in the Schedule hereto.



**MR G NKWINTI**

**MINISTER OF RURAL DEVELOPMENT AND LAND REFORM**

**SCHEDULE**

**Definitions**

1. In this Schedule "the Regulations" means the regulations promulgated by Government Notice No. R.664 of 8 April 1988 (as corrected by Government Notice No. R.991 of 27 May 1988), and amended by Government Notice No. R.1791 of 3 August 1990, Government Notice No. R.2345 of 5 October 1990 (as corrected by Government Notice No. R.2542 of 2 November 1990), Government Notice No. R.2653 of 8 November 1991 (as corrected by Government Notice No. R.2868 of 6 December 1991), Government Notice No. R.1562 of 12 June 1992, Government Notice No. R.60 of 15 January 1993, Government Notice No. R.1659 of 30

September 1994, Government Notice No. R.1422 of 31 October 1997, Government Notice No. R.1357 of 19 November 1999, Government Notice No. R.830 of 25 August 2000, Government Notice No. R.438 of 13 May 2005, Government Notice No. R.1109 of 18 November 2005, and Government Notice No. R.1264 of 28 November 2008.

### **Amendment of Regulation 13**

2. Regulation 13 of the Regulations is hereby amended by the insertion after subregulation (4) of the following subregulation:

“(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.”.

### **Amendment of Annexure 1**

3. Annexure 1 to the Regulations is hereby amended -

(a) by the substitution for form Z of the following form:

#### **“Form Z**

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.”;

(b) by the addition of the following form:

**“FORM AJ**

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"; and

(c) by the addition of the following form:

**“FORM AK**

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.”.

**Amendment of Annexure 8**

4. Annexure 8 to the Regulations is hereby amended by the substitution in rule 39 for subrule (2) of the following subrule:

“(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.”.

- 
- 5.** These regulations are known as the Sectional Titles Amendment Regulations, 2010 and come into effect on the date of publication thereof in the *Gazette*.

No. R. 291

16 April 2010

**WET OP DEELTITELS, 1986: WYSIGING VAN REGULASIES**

Ek, Gugile Nkwinti, Minister van Landelike Ontwikkeling en Grondhervorming, kragtens artikel 55 van die Wet op Deeltitels, 1986 (Wet No. 95 van 1986), na raadpleging met die deeltitelregulasieraad, wysig hiermee die Regulasies afgekondig by Goewermentskennisgewing No. R.664 van 8 April 1988, soos in die Bylae hiervan uiteengesit.

**MNR G NKWINTI****MINISTER VAN LANDELIKE ONTWIKKELING EN GRONDHERVORMING****BYLAE****WOORDOMSKRYWINGS**

1. In hierdie Bylae beteken "die Regulasies" die regulasies afgekondig by Goewermentskennisgewing No. R.664 van 8 April 1988, (soos verbeter deur Goewermentskennisgewing No. R.991 van 27 Mei 1988), en gewysig by Goewermentskennisgewing No. R.1791 van 3 Augustus 1990, Goewermentskennisgewing No. R.2345 van 5 Oktober 1990 (soos verbeter deur Goewermentskennisgewing No. R.2542 van 2 November 1990), Goewermentskennisgewing No. R. 2653 van 8 November 1991, (soos verbeter deur Goewermentskennisgewing No. R.2868 van 6 Desember 1991),

Goewermentskennisgewing No. R.1562 van 12 Junie 1992, Goewermentskennisgewing No. R.60 van 15 Januarie 1993, Goewermentskennisgewing No. R.1659 van 30 September 1994, Goewermentskennisgewing No. R.1422 van 31 Oktober 1997, Goewermentskennisgewing No. R.1357 van 19 November 1999, Goewermentskennisgewing No. R.830 van 25 Augustus 2000, Goewermentskennisgewing No. R. 438 van 13 Mei 2005, Goewermentskennisgewing No. R.1109 van 18 November 2005, en Goewermentskennisgewing No. R.1264 van 28 November 2008.

### **Wysiging van Regulasie 13**

2. Regulasie 13 van die Regulasies word hierby gewysig deur na subregulasie (4) die volgende subregulasie in te voeg:

“(4A) Die dokumente, kennisgewings en korrespondensie in subregulasie (4)(a), (b) en (c) bedoel, asook enige sertifikate, planne, bylaes, reëls en ander dokumente wat betrekking het op die skema as geheel en wat in ‘n deeltitelleër geliasseer moet word, moet met ‘n datumstempel van ‘n aktekantoor geëndosseer word tydens indiening daarvan.”.

### **Wysiging van Aanhangsel 1**

3. Aanhangsel 1 tot die Regulasies word hierby gewysig -

(a) deur vorm Z deur die volgende vorm te vervang:

#### **“Vorm Z**

Opgestel deur my

.....

TRANSPORTBESORGER

.....

(Vermeld van en voorletters in  
blokletters.)

**DEELVERBAND WAARKRAGTENS \*'N EENHEID/'N UITSLUITLIKE  
GEBRUIKSGBIED/DIE REG VAN UITBREIDING VAN 'N SKEMA/ANDER  
GEREGISTREERDE SAAKLIKE REGTE VERHIPOTEKEER WORD**

Ek, die ondergetekende ....., (hieronder die verbandgewer genoem), erken hierby dat ek wettiglik verskuldig is aan en gebonde is teenoor ..... (hieronder die verbandnemer genoem) die bedrag van (in woorde en syfers) ..... en (in woorde en syfers) ..... synde die addisionele bedrag in die aangehegte voorwaardes genoem, ontstaande uit en synde ....., en as sekuriteit vir bogenoemde.

Ek verbind hierby as 'n † ..... verband, onderworpe aan die voorwaardes uiteengesit in die aanhangsel tot hierdie verband\*:

(1) \*'n Eenheid bestaande uit -

(a) Deel No. ...., soos getoon en vollediger beskryf op Deelplan No. SS ....., in die skema bekend as ..... ten opsigte van die grond en gebou of geboue geleë te ‡ ....., van welke deel die vloeroppervlakte, volgens genoemde deelplan, .....vierkante meter groot is; en

(b) 'n onverdeelde aandeel in die gemeenskaplike eiendom in die skema aan genoemde deel toegedeel in ooreenstemming met die deelnemingskwota soos op genoemde deelplan aangeteken.

Gehou kragtens \*\* ..... en onderhewig aan sodanige voorwaardes soos uiteengesit in gemelde\*\* .....

(2) \*'n Uitsluitlike gebruiksgebied beskryf as ....., No. ...., groot ....., synde 'n gedeelte van die gemeenskaplike eiendom, bevattende die grond en die skema bekend as ..... ten opsigte van die grond en gebou of geboue geleë te ‡....., soos getoon en vollediger beskryf op Deelplan No. SS



..... gehou kragtens \*\* .....en onderhewig aan sodanige voorwaardes soos uiteengesit in gemelde\*\* .....

(3) \*Die reg om van tyd tot tyd binne 'n tydperk van ..... vir \*my/ons/diese persoonlike rekening § ..... op die bepaalde deel van die gemeenskaplike eiendom soos getoon op die plan [soos bedoel in artikel 25(2)(a) van die Wet] op te rig en te voltooi en om sodanige gebou of geboue in 'n deel of dele en gemeenskaplike eiendom te verdeel en om die reg tot uitsluitlike gebruik oor gedeeltes van daardie gemeenskaplike eiendom aan die eienaar of eienaars van een of meer dele te verleen ten opsigte van die grond beskryf as ..... en in die skema bekend as ..... ten opsigte van die grond en gebou of geboue geleë te † ‡ ..... soos getoon op Deelplan No. SS ..... en gehou kragtens \*\*..... en onderhewig aan sodanige voorwaardes soos uiteengesit in gemelde\*\* .....

Geteken te ..... op .....

