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GOVERNMENT NOTICES

SOUTH AFRICAN QUALIFICATIONS AUTHORITY

No. 37

21 January 2005

Established in terms of Act 58 of 1995

SOUTH AFRICAN QUALIFICATIONS AUTHORITY (SAQA)

In accordance with regulation 24(c) of the National Standards Bodies Regulations of 28 March 1998, the Standards Generating Body (SGB) for

Legal Education and Training

Registered by **NSB 08**, Law, Military Science and Security, publishes the following qualification and unit standards for public comment.

*This qualification and its unit standards are published for further comment and is not to be viewed as a final **draft**. The purpose of the public comment phase is for all stakeholders to be able to comment on the proposed qualification to encourage **further** development of this qualification and its unit standards, especially with regards to fundamental and elective unit standards.*

This notice contains the titles, fields, sub-fields, **NQF** levels, credits, and purpose of the qualification and unit standards upon which qualifications are based. The qualification and unit standards can be accessed via the SAQA web-site at www.saga.org.za. Copies may also be obtained from the Directorate of Standards Setting and Development at the SAQA offices, Hatfield Forum West, 1067 Arcadia Street, Hatfield, Pretoria.

Comment on the unit standards should reach SAQA at the address *below and no later than 20 February 2005*. All correspondence should be marked **Standards Setting – SGB for Legal Education and Training** and addressed to

The Director: Standards Setting and Development
SAQA

Attention: Mr. D Mphuthing

Postnet Suite 248

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DUGMORE MPHUTHING

ACTING DIRECTOR: STANDARDS SETTING AND DEVELOPMENT



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

QUALIFICATION:

Post Graduate Certificate: Conveyancing/ Notarial Practice

SAQA QUAL ID	QUALIFICATION TITLE	
48939	Post Graduate Certificate: Convevancina/ Notarial Practice	
SGB NAME	SGB for Legal Education and Training	
ABET BAND	PROVIDER NAME	
Undefined-		
QUALIFICATION CODE	QUAL TYPE	SUBFIELD
LMS-7-NationalCertificate	National Certificate	Justice in Society
MINIMUM CREDITS	NQF LEVEL	QUALIFICATION CLASS
120	Level 7	(Regular-UnitStds Based
SAQA DECISION NUMBER	REGISTRATION START DAT	REGISTRATION END DATE

PURPOSE AND RATIONALE OF THE QUALIFICATION

The purpose of the qualification is to produce qualified attorneys with additional practical legal knowledge, specific skills and applied competence to be admitted as conveyancers and / or notaries by the High Court of South Africa, such admission enhancing their employability.

This qualification will provide South Africa with a significant number of admitted conveyancers/ notaries who are responsible members of the legal society and practitioners who serve their clients with integrity and contribute to the economic activity of the country. These practitioners are trained to perform work of a specialised nature and are bound by rules of professional conduct.

It will also provide the South African and the global community with conveyancers / notaries who are empowered to accept their ethical responsibility toward the realization of a just society based on constitutional democracy within a world legal order. The qualifying learner will have the ability to work as a team member or individually, thereby employing other people and reducing unemployment.

The unit standard based nature of the qualification will facilitate the accumulation of credits through institutionalised and workplace learning as provided for in learnership structures. Also, any credits achieved through assessed competence in these unit standards may be applied towards other qualifications, should such unit standards be required to this end.

Rationale for the qualification

This qualification is intended primarily but not limited to persons who have qualified as attorneys (having achieved the requirements for an acknowledged law degree and the Post Graduate Certificate in Attorneys practice) to practice as notaries and / or conveyancers.

This national qualification will consequently enable people from all backgrounds to be empowered as conveyancers / notaries within the legal profession, who will be able to deliver legal services of quality and provide employment possibilities within the broader community.

This qualification will also, through the licensing process, allow communities to be protected against misconduct and unethical behaviour.

RECOGNIZE PREVIOUS LEARNING?

Y

LEARNING ASSUMED TO BE IN PLACE

Due to constraints of legislation, learners registering for this qualification will have to be qualified attorneys.

Recognition of prior learning

The recognition of prior learning is currently regulated by statute, where certain countries are designated for formal approval of prior learning and no other recognition of prior learning other than an LLB or B Proc degree is accepted for South African learners.

The Standards Generating Body is bound by law and cannot give recognition to prior learning other than that prescribed by law.

QUALIFICATION RULES

All unit standards as listed **MUST** be achieved. Note that, as this is a specialist qualification, there are no fundamental and elective unit standards as all unit standards form the **CORE** of the qualification.

The allocation of credits is divided in a **75/25 %** ratio between conveyancers and notaries. The effect of this is that a person will qualify as a conveyancer after having achieved **90** of the relevant credits or as a notary after having achieved **30** of the relevant credits. **HOWEVER, IT MUST BE NOTED THAT THIS POST GRADUATE CERTIFICATE WILL ONLY BE AWARDED TO LEARNERS WHO ACHIEVE ALL 120 CREDITS (I.E. FOR NOTARY AND CONVEYANCER)**

Note that **44** credits are listed for notarial practice. At least **14** of these "overlap" with Conveyancing, which means that an individual following the curriculum for Notarial Practice (only) will have to achieve all 44 credits, whereas those following the curriculum for both may achieve the **14** credits of "overlap" through RPL after having achieved the credits for conveyancing practice.

Total credits to be earned through:

- > Workplace assessment = **80 (67%)**
- > Structured learning = **40 (33%)**

Further notes on Credit allocation / exit levels:

Learners will be "licensed" to function as conveyancers and / or notaries once they have achieved the number of relevant credits, although it must be understood that they will only finally achieve the relevant qualification once they have achieved ALL required unit standard credits.

