

## SECOND SCHEDULE

### TARIFF OF FEES AND CHARGES PRESCRIBED BY REGULATION 49(3)

(Amended L.N.85/1973; Replaced in its entirety by L.N.14/1987; L.N.52/1995; Amended L.N.52/2003.)

#### *General notes.*

The fees specified in this tariff shall include all correspondence and shall also include the taking and giving of instructions, including the perusal of completed deeds of sale, the preparation and attendance on signature of all powers of attorney, declarations, affidavits, resolutions and other necessary preliminary and ancillary documents, the payment of transfer duty and of all rates levied by any lawful authority, the obtaining or making of all clearance or other certificates; the obtaining of endorsements or copies of documents from the office of the Master or other public office, the making of all necessary financial arrangements, including the provision and checking of guarantees and attending payment in terms thereof, the drawing and preparation of any document required for execution or registration at a Deeds Registry and the obtaining of registration thereof, arranging simultaneous lodgment and registration with another conveyancer or other conveyancers, where necessary, giving all references required by the Deeds Registry for examination purposes and all attendances at the Deeds Registry, but shall not include any attendance in connection with the drawing and execution of deeds of sale, deeds of donation, deeds of exchange, preliminary partition agreements and documents of a similar nature, or in connection with the obtaining of any consent or certificate required under the Land Speculation Control Act, or any separate act of registration of any other document which may be necessary before or in connection with the first-mentioned act of registration.

#### *Definition.*

For the purposes of this tariff, a folio shall consist of 100 printed or written words or figures or part thereof. Four figures shall be reckoned as one word.

#### SECTION I

##### *Conveyance of ownership of immovable property (other than partition transfers, but including notarial cessions of land held under concession title).*

1. For all work in connection with obtaining of conveyance of ownership of immovable property in any manner not specifically mentioned elsewhere in this tariff, the fee shall be as set out in column B of Schedule of tariff of fees and charges prescribed by Regulation 49(3) to this tariff:

Provided that in the case of a conveyance in terms of Sections 16, 44 and 45 of the Act, the fee shall be 30 per cent of the amount set out in column B of the said Schedule.

2. If more than two properties are included in the same instrument of conveyance, an additional fee of E19.50 for each additional property.

#### SECTION II

##### *Partition transfers.*

Drawing and registration of each deed of partition transfer, inclusive of all preliminary and other work in connection therewith, but excluding attendances in connection with the framing of any provisional agreement: E195.00:

Provided that in the case of a partition of erven or lots the fee shall be E117.00 plus a further fee of E19.50 for each additional property or subdivision transferred to any one deed.

#### SECTION III

1. Certificates of title under sections 17, 33, 34, 35, 37, 38, 42, 46 and 62 of the Act and certificates of rights to minerals: E130.00.

NOTE. — In respect of all matters falling under this item there shall be a further fee of E19.50 for each additional property.

2. Certificates of consolidated title under section 39 and certificates of uniform title and amended title under sections 40 and 41 of the Act: E195.00 plus E19.50 for every additional constituent property after the first two properties.

#### SECTION IV

*Cessions of mineral rights, including cessions pursuant to partition of mineral rights.*

The fee shall be as set out in column B of Schedule of tariff of fees and charges prescribed by Regulation 49(3) to this tariff.

If more than one property is included in any cession referred to in this section an extra fee of E19.50 for each additional property.

#### SECTION V

*Bonds.*

1. The fee for mortgage bonds shall be as set out in column C of Schedule of tariff of fees and charges prescribed by Regulation 49(3) to this tariff.
2. The fee charged for auxiliary or surety bonds being mortgage bonds passed as additional security for another or a surety bond as security for another bond, shall be E97.50.
3. If more than one property is included in any bond referred to in item 1 or 2 above, an extra fee of: E6.50 for each additional property.

#### SECTION VI

*Notarial bonds.*

1. The fee for notarial general and special bonds shall be as set out in column D of Schedule of tariff of fees and charges prescribed by Regulation 49(3) to this tariff.
2. The fee for notarial bonds passed as additional security for a mortgage bond or another notarial bond or for a notarial surety bond passed as security for a mortgage bond or another notarial bond shall be E130.00.