.....  
Verbandgewer of behoorlik  
gemagtigde agent

Voor my

.....  
Transportbesorger

Geregistreer te .....

Op .....

Registrateur van Aktes

*Ampseël*

Die Aangangsel by die verband moet aan die einde daarvan deur die verbandgewer sowel as deur die transportbesorger onderteken word en wanneer dit uit meer as een bladsy bestaan, moet elke bykomende bladsy deur die genoemde partye geparafeer word. Die vorm moet aangepas word indien ander saaklike regte verbind word. (Volg die beskrywing van die saaklike reg soos wat dit in die titel van die reg beskryf word.)

\* Laat weg wat nie van toepassing is nie.

† Voeg rangskikkingklousule in.

‡ Vermeld naam van dorp/voorstad en plaaslike bestuur/beskrywing van plaas.

§ Vermeld welke reg, d.i. artikel 25(1)(a), (b) of (c).

\*\* Vermeld tipe deeltitelbewys(e), notariële aktes en die nommer(s) daarvan.”;

(b) deur die byvoeging van die volgende vorm:

#### “Vorm AJ

Opgestel deur my

.....

TRANSPORTBESORGER

.....

(Vermeld van en voorletters in  
blokletters.)

#### MEEGAANDE DEELVERBANDAKTE

Ek, die ondergetekende, ..... (hieronder die verbandgewer genoem) erken hierby dat ek wettiglik verskuldig is aan en gebonde is teenoor ..... (hieronder die verbandnemer genoem) die bedrag van ..... ontstaande uit en synde ..... as sekuriteit, vir welke skuld Deel Verband No. .... (hieronder genoem die hoofverband) geregistreer is in die Akteregistrasiekantoor te ..... op ..... oor die eiendom daarby spesiaal verbind;

En nademaal voornoemde verbandhouer vereis dat die skuld van die verbandgewer ingevolge die hoofverband verder verseker word deur die verhipotekering van ondergenoemde eiendom as meegaande sekuriteit daarvoor;

So is dit dat ek afstand doen van alle voorregte ontstaande uit die wettige eksepsies ..... met die volle krag en uitwerking waarvan ek verklaar ek ten volle bekend is, en hierby verklaar en erken dat ek gehou en wettiglik verbind is aan en ten behoeve van genoemde ..... sy order of regverkrygendes in voornoemde som van ..... tesame met die som van ..... as 'n preferente las vir onkoste en ander sake soos volledig uiteengesit in die hoofverband en as meegaande sekuriteit vir die behoorlike terugbetaling van voornoemde bedrae tesame met rente op voornoemde kapitaalbedrag en vir die behoorlike nakoming van al die bepalings en voorwaardes genoem of na verwys in die hoofverband asook al my verpligtings ingevolge daarvan en hierby verklaar ek spesiaal te verbind as 'n ..... verband (beskryf hier die \*eenheid en die onverdeelde aandeel daarvan in die gemeenskaplike eiendom in die skema / uitsluitlike gebruiksgebied / saaklike reg);

En ek verklaar verder dat hierdie meegaande deelverband en die Aanhangel daartoe onderworpe is aan al die bepalings en voorwaardes uiteengesit in die hoofverband en Aanhangel daartoe so volledig asof dit hierin ingevoeg is, en aan die spesiale voorwaarde dat by betaling en delging van alle verpligtings kragtens die hoofverband, hierdie verband van nul en gener waarde is, maar andersins van volle krag en uitwerking bly.

Geteken te ..... op .....

.....  
Verbandgewer of behoorlik  
gemagtigde agent

Voor my

.....  
Transportbesorger

Geregistreer te .....

Op .....

Registrateur van Aktes

*Ampseël*

**AANHANGSEL**

Ek, die ondergetekende ..... (hieronder die verbandgewer genoem), verklaar verder dat die Meegaande Deelverbandakte waaraan hierdie Aanhangsel geheg is, onderhewig is aan die volgende terme en voorwaardes:-

\*\*

.....  
.....

Verbandgewer of behoorlik  
gemagtigde agent

.....  
Transportbesorger

\* Skrap wat nie van toepassing is nie

\*\* Voeg in die terme en voorwaardes wat van toepassing is"; en

(c) deur die byvoeging van die volgende vorm:

**"VORM AK**

Opgestel deur my

.....  
**TRANSPORTBESORGER**

.....  
(Vermeld van en voorletters in  
blokletters.)

### **BORGVERBAND**

Nademaal ..... (hieronder die hoofskuldenaar genoem) waarlik en wettiglik die bedrag van ..... (.....) tesame met die bedrag van ..... (.....) as 'n preferente las vir onkoste en ander sake verskuldig is aan en ten behoeve van ..... (beskryf die verbandhouer) ontstaande uit en synde ..... as sekuriteit vir welke skuld genoemde hoofskuldenaar Verband No. .... gedateer ..... geregistreer het in die Akteregistrasiekantoor te ..... oor die eiendom / saaklike reg daarby spesiaal verbind, en

Nademaal ek, die ondergetekende ..... (beskryf die borg) ingestem het om myself as borg en mede-hoofskuldenaar te verbind vir die behoorlike terugbetaling van voornoemde bedrag en die rente daarop en vir die nakoming van al die bepalings en voorwaardes van voornoemde hoofverband asook die terme en voorwaardes soos uiteengesit in die Aanhangsel daartoe, en vir die vervulling van genoemde verpligtinge ten opsigte van die hieronder vermelde eiendom / saaklike reg as sekuriteit te verbind;

So is dit dat ek, die genoemde ..... verklaar dat ek waarlik en wettiglik verskuldig en gehou en verbind is aan en ten behoeve van ..... vir die bedrag van ..... ontstaande uit voornoemde oorsake, en afstand doen van die wettige eksepsies ..... met die krag en uitwerking waarvan ek verklaar dat ek ten volle bekend is, tesame met die bedrag van ..... (.....) as 'n preferente eis vir kostes en ander sake soos meer uiteengesit in die hoofverband;

En ek verbind myself om voornoemde hoofsom van ..... met sodanige rente as wat van tyd tot tyd kragtens die hoofverband daarop verskuldig en betaalbaar

is, aan die verbandhouer, of ander houer van hierdie verband, sy erfgename, eksekuteurs, administrateurs of regverkrygendes, te betaal of te laat betaal, en vir die behoorlike uitvoering van die bepalings van die hoofverband het die komparant q.q. verklaar om spesiaal te verbind as 'n ..... verband (beskryf hier die \*deel en sy onverdeelde aandeel in die gemeenskaplike eiendom / uitsluitlike gebruiksg gebied / saaklike reg);

En ek verklaar dat dit 'n spesiale voorwaarde van hierdie verband is dat, indien die hoofskuldenaar al sy/haar verpligtinge ingevolge voornoemde hoofverband sou nakom deur betaling van al die bedrae wat daarop verskuldig is by wyse van kapitaal en rente en verder aan al die voorwaardes en bepalings van genoemde verband voldoen, hierdie verband van nul en gener waarde word.

Geteken te ..... op .....

.....

Verbandgewer of behoorlik  
gemagtigde agent

Voor my

.....

Transportbesorger

Geregistreer te .....

Op .....

Registrateur van Aktes

*Ampseël*

**AANHANGSEL**

Ek, die ondergetekende ..... (die borg), verklaar dat die borgverband waaraan hierdie Aanhangsel geheg is, onderhewig is aan die volgende terme en voorwaardes:-

\*\*

.....  
 .....

Verbandgewer of behoorlik  
 gemagtigde agent

.....  
 Transportbesorger

\* Skrap wat nie van toepassing is nie

\*\* Voeg in die terme en voorwaardes wat van toepassing is.“.