Core unit standards for conveyancing practice

The learner must achieve 90 credits for conveyancing made up as follows (all credits to this qualification are core):

- > Describe and apply the fundamentals of conveyancing practice and the duties and responsibilities of the conveyancer (Add discuss the conveyancers responsibility under the Sectional Titles Act as SO)
- > Explain the conveyancing process and the requirements for drafting a valid transfer documents in terms **of** the DRA and draft valid transfer documents, as well as the procedure of registration and drafting of bonds. Draft agreements of purchase and sale, cancellations, modifications thereof and tri-partite **agreements.** □
- > Discuss, analyse, describe and advise on the different capacities of persons / entities capable of entering into agreements and documents (transferors and transferees)
- > Discuss and advise on the description and requirements of different recitals and causae that can be found in deeds of transfer.
- > Discuss, advise on, draft and distinguish between existing and new conditions in title in a deed of transfer.
- > Explain and advise on transfer duty and related taxes relating to property transactions. (Develop one called: Advise on donations tax. Develop a specific outcome relating to sale.)
- > Discuss and advise on sectional titles and draft all related documents. (Add SO This us must be developed further.) □ > Explain, advise on and draft certificates of registered title / substituted title deeds, deeds of partition transfer, leasehold transfers and other applications. (Add **SO-** this us must be developed and investigated further.)
- > Apply accounting in conveyancing transactions (To be developed)
- > Discuss, advise on and draft deceased estate transactions. (Add SO. Also see changes)

TOTAL CORE CREDITS APPLICABLE TO CONVEYANCING PRACTICE: 90

Core unit standards for notarial practice

The learner must achieve 44 credits for notarial practice made up as follows (These "overlap" with Conveyancing and may be achieved through RPL): (all credits to this qualification are core)

- > Describe and apply the fundamentals of notarial practice and the duties and responsibilities of the notary
- > Discuss and explain the notarial process in terms of a notarial deed and draw a notarial deed.
- > Discuss, analyse, describe and advise on the different capacities of persons / entities capable of entering into agreements and documents (grantors and grantees).
- > Discuss and advise on notarial bonds and draft all types of notarial bonds and related documents.
- > Discuss and advise on notarial servitudes and draft all types of notarial servitudes and related documents.
- > Discuss and advise on various matrimonial regimes and draft all related documents.
- > Discuss and advise on the requirements of various types of valid trusts and draft all related documents.
- > Discuss and advise on the legislation regulating both testate and intestate law and draft all kinds of wills.
- > Discuss and advise on all aspects of mining, mineral and prospecting law and draft all related documents (to be reworked new legislation)
- > Discuss and advise on the duties of a notary on presentation for acceptance and for payment of bills of exchange and the various related aspects of the Bills of Exchange Act 34 of 1964 as amended.
- > Explain and advise on various types of Donations, the requirements and contents thereof and draft all different kinds of donations.
- > Explain the arbitration process and stipulations regulating it, including drafting of waivers and notarial power of attorney. (should this form part of this qualification?)
- > Develop a unit standard on accounting in Notarial practice
- > Maritime bonds and shipping (should be a new unit standard)
- > Collation and authentication of notarial docs (should be a new unit standard)
- > Explain and advise on the requirements of Notarial lease agreements and draft Notarial lease agreements.

TOTAL CORE CREDITS APPLICABLE TO NOTARIAL PRACTICE: 44

EXIT LEVEL OUTCOMES

Exit level outcomes for conveyancing

1. Demonstrate an understanding of the duties and responsibilities of the conveyancer.
2. Demonstrate an understanding of the process for the registration of rights to immovable property in terms of the Deeds Registries Act.
3. Formulate, draft and give advice on all documentation required for the sale and transfer of immovable property.
4. Appraise and lodge documentation with the Deeds Office for registration of immovable property in the deeds registry

Exit level outcomes for notarial practice

1. Demonstrate an understanding of the duties and responsibilities of the notary.
2. Demonstrate a workable knowledge of the process for the registration of notarial documents.
3. Formulate, draft and give advice on notarial documentation.
4. Lodge appropriate documentation with the Deeds Office
5. Evaluate and advise on the arbitration process in disputes relating to notarial deeds.
6. Create and retain a notarial protocol containing notarial deeds and supporting documents

Critical cross-field outcomes

This qualification addresses the following critical cross-field outcomes. The way in which the critical cross-field outcomes are addressed is presented in detail in the unit standards.

- > Identifying and solving problems in which responses display that responsible decisions using critical and creative thinking have been made
- > Working effectively with others as a member of a team, group, organisation, or community
- > Organizing and managing oneself and one's activities responsibly and effectively
- > Collecting, analysing, organizing and critically evaluating information
- > Communicating effectively using visual, mathematical and/or language skills in the modes of oral and/or written persuasion
- > Using science and technology effectively and critically, showing responsibility towards the environment

and health of others

> Demonstrating an understanding of the world as a set of related systems by recognizing that problem-solving contexts do not exist in isolation.

Learning programmes directed towards this qualification will also contribute to the full personal development of each learner and the social and economic development of the society at large, by making individuals aware of the importance of:

- > Reflecting on and exploring a variety of strategies to learn more effectively
- > Participating as responsible citizens in the life of local, national and global communities
- > Being culturally and aesthetically sensitive across a range of social contexts
- > Exploring education and career opportunities; and developing entrepreneurial opportunities.