#### SECTION VII

*Marriage contracts.*

Taking instructions, drawing contract and necessary copies, attending on execution and registration, including all correspondence and other necessary attendances: E65.00.

#### SECTION VIII

*Other notarial deeds.*

1. Framing any notarial waiver of preference by mortgagee, usufructuary or other holder of a limited interest, or other notarial consent required under the Act or these regulations: E65.00.
2. Framing any notarial lease, servitude, prospecting contract, donation or other notarial deed (other than those elsewhere specially provided for in this tariff), a fee assessed according to the length and complexity thereof, with a minimum of E97.50.

NOTE. — Items 1 and 2 above shall include all necessary copies of the deeds, the taking and giving of instructions, the drawing of all powers of attorney, affidavits, certificates, correspondence and all other attendances required in connection therewith as referred to in the general notes at the head of this tariff.

#### SECTION IX

*Cancellation, cession or variation of bonds, release of persons or property from bonds and waiver of preference in regard to ranking of bonds.*

1. (a) Drawing consent to cancellation of bond, consent to cancellation of cession of bond, reduction of capital or release of person or property from a bond, framing waiver of preference in regard to the ranking of a bond, framing consent of mortgagee, usufructuary, lessee or holder of other limited interest required by the Act or these regulations and not otherwise provided for in this tariff (not notarial) and attending registration thereof, inclusive of instructions, correspondence and all relevant attendances: E52.00.

(b) Drawing any of the documents referred to in item 1(a) above and attending registration thereof, inclusive of instructions, correspondence and all relevant attendances in respect of a second or subsequent bond or bonds when such document or documents has or have been drawn by the same conveyancer in respect of the first bond between the same parties over the same property and such documents are or can be lodged simultaneously as a set: E19.50.

2. Drawing cession of bond, agreement or consent to variation of terms of bond, including instructions, attendances on mortgagor and mortgagee, correspondence and all relevant attendances including registration: E58.50.

3. Drawing consents under section 56 of the Act, including instructions, all attendances on mortgagee and new debtor, correspondence and miscellaneous attendances including registration: E58.50.

## SECTION X

### *Miscellaneous.*

1. Attendance on behalf of transferor or transferee, mortgagor or mortgagee supervising conveyance from or to transferor or transferee or supervising bond when documents prepared and lodged by another conveyancer, inclusive of all instructions, correspondence, and miscellaneous attendances relevant to such supervision:

(a) when the value of the property or amount of the bond does not exceed E20,000.00: E32.50;

(b) where the value of the property or amount of the bond exceeds E20,000.00: E52.00.

2. Instructions and attendances on inspecting, checking, arranging and lodging for endorsement of amendment of title under section 43 of the Act, inclusive of all necessary attendances: E52.00.

3. Attending Deeds Registry for certificate of any act of registration required, inclusive of instructions and other relevant attendances: E19.50.

4. Attendance on and lodging title deed for endorsement in terms of Section 46 of the Act, of layout of township or settlement, inclusive of instructions, correspondence and all relevant attendances: E97.50.

5. (1) Procuring registration of change of name:

(a) where no advertisement is required: E26.00 plus E6.50 for every extra deed after the first deed;

(b) where advertisement is necessary: E58.50 plus E6.50 for every extra deed after the first deed.

(2) Procuring an amendment of any deed in terms of section 6(1)(b) of the Act: E26.00 plus a fee of E6.50 for every extra deed.

NOTE. — The above fees include instructions, the drawing of necessary applications, correspondence and all relevant attendances and, in the case where advertising is necessary, include also drawing and placing of the necessary advertisements.

6. Attendance and searching at Deeds Registry for information required, other than information required for preparation or registration of a deed, including instructions, correspondence and all relevant attendances, per half hour or part thereof: E13.50.

### *Reporting per folio: E6.50.*

7. Drawing notice of application for issue of a certified copy of a deed, including instructions, publication of notice of application to Registrar, filing of necessary documents for registration, correspondence and all relevant attendances: E91.00.