**Wysiging van Aanhangsel 8**

4. Aanhangsel 8 tot die Regulasies word hierby gewysig deur die vervanging in reël 39 van subreël (2) deur die volgende subreël:

“(2) Aflewering word vir doeleindes van subreël (1) geag te geskied het indien bedoelde dokumente gestuur is aan die eienaar bedoel in reël 3(2) en aan enige voormelde verbandhouer by die adres van sodanige verbandhouer soos getoon in die rekords van die regspersoon.”.

5. Hierdie regulasies is die Deeltitel Wysigingsregulasies, 2010 en tree in werking op die datum van publikasie daarvan in die *Staatskoerant*.

No. R. 292

16 April 2010

**DEEDS REGISTRIES ACT, 1937 (ACT NO. 47 OF 1937): AMENDMENT OF REGULATIONS**

In terms of section 9(9) of the Deeds Registries Act, 1937 (Act No. 47 of 1937), I, Gugile Nkwinti, Minister of Rural Development and Land Reform, approve the regulations contained in the Schedule, made by the Deeds Registries Regulations Board under section 10 of the said Act. The regulations will come into operation one month from the date of publication hereof in the *Gazette*.

**MR G NKWINTI****MINISTER OF RURAL DEVELOPMENT AND LAND REFORM****SCHEDULE****Definitions**

1. In this Schedule "the Regulations" means the regulations promulgated by Government Notice No. R. 474 of 29 March 1963, as amended.

**Substitution of regulation 16**

2. The following regulation is hereby substituted for regulation 16 of the Regulations:



"16. Each Registrar shall keep a register of conveyancers and a register of persons other than conveyancers, who are authorised by any other law to prepare a deed or other document for registration or filing in a deeds registry."

#### **Amendment of Regulation 18**

3. Regulation 18 of the Regulations is hereby amended by the substitution in subregulation (1) for paragraph (a)(iii) of the following paragraph:

"(a)(iii) if the person's date of birth is incorrectly reflected in the identity number, by means of the full name, correct date of birth and identity number;"

#### **Substitution of Regulation 29**

4. The following regulation is hereby substituted for regulation 29 of the Regulations:

"29. If land is described in any deed or document, the extent thereof must be expressed in words and figures."

#### **Amendment of Regulation 34**

5. Regulation 34 of the Regulations is hereby amended by the substitution in subregulation (3) for subparagraph (d) of the following subparagraph:

"(d) Where a partner is deceased and the deed of partnership provides that the partnership shall not be terminated by reason of his or her death but that his or her share in such partnership shall be administered by a trustee, it shall be competent for a Registrar to endorse the title deed of any immovable property held by such partnership to the effect that the share of such deceased partner in such partnership shall be administered in terms of section 40 of Act 66 of 1965."

**Amendment of Regulation 35**

6. Regulation 35 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

“(2) Conditions should be inserted in deeds in the official language in which they were constituted, provided that where any conditions are embodied in a registered deed in another official language, such language may be perpetuated in subsequent deeds.”.

**Deletion of Regulation 38**

7. Regulation 38 of the Regulations is hereby deleted.

**Amendment of Regulation 39**

8. Regulation 39 of the Regulations is hereby amended by the deletion of subregulation (4).

**Amendment of Regulation 47**

9. Regulation 47 of the Regulations is hereby substituted for the following regulation:

“47. No cession of the balance due under any bond shall be registered until the amount paid in reduction thereof have been noted.”.

**Deletion of Regulation 48**

10. Regulation 48 of the Regulations is hereby deleted.

**Amendment of Regulation 49**

11. Regulation 49 of the Regulations is hereby amended by the substitution in subregulation (1) paragraph (g) for subparagraph (ii) of the following subparagraph:

“(ii) proof of the balance of the estate for distribution by means of a certificate by the Master or a copy of the liquidation account, when applicable.”.

**Amendment of Regulation 50**

12. Regulation 50 of the Regulations is hereby amended -

(a) by the substitution for subregulation (1) of the following subregulation:

“(1) Where land is to be transferred in pursuance of the provisions of a will, codicil, or other testamentary document, an accepted and certified a true copy by the Master, of the will, codicil, or other testamentary document, as the case may be, shall be lodged with the deed. The Registrar may also in the exercise of his or her discretion require any executor who seeks to transfer land belonging to the estate under his or her administration, to lodge an accepted and certified a true copy as aforesaid, of the will, codicil, or other testamentary instrument, as well as a copy of the liquidation account in the estate. If, however, a copy is already lodged in the Deeds Registry, it will be sufficient if a note is made in either case on the deed indicating the number and the date of the deed with which such copy is filed.”; and

(b) by the substitution in subregulation (2) for the words preceding paragraph (a) of the following words:

“Where land is sought to be transferred by an executor in pursuance of –”.

**Amendment of Regulation 52**

13. Regulation 52 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

“(1) Where, in the partition of land, an undivided share in such land is registered in the name of a deceased person, or of his or her estate, or of his or her surviving spouse, the Registrar shall, if such share has been bequeathed, require not only the consent of the Master in terms of section 53 of the Administration of Estates Act, 1913, on behalf of heirs or legatees who may be minors, but also the consent of the major heirs or legatees, if there are such, unless it can be proved to his or her satisfaction by documentary evidence that the partition was agreed upon during the lifetime of the testator.”.

#### **Amendment of Regulation 61**

14. Regulation 61 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

“(2) a Registrar may accept for registration a unilateral notarial deed of (a) cancellation of *fideicommissum* by the *fideicommissary* heirs, (b) cession of a personal servitude, and (c) cessions of trading rights, by the holder of such servitude or rights, provided that such deed does not impose any obligations upon the owner of the land in case of (a) or upon a cessionary in the case of (b) or (c).”.

#### **Amendment of Regulation 65**

15. Regulation 65 of the Regulations is hereby amended by the substitution for subregulation (10) of the following subregulation:

“(10) If an original power is filed of record in the office of a Registrar or Master of any Division of the High Court of South Africa, a Registrar of Deeds may recognize, as and for the purposes of an original, any copy certified under the hand and seal of such Registrar or Master, whether it is already lodged in the Deeds Registry or is hereafter lodged therein. Any copy of a power certified under the hand and seal of a Registrar of or Master of a High Court in any of the Provinces, or under the hand and seal of a Registrar of Deeds, which copy shall have been lodged in a Deeds Registry prior to the 1st January, 1919, shall also be recognized for such

purposes; provided that when it is sought by virtue of any copy of a power referred to in this subregulation to perform any act before a Registrar of Deeds there shall be produced to the Registrar concerned a letter or certificate, signed by the officer in charge of the office or Registry, as the case may be, from which such copy was issued, dated not more than twenty-one days prior to the date of production thereof, evidencing that no notification of revocation of the original power had been received up to the date of such letter or certificate.”.

### **Amendment of regulation 68**

16. Regulation 68 of the Regulations is hereby amended by the insertion after subregulation (11) of the following subregulation:

“(11A) If the registered holder of a mortgage or notarial bond, or his or her duly authorised agent, desires to procure cancellation of such bond which has been lost or destroyed and of which the registration duplicate has also been lost or destroyed, and has made written application duly witnessed to the Registrar to cancel such bond, and has complied, with the necessary changes, with the provisions of subregulations (1), (2) and (3) of this regulation, the Registrar shall, if satisfied that no good reason to the contrary exists, endorse such application to indicate the cancellation of the bond, and the endorsed application shall be deemed to be a cancellation of the bond notwithstanding that the original or registration duplicate of the bond was not submitted for cancellation.”.

