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**GENERAL NOTICES • ALGEMENE KENNISGEWINGS**

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**DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT****NOTICE 3420 OF 2025****COMMUNAL PROPERTY ASSOCIATIONS ACT 28 OF 1996****REGULATIONS IN TERMS OF THE COMMUNAL PROPERTY ASSOCIATIONS ACT, 1996**

The Minister of Land Reform and Rural Development intends, in terms of section 18 of the Communal Property Associations Act, 1996 (Act No. 28 of 1996) as amended, to make the regulations in the Schedule.

Interested persons are invited to send written comments on the proposed regulations within 30 days from the date of publication of this notice to the Minister, for the attention of the Director-General: Department of Land Reform and Rural Development, 600 Lilian Ngoyi Street, Pretoria, 0001; Email: [Samuel.Mogaswa@dalrrd.gov.za](mailto:Samuel.Mogaswa@dalrrd.gov.za)

**SCHEDULE****Definitions**

1. In these Regulations a word or expression to which a meaning has been assigned in the Act bears that meaning and, unless the context otherwise indicates-

**'communal property body'** means an association contemplated in section 8 and similar entity contemplated in section 2 of the Act, or any combination thereof, and 'body' has a corresponding meaning; and

**'the Act'** means the Communal Property Associations Act, 1996 (Act 28 of 1996) as amended; and

**Registration of a communal property body**

- 2 (1) The Registrar must register a communal property body (body) as an association or a similar entity in the manner set out in these Regulations when he or she is satisfied that it meets the requirements for registration section 8(3) or that the Minister has made certain provisions of the Act applicable to a similar entity in terms of section 2(3).

(2) When registering such a body the Registrar must-

- (a) record the information and file the documents which are specified in regulation 3 for safekeeping in the Register of Communal Property

- Associations, which are applicable to the body being registered; and
- (b) issue a registration certificate substantially in the form of Form A in the Schedule to these Regulations in duplicate, one of which must be retained on record and the other forwarded to the body concerned.

**Register to be kept by the Registrar**

- 3 (1) The Registrar must keep a register known as the Register of Communal Property Associations which shall be a public record.
- (2) The register must consist of computer, written or any other records or a combination of them and must include an index, files and other components which the Registrar may consider necessary or advisable for the implementation of the Act and these Regulations.
- (3) The register must contain the information relating to all registered bodies which are specified by the Act and these Regulations or which are necessary for the implementation of their provisions, including-
- (a) an index containing (in respect of each separate body which is registered)-
- (i) registration number consisting of the letters 'CPA', followed by an oblique or slash '/', followed by a two-digit number representing the last two digits of the year of registration, followed by an oblique or slash '/', followed by a four-digit sequential number representing the separate number allocated to each consecutive body which is registered, followed by an oblique or slash '/', followed by a letter which must be 'A' in the case of an association and 'S' in the case of a similar entity;
  - (ii) the name of the body which is registered and its address and that of its agent or representative (if any);
  - (iii) a similar entity's number (if any) which was allocated to it by the Registrar of Companies, the Master of the Supreme Court or any other official in terms of any other law;
  - (iv) the date of registration of the body in terms of regulation 2;
  - (v) the date of deregistration of a registered body;
  - (vi) a reference to the number allocated by the Department of Land Reform and Rural Development to any file it may have relating to the body or the community it represents;
  - (vii) in the case of a similar entity, a list of the sections and subsections of the Act which are applicable to the body concerned, and a reference to any

qualifications or conditions imposed by the Minister in terms of section 2(3) of the Act;

(viii) the title deed number and a brief description of any land to which the registered body has acquired a right;

(ix) the date on which any amendment of the body's constitution was accepted by the Registrar;

(b) a file in respect of each separate body which is registered bearing the registration number referred to in paragraph (a)(i) and the body's name and containing the following documents-

(i) the duplicate registration certificate;

(ii) the Registrar's decision to register the body concerned or, if that body is a separate entity, a copy of the *Gazette* in which the notice referred to in section 2(3) of the Act appeared;