8. Attendances on obtaining certified copy of any deed from Deeds Registry where no advertising is required, inclusive of instructions, filing of necessary documents, correspondence and all relevant attendances: E19.50.

9. Attendance on Surveyor-General for metrication of any diagram or obtaining copy of any diagram from the Surveyor-General, including instructions, application, correspondence and all relevant attendances: E9.75.

10. Attendance on local or other authority to obtain approval in terms of any law of subdivisional diagrams: E39.00.

11. Drawing any affidavit or application in regard to any separate act of registration or endorsement not specifically mentioned in this tariff, or for the creation of township conditions against the remainder of the property, or for the lapsing of any condition of title, inclusive of taking and giving instructions, correspondence and all other attendances in connection with such affidavit or application: E26.00 plus E6.50 for each extra folio where such affidavit or application exceeds one folio in length.

12. Attending on registration of any document not elsewhere provided for in this tariff, including registration of general powers of attorney, copies of antenuptial contracts, duplicates of notarial bonds previously registered in another Deeds

Registry and other such like documents, inclusive of the taking and giving of instructions, correspondence and all relevant attendances: E19.50.

13. Attending to filing at Deeds Registry any document relating to any person, partnership, association or company where such filing is independent of any particular act of registration being attended to by that conveyancer, inclusive of instructions, correspondence and all relevant attendances: E13.00.

14. For attendance on taxation where required, including all necessary relevant attendances and correspondence: a fee equal to 5 per cent of the fees allowed on taxation shall be chargeable by the conveyancer submitting the bill of costs, and a fee equal to 5 percent of the total fees originally reflected in that bill of costs shall be chargeable by the conveyancer opposing taxation, subject to a minimum fee of E9.75 in respect of each conveyancer.

Column A	Column B	Column C	Column D
<i>Purchase price or value of property or amount of bond</i>	<i>Fees for conveyance of immovable property</i>	<i>Fees for mortgage bonds</i>	<i>Fees for notarial bonds</i>
	E	E	E
E400 or less	117.00	78.00	117.00
Over E400 up to and including E1 000	136.50	105.00	136.50
Over E1 000 up to and including E2 000	175.50	120.00	156.00
Over E2 000 up to and including E4 000	214.50	136.50	175.50
Over E4 000 up to and including E6 000	253.50	156.00	190.00
Over E6 000 up to and including E8 000	273.00	175.50	214.50
Over E8 000 up to and including E10 000	292.50	190.00	234.00
Over E10 000 up to and including E12 000	312.00	214.50	253.50
Over E12 000 up to and including E14 000	331.50	234.00	273.00
Over E14 000 up to and including E16 000	351.00	253.00	292.50
Over E16 000 up to and including E18 000	370.50	273.00	312.00
Over E18 000 up to and including E20 000	370.00	292.50	331.50
Over E20 000 up to and including E25 000	429.00	322.40	361.40
Over E25 000 up to and including E30 000	468.00	351.00	390.00
Over E30 000 up to and including E35 000	507.00	380.90	419.90
Over E35 000 up to and including E40 000	546.00	409.50	448.50
Over E40 000 up to and including E45 000	585.00	439.40	478.40
Over E45 000 up to and including E50 000	624.00	468.00	507.00
Over E50 000 up to and including E60 000	663.00	497.70	536.90
Over E60 000 up to and including E70 000	702.00	526.50	565.50
Over E70 000 up to and including E80 000	741.00	556.40	595.40
Over E80 000 up to and including E90 000	780.00	585.00	624.00
Over E90 000 up to and including E100 000	819.00	614.70	653.90
Over E100 000 up to and including E150 000	916.50	673.40	712.00
Over E150 000 up to and including E200 000	1 014.00	731.70	770.90
Over E200 000	1 014.00 for the first E200 000 plus E200.00 per E100 000 or part thereof thereafter.	731.70 for the first E200 000 plus E200.00 per E100 000 or part thereof thereafter.	770.90 for the first E200 000 plus E200.00 per E100 000 or part thereof thereafter.