### **Deletion of Regulation 72**

17. Regulation 72 of the Regulations is hereby deleted.

### **Amendment of Regulation 73**

18. Regulation 73 of the Regulations is hereby amended –

- (a) by the deletion of subregulation (1);

(b) by the substitution for subregulation (2) of the following subregulation :

“(2) A diagram shall be annexed to each copy of the relevant deed in respect of leases and subleases of land and cessions thereof and to notarial releases of any part of the property leased and also to deeds creating or defining servitudes and real rights whether created or defined by the parties thereto or by order of the Court or a Water Court: Provided that a servitude feature of uniform width, or a servitude feature at a specified distance from and parallel to a surveyed line shown on a registered diagram, in either instance extending along the entire length of such surveyed line other than a servitude for road widening purposes, may be registered by description without a supporting diagram: Provided further that any other servitude may, at the discretion of the Surveyor-General, be registered if he or she is satisfied that such servitude can be plotted on the diagram of the land affected: Provided further that a diagram need not be annexed to each copy of a deed creating or defining a servitude if such servitude is represented on a general plan filed in a Deeds Registry: Provided further that nothing in this subregulation shall exclude the registration of a servitude in general terms.”;

(c) by the insertion after subregulation (2) of the following subregulation :

“(2A) The Registrar shall, for the purposes of this regulation, not accept for registration any deed to which there is attached any sketch or plan other than a diagram.”; and

(d) by the deletion of subregulation (4).

#### **Substitution of regulation 74**

19. The following regulation is hereby substituted for regulation 74:

“74. If any lease or licence is tendered for registration under the provisions of the State Land Disposal Act, 1961, it shall be sufficient if there are annexed to the deeds so lodged, compilations plans of the land dealt with certified by the Surveyor-General.”.

**Deletion of regulation 75**

20. Regulation 75 of the Regulations is hereby deleted.

**Substitution and deletion of Forms**

21. The Regulations are hereby amended –

- (a) by the substitution for Forms D, W, PP, QQ, RR, EEE and FFF of the following forms:

**FORM D**

Prepared by me

.....

CONVEYANCER

.....

(State surname and  
initials in block letters)

**CERTIFICATE OF REGISTERED STATE TITLE**

*[Issued under the provisions of section 18 of the Deeds Registries Act, 1937 (No. 47 of 1937)]*

Whereas the Minister of ..... has applied under the provisions of section 18 of the Deeds Registries Act, 1937, for the issue to the \*NATIONAL GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA / PROVINCIAL GOVERNMENT OF ..... of a certificate of registered State title in respect of the undermentioned land, being a piece of unalienated State land which has been separately surveyed and is shown on the diagram annexed hereto;

Now, therefore, in pursuance of the provisions of the said Act, I the Registrar of Deeds at ..... do hereby certify that the said \*NATIONAL GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA / PROVINCIAL GOVERNMENT OF ..... , its successor in title or assign is the registered owner of ..... (describe the land, giving its name, registered number, designation of the registration division, name of administrative district in which it is situate, its extent and a reference to the annexed diagram).

In witness whereof I, the said Registrar, have subscribed to these presents and have caused the seal of office to be affixed thereto.

Thus done and executed at the office of the Registrar of Deeds at ..... on this ..... day of ..... Two Thousand and .....

Registrar of Deeds

\*Omit which is not applicable.

**FORM W**

Prepared by me

.....

**ATTORNEY/NOTARY/  
CONVEYANCER**

(Use whichever is applicable.)

.....

(State surname and initials in block letters.)

**CONSENT TO SUBSTITUTION**

*[Form of consent to substitution of debtor under section 57 (1) of the Act.]*

*Issued under the provisions of section 57 of the Deeds Registries Act, 1937 (No. 47 of 1937).*



Whereas I ..... am the legal holder of Mortgage Bond No. .... dated ..... passed by ..... for the sum of ..... whereby was hypothecated as a ..... mortgage certain ..... (here describe the property);

And whereas the said ..... has transferred the aforesaid land to ..... who is ready and willing to take over the liability of the said ..... under the said bond and to be substituted for the said transferor as the debtor under the bond;

Now, therefore, I agree under the provisions of the said Act, that the transferee aforesaid be substituted as debtor under the bond and that from the date of execution of the transfer the transferor shall be released from any obligation under the said bond.

Dated at ..... this ..... day of .....

.....  
Signature of mortgagee

As witness:  
.....  
.....

And I, ..... , the transferee aforesaid, having read the above consent of the legal holder of the bond, do hereby consent to accept transfer of the land subject to such bond and to be substituted for the transferor as debtor under the bond and hereby assume full liability for the indebtedness under the said bond in terms of the provisions of the said Act.

Dated at ..... this ..... day of .....

.....

Signature of transferee

As witness:

.....  
.....

**FORM PP**

Prepared by me

.....

**CONVEYANCER**

.....

(State surname and  
initials in block letters)

**CERTIFICATE OF REGISTERED REAL RIGHTS : TOWNSHIP OR SETTLEMENT**

[In respect of a township or settlement being laid out]

*[Issued under the provisions of section 64 of the Deeds Registries Act, 1937 (No. 47 of 1937)]*

Whereas ..... has laid out a \*township or settlement upon the land hereunder described in respect whereof he/she has reserved to him-/herself ..... (here describe the nature of the rights reserved) and whereas a register has this day been opened for the said \*township or settlement;

Now, therefore, pursuant to the provisions of the said Act, I, the ..... at ..... do hereby certify that the said ....., his/her heirs, executors, administrators, or assigns, is/are the registered holder(s) of ..... (here describe the nature of the rights reserved) in and upon certain portion ..... (describe it) now known as the \*township or settlement of ..... of the farm ..... (describe the land giving name, number, registration division, administrative district and title deed) subject and entitled to the following conditions ..... (here set forth the conditions from the title deed which are applicable).

In witness whereof I, the said Registrar, have subscribed to these presents and have caused the seal of office to be affixed thereto.

Thus done and executed at the office of the ..... at .....  
on this ..... day of ..... Two Thousand and .....

Registrar of Deeds

\*Omit which is not applicable.

### FORM QQ

Prepared by me

.....

CONVEYANCER

.....

(State surname and  
initials in block letters)

### CERTIFICATE OF REGISTERED REAL RIGHTS : LAND TRANSFERRED

(In respect of land being transferred)

*[Issued under the provisions of section 64 of the Deeds Registries Act, 1937 (No. 47 of 1937).]*

Whereas ..... has this day transferred under Deed of Transfer No. .... the land hereunder described in respect whereof he/she has reserved to him-/herself ..... (here described the rights reserved);

Now, therefore, pursuant to the provisions of the said Act, I, the ..... at ..... do hereby certify that the said ..... , his/her heirs, executors, administrators, or assigns, is/are the holder(s) of ..... (here describe the rights reserved) in and upon ..... (describe the land, giving name, number, registration division and administrative district) subject

and entitled to the following conditions ..... (here set out the conditions from the title deed which are applicable).

In witness whereof I, the said Registrar, have subscribed to these presents and have caused the seal of office to be affixed thereto.

Thus done and executed at the office of the ..... at ..... on this ..... day of ..... Two Thousand and .....

Registrar of Deeds

**FORM RR**

Prepared by me

.....

**CONVEYANCER**

.....

(State surname and initials in block letters)

**DEEDS OF CESSION OF ..... NO. ....**

[In terms of section 32 of the Deeds Registries Act, 1937 (No. 47 of 1937).]

Be it hereby made known:

That whereas the undermentioned servitude has been ..... (state whether expropriated by or vested in and quote the authority in either event) over/in and upon the undermentioned land which ..... (land, servitude) is at present registered in the name of ..... under deed of transfer (or other title) No. .... dated .....

And whereas a certificate has been furnished to me in terms of 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 or vesting of such ..... (mention servitude) have been complied with;

Now, therefore, by virtue of the authority conferred upon me by section 32 of the Deeds Registries Act, 1937, I, the ..... at ....., do hereby cede to ..... (description of cessionary), its successors in title or assigns :-

Description or nature of servitude (refer to any diagram annexed) .....  
over ..... description of land ..... extent .....  
(in words and figures) .....