ASSOCIATED ASSESSMENT CRITERIA

Associated assessment criteria for conveyancing

1. Legal rights and effects that follow from the transfer and registration of ownership of immovable property are explained in terms of the duties and responsibilities of the conveyancer.
2. The provisions of the Deeds Registries Act relating to the transfer and registration of immovable property are interpreted correctly and explained.
3. Prescribed documents required for the sale and transfer of immovable property are drawn up correctly and clients are advised on the legal effects thereof.
4. The relevant documentation is collated and submitted to the Deeds Office and clients are advised of the registration

Associated assessment criteria for notarial practice

1. Legal rights and effects that flow from notarial documents are explained in terms of the duties and responsibilities of the notary.
2. The provision of applicable legislation relating to notarial documents are interpreted correctly and explained.
3. Notarial documents that meet the legal requirements are drawn up and clients are advised of the legal effects thereof.
4. The relevant documentation is collated and submitted to the Deeds Office and clients are advised of the registration.
5. The arbitration processes of notarial deeds are explained and clients are advised of applicable legal solutions
6. A notarial protocol is developed according to legal prescripts.

Integrated assessment

Ongoing formative assessment is required so that learners are given feedback on their progress in the achievement of specific learning outcomes. Summative assessment is concerned with the judgement of the learning in relation to the exit-level outcomes of the qualification, which test the learners' ability to integrate a large body of knowledge, skills and attitudes. Integrated assessments must be designed to achieve the following:

- o an integration of the achievement of exit-level outcomes in a way which demonstrates a 'deep' approach to learning and shows that the purpose of the qualification as a whole has been achieved;
- o judgement of learner performance that can provide evidence of applied competence or capability;
- o an emphasis on criterion-referenced assessment which is more transparent to the learners and which is capable of being applied to the recognition of prior learning.

Note: the integration of knowledge, skills and attitudes happens most naturally in supervised simulated real-world live client contexts and in problem-based research situations. These, amongst others, would provide, under careful supervision, suitable vehicles for integrated assessments in this qualification.

INTERNATIONAL COMPARABILITY

The underlying legal principles relating to property law and mineral rights as well as the actual registration processes are almost unique. South African title is regarded as the most severe in the world and the degree of specialisation required is not excluded in any other jurisdiction. Comparative observations are regularly made at the Real Estate Law Committee of the International Bar Association. No credit is given to any other country's qualification save Namibia (prior to 1995) and Zimbabwe (prior to 1992).

ARTICULATION OPTIONS

This qualification articulates horizontally with acknowledged law degrees, but the qualification does not articulate substantially with other qualifications in the academic stream. On completion of this qualification learners can proceed to the LL.M degree.

MODERATION OPTIONS

The following moderation options are subject to legislation applying to the qualification from time to time.

- > Anyone assessing a learner or moderating the assessment of a learner against this qualification must be registered as an assessor with the relevant ETQA.
- > Any institution offering learning that will enable achievement of this qualification must be accredited as a provider through the relevant ETQA.
- > The relevant ETQA will oversee assessment and moderation of assessment according to the moderation guidelines in the relevant competency and the agreed procedures of the ETQA.
- > Moderation must include both internal and external moderation of assessment at exit points of the qualification, unless ETQA policies specify otherwise. Moderation should encompass achievement of the competence described both in individual unit standards, exit level outcomes as well as the integrated competence described in the qualification.
- > Anyone wishing to be assessed against this competency may apply to be assessed by any assessment agency, assessor or provider institution that is accredited by the relevant ETQA.

CRITERIA FOR THE REGISTRATION OF ASSESSORS

Assessors shall have the technical competence to achieve the qualification themselves and must hold an acknowledged equivalent qualification or one level above, and should demonstrate evaluative ability in relation to the outcomes of the qualification. Appointment of assessors will be in accordance with legislation relating to the qualification.

Assessors and moderators (registered with the relevant ETQA) should develop and conduct their own integrated assessment by making use of a range of formative and summative assessment methods. Assessors should assess and give credit for the evidence of learning that has already been acquired through formal, informal and non-formal learning and experience.

Assessors should keep the following general principles in mind when designing and conducting assessments:

- > Focus the assessment activities on gathering evidence in terms of the main outcomes expressed in the titles of the unit standards to ensure assessment is integrated rather than fragmented. The purpose is to declare the person competent in terms of the title.
- > Where assessment at title level is unmanageable, then focus assessment around each specific outcome, or groups of specific outcomes.
- > Make sure evidence is gathered across the entire range, wherever it applies. Assessment activities should be as close to the real performance as possible, and where simulations or role-plays are used, there should be supporting evidence to show the candidate is able to perform in the real situation.
- > All assessments should be conducted in line with the following well documented principles of assessment: appropriateness, fairness, manageability, integration into work or learning, validity, direct, authentic, sufficient, systematic, open and consistent as defined below:

Principles of assessment:

- > Appropriateness: The method of assessment is suited to the performance being assessed.
- > Fairness: The method of assessment does not present any barriers to achievements, which are not related to the evidence.
- > Manageability: The methods used make for easily arranged, cost-effective assessments that do not unduly interfere with learning.
- > Integration into work or learning: Evidence collection is integrated into the work or learning process where this is appropriate and feasible.
- > Validity: The assessment focuses on the requirements laid down in the Standard; i.e. the assessment is fit for purpose.
- > Direct: The activities in the assessment mirror the conditions of actual performance as closely as possible
- > Authentic: The assessor is satisfied that the work being assessed is similar to a real work situation and is attributable to the person being assessed.
- > Sufficient: The evidence collected establishes that all criteria have been met and that performance to the

required Standard can be repeated consistently.

> Systematic: Planning and recording is sufficiently rigorous to ensure that assessment is fair.

> Open: Learners can contribute to the planning and accumulation of evidence. Assessment candidates understand the assessment process and the criteria that apply.

> Consistent: The same assessor would make the same judgement again in similar circumstances. The judgement made is similar to the judgement that would be made by other assessors.

