

## IN THIS ISSUE

## Sectional Title Amendment Bill

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# REAL ESTATE LAW ALERT

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The Sectional Title Amendment Bill aims to amend the Sectional Titles Act of 95 1986 (Sectional Titles Act) so as to:

- amend certain definitions:
- provide for the developer to answer questions put to it by the agents of lessees;
- provide that a certificate issued by an architect or a land surveyor must also comply with section 26(2) of the Spatial Planning and Land Use Management Act 16 of 2013:
- further provide for the amendment of sectional plans in respect of exclusive use areas;
- further provide for the amendment and cancellation of a sectional plan upon an order of the court;
- to provide for the noting of a title deed in respect of the lapsing of a reservation in terms of section 25:

- provide for a lease of part of the common property to be subjected to the rights of the holders of real rights and it shall be necessary to obtain consent of the holders of registered real rights;
- amend the provisions relating to the alienation of common property;
- further provide for the cancellation of a mortgaged section and mortgaged exclusive use area;
- also provide for a developer to submit a plan for subdivision or consolidation to the Surveyor-General for approval to subdivide, consolidate or to extend a section prior to the establishment of a body corporate;
- extend the registration of subdivision of a section, the consolidation of sections, and the extension of sections to a developer;



The Legal 500 EMEA 2022 recommended William Midgley, Lucia Erasmus and John Webber as leading individuals

for real estate.

The Legal 500 EMEA 2022 recommended Simóne Franks, Muhammad Gattoo and Samantha Kelly for real estate.

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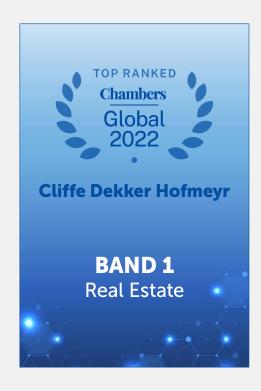
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- provide for the filing of replacement documentation in respect of lost or destroyed documentation;
- amend the provisions relating to the extension of a scheme and to include reference to exclusive use areas where reference was previously omitted;
- amend the provisions relating to participation quotas of sections and cross reference the Sectional Titles Act with the newer Sectional Titles Schemes Management Act 8 of 2011; and
- regulate the membership of the sectional titles regulations board;

The Bill effectively seeks to 'fill' the gaps which the Sectional Titles Act currently has, especially to make it more comprehensive without the need to refer back to the Deeds Registries Act 47 of 1937. This act will be called the Sectional Titles Amendment Act of 2020, and comes into operation on the date of publication in the Government Gazette.

In due course, CDH will publish a comprehensive exposition of the terms of the Bill

### **FATIMA GATTOO**





## **OUR TEAM**

For more information about our Real Estate Law practice and services in South Africa and Kenya, please contact:



Muhammad Gattoo
Practice Head & Director:
Real Estate Law
T +27 (0)11 562 1174
E muhammad.gattoo@cdhlegal.com



Sammy Ndolo

Managing Partner | Kenya
T +254 731 086 649
+254 204 409 918
+254 710 560 114
E sammy.ndolo@cdhlegal.com



Bronwyn Brown
Director:
Real Estate Law
T +27 (0)11 562 1235
E bronwyn.brown@cdhlegal.com



Mike Collins
Director:
Real Estate Law
T +27 (0)21 481 6401
E mike.collins@cdhlegal.com



Lucia Erasmus
Director:
Real Estate Law
T +27 (0)11 562 1082
E lucia.erasmus@cdhlegal.com



Simone Franks
Director:
Real Estate Law
T +27 (0)21 670 7462
E simone.franks@cdhlegal.com



Fatima Gattoo
Director:
Real Estate Law
T +27 (0)11 562 1236
E fatima.gattoo@cdhlegal.com



Simone Immelman
Director:
Real Estate Law
T +27 (0)21 405 6078
E simone.immelman@cdhlegal.com



William Midgley
Sector Head: Commercial Real Estate
Director: Real Estate Law
T +27 (0)11 562 1390
E william.midgley@cdhlegal.com



Muriel Serfontein
Director:
Real Estate Law
T +27 (0)11 562 1237
E muriel.serfontein@cdhlegal.com



John Webber
Director:
Real Estate Law
T +27 (0)11 562 1444
E john.webber@cdhlegal.com



Natasha Fletcher
Senior Associate:
Real Estate Law
T +27 (0)11 562 1263
E natasha.fletcher@cdhlegal.com



Robert Kaniu Gitonga Senior Associate | Kenya T +254 731 086 649 +254 204 409 918 +254 710 560 114 E robert.gitonga@cdhlegal.com



Lutfiyya Kara
Senior Associate:
Real Estate Law
T +27 (0)11 562 1859
E lutfiyya.kara@cdhlegal.com



Samantha Kelly
Senior Associate:
Real Estate Law
T +27 (0)11 562 1160
E samantha.kelly@cdhlegal.com



Ceciley Oates
Senior Associate:
Real Estate Law
T +27 0)11 562 1239
E ceciley.oates@cdhlegal.com

#### **BBBEE STATUS:** LEVEL ONE CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

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### **JOHANNESBURG**

 $1\ Protea\ Place,\ Sandton,\ Johannesburg,\ 2196.\ Private\ Bag\ X40,\ Benmore,\ 2010,\ South\ Africa.$  Dx 154 Randburg\ and\ Dx 42 Johannesburg.

T +27 (0)11 562 1000 F +27 (0)11 562 1111 E jhb@cdhlegal.com

### **CAPE TOWN**

11 Buitengracht Street, Cape Town, 8001. PO Box 695, Cape Town, 8000, South Africa. Dx 5 Cape Town. T +27 (0)21 481 6300 F +27 (0)21 481 6388 E ctn@cdhlegal.com

### **NAIROBI**

Merchant Square, 3<sup>rd</sup> floor, Block D, Riverside Drive, Nairobi, Kenya. P.O. Box 22602-00505, Nairobi, Kenya. T +254 731 086 649 | +254 204 409 918 | +254 710 560 114

E cdhkenya@cdhlegal.com

#### **STELLENBOSCH**

14 Louw Street, Stellenbosch Central, Stellenbosch, 7600. T +27 (0)21 481 6400 E cdhstellenbosch@cdhlegal.com

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**KIETI LAW LLP, KENYA**