In witness whereof I, the said Registrar, have subscribed to these presents, and have caused the seal of office to be affixed thereto.

Thus done and executed at the office of the ..... at .....  
on this ..... day of ..... Two Thousand and .....

Registrar of Deeds

\*Omit which is not applicable.

### FORM EEE

Prepared by me

.....

CONVEYANCER

.....

(State surname and  
initials in block letters)

### CERTIFICATE OF REGISTERED REAL RIGHTS

[In respect of the remainder of a township or settlement]

*[Issued under the provisions of section 64 of the Deeds Registries Act, 1937 (No. 47 of 1937).]*

Whereas ..... has applied for the issue to him/her of a Certificate of Registered Real Rights under section 64 of the Deeds Registries Act, 1937, and whereas he/she is the owner of the \*township or settlement known as ..... laid out in ..... (describe the property and quote title) and whereas there have been transferred certain \*erven, lots or holdings in the aforesaid \*township or settlement and whereas ..... (describe the nature of the rights) were reserved upon the layout of the said \*township or settlement and whereas the applicant is desirous of obtaining a certificate in respect of such rights in the remainder of such \*township or settlement which remainder, in accordance with a Certificate of Remainder issued by the Surveyor-General, is hereunder described;

Now, therefore, pursuant to the provisions of the said Act, I, the ..... at ..... do hereby certify that the said ....., his/her heirs, executors, administrators, or assigns is/are the holder(s) of ..... (describe the nature of the rights) in and upon the remainder of the \*township or settlement known as ..... laid out on ..... (describe the property) held by him/her under the Deed of ..... (describe the title) dated ..... which remainder is in extent ..... as will more fully appear from a Certificate of Remainder issued by the Surveyor-General on the ..... day of ..... subject and entitled to the following conditions ..... (here set forth the conditions, which must be in conformity with the conditions applicable, appearing in the titles of erven or holdings already transferred).

In witness whereof I, the said Registrar, have subscribed to these presents, and have caused the seal of office to be affixed thereto.

Thus done and executed at the Office of the ..... at ..... on this ..... day of ..... Two Thousand and .....

Registrar of Deeds

NB-The Registrar at Johannesburg cannot execute in respect of Land other than a township.

\*Omit which is not applicable.

### FORM FFF

Prepared by me

.....

CONVEYANCER

.....

(State surname and  
initials in block letters)

### CERTIFICATE OF REGISTERED REAL RIGHTS

[In respect of rights reserved before the commencement of the Deeds Registries Act, 1937 (No. 47 of 1937) in land on which a township or settlement has been established.]

*[Issued under the provisions of section 64 of the Deeds Registries Act, 1937 (No. 47 of 1937).]*

Whereas ..... has applied for the issue to him/her of a Certificate of Registered Real Rights under section 64 of the Deeds Registries Act, 1937, and whereas he/she is the holder of or entitled to ..... (describe the nature of the rights) in and upon certain ..... (describe the land over which the reservation was originally made) forming the, or part of the \*township or settlement of .....;

And whereas there have been transferred certain \*erven, lots or holdings in the aforesaid \*township or settlement and whereas the applicant is desirous of obtaining a certificate in respect of such \*erven, lots or holdings;

And whereas the said rights are at present held in respect of the said \*erven, lots or holdings as follows ..... (here describe the properties concerned and quote the titles thereto);

Now, therefore, pursuant to the provisions of the said Act, I, the ..... at ..... do hereby certify that the said ....., his/her heirs, executors, administrators, or assigns, is/are the holder(s) of ..... (here describe the rights reserved) in and upon ..... (describe each erf, lot or holding, its situation, and extent, in separate paragraphs) subject and entitled to the following conditions ..... (here set out the conditions from the title deed which are applicable).

In witness whereof I, the said Registrar, have subscribed to these presents, and have caused the seal of Registry to be affixed thereto.

Thus done and executed at the Registry of the ..... at ..... on this ..... day of ..... Two Thousand and .....

Registrar of Deeds

\*Omit which is not applicable.

- (b) by the deletion of Forms AA, BB, CC, DD, EE, FF, GG, HH, II, JJ, NN, OO; and OO(1).

**22.** These regulations shall be known as the Deeds Registries Amendment Regulations, 2010.



No. R. 292

16 April 2010

**REGISTRASIE VAN AKTES WET, 1937 (WET NO. 47 VAN 1937) : WYSIGING  
VAN REGULASIES**

Kragtens artikel 9(9) van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), keur ek, Gugile Nkwinti, Minister van Landelike Ontwikkeling en Grondhervorming, die regulasies soos in die Bylae vervat, uitgevaardig deur die Registrasieregulasieraad, goed. Die regulasies tree in werking een maand vanaf die datum van publikasie hiervan in die *Staatskoerant*.

  
MNR G NKWINTI**MINISTER VAN LANDELIKE ONTWIKKELING EN GRONDHERVORMING****BYLAE****Woordoms krywing**

1. In hierdie Bylae beteken "die Regulasies" die regulasies uitgevaardig by Goewermentskennisgewing No. R. 474 van 29 Maart 1963, soos gewysig.

**Vervanging van Regulasie 16**

2. Regulasie 16 van die Regulasies word hierby deur die volgende regulasie vervang:

"16. Elke Registrateur moet 'n register van transportbesorgers hou en 'n register van persone buiten transportbesorgers, wat by enige ander wet gemagtig is om 'n akte of ander dokument vir registrasie of liassing in 'n registrasiekantoor op te stel."

### **Wysiging van Regulasie 18**

3. Regulasie 18 van die Regulasies word hierby gewysig deur in subregulasie (1) paragraaf (a)(iii) deur die volgende paragraaf te vervang:

"(a)(iii) indien die persoon se geboortedatum foutiewelik in die identiteitsdokument gereflekteer word, deur middel van die volle naam, korrekte geboortedatum en identiteitsnommer;"

### **Vervanging van Regulasie 29**

4. Regulasie 29 van die Regulasies word hierby deur die volgende regulasie vervang:

"29. Indien grond in enige akte of document omskryf word, moet die omvang daarvan in woorde en syfers uitgedruk word."

### **Wysiging van Regulasie 34**

5. Regulasie 34 van die Regulasies word hierby gewysig deur in subregulasie (3) subparagraaf (d) deur die volgende subparagraaf te vervang:

"(d) Waar 'n vennoot oorlede is en die akte van vennootskap bepaal dat die vennootskap nie beëindig word uit hoofde van sy of haar dood nie, maar dat sy of haar aandeel in sodanige vennootskap deur 'n trustee geadministreer moet word, is 'n Registrateur bevoeg om die eiendomsbewys van enige onroerende eiendom gehou deur sodanige vennootskap te endosseer ten effekte dat die aandeel van

sodanige oorlede vennoot in sodanige vennootskap kragtens artikel 40 van Wet 66 van 1965 geadministreer moet word.”.

### **Wysiging van Regulasie 35**

6. Regulasie 35 van die Regulasies word hierby gewysig deur subregulasie (2) deur die volgende subregulasie te vervang:

“(2) Voorwaardes moet in aktes opgeneem word in die offisiële taal waarin hulle oorspronklik opgestel is, met dien verstande dat waar enige voorwaardes in 'n ander offisiële taal in 'n geregistreerde akte opgeneem is, sodanige taal in volgende aktes bestendig mag word.”.

### **Skrapping van Regulasie 38**

7. Regulasie 38 van die Regulasies word hierby geskrap.

### **Wysiging van Regulasie 39**

8. Regulasie 39 van die Regulasies word hierby gewysig deur subregulasie (4) te skrap.

### **Vervanging van Regulasie 47**

9. Regulasie 47 van die Regulasies word hierby deur die volgende regulasie vervang :

“47. Geen sessie van die saldo verskuldig ingevolge enige verband word geregistreer alvorens die bedrag betaal in mindering daarvan, nie aangeteken is nie.”.