NOTES

This qualification and its unit standards are published for further comment and is not be viewed as a final draft. The purpose of the public comment phase is for all stakeholders to be able to comment on the proposed qualification to encourage further development of this qualification and its unit standards.

Credits are assigned as follows:

All unit standards as listed MUST be achieved. Note that, as this is a specialist qualification, there are no fundamental and elective unit standards as all unit standards form the CORE of the qualification.

The allocation of credits is divided in a 75/25 % ratio between conveyancers and notaries. The effect of this is that a person will qualify as a conveyancer after having achieved 90 of the relevant credits or as a notary after having achieved 30 of the relevant credits. However, it must be noted that this post graduate certificate will only be awarded to learners who achieve all 120 credits (i.e. for notary and conveyancer)

Note that 44 credits are listed for notarial practice. At least 14 of these "overlap" with Conveyancing, which means that an individual following the curriculum for Notarial Practice (only) will have to achieve all 44 credits, whereas those following the curriculum for both may achieve the 14 credits of "overlap" through RPL after having achieved the credits for conveyancing practice.

Total credits to be earned through: %

Workplace assessment = 80 67%

Structured learning = 400 33%

Further notes on Credit allocation/ exit levels:

Learners will be "licensed" to function as conveyancers and / or notaries once they have achieved the number of relevant credits, although it must be understood that they will only finally achieve the relevant qualification once they have achieved ALL required unit standard credits.

UNIT STANDARDS

(Note: A blank space after this line means that the qualification is not based on Unit Standards.)

	UNIT STANDARD ID AND TITLE	LEVEL	CREDITS	STATUS
Core	116136 Explain and advise on various types of donations, the requirements and contents thereof and draft all different kinds of donations	Level 7	2	Draft - Prep for P Comment
Core	116137 Discuss and advise on all aspects of mining, mineral and prospecting law and draft all related documents	Level 7	7	Draft - Prep for P Comment
Core	116139 Explain and advise on the requirements of Notarial lease agreements and draft Notarial lease agreements	Level 7	4	Draft - Prep for P Comment
core	116175 Discuss and advise on the duties of a notary on presentation for acceptance and for payment of bills of exchange and the various related aspects of the Bills of Exchange Act 34 of 1964 as amended	Level 7	2	Draft - Prep for P Comment
core	116176 Discuss and advise on various matrimonial regimes and draft all related documents	Level 7	3	Draft - Prep for P Comment
core	116178 Discuss and advise on notarial bonds and draft all related documents	Level 7	6	Draft - Prep for P Comment
core	116179 Discuss and explain the notarial process in terms of a notarial deed and perform a notarial deed	Level 7	3	Draft - Prep for P Comment
core	116180 Discuss, advise on and perform deceased estate transactions	Level 7	9	Draft - Prep for P Comment
Core	116181 Explain and advise on transfer duty and related taxes relating to property transactions	Level 7	6	Draft - Prep for P Comment
core	116182 Discuss and advise on the legislation regulating both testate and intestate law and draft all kinds of wills	Level 7	2	Draft - Prep for P Comment.
core	116183 Discuss and advise on the requirements of various types of valid trusts and draft all related documents	Level 7	2	Draft - Prep for P Comment

core	116184 Discuss and advise on the description and requirements of different recitals and clauses that can be found in deeds of transfer	Level 7	10	Draft - Prep for P Comment
core	116185 Explain the arbitration process and stipulations regulating it including drafting of waivers and notarial power of attorney	Level 7	2	Draft - Prep for P Comment
core	116186 Explain the conveyancing process and requirements for drafting valid transfer documents of the DRA and draft valid transfer documents, as well as the procedure of registration and drafting of bonds	Level 7	15	Draft - Prep for P Comment
Core	116187 Discuss and advise on notarial servitudes and draft all types of notarial servitudes and related documents	Level 7	3	Draft - Prep for P Comment
core	116188 Discuss, analyse, describe and advise on the different capacities of persons/entities capable of entering into agreements and documents drafted by notaries (grantors and grantees)	Level 7	2	Draft - Prep for P Comment
core	116189 Explain, advise on and draft certificates of registered title / substituted We deeds, deeds of partition transfer, leasehold transfers and other applications	Level 7	7	Draft - Prep for P Comment
core	116192 Discuss and advise on sectional Wees and draft all related documents	Level 7	15	Draft - Prep for P Comment
core	116193 Discuss, advise on, draft and distinguish between existing and new conditions in We in a deed of transfer	Level 7	10	Draft - Prep for P Comment
core	116194 Discuss, analyse, describe and advise on the different capacities of persons/entities capable of entering into agreements and documents drafted by conveyancers (transferors and transferees)	Level 7	12	Draft - Prep for P Comment
core	116195 Describe and apply the fundamentals of conveyancing practice and the duties and responsibilities of the conveyancer	Level 7	6	Draft - Prep for P Comment



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

1

Describe and apply the fundamentals of conveyancing practice and the duties and responsibilities of the conveyancer

SAQA US ID	UNIT STANDARD TITLE		
116195	Describe and apply the fundamentals of conveyancing practice and the duties and responsibilities of the conveyancer		
SGB NAME	ABET BAND	PROVIDER NAME	
SGB for Legal Education and Training	Undefined		
FIELD DESCRIPTION	SUBFIELD DESCRIPTION		
Law, Military Science and Security	Justice in Society		
UNIT STANDARD CODE	UNIT STANDARD TYPE	NQF LEVEL	CREDITS
LMS-JIS-O-SGB LET	Regular	Level 7	6

SPECIFIC OUTCOME 1

List the actors in the conveyancing process and describe their various functions or significance.

