

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



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GOVERNMENT GAZETTE

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 375.

10 March 1993

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 15 of 1993: Sectional Titles Amendment Act, 1993.

No. 375.

10 Maart 1993

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 15 van 1993: Wysigingswet op Deeltitels, 1993.

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Sectional Titles Act, 1986, so as to emend the definition of "Minister"; to provide that a lessee of a part of a building in terms of a lease agreement concluded with a previous owner of the building will continue to enjoy the same protection when the building is bought by a developer; to delete the provision in terms of which the Minister may determine certain fees to be paid to architects and land surveyors; and to provide for the alienation and mortgaging of a right to extend a building in terms of the Sectional Titles Act, 1971; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 26 February 1993.)*

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 95 of 1986, as amended by section 1 of Act 63 of 1991

1. Section 1 of the Sectional Titles Act, 1986, is hereby amended by the substitution in subsection (1) for the definition of "Minister" of the following definition: 5

" 'Minister' means the Minister of **[Public Works]** Regional and Land Affairs;".

Amendment of section 4 of Act 95 of 1986, as amended by section 2 of Act 63 of 1991

2. Section 4 of the Sectional Titles Act, 1986, is hereby amended by the substitution for subsection (3A) of the following subsection: 10

"(3A) For the purposes of subsection (3) 'lessee' means a lessee who is a party to a lease entered into with the developer or any of his predecessors in title.".

Amendment of section 55 of Act 95 of 1986

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3. Section 55 of the Sectional Titles Act, 1986, is hereby amended by the deletion of paragraph (i).

Amendment of section 60 of Act 95 of 1986, as amended by section 25 of Act 63 of 1991

4. Section 60 of the Sectional Titles Act, 1986, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Notwithstanding the repeal of the Sectional Titles Act, 1971 (Act No. 66 of 1971), by section 59 of this Act— 5

(a) the registration of a sectional plan and the opening of a sectional title register in respect of a development scheme which was prior to the date of coming into operation of this Act (in this section referred to as the commencement date) already approved by a local authority under the provisions of the Sectional Titles Act, 1971; or 10

(b) a right of extension of a building acquired in terms of section 18 of the Sectional Titles Act, 1971,

shall be completed or exercised in terms of the provisions of the Sectional Titles Act, 1971, as if it has not been so repealed: Provided that a right as referred to in paragraph (b) in respect of which a certificate of real right has been issued— 15

(i) shall for all purposes be deemed to be a right to urban immovable property which admits of being mortgaged; and

(ii) may be transferred by the registration of a notarial deed of cession: 20

Provided further that nothing in this Act contained shall prevent—

[(a)](aa) the registration of a sectional plan and the opening of a sectional title register;

[(b)](bb) the acquisition of a real right of extension; or

[(c)](cc) the exercising of a right of extension, 25
in terms of the provisions of this Act.”.

Short title

5. This Act shall be called the Sectional Titles Amendment Act, 1993.