SCHEDULE OF FEES OF OFFICE  
(Replaced L.N.52/1995; L.N.52/2003.)

*Item.*

1. For the registration of any deed conveying or evidencing the ownership of land, of mineral rights or cessions thereof, of a certificate of registered real rights and of a mortgage bond ..... 15.00

2. For the opening of a township register including any consequential endorsement
  - for the first 100 lots or part thereof ..... 180.00
  - thereafter for every additional 100 lots or part thereof ..... 90.00
3. For the registration of any notarial deed other than under Item 1 ..... 12.00
4. For the registration of a suretyship contained in any bond – the like fee as for the bond.
5. For the substitution of a bond —
  - (a) where a new title is issued ..... 12.00
  - (b) where the existing title is endorsed ..... 7.50
6. For the registration of cancellation, cession or cancellation of cession of a bond or of the release of a person and/or his property from a bond or of a part payment of a bond or reduction of cover of a bond including any consequential endorsement ..... 7.50
7. For the registration of —
  - (a) an agreement varying the terms of a bond, a waiver of preference of one bond in favour of another or of any registrable real right in favour of a bond if such waiver is contained in the bond;
  - (b) a servitude contained in a deed of transfer over one piece of land in favour of other land or of a person, for each deed to be endorsed;
  - (c) a power of attorney including the eventual cancellation thereof;
  - (d) a change of name of any person or partnership under section 89 of the Act or of a company or society, for each deed;
  - (e) any amendment under section 6(1)(b) of the Act or under any law which is not specially exempted from the payment of fees, for each deed;
  - (f) the registration, cancellation, part payment or release or substitution of an advance made under the provisions of any law which does not provide for an exemption from payment of fees .... 7.50
8. For the cancellation of the registration of a prospecting contract under section 82 or of a lease of land or rights to minerals, servitude or prospecting contract under section 86(1) of the Act ..... 7.50
9. For a certified copy of a deed, power or other document or of the entries on a folio of a register containing not more than 5 pages prepared in the Deeds Registry provided that certificates of authentication or attestation of a power of attorney shall be treated as part thereof ..... 7.50
  - for every additional page or part thereof ..... 5.00
  - for any such copy if prepared by the applicant therefor, one half of the above fees.
10. (a) For any endorsement, note or act of registration not specially provided for, or
  - (b) for a certificate by the Registrar of any fact (in addition to the fee prescribed in respect of the information contained in such certificate):
 ..... 4.50
11. For a report to Court made by the Registrar in terms of Section 93 of the Act ..... 4.50
12. For each bill of costs taxed —
  - for each E1.00 or fraction thereof of the amount of the bill submitted for taxation ..... 6.00
13. (a) for a search of an index to any register – for each name searched whether of person or property ..... 6.00
  - (b) for an inspection of any one deed, document or diagram or of a register – for each folio and continuation thereof inspected ..... 6.00
  - (c) for a search through a title (where no other method available) for each piece of land ..... 12.00
  - (d) for any continuous search for information – for the first hour of such search ..... 8.00
    - for each additional hour ..... 7.50

Should any of the searches mentioned in this item be made by the applicant or his duly authorised agent, one-half of the fees shall be charged:

Provided that in the discretion of the Registrar such half fees may also be charged in cases where access to the strong-rooms by members of the public is prohibited and application is made in person or by a duly authorised agent.

(e) For any search not specially provided for, a fee to be fixed by the Registrar provided the minimum fee shall be 6.00

14. Upon written application being made by any local authority to search the register or records of the Deeds Registry, the Registrar upon being satisfied that the information is required to enable such local authority to carry out its statutory powers or duties, may allow such search to be made on behalf of such local authority without charges or at a higher or lower charge:

Provided that where any information is supplied to a local authority on application the charge shall be E2.00 per entry.

15. When particulars of all bonds are taken regularly for publication in a newspaper or periodical, there shall be paid, if the Registrar is satisfied that such publication serves a public