SPECIFIC OUTCOME 2

Describe the functions and responsibilities of the conveyancer

SPECIFIC OUTCOME 3

Interpret and analyse the salient aspects of the South African land registration system and the deeds registry.

SPECIFIC OUTCOME 4

Discuss the functions of the registrar of deeds and his/her personnel.

SPECIFIC OUTCOME 5

Define all important terminology and definitions relating to the conveyancing function and process.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

2

Describe the fundamentals of notarial practice and the duties and functions of the notary

SAQA US ID	UNIT STANDARD TITLE		
116196	Describe the fundamentals of notarial practice and the duties and functions of the notary		
SGB NAME	ABET BAND	PROVIDER NAME	
SGB for Legal Education and Training	Undefined		
FIELD DESCRIPTION	SUBFIELD DESCRIPTION		
Law, Military Science and Security	Justice in Society		
UNIT STANDARD CODE	UNIT STANDARD TYPE	NQF LEVEL	CREDITS
LMS-JIS-O-SGBLET	Regular	Level 7	2

SPECIFIC OUTCOME 1

Give a definition for notarial practice, the office of a Notary and the functions of a notary.

SPECIFIC OUTCOME 2

Describe the responsibilities of a notary.

SPECIFIC OUTCOME 3

Explain the ethical standards and requirements applicable to notarial practice.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

3

Discuss and advise on all aspects of mining, mineral and prospecting law and draft all related documents

SAQA US ID	UNIT STANDARD TITLE		
116137	Discuss and advise on all aspects of mining, mineral and prospecting law and draft all related documents		
SGB NAME	ABET BAND	PROVIDER NAME	
SGB for Legal Education and Training	Undefined		
FIELD DESCRIPTION	SUBFIELD DESCRIPTION		
Law, Military Science and Security	Justice in Society		
UNIT STANDARD CODE	UNIT STANDARD TYPE	NQF LEVEL	CREDITS
LMS-JIS-0-SGB LET	Regular	Level 7	7

SPECIFIC OUTCOME 1

Describe and explain the definition of a mineral and how to acquire rights to minerals, prospects and mine.

SPECIFIC OUTCOME 2

Explain, advise on and draft prospecting contracts, mineral leases and the statutory authorisation to prospect and mine.

SPECIFIC OUTCOME 3

Explain, advise on and draft notarial deeds of cession of mineral rights.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

4

Discuss and advise on notarial bonds and draft all related documents

SAQA US ID	UNIT STANDARD TITLE		
116178	Discuss and advise on notarial bonds and draft all related documents		
SGB NAME	ABET BAND	PROVIDER NAME	
SGB for Legal Education and Training	Undefined		
FIELD DESCRIPTION	SUBFIELD DESCRIPTION		
Law, Military Science and Security	Justice in Society		
UNIT STANDARD CODE	UNIT STANDARD TYPE	NQF LEVEL	CREDITS
LMS-JIS-0-SGB LET	Regular	Level 7	6

SPECIFIC OUTCOME 1

Discuss and analyse the format of a notarial bond as envisaged in the DRA.

SPECIFIC OUTCOME 2

List and describe the various types of notarial bonds.

SPECIFIC OUTCOME 3

Discuss and advise on the security or preferential status, cession and cancellation of notarial bonds.

SPECIFIC OUTCOME 4

Discuss and calculate stamp duty.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

5

Discuss and advise on notarial servitudes and draft all types of notarial servitudes and related documents

SAQA US ID	UNIT STANDARD TITLE		
116187	Discuss and advise on notarial servitudes and draft all types of notarial servitudes and related documents		
SGB NAME	ABET BAND	PROVIDER NAME	
SGB for Legal Education and Training	Undefined		
FIELD DESCRIPTION	SUBFIELD DESCRIPTION		
Law, Military Science and Security	Justice in Society		
UNIT STANDARD CODE	UNIT STANDARD TYPE	NQF LEVEL	CREDITS
LMS-JIS-O-SGBLET	Regular	Level 7	3

SPECIFIC OUTCOME 1

Discuss and differentiate between praedial and personal servitudes and the creation thereof either in a deed of title or notarial deed.

SPECIFIC OUTCOME 2

List, explain and draft the various types of praedial and personal servitudes.

SPECIFIC OUTCOME 3

Describe the salient points related to the content and requirements of a notarial servitude laid down in the DRA.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

6

Discuss and advise on sectional titles and draft all related documents

SAQA US ID	UNIT STANDARD TITLE		
116192	Discuss and advise on sectional titles and draft all related documents		
SGB NAME	ABET BAND	PROVIDER NAME	
SGB for Legal Education and Training	Undefined		
FIELD DESCRIPTION	SUBFIELD DESCRIPTION		
Law, Military Science and Security	Justice in Society		
UNIT STANDARD CODE	UNIT STANDARD TYPE	NQF LEVEL	CREDITS
LMS-JIS-0-SGB LET	Regular	Level 7	15

SPECIFIC OUTCOME 1

Explain and advise on the various concepts, principles and terminology i.r.o. the Sectional Titles Act (STA).

SPECIFIC OUTCOME 2

Advise on and discuss the transfer procedure of sectional titles and sectional bonds.

SPECIFIC OUTCOME 3

Draft and prepare sectional titles and sectional bonds.

SPECIFIC OUTCOME 4

Discuss the stipulations of the share blocks control Act 59 of 1980.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

7

Discuss and advise on the description and requirements of different recitals and *causae* that can be found in deeds of transfer

SAQA US ID	UNIT STANDARD TITLE		
116184	Discuss and advise on the description and requirements of different recitals and <i>causae</i> that can be found in deeds of transfer		
SGE NAME	ABET BAND	PROVIDER NAME	
SGB for Legal Education and Training	Undefined		
FIELD DESCRIPTION	SUBFIELD DESCRIPTION		
Law, Military Science and Security	Justice in Society		
UNIT STANDARD CODE	UNIT STANDARD TYPE	NQF LEVEL	CREDITS
LMS-JIS-O-SGBLET	Regular	Level 7	10

SPECIFIC OUTCOME 1

List, analyse and draft the various types of recitals / *causae* that may exist in respect of sale of land / property transactions, including sectional titles.

