

**DEPARTMENT OF LAND AFFAIRS
DEPARTEMENT VAN GRONDSAKE****No. R. 1109****18 November 2005****SECTIONAL TITLES ACT, 1986:
AMENDMENT OF REGULATIONS**

I, Angela Thokozile Didiza, Minister for Agriculture and Land Affairs, 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.



A.T. DIDIZA

MINISTER FOR AGRICULTURE AND LAND AFFAIRS**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, and Government Notice No. R. 438 of 13 May 2005.

Amendment of Annexure 1

2. Annexure 1 to the Regulations is hereby amended by the substitution for form G of the following form:

Form G

Prepared by me

.....

Conveyancer

.....

(State surname and initials in block letters.)

CERTIFICATE OF REAL RIGHT: EXCLUSIVE USE AREAS

[In terms of sections 12(1)(f), 25 and 27 of the Sectional Titles Act, 1986]

***WHEREAS** (hereinafter called the developer) has applied for the registration of a sectional plan in terms of section 11(1) of the Sectional Titles Act, 1986,

***WHEREAS** (hereinafter called the developer) has applied for the registration of a sectional plan of extension in terms of section 25 of the Sectional Titles Act, 1986,

***AND WHEREAS** the developer has in terms of section 5(3)(f) of the said Act delineated certain exclusive use areas on the sectional plan;

***AND WHEREAS** no reservation was made by the developer in terms of section 27(1)(a) of the said Act and the body corporate has not yet been established;

NOW, therefore, I, the Registrar of Deeds at....., do hereby certify that the developer is the registered holder of the right to the following exclusive use areas,

namely †....., forming part of the common property and delineated as such on Sectional Plan No SS..... in the scheme known as situated at ‡

Signed at on

.....
Registrar of Deeds.

Seal of Office

* Delete whichever is not applicable.

† Disclose each type of exclusive use area separately.

‡ Disclose name of town/suburb/local authority/description of farm.

Amendment of Annexure 8

3. Annexure 8 to the Regulations is hereby amended –

(a) by the substitution in rule 36 for subrule (2) of the following subrule:

“(2) The estimate of expenses referred to in subrule (1) shall include a reasonable provision for contingencies and the maintenance of the common property.”;

(b) by the substitution for rule 37 of the following rule:

“(37) (1) The trustees shall cause to be prepared, and shall lay before every annual general meeting, for consideration in terms of rule 56(b), a financial statement in conformity with generally accepted accounting practice, which statement shall fairly present the state of affairs of the body corporate and its finances and transactions as at the end of the financial year concerned.

(2) The financial statement shall include information and notes pertaining to the proper financial management by the body corporate, including:

- (a) an analysis of the periods of debts and the amounts due in respect of levies, special levies and other contributions;
- (b) an analysis of the periods and the amounts due, owing by the body corporate to the creditors and in particular to any public or local authority in respect of rates, taxes and charges for consumption or services, including but not limited to, water, electricity, gas, sewerage and refuse removal;
- (c) the expiry dates of all insurance policies." ;

(c) by the substitution for rule 40 of the following rule:

"(40) At the first general meeting and thereafter at every ensuing annual general meeting, the body corporate shall appoint an auditor to hold office from the conclusion of that meeting until the conclusion of the next annual general meeting : Provided that where a scheme comprises less than 10 units, an accounting officer may be appointed for that purpose and the auditor or accounting officer, as the case may be, must sign the financial statements." ; and

(d) by the substitution in rule 46 for subrule ~~(1)~~ the following subrule:

"(1) Notwithstanding anything to the contrary contained in rule 28, and subject to the provisions of section 39(1) of the Act, the trustees may from time to time, **and shall if required by** a registered mortgagee of 25 per cent of the units or **by** the members of the body corporate in a

general meeting, appoint in terms of a written contract a managing agent to control, manage and administer the common property and the obligations to any public or local authority by the body corporate on behalf of the unit owners, and to exercise such powers and duties as may be entrusted to the managing agent, including the power to collect levies and to appoint a supervisor or caretaker : Provided that a managing agent shall be appointed *for* an initial period *of* one year and thereafter upon one month's written notice of termination *of* appointment *by* either party.”.

4. These regulations shall come into effect *on* the date *of* publication thereof in the *Gazette*.