### **Skrapping van Regulasie 48**

10. Regulasie 48 van die Regulasies word hierby geskrap.

### **Wysiging van Regulasie 49**

11. Regulasie 49 van die Regulasies word hierby gewysig deur in subregulasie (1) paragraaf (g)(ii) deur die volgende paragraaf te vervang:

“(ii) bewys van die balans van die boedel vir distribusie deur middel van ’n sertifikaat van die Meester of ’n afskrif van die likwidasierekening, indien van toepassing.”.

### **Wysiging van Regulasie 50**

12. Regulasie 50 van die Regulasies word hierby gewysig -

(a) deur subregulasie (1) deur die volgende subregulasie te vervang:

“(1) Waar grond oorgedra moet word ingevolge die bepalings van ’n testament, kodisil of ander testamentêre dokument, moet ’n deur die Meester aanvaarde en gewaarmerkte ware afskrif van die testament, kodisil, of ander testamentêre dokument, na gelang van die geval, met die akte ingedien word. Die Registrateur kan verder na goeddunke vereis dat enige eksekuteur wat begeer om grond behorende aan die boedel onder sy administrasie oor te dra, ’n soos bogemelde aanvaarde en gewaarmerkte afskrif van die testament, kodisil, of ander testamentêre dokument, sowel as ’n afskrif van die likwidasierekening in die boedel indien. Indien egter alreeds ’n afskrif in die Registrasiekantoor ingedien is, sal dit voldoende wees as in albei gevalle ’n aantekening op die akte gemaak word wat die nommer en die datum van die akte waarmee so ’n afskrif gebêre is, vermeld.”; en

(b) deur in subregulasie (2) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“Waar ’n eksekuteur verlang om grond te transporteer ingevolge –”.

### **Wysiging van Regulasie 52**

13. Regulasie 52 van die Regulasies word hierby gewysig deur subregulasie (1) deur die volgende subregulasie te vervang:

“(1) Waar, by die verdeling van grond, ‘n onverdeelde aandeel in sodanige grond geregistreer is op naam van ‘n oorlede persoon, of van sy of haar boedel, of van sy of haar langlewende eggenote of eggenoot, moet die Registrateur, as sodanige aandeel bemaak is, nie alleen die toestemming van die Meester, ooreenkomstig artikel 53 van die Boedelwet, 1913, ten behoeve van die erfgename of legetarisse wat minderjarig mag wees, vereis nie, maar ook die toestemmings van die meerderjarige erfgename of legetarisse, as daar is, tensy deur dokumentêre bewys tot sy of haar tevredenheid aangetoon kan word dat, gedurende die lewe van die erflater, oor die verdeling ooreengekom is.”.

### **Wysiging van Regulasie 61**

14. Regulasie 61 van die Regulasies word hierby gewysig deur subregulasie (2) deur die volgende subregulasie te vervang:

“(2) ‘n Registrateur mag vir registrasie ‘n eensydige notariële akte van (a) rojering van *fidei-commissum* deur die *fidei-commissum*-erfgename (b) sessie van ‘n persoonlike serwituut, en (c) sessies van handelsregte, deur die houer van sodanige serwituut of regte, aanneem met dien verstande dat sodanige akte nie enige verpligtinge op die eienaar van die grond, in die geval van (a), of ‘n sessionaris, in die geval van (b) of (c) oplê nie.”.

### **Wysiging van Regulasie 65**

15. Regulasie 65 van die Regulasies word hierby gewysig deur subregulasie (10) deur die volgende subregulasie te vervang:

“(10) As ‘n oorspronklike volmag gebêre is in die kantoor van ‘n Registrateur of Meester van enige afdeling van die Hoë Hof van Suid-Afrika, kan ‘n Registrateur

van Aktes, as 'n origineel en vir die doeleindes daarvan, enige afskrif erken wat gesertifiseer is onder handtekening en seël van sodanige Registrateur of Meester van enige afdeling van die Hoë Hof of dit alreeds in sy Registrasiekantoor ingedien is, of later daar ingedien word. Enige afskrif van 'n volmag, gesertifiseer onder handtekening en seël van 'n Registrateur of Meester van die Hoë Hof in enige provinsie of onder handtekening en seël van 'n Registrateur van Aktes, welke afskrif voor 1 Januarie 1919, in 'n Registrasiekantoor ingedien is, word ook vir sodanige doeleindes erken; met dien verstande dat, wanneer ingevolge enige afskrif van 'n volmag soos in hierdie subregulasie genoem, verlang word om voor 'n Registrateur van Aktes enige handeling te verrig, aan die betrokke Registrateur 'n brief of sertifikaat oorgelê moet word geteken deur die verantwoordelike amptenaar van die kantoor of Registrasiekantoor, na gelang van die geval, vanwaar sodanige afskrif uitgereik is, gedateer hoogstens een-en-twintig dae voor die datum waarop dit oorgelê word, waarin hy of sy te kenne gee dat hy of sy tot op die datum van sodanige brief of sertifikaat geen kennisgewing van die herroeping van die oorspronklike volmag ontvang het nie.”.

### **Wysiging van Regulasie 68**

**16.** Regulasie 68 van die Regulasies word hierby gewysig deur na subregulasie (11) die volgende subregulasie in te voeg:

“(11A) As die geregistreerde houër van 'n verband of notariële verband, of sy of haar behoorlik gemagtigde agent, begeer om die rojering van die verband te verkry, welke verband verlore geraak het of vernietig is en waarvan die registrasieduplikaat ook verlore geraak het of vernietig is, en skriftelik aansoek, behoorlik deur getuies onderteken, gedoen het by die Registrateur om die rojering van sodanige verband, en met die nodige veranderinge voldoen het aan die bepalinge van subregulasies (1), (2) en (3) van hierdie regulasie, moet die Registrateur, as hy of sy oortuig is dat daar geen goeie rede bestaan waarom dit nie gedoen sou kon word nie, die aansoek endosseer ten einde die rojering van die verband aan te dui, en die geëndosseerde aansoek word geag 'n rojering van die verband te wees nieteenstaande dat die oorspronklike of die registrasieduplikaat van die verband nie vir rojering voorgelê is nie.”.

## **Skrapping van Regulasie 72**

17. Regulasie 72 van die Regulasies word hierby geskrap.

## **Wysiging van Regulasie 73**

18. Regulasie 73 van die Regulasies word hierby gewysig –

(a) deur subregulasie (1) te skrap;

(b) deur subregulasie (2) deur die volgende regulasie te vervang :

“(2) ‘n Kaart moet geheg word aan elke kopie van die betrokke akte wat betrekking het op huurkontrakte en onderhuurkontrakte van grond en sessies daarvan, aan notariële bevrydings van enige gedeelte van die verhuurde eiendom en ook aan aktes wat serwitute en saaklike regte in die lewe roep of omskryf, hetsy in die lewe geroep of omskryf deur die kontrakterende partye daartoe of op las van die Hof of ‘n Waterhof: Met dien verstande dat ‘n serwituutfiguur van eenvormige wydte, of ‘n serwituutfiguur op ‘n gespesifiseerde afstand van en ewewydig aan ‘n opgemete lyn wat op ‘n geregistreerde kaart verskyn en wat in iedere geval langs die volle lengte van so ‘n opgemete lyn uitgesonderd ‘n serwituut vir doeleindes van padverbreiding, loop, deur beskrywing sonder ‘n bygaande kaart geregistreer kan word: Met dien verstande voorts dat enige ander serwituut, na goeddunke van die Landmeter-generaal, geregistreer kan word as hy of sy oortuig is dat sodanige serwituut op die kaart van die betrokke grond geteken kan word: Met dien verstande voorts dat dit onnodig is om ‘n kaart aan elke kopie van ‘n akte wat ‘n serwituut skep of omskryf, te heg, as sodanige serwituut op ‘n algemene plan gebêre in ‘n registrasiekantoor, aangegee word: Met dien verstande voorts dat niks in hierdie subregulasie die registrasie van ‘n serwituut in algemene bewoording uitsluit nie.”;

(c) deur na subregulasie (2) die volgende subregulasie in te voeg :

“(2A) Die Registrateur mag, vir die doeleindes van hierdie regulasie, geen akte waaraan ‘n skets of plan, behalwe ‘n kaart, geheg is, vir registrasie aanneem nie.”; en

(d) deur subregulasie (4) te skrap.