SPECIFIC OUTCOME 2

List, analyse and draft the various types of property descriptions that may exist in respect of sale of land / property transactions, including sectional titles.

SPECIFIC OUTCOME 3

Discuss the stipulations regarding transactions involving more than one transferor, transferee and or property.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

8

Discuss and advise on the duties of a notary on presentation for acceptance and for payment of bills of exchange and the various related aspects of the Bills of Exchange Act 34 of 1964 as amended

SAQA US ID	UNIT STANDARD TITLE		
116175	Discuss and advise on the duties of a notary on presentation for acceptance and for payment of bills of exchange and the various related aspects of the Bills of Exchange Act 34 of 1964 as amended		
SGB NAME	ABET BAND	PROVIDER NAME	
SGB for Legal Education and Training	Undefined		
FIELD DESCRIPTION	SUBFIELD DESCRIPTION		
Law, Military Science and Security	Justice in Society		
UNIT STANDARD CODE	UNIT STANDARD TYPE	NQF LEVEL	CREDITS
LMS-JIS-0-SGB LET	Regular	Level 7	12

SPECIFIC OUTCOME 1

Define a bill of exchange and related terminology in terms of The Bills of Exchange Act, No. 34 of 1964, and advise clients in respect thereof.

SPECIFIC OUTCOME 2

Explain and advise on both the drawer's and drawee's rights and obligations in respect of bills of exchange as well as presentment for acceptance / payment, concept of dishonouring, noting and protest and the duties of the notary in terms thereof.

SPECIFIC OUTCOME 3

Explain, advise on when and draft a notice of dishonouring, noting of a bill of exchange, protest of a bill of exchange and certificate of presentation.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

9

Discuss and advise on the legislation regulating both testate and intestate law and draft all kinds of wills

SAQA US ID	UNIT STANDARD TITLE		
116182	Discuss and advise on the legislation regulating both testate and intestate law and draft all kinds of wills		
SGB NAME	ABET BAND	PROVIDER NAME	
SGB for Legal Education and Training	Undefined		
FIELD DESCRIPTION	SUBFIELD DESCRIPTION		
Law, Military Science and Security	Justice in Society		
UNIT STANDARD CODE	UNIT STANDARD TYPE	NQF LEVEL	CREDITS
LMS-JIS-O-SGB LET	Regular	Level 7	2

SPECIFIC OUTCOME 1

Discuss and advise on the formal requirements of, and draft a valid will.

SPECIFIC OUTCOME 2

Discuss and advise on the underlying concepts and principles applicable to the drafting of wills such as usufruct, fideicommission, massing, testamentary trust, heirs and legatees.

SPECIFIC OUTCOME 3

Discuss and advise on the rules, applicability and effect of intestate succession.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

10

Discuss and advise on the requirements of various types of valid trusts and draft all related documents

SAQA US ID	UNIT STANDARD TITLE		
116183	Discuss and advise on the requirements of various types of valid trusts and draft all related documents		
SGB NAME		ABET BAND	PROVIDER NAME
SGB for Legal Education and Training		Undefined	
FIELD DESCRIPTION		SUBFIELD DESCRIPTION	
Law, Military Science and Security		Justice in Society	
UNIT STANDARD CODE	UNIT STANDARD TYPE	NQF LEVEL	CREDITS
LMS-JIS-0-SGB LET	Regular	Level 7	2

SPECIFIC OUTCOME 1

Discuss and advise on the definition, function and essentialia of a trust.

SPECIFIC OUTCOME 2

Describe the roles and functions of the different parties to a trust.

SPECIFIC OUTCOME 3

List, discuss and advise on the different kinds of trusts with reference to its nature, the contents thereof and administrative aspects regulated by law.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

11

Discuss and advise on various matrimonial regimes and draft all related documents

SAQA US ID	UNIT STANDARD TITLE		
116176	Discuss and advise on various matrimonial regimes and draft all related documents		
SGB NAME	ABET BAND	PROVIDER NAME	
SGB for Legal Education and Training	Undefined		
FIELD DESCRIPTION	SUBFIELD DESCRIPTION		
Law, Military Science and Security	Justice in Society		
UNIT STANDARD CODE	UNIT STANDARD TYPE	NQF LEVEL	CREDITS
LMS-JIS-0-SGB LET	Regular	(Level7	3

SPECIFIC OUTCOME 1

Discuss and advise on the law relating to marriages in and out of community of property and the advantages / disadvantages of each.

SPECIFIC OUTCOME 2

Discuss and advise on the formalities and contents of an antenuptual agreement, the registration thereof and drafting various kinds of antenuptual contracts.

SPECIFIC OUTCOME 3

Discuss and advise on the formalities and contents of a post nuptual agreement, the registration thereof and draft various kinds of post nuptual agreements.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

12

Discuss and explain the notarial process in terms of a notarial deed and perform a notarial deed

SAQA US ID	UNIT STANDARD TITLE		
116179	Discuss and explain the notarial process in terms of a notarial deed and perform a notarial deed		
SGB NAME	ABET BAND	PROVIDER NAME	
SGB for Legal Education and Training	Undefined		
FIELD DESCRIPTION	SUBFIELD DESCRIPTION		
Law, Military Science and Security	Justice in Society		
UNIT STANDARD CODE	UNIT STANDARD TYPE	NQF LEVEL	CREDITS
LMS-JIS-O-SGB LET	Regular	Level 7	3

SPECIFIC OUTCOME 1

Explain and describe the contents and requirements of a notarial deed found in the DRA and draft a notarial deed.