(iii) the constitution which was adopted by or imposed on the body concerned and which has been endorsed by the Registrar as having been accepted by him or her, together with the date of such acceptance;

(iv) any amendment to the body's constitution which has been adopted by the body concerned and which has been endorsed by the Registrar as having been accepted by him or her, together with the date of such acceptance;

(v) a certified copy of a similar entity's founding document or constitution as a trust, other association or company;

(vi) certified copy of a similar entity's certificate of registration as a trust, association or company including a Certificate to Commence Business in the case of a company;

(vii) any information, reports, returns and other documents which the registered body is required by the Act and these Regulations to lodge with the Registrar.

#### **Access to information and copies of documents**

- 4 A member of the public is entitled to information retained in the Register of Communal Property Associations and copies of public documents in terms of the Promotion of Access to Information Act, Act 2 of 2000 and personal information shall be processed in terms of Protection of Personal Information Act, Act 4 of 2013.

**Adoption of constitution**

- 5 (1) The notice by a community to the Registrar of its intention to adopt a constitution must be in writing and be accompanied by the proposed constitution and information demonstrating that the community is a community which is contemplated in section 2.
- (2) The notice referred to in subsection (1) must make proposals as to how a meeting or meetings should be convened for the adoption of the constitution.
- (3) After consideration of the proposed constitution the Registrar must determine-
- (a) the date and time of the meetings at which a constitution is to be proposed for adoption;
  - (b) the method to be used for giving notice to the members of the community concerned of meetings referred to in paragraph (a);
  - (c) the venue for the meetings; and
  - (d) the agenda for and the procedure (including the voting procedure) to be followed at such meetings, after consultation with the committee or representative of the community and having regard to the particular circumstances of the community.
- (4) The Registrar may determine that a notice of a meeting must be given using one or more methods and may stipulate any method that he or she may consider may be effective under the circumstances.
- (5) When the Registrar appoints an authorised officer referred to in section 7(2) he or she must notify the community of such officer's name and address.
- (6) The community concerned must by no later than seven days before the applicable meeting provide the authorised officer with-
- (a) a list of the names and where readily available the identity numbers of all members of the community: Provided that where it is not reasonably possible to provide the names of all the members, the community shall provide the principles and procedures to be applied in determining membership of the community; and
  - (b) proof to the authorised officer's reasonable satisfaction that the notices of the applicable meetings have been given as determined by the Registrar.

(7) The authorised officer's report to the Registrar must include-

- (a) the information and documents referred to in sub-regulation (6); and
- (b) a copy of the minutes of the meeting including the community's resolution and, if the constitution was adopted at the meeting, a copy of such constitution. (add timeframe for convening meeting) (include info that must be accompany the adoption)

**Duty to provide information**

- 6 (1) A body must on request provide the Registrar with all the information and documents to which he or she is required to have in terms of the Act and these Regulations, including the information and documents that are reasonably necessary for the purposes of the Act and Regulations.
- (2) The Registrar may refuse to register a communal body until he or she has received all the required information and documents concerning such body.

**Application for exemption of land from laws**

- 7 (1) An application for the Minister to determine that one or more pieces of land shall be exempted from the provisions of one or more laws referred to in section 8(8) must be in writing and directed to the Registrar and must include or be accompanied by-
- (a) a copy of the title deed of the land;
  - (b) a copy of the diagram of the land, or if the application relates to a portion only of the land, a diagram or sketch plan of such portion indicating its approximate location, boundaries and size;
  - (c) a sketch layout plan of the development intended to be carried out, showing the number and approximate sizes of sites to be created;
  - (d) an indication of the nearest existing township and its approximate distance from the land concerned;
  - (e) a description of the existing and the intended future use of the land concerned (whether developed or not);
  - (f) an indication of the services to be provided as part of the development and who will maintain them;



(g) written information regarding who will carry out and who will finance any intended development;

(h) such reasons or other information that may support the application.