### **Vervanging van Regulasie 74**

19. Regulasie 74 word hiermee deur die volgende regulasie vervang :

“74. Indien enige huurkontrak of lisensie vir registrasie ingedien word ingevolge die bepalings van die Wet op die Beskikking oor Staatsgrond, 1961, is dit voldoende indien daar aan die aktes so ingedien, komplikasieplanne van die betrokke grond wat deur die Landmeter-generaal gesertifiseer is, geheg word.”.

### **Skraping van Regulasie 75**

20. Regulasie 75 van die Regulasies word hierby geskrap.

### **Vervanging en skraping van Vorms**

21. Die Regulasies word hierby gewysig -

(a) deur Vorms D, W, PP, QQ, RR, EEE en FFF deur die volgende vorms te vervang:

#### **VORM D**

Opgestel deur my

.....

TRANSPORTBESORGER

.....

(Vermeld van en voorletters  
in blokletters.)



**SERTIFIKAAT VAN GEREISTREERDE STAATSTITEL**

*[Uitgereik kragtens die bepalings van artikel 18 van die Registrasie van Aktes Wet, 1937 (No. 47 van 1937).]*

Nademaal die Minister van ..... aansoek gedoen het kragtens artikel 18 van die Registrasie van Aktes Wet, 1937, om die uitreiking aan die \*NASIONALE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA / PROVINSIALE REGERING VAN ..... van 'n sertifikaat van geregistreeerde Staatstitel ten opsigte van die hierondergenoemde grond, synde 'n stuk onvervreemde Staatsgrond wat apart opgemeet is en aangetoon is op die kaart hieraan geheg;

So is dit dat, ingevolge die bepalings van genoemde Wet, ek, die Registrateur van Aktes te ..... hierby sertifiseer dat voornoemde \*NASIONALE REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA / PROVINSIALE REGERING VAN ..... die se opvolgers in titel of regverkrygendes die geregistreeerde eienaar is van ..... (beskryf die grond met vermelding van naam, geregistreeerde nommer, aanwysing van die registrasie-afdeling, naam van administratiewe distrik waarin dit geleë is, die grootte en 'n verwysing na die aangehegte kaart).

Ten bewyse waarvan ek, die voornoemde Registrateur, hierdie Sertifikaat onderteken en met die ampseël bekragtig het.

Aldus gedoen en verly by die kantoor van die Registrateur van Aktes te ..... op hede die ..... dag van ..... Tweeduisend en .....

Registrateur van Aktes

\*Skrap wat nie van toepassing is nie.

**VORM W**

Opgestel deur my

.....

PROKUREUR/NOTARIS/

TRANSPORTBESORGER

(Gebruik wat ook al van  
toepassing is)

.....

(Vermeld van en voorletters in  
blokletters.)**TOESTEMMING VIR SUBSTITUSIE***[Vorm van toestemming om 'n skuldenaar te substitueer kragtens artikel 57(1) van  
die Wet.]**[Verleen kragtens die bepalings van artikel 57 van die Registrasie van Aktes Wet,  
1937 (No. 47 van 1937).]*

Nademaal ek ..... die wettige houer is van Verbandakte No.  
..... gedateer ..... gepasseer deur .....  
vir die bedrag van ..... waarby verbind is as 'n .....  
verband sekere ..... (beskryf hier die eiendom);

En nademaal genoemde ..... voornoemde grond getranspoteer het  
aan ..... wat bereid en gewillig is om aanspreeklikheid van genoemde  
..... oor te neem onder die verband en om vir genoemde  
transportgewer as skuldenaar onder die verband gesubstitueer te word;

So is dit dat ek kragtens die bepalings van genoemde Wet toestem dat voornoemde  
transportnemer vir die skuldenaar onder die verband gesubstitueer word, en dat  
vanaf die datum van uitvoering van die transport die transportgewer vrygestel is van  
enige verpligtings onder die genoemde verband.

Gedateer te ..... op hede die ..... dag van  
.....

.....  
Handtekening van verbandhouer

As getuie:

.....  
.....

En ek, ....., voornoemde transportnemer, wat bogenoemde toestemming van die wettige houer van die verband gelees het, stem hierby toe om die transport van die grond onderworpe aan sodanige verband aan te neem en om gesubstitueer te word vir die transportgewer as skuldenaar onder die verband, en aanvaar hierby volle aanspreeklikheid vir die skuld ingevolge voornoemde verband kragtens die bepalings van genoemde Wet.

Gedateer te ..... op hede die ..... dag van  
.....

.....  
Handtekening van transportnemer

As getuie:

.....  
.....

**VORM PP**

Opgestel deur my

.....  
TRANSPORTBESORGER  
.....

(Vermeld van en voorletters  
in blokletters.)

**SERTIFIKAAT VAN GEREISTREERDE SAAKLIKE REGTE :  
DORP OF NEDERSETTING**

[Ten opsigte van 'n dorp of nedersetting wat aangelê word]

*[Uitgereik kragtens die bepalings van artikel 64 van die Registrasie van Aktes Wet, 1937 (No. 47 van 1937).]*

Nademaal ..... 'n \*dorp of nedersetting op die grond hieronder beskryf aangelê het ten opsigte waarvan hy/sy vir hom-/haarself voorbehou het ..... (beskryf hier die aard van die regte voorbehou) en nademaal 'n register op hierdie dag geopen is vir genoemde \*dorp of nedersetting;

So is dit dat ingevolge die bepalings van genoemde Wet ek, die ..... te ..... hierby sertifiseer dat genoemde ..... , hy/sy erfgename, eksekuteurs, administrateurs of regverkrygendes, die geregistreerde houër(s) is van ..... (beskryf hier die aard van die regte voorbehou) in en op sekere gedeelte ..... (beskryf dit) tans bekend as die \*dorp of nedersetting van ..... van die plaas ..... (beskryf die grond met vermelding van naam, nommer, registrasieafdeling, administratiewe distrik en titelbewys) onderworpe aan en geregtig op die volgende voorwaardes ..... (sit hier uiteen die voorwaardes van die titelbewys wat van toepassing is).

Ten bewyse waarvan ek, genoemde Registrateur, hierdie Sertifikaat onderteken het en die ampseël daarop laat aanbring het.

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

Registrateur van Aktes

\*Skrap wat nie van toepassing is nie.

**VORM QQ**

Opgestel deur my

.....

TRANSPORTBESORGER

.....

(Vermeld van en voorletters  
in blokletters.)**SERTIFIKAAT VAN GEREGISTREERDE SAAKLIKE REGTE :****GROND WAT OORGEDRA WORD**

(Ten opsigte van grond wat oorgedra word.)

*[Uitgereik kragtens die bepalings van artikel 64 van die Registrasie van Aktes Wet,  
1937 (No. 47 van 1937).]*

Nademaal ..... op hierdie dag kragtens Akte van Transport No.  
..... die grond hieronder beskryf getranspoteer het ten aansien waarvan  
hy/sy vir hom-/haarself ..... (beskryf hier die regte voorbehou)  
voorbehou het;

So is dit dat ingevolge die bepalings van genoemde Wet ek, die .....  
te ..... hierby sertifiseer dat genoemde ....., sy/haar  
erfgename, eksekuteurs, administrateurs of regverkrygendes, die houer(s) is van  
..... (beskryf hier die regte voorbehou) in en op .....  
(beskryf die grond met vermelding van naam, nommer, registrasieafdeling en  
administratiewe distrik) onderworpe aan en geregtig op die volgende voorwaardes  
..... (sit hier die voorwaardes van die titelbewys wat van  
toepassing is, uiteen).