SPECIFIC OUTCOME 2

List and explain the various requirements in a typical notarial deed.

SPECIFIC OUTCOME 3

Describe the responsibility that the notary assumes when executing notarial deed documents and the extent of responsibility.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

13

Discuss, advise on and perform deceased estate transactions

SAQA US ID	UNIT STANDARD TITLE		
116180	Discuss, advise on and perform deceased estate transactions		
SGB NAME	ABET BAND	PROVIDER NAME	
SGB for Legal Education and Training	Undefined		
FIELD DESCRIPTION	SUBFIELD DESCRIPTION		
Law, Military Science and Security	Justice in Society		
UNIT STANDARD CODE	UNIT STANDARD TYPE	NQF LEVEL	CREDITS
LMS-JIS-O-SGBLET	Regular	Level 7	9

SPECIFIC OUTCOME 1

Explain, advise on and draft Deceased Estate transfer documents.

SPECIFIC OUTCOME 2

Explain, advise on and draft the various *causae* / recitals in different forms of deceased transactions.

SPECIFIC OUTCOME 3

Discuss, advise on and implement the Sequence Of Transfers i.r.o. Section 14 DRA.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

14

Discuss, advise on, draft and distinguish between existing and new conditions in title in a deed of transfer

SAQA US ID	UNIT STANDARD TITLE		
116193	Discuss, advise on, draft and distinguish between existing and new conditions in title in a deed of transfer		
SGB NAME	ABET BAND	PROVIDER NAME	
SGB for Legal Education and Training	Undefined		
FIELD DESCRIPTION	SUBFIELD DESCRIPTION		
Law, Military Science and Security	Justice in Society		
UNIT STANDARD CODE	UNIT STANDARD TYPE	NQF LEVEL	CREDITS
LMS-JIS-O-SGB LET	Regular	Level 7	10

SPECIFIC OUTCOME 1

Draft, discuss and advise on the creation of new servitudes in a deed of title including mineral and prospecting rights.

SPECIFIC OUTCOME 2

Discuss and advise on the creation of various forms of conditions

SPECIFIC OUTCOME 3

Discuss and apply the stipulations and requirements regarding township creation as a condition to a title deed.



Established in terms of Act 58 of 1995

SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

15

Discuss, analyse, describe and advise on the different capacities of persons / entities capable of entering into agreements and documents drafted by conveyancers (transferors and transferees)

SAQA US ID	UNIT STANDARD TITLE		
116194	Discuss, analyse, describe and advise on the different capacities of persons / entities capable of entering into agreements and documents drafted by conveyancers (transferors and transferees)		
SGB NAME		ABET BAND	PROVIDER NAME
SGB for Legal Education and Training		Undefined	
FIELD DESCRIPTION		SUBFIELD DESCRIPTION	
Law, Military Science and Security		Justice in Society	
UNIT STANDARD CODE		UNIT STANDARD TYPE	NQF LEVEL
LMS-JIS-0-SGB LET		Regular	Level 7
			CREDITS
			12

SPECIFIC OUTCOME 1

List and explain the requirements laid down in the DRA in respect of the various persons / entities that may become party to typical Deeds of Transfer.

SPECIFIC OUTCOME 2

Describe the salient points related to the status and description of natural persons entering into property transactions as well as describing them as transferors and transferees.

SPECIFIC OUTCOME 3

Describe the salient points related to the status and description of entities / bodies entering into property transactions as well as describing them as transferors and transferees.



Established in terms of Act 58 of 1995

SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

16

Discuss, analyse, describe and advise on the different capacities of persons/ entities capable of entering into agreements and documents drafted by notaries (grantors and grantees)

SAQA US ID	UNIT STANDARD TITLE		
116188	Discuss, analyse, describe and advise on the different capacities of persons / entities capable of entering into agreements and documents drafted by notaries (grantors and grantees)		
SGB NAME	ABET BAND	PROVIDER NAME	
SGB for Legal Education and Training	Undefined		
FIELD DESCRIPTION	SUBFIELD DESCRIPTION		
Law, Military Science and Security	Justice in Society		
UNIT STANDARD CODE	UNIT STANDARD TYPE	NQF LEVEL	CREDITS
LMS-JIS-O-SGB LET	Regular	Level 7	2

SPECIFIC OUTCOME 1

List and explain the requirements laid down in the DRA in respect of the various persons / entities that may become party to typical Deeds of Transfer.

SPECIFIC OUTCOME 2

Describe the salient points related to the status and description of natural persons entering into property transactions as well as describing them as transferors and transferees.

SPECIFIC OUTCOME 3

Describe the salient points related to the status and description of entities/ bodies entering into property transactions as well as describing them as transferors and transferees.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

17

Explain and advise on the requirements of Notarial lease agreements and draft Notarial lease agreements

SAQA US ID	UNIT STANDARD TITLE		
116139	Explain and advise on the requirements of Notarial lease agreements and draft Notarial lease agreements		
SGB NAME	ABET BAND	PROVIDER NAME	
SGB for Legal Education and Training	Undefined		
FIELD DESCRIPTION	SUBFIELD DESCRIPTION		
Law, Military Science and Security	Justice in Society		
UNIT STANDARD CODE	UNIT STANDARD TYPE	NQF LEVEL	CREDITS
LMS-JIS-0-SGB LET	Regular	Level 7	4

SPECIFIC OUTCOME 1

Explain and advise when a lease agreement is obliged to be notarially executed and registered in the deeds office and the formal requirements thereof.