(2) The Registrar may, before submitting an application to the Minister for a decision, request the written comment of any provincial or local authority having jurisdiction over the land

**Documents and information to be furnished**

8 (1) A body must, annually and within two months of the date on which its body's Annual General Meeting is held, furnish the following information and documents to the Registrar-

(a) the names and where readily available the identity numbers, and the addresses of the members of the body's governing body elected at the Annual General Meeting indicating what office (if any) is held by each of them;

(b) the names and where readily available the identity numbers and the addresses of all new members whose names do not appear on the most recent membership list previously furnished to the Registrar;

(c) copies of-

(i) the body's annual balance sheet or financial statements which have been independently verified as approved by the Registrar;

(ii) the minutes of all general meetings of the members of the body which were held since the registration of the body or the previous Annual General Meeting, including the minutes of the last Annual General Meeting;

(iii) the postal and business address of the Communal Body; and

(iv) the physical addresses, emails and telephone numbers of the executive committee.

(d) a list of all dealings in land or rights to land involving the body during the period since the registration of the body or the previous Annual General Meeting, which created, altered or extinguished any right to land held by the body itself or by any of its members; and

(e) any other information and documents required by the Registrar for carrying out his or her duties in terms of the Act and these Regulations.

(2) The list referred to in sub-regulation (1)(d) must in respect of each transaction identity-

- (a) the parties to the transaction;
- (b) the land affected by the transaction;
- (c) the right affected by the transaction;
- (d) the nature of the transaction; and
- (e) the reasons for the transaction.

**Exemption**

- 9 The Registrar may in a particular instance and on good cause shown to him or her extend the time for compliance with regulation 8 or waive compliance with some of or all the provisions of regulations 8.

**Termination of membership**

- 10 When a member's membership of a body is terminated for any reason the body must provide the following information and documents to the Registrar-

- (a) the name and where readily available the identity number and the previous address and any forwarding address of the former member concerned;
- (b) the reason for such termination;
- (c) copies of any documents that are relevant to the termination;
- (d) details of any compensation paid or payable to the former member;
- (e) if the membership concerned was or is to be allocated to any other person in the place of the former member, the name and if readily available the identity number and the address of such other person and his or her relationship to the former member;
- (f) if a hearing was held to decide on such termination-
  - (i) the date and venue of the hearing;
  - (ii) who chaired and who attended the hearing;
  - (iii) whether the former member was present and represented;
  - (iv) the charges (if any) put to the former member and the finding on each charge;
  - (v) what other sanctions (if any) were considered; and
- (g) any other relevant information or documents requested by the Registrar.

**Application for deregistration**

- 11 (1) A body that intends to deregister as a Communal Property Association shall notify the Registrar in writing of-

- (a) its intention to apply for the deregistration of the body; and
  - (b) information on the meeting, including its date and venue, to be held where a resolution to deregister will be taken.
- (2) Upon receipt of the notice contemplated in sub-regulation (1) the Registrar shall appoint an authorised officer to attend the meeting contemplated in sub-regulation (1)(b), record the proceedings of the meeting and report on the meeting to the Registrar.
- (3) After receiving the report contemplated in sub-regulation (2) the Registrar shall inform the body in writing that the body may apply for deregistration.
- (4) An application for deregistration shall be accompanied by the following information:
  - (a) signed and dated notice of the meeting called to adopt a resolution to deregister the body;
  - (b) written resolution dated and signed by the Chairperson and the Secretary or office bearers of that body;
  - (c) membership list, register of shareholders or list of beneficiaries of that body;
  - (d) attendance register of the members who attended the meeting that approved the application;
  - (e) authorized officer's report on the meeting;
  - (f) list of all assets and liabilities of the body;
  - (g) a proposal on how the assets of the body must be dealt with; and
  - (h) addresses, emails, telephone number and other contact details of all listed creditors and persons with an interest in the assets of the body, the nature, amount and value of such interest.
- (5) Upon receipt of application the Registrar shall issue a notice in the government gazette, the local newspaper and magistrate court within whose jurisdiction the land is situated giving the creditors and persons with interest in the assets in the possession of the body notifying them of the intention to deregister the body.
- (6) The Registrar will give creditors and people with interest 30 days to lodge their claims with the Registrar.
- (7) In dealing with the remaining assets of the body after paying all liabilities, the Registrar shall be guided by proposals by members of communal body.