Ten bewyse waarvan ek, genoemde Registrateur, hierdie Sertifikaat onderteken het  
en die ampseël daarop laat aanbring het.

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

Registrateur van Aktes

### VORM RR

Opgestel deur my

.....

TRANSPORTBESORGER

.....

(Vermeld van en voorletters  
in blokletters.)

**AKTE VAN SESSIE VAN ..... NO. ....**

*[Kragtens artikel 32 van die Registrasie van Aktes Wet, 1937 (No. 47 van 1937).]*

Hierby word bekendgemaak:

Dat nademaal ondergenoemde serwituut ..... (meld of dit onteien  
is deur, of oorgegaan het op, en meld die gesag in ieder geval) oor/in en op  
ondergenoemde grond welke ..... (grond, serwituut) tans  
geregistreer is op naam van ..... kragtens transportakte (of ander  
titelbewys) No. .... gedateer .....

En nademaal 'n sertifikaat kragtens artikel 32(4) van die Registrasie van Aktes Wet,  
1937, deur die sessionaris aan my verstrekk is ten effekte dat daar voldoen is aan die  
bepalings van enige wet in verband met die \*onteiening of oorgang van sodanige  
..... (meld serwituut);

So is dit dat kragtens die bevoegdheid my verleen by artikel 32 van die Registrasie  
van Aktes Wet, 1937, ek, die ..... te .....,  
hierby sedgeer aan ..... (Beskrywing van sessionaris), sy opvolgers in titel  
of regverkrygendes :-

Beskrywing of aard van serwituut (verwys na enige kaart aangeheg) .....  
 oor ..... (beskrywing van grond) ..... grootte  
 (in woorde en syfers) ten bewyse waarvan ek, voornoemde Registrateur, hierdie  
 akte onderteken het en met my ampseël bekragtig het.

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

Registrateur van Aktes

\*Skrap wat nie van toepassing is nie.

### VORM EEE

Opgestel deur my

.....

TRANSPORTBESORGER

.....

(Vermeld van en voorletters  
 in blokletters.)

### SERTIFIKAAT VAN GEREGISTREERDE SAAKLIKE REGTE

(Ten opsigte van die restant van 'n dorp of nedersetting.)

*[Uitgereik kragtens die bepalings van artikel 64 van die Registrasie van Aktes Wet,  
 1937 (No. 47 van 1937).]*

Nademaal ..... aansoek gedoen het om die uitreiking aan hom/haar  
 van 'n Sertifikaat van Geregistreerde Saaklike Regte kragtens artikel 64 van die  
 Registrasie van Aktes Wet, 1937, en nademaal hy/sy die eienaar is van die \*dorp of  
 nedersetting bekend as ..... uitgelê op .....  
 (beskryf die eiendom en vermeld titel) en nademaal sekere \*erwe, persele of hoewes  
 in voornoemde \*dorp of nedersetting getransporteer is en nademaal  
 ..... (beskryf die aard van die regte) voorbehou is by

die uitlê van voornoemde \*dorp of nedersetting en nademaal die applikant begerig is om 'n sertifikaat te verkry ten opsigte van sodanige regte in die restant van sodanige \*dorp of nedersetting, welke restant hieronder beskryf is ooreenkomstig 'n Sertifikaat van Restant uitgereik deur die Landmeter-generaal;

So is dit dat ingevolge die bepalings van genoemde Wet, ek, die ..... te ..... hierby sertifiseer dat voornoemde ..... , sy/haar erfgename, eksekuteurs, administrateurs of regverkrygendes, die houer(s) is van ..... (beskryf hier die aard van die regte) in en op die restant van die \*dorp of nedersetting bekend as ..... uitgelê op ..... (beskryf die eiendom) gehou deur hom/haar kragtens Akte van ..... (beskryf die titel) gedateer ..... welke restant ..... groot is, soos volledig blyk uit 'n Sertifikaat van Restant uitgereik deur die Landmeter-generaal op die ..... dag van ..... onderworpe aan en geregig op die volgende voorwaardes ..... (sit hier uiteen die voorwaardes wat ooreen moet kom met die toepaslike voorwaardes opgeneem in die titels van erwe of hoewes alreeds getranspoteer).

Ten bewyse waarvan, ek, voornoemde Registrateur, hierdie Akte onderteken en met die ampseël bekragtig het.

Aldus gedoen en geteken in die kantoor van die ..... te ..... op hede die ..... dag van ..... Tweeduisend en .....

Registrateur van Aktes.

L.W. – Die Registrateur te Johannesburg kan nie uitvoer ten opsigte van grond behalwe 'n dorpsgebied nie.

\*Skrap wat nie van toepassing is nie.



**VORM FFF**

Opgestel deur my

.....

**TRANSPORTBESORGER**

.....

(Vermeld van en voorletters  
in blokletters.)**SERTIFIKAAT VAN GEREISTREERDE SAAKLIKE REGTE**

[Ten opsigte van regte voorbehou voor die inwerkingtreding van die Registrasie van Aktes Wet, 1937 (No. 47 van 1937) oor grond waarop 'n dorp of nedersetting gestig is.]

*[Uitgereik kragtens die bepalings van artikel 64 van die Registrasie van Aktes Wet, 1937 (No. 47 van 1937).]*

Nademaal ..... aansoek gedoen het om die uitreiking aan hom/haar van 'n Sertifikaat van Gereistreerde Saaklike Regte kragtens artikel 64 van die Registrasie van Aktes Wet, 1937, en nademaal hy/sy die houer is van of geregtig is op ..... (beskryf die aard van die regte), in en op sekere ..... (beskryf die grond waarvoor die voorbehoud oorspronklik gemaak is) wat die, of gedeelte van die \*dorp of nedersetting van ..... uitmaak;

En nademaal sekere \*erwe, persele of hoewes in die voornoemde \*dorp of nedersetting reeds getranspoteer is, en nademaal die applikant begerig is om 'n sertifikaat te verkry ten opsigte van sodanige \*erwe, persele of hoewes;

En nademaal genoemde regte ten opsigte van genoemde \*erwe, persele of hoewes tans soos volg gehou word ..... (beskryf hier die betrokke eiendomme en meld die titels daarvan);

So is dit dat ingevolge die bepalings van genoemde Wet, ek, die .....  
te ..... hierby sertifiseer dat voornoemde .....,  
sy/haar erfgename, eksekuteurs, administrateurs of regverkrygendes, die houer(s) is  
van ..... (beskryf hier die regte wat voorbehou is) in en op  
..... (beskryf in afsonderlike paragrawe elke erf, perseel of  
hoeve, en meld die ligging en grootte daarvan), onderworpe aan en geregtig op die  
volgende voorwaardes ..... (sit hier uiteen die  
voorwaardes van die titelakte wat van toepassing is).

Ten bewyse waarvan ek, voornoemde Registrateur, hierdie Sertifikaat onderteken en  
met die ampseël bekragtig het.

Aldus gedoen en geteken in die kantoor van die ..... te .....  
op hede die ..... dag van ..... Tweeduisend en .....

Registrateur van Aktes.

\*Skrap wat nie van toepassing is nie.

(b) deur Vorms AA, BB, CC, DD, EE, FF, GG, HH, II, JJ, NN, OO en  
OO(1) te skrap.

**22.** Hierdie regulasies heet die Aktesregistrasie Wysigingsregulasies, 2010.