SPECIFIC OUTCOME 2

Advise on and draft a notarial mineral lease agreement.

SPECIFIC OUTCOME 3

Discuss and calculate stamp duty on and in respect of a lease agreement.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

18

Explain and advise on transfer duty and related taxes relating to property transactions

SAQA US ID	UNIT STANDARD TITLE		
116181	Explain and advise on transfer duty and related taxes relating to property transactions		
SGB NAME	ABET BAND	PROVIDER NAME	
SGB for Legal Education and Training	Undefined		
FIELD DESCRIPTION	SUBFIELD DESCRIPTION		
Law, Military Science and Security	Justice in Society		
UNIT STANDARD CODE	UNIT STANDARD TYPE	NQF LEVEL	CREDITS
LMS-JIS-0-SGB LET	Regular	Level 7	6

SPECIFIC OUTCOME 1

Explain the various definitions i.r.o. transfer duty and VAT.

SPECIFIC OUTCOME 2

Discuss and advise on the principles and calculation of transfer duty and VAT as well as the penalties for late payment of transfer duty and VAT.

SPECIFIC OUTCOME 3

Discuss the various instances where exemptions from transfer duty and VAT is applicable.

SPECIFIC OUTCOME 4

Discuss the implication on transfer duty when converting from shareblock to sectional title.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

19

Explain and advise on various types of donations, the requirements and contents thereof and draft all different kinds of donations

SAQA US ID	UNIT STANDARD TITLE		
116136	Explain and advise on various types of donations, the requirements and contents thereof and draft all different kinds of donations		
SGB NAME	ABET BAND	PROVIDER NAME	
SGB for Legal Education and Training	Undefined		
FIELD DESCRIPTION	SUBFIELD DESCRIPTION		
Law, Military Science and Security	Justice in Society		
UNIT STANDARD CODE	UNIT STANDARD TYPE	NQF LEVEL	CREDITS
LMS-JIS-0-SGB LET	Regular	Level 7	2

SPECIFIC OUTCOME 1

Describe and explain the definition of a donation, the parties thereto and the different kinds of donations.

SPECIFIC OUTCOME 2

Discuss, advise on the formalities and requirements of and draft an inter vivos deed of donation.

SPECIFIC OUTCOME 3

Discuss, advise on the formalities and requirements of and draft a mortis causa deed of donation.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

20

Explain the arbitration process and stipulations regulating it, including drafting of waivers and notarial power of attorney

SAQA US ID	UNIT STANDARD TITLE		
116185	Explain the arbitration process and stipulations regulating it, including drafting of waivers and notarial power of attorney		
SGB NAME	ABET BAND	PROVIDER NAME	
SGB for Legal Education and Training	Undefined		
FIELD DESCRIPTION	SUBFIELD DESCRIPTION		
Law, Military Science and Security	Justice in Society		
UNIT STANDARD CODE	UNIT STANDARD TYPE	NQF LEVEL	CREDITS
LMS-JIS-0-SGB LET	Regular	Level 7	2

SPECIFIC OUTCOME 1

Discuss and advise on arbitration, the process and requirements thereof.

SPECIFIC OUTCOME 2

Discuss, advise on and draft a waiver in favour of creditors.

SPECIFIC OUTCOME 3

Describe, explain the requirements of and draft a notarial power of attorney.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

21

Explain the conveyancing process and requirements for drafting valid transfer documents of the DRA and draft valid transfer documents, as well as the procedure of registration and drafting of bonds

SAQA US ID	UNIT STANDARD TITLE		
116186	Explain the conveyancing process and requirements for drafting valid transfer documents of the DRA and draft valid transfer documents, as well as the procedure of registration and drafting of bonds		
SGB NAME	ABET BAND	PROVIDER NAME	
SGB for Legal Education and Training	Undefined		
FIELD DESCRIPTION	SUBFIELD DESCRIPTION		
Law, Military Science and Security	Justice in Society		
UNIT STANDARD CODE	UNIT STANDARD TYPE	NQF LEVEL	CREDITS
LMS-JIS-O-SGBLET	Regular	Level 7	15

SPECIFIC OUTCOME 1

Explain on and advise in the conveyancing process from the signing of an agreement of sale until registration of the deed and have workable knowledge of the Alienation of Land Act.

SPECIFIC OUTCOME 2

Explain the requirements and procedure for drafting and registration of different types of bonds.

SPECIFIC OUTCOME 3

List and explain the various requirements in a typical deed of transfer.

SPECIFIC OUTCOME 4

Describe the responsibility that the conveyancer assumes when executing transfer documents and the extent of responsibility.

SPECIFIC OUTCOME 5

Describe what a Power of Attorney is and what types exist.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

22

Explain, advise on and draft certificates of registered title / substituted title deeds, deeds of partition transfer, leasehold transfers and other applications

SAQA US ID	UNIT STANDARD TITLE		
116189	Explain, advise on and draft certificates of registered title / substituted title deeds, deeds of partition transfer, leasehold transfers and other applications		
SGB NAME	ABET BAND	PROVIDER NAME	
SGB for Legal Education and Training	Undefined		
FIELD DESCRIPTION	SUBFIELD DESCRIPTION		
Law, Military Science and Security	Justice in Society		
UNIT STANDARD CODE	UNIT STANDARD TYPE	NQF LEVEL	(CREDITS)
LMS-JIS-0-SGB LET	Regular	Level 7	7

SPECIFIC OUTCOME 1

Explain, advise on and draft Certificates of registered title / substituted title deeds.

SPECIFIC OUTCOME 2

Explain, advise on and draft deeds of partition transfer.

SPECIFIC OUTCOME 3

Explain, advise on and draft leasehold transfers and other miscellaneous applications.