#### **Change of name**

- 12. (1)
  - (a) A body that intends to change its name shall notify the Registrar in writing of:
    - (i) its intention to change the name; and
    - (ii) the date and venue of the meeting that will be convened to adopt a resolution to change the name of the body; and



- (b) Upon receipt of the notice contemplated in paragraph (a) the Registrar shall designate an authorized officer to attend the meeting contemplated in paragraph (a)(ii) and compile a report on the meeting.
- (2) The body shall after notifying the Registrar in terms of sub-regulation (1) apply to the Registrar for a change of name and the application shall be accompanied by the following information:
- (i) a signed and dated notice of the meeting called to adopt a resolution to change the name;
  - (ii) a written resolution dated and signed by the Chairperson and the Secretary of the body;
  - (iii) an attendance register of the members who attended the meeting;
  - (iv) addresses, emails, telephone number and other contact details of all listed creditors and people with an interest in the assets of the body, the nature of interest together with amount or value of such interest;
- (3) The Registrar shall on approval of the application for changing the name of the body notify all the listed creditors and the persons of interest of the new name, physical and postal address, email address, telephone and cellphone number and any other contact details of the body.

#### **Application for reprinting a body's certificate**

- 13 (1) An application for a reprint of a damaged certificate must be made in writing to the Registrar by a duly authorized member of the committee of a body.
- (2) An application contemplated in sub-regulation (1) shall be accompanied by the following information:
- (a) an affidavit stating the circumstances that led to the application;
  - (b) a signed and dated resolution adopted by members authorizing the committee to apply for a reprint of the certificate; and
  - (c) attendance register of the meeting that adopted the resolution to apply for the reprinting of a certificate.

#### **Format of the General Plan**

- 14 (1) A general plan contemplated in section 2A of the Act shall comply with the following requirements:
- (a) it shall be prepared in black print of good quality on one or more sheets of durable material at the following metric sizes: A0, A1, A2 and A3: Provided that if the layout of the pieces of land is depicted on more than one sheet, the first sheet shall contain a key plan indicating the sheet numbers and divisions: Provided further that each sheet shall be numbered;

- (b) it shall be prepared in accordance with the regulations made in terms of the Land Survey Act, 1997 (Act No. 8 of 1997), which are applicable to a diagram: Provided that these requirements may be relaxed with the prior consent of the Surveyor-General;
  - (c) the following information shall be provided in respect of a plan of a property with subdivisions:
    - (i) the coordinates, which shall be tabulated, of, in the case of rural, all corner points and any indicative beacons defining any such point or in the case of urban land the blocks of erven and reference marks;
    - (ii) the length and direction of each side, which shall be recorded within the figure whenever it is feasible to do so: Provided that when the sides of two or more adjoining erven in a block are parallel, it shall only be necessary to record the directions of the first and the last such parallel sides: Provided further that the value of the direction of a side shall be recorded within the figure so as to represent the clockwise direction of such side irrespective of the manner in which it is written;
    - (iii) the areas, which shall be tabulated consecutively and separately for each erf, shall be expressed in accordance with the provisions of the Regulations made in terms of the Land Survey Act, 1997;
    - (iv) the width of the roads when uniform, which shall be recorded in the figure of the road;
    - (v) sufficient numerical data to connect the blocks with each other and with the boundaries of the outside figure: Provided that such data shall be furnished in the figure of the plan, or in an insert;
    - (vi) the designation of each erf shall be written within the figure;
  - (d) The Surveyor-General may in exceptional circumstances and subject to such conditions as he or she deem necessary, relax any of the requirements of this sub-regulation.
- (2) The Surveyor-General may refuse to approve any general plan should he or she be of the opinion that it is dilapidated, framed in a careless manner or its appearance is spoilt by amendments or additions.
- (3) It shall not be necessary to place internal beacons on a general plan prior to approval of that general plan, however in such instances the Surveyor-General shall caveat the Registrar of Deeds listing those erven not beacons, which may not be transferred until such time that beacons of those respective erven have been placed and supplementary survey records accepted for filing.

**• Role of the committee**

- 15 (1) The committee of a body shall be responsible for the day to day administration and management of the body in accordance with the requirements of the body's constitution and the Act
- (2) In the management of the body, the committee shall-
- (a) at the beginning of its financial year or at the Annual General Meeting present its operational plan and proposed budget to members of the body for approval;
  - (b) compile the reports for presentation at the Annual General Meeting;
  - (c) at the Annual General Meeting present-
    - (i) report of its operational activities;
    - (ii) annual financial statements;
    - (iii) updated membership list;
    - (iv) address of the body for the reporting period;
    - (v) report on all land transactions for approval by members;
  - (c) after the reports are approved by the members the committee shall submit the approved reports to the Registrar;
- (3) A committee shall not commence operations or transact on behalf of a body before it is issued with a letter by the Registrar confirming that the committee has been duly elected in terms of the Act.

**Role of members**

16. (1) Members of the body are severally responsible for:
- (a) monitoring the day to day performance of the committee;
  - (b) consideration of the proposed operational plans and budget presented by the committee for approval;
  - (c) consideration of new applications for membership received by the committee;
  - (d) reviewing and approving reports presented by the committee at the annual general meeting; and
  - (e) considering and dealing with any other matter in accordance with the constitution of the body relating to the management of the affairs of the body.
- (2) A member who claims to have been excluded from a meeting called to adopt the CPA constitution must lodge a complaint with the Registrar within the period of 30 days after such meeting.

**• Dissolution of body's committee**

17. (1) Failure or refusal by a committee to submit documents listed in Regulations 8 and 10 constitute maladministration on the part of the committee.
- (2) The Registrar shall notify the committee or a member in writing that he or she intends to dissolve the committee or to remove the member due to maladministration.
- (3) The notice will state the reasons for the dissolution or removal and give the committee or member 14 days to give reasons why they should not be dissolved or removed.
- (4) The Registrar shall consider the reasons by the committee or member together with the seriousness of the transgression or omission by the committee or member in deciding whether to dissolve the committee or remove the member.
- (5) The decision of the Registrar on dissolution or removal shall be communicated in writing to the body.

**Appeals**

- 18 (1) An appeal contemplated in section 16 of the Act must be in writing and include-
- (a) a copy of the decision appealed against, if the decision is in writing;
  - (b) description of the decision sufficient to identify it, including the date, place and content of the decision and, if known, the names of the persons by and to whom it was conveyed, if the decision was verbal;
  - (c) copies of any documents which are relevant to the appeal;
  - (d) the grounds of appeal;
  - (e) the appellant's contention as to what the decision should have been;
  - (f) proof by way of affidavit or confirmation of the date on which the appellant became aware of the relevant decision; and
  - (g) the appellant's contact details including addresses.
- (2) The original appeal documents must be lodged with the Minister and a copy with the Registrar within 60 calendar days of the date on which the appellant became or should reasonably have become aware of the relevant decision.
- (3) The Registrar must lodge his or her written answer to the appeal with the Minister and furnish a copy thereof to the appellant within 30 calendar days of the date on which the appeal was lodged.
- (4) The appellant may within 14 calendar days after receipt by him or her of the Registrar's

answer lodge a reply thereto with the Minister and the Registrar.

**(6) The Minister may-**

- (a) at any time request either party to furnish him or her and the other party with such further information and documents as may be considered necessary for the finalisation of the appeal, within a period as determined by the Minister; and**
- (b) decide the appeal either with or without hearing oral representations by both parties as he or she may decide, and must convey the decision to both parties.**

**Transitional arrangements on provisional associations**

- 19 (1) A provisional association contemplated in section 18A of the Act which requires registration as a communal property association must apply to the Registrar in writing for registration.**
- (2) The application contemplated in subsection (1) must be accompanied by information on its creditors or persons with an interest in the assets in its possession together with their postal and physical addresses, email addresses and other contact details.**
- (3) The provisions of regulation 12 relating to the change of name of a body apply, with the necessary changes, to an application in terms of this regulation.**

**Repeal of existing regulations**

- 20. The Regulations in Terms of the Communal Property Associations Act, 1996, published under Government Notice No. R1908 of 22 November 1996 (GG No. 17620) are hereby repealed.**

**Form A**  
**Registration certificate in terms of the communal Property Association Act, 1996**

REGISTRATION NO: CPA / / I, hereby certify that (full name of body) .....(trust/company ..... registration no ..... if ..... any) .....has today been registered as a-

- \* communal property association, in terms of section 8(3) or
- \* similar entity, in terms of section 2(3), read with sections 2(4) and 8(3), of the Communal Property Associations Act, 1996 (Act 28 of 1996), as amended
- \* and being a similar entity, to which the provisions of the following sections and subsections of the said Act are applicable:  
 Sections .....  
 subject to the following qualification/s or condition/s  
 .....  
 .....  
 .....

Signed at Pretoria on this ..... day of .....the year .....

.....  
**Registrar**

(C.P.A.O SEAL)  
 \* Delete if not applicable.

**CONFIRMATION OF APPLICATION FOR DEREGISTRATION BY SIMILAR ENTITY**

I, hereby confirm that (full name of body) .....(trust/company registration no.....  
 has applied for de-registration on.....(day) of .....(month) ..... 20.....

The said application for deregistration -

- \* is still pending or
- \* was approved or
- \* was rejected or are applicable:

Signed at ..... on this ..... day of .....the year .....

.....

**Full Names:**  
**Capacity/Position:**

**1<sup>st</sup> Name of Witness:**..... **Signature:**.....

**2<sup>nd</sup> Name of Witness:**..... **Signature:**.....

\* **Attach proof of application or confirmation letter from the Department or entity where application was made**



**NOTICE OF NAME CHANGE OR CONVERSION FROM PROVISIONAL ASSOCIATION TO PERMANENT ASSOCIATION**

All creditors and persons with interest in ..... Communal Property Association (Registration number: CPA / /A) are notified that the said Communal Property Association has applied to change its name to ..... (full proposed name of the body)

All creditors and persons with interest in ..... Provisional Association (Registration number: CPA / /P) are notified that the said Communal Property Association has applied to change its name to ..... (proposed new name of the body).

The contact details of the new Communal body are listed as:

Postal Address:

Physical Address:

Email Address:

Telephone/Cellphone number:

Any creditor or person with an interest must notify the Registrar of Communal Property Association in writing about the details of the debt or interest in the asset in the possession of a CPA. (the details must include their full names and ID/registration number, the nature of debt or interest, when was the debt incurred or interest acquired, the amount owed or value of the interest owed in respect of the asset). The notice must reach the Registrar within 30 days of publication in the Government Gazette.

Signed at ..... on this ..... day of ..... the year .....

Registrar

**APPLICATION FOR DEREGISTRATION OF A COMMUNAL PROPERTY ASSOCIATION**

We (full names): ..... (Identity number: .....)  
 and (full names): ..... (Identity number: .....),  
 hereby apply for the deregistration of (full name of communal body): .....  
 registration no: ..... as per resolution passed by ..... (number of votes) members out of a total of  
 ..... members, at a meeting held at ..... on ..... (day) of  
 ..... (month) ..... 20.....

We attached the following documents to this application -

- \* Invitation to the meeting dated and signed by the chairperson/deputy chairperson or secretary/deputy secretary
- \* Resolution signed and dated by the chairperson/deputy chairperson and secretary/deputy secretary
- \* Attendance register of the meeting where the resolution was taken

Signed at ..... on this ..... day of ..... the year .....

**Chairperson's Name:** .....

**Signature** .....

**Secretary's Name:** .....

**